

BATAVIA CITY COUNCIL CONFERENCE MEETING

City Hall - Council Board Room
One Batavia City Centre
March 27, 2023 at 7:00 p.m.

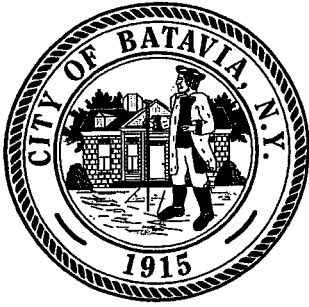
AGENDA

- I. Call to Order
- II. Invocation – Councilmember Canale
- III. Pledge of Allegiance
- IV. Public Comments
- V. Council Response to Public Comments
- VI. Communications
 - a. Kiwanis Easter Egg Hunt – 4/8/23
 - b. Genesee Country Farmer’s Market - 6/2/23-10/7/23
 - a. All Babies Cherished 5K – 6/3/23
 - b. Genesee County Chamber of Commerce Concerts – 6/23/23 & 6/30/23
 - c. Eli Fish Oktoberfest – 9/16/23
 - d. Breast Cancer Walk – 10/7/23
 - e. Cornerstone Church Outreach – 4/8/23
- VII. Council President Report
 - a. Announcement of the next City Council Meeting to be held on Monday, April 10, 2023 at 7:00 p.m. at the City Hall Council Board Room, 2nd Floor, City Centre
 - b. Audit Committee – Appointment of Council Members
 - c. BOA Pre Development Work Group- Appointment of Council Member
- VIII. Presentation
 - a. David Culver – Foldable Privacy Shield Donation
- IX. Award Chemical Bids
- X. Application to USDA RD Community Facility
- XI. Authorization to Borrow for Police Facility
- XII. Use of ARPA Funds for Underground Storage Tank Removal

XIII. Police Vehicle Surplus ***

XIV. Adjournment

Moves to Special Business Meeting



City of Batavia

MEMORANDUM

To: Rachael Tabelski, City Manager
From: Heidi J. Parker, Clerk-Treasurer
Date: 3/22/23
Subject: Event Summary

Below please find the summary for the events to be reviewed by City Council on March 27, 2023:

Kiwanis Easter Egg Hunt – 4/8/23

There are no costs from the departments.

Cornerstone Church Outreach – 4/8/23

There are no costs from the departments.

Genesee Country Farmer's Market – 6/2/23 – 10/27/23 (Tues, Thurs, Fri)

There are no costs from the departments.

All Babies Cherished – 6/3/23

Estimated cost from police department is \$540. There are no costs from the other departments.

Genesee County Chamber of Commerce Concert – 6/23 and 6/30/23

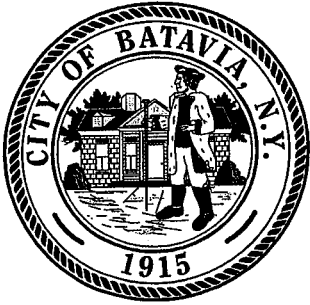
There are no costs from the departments.

Eli Fish Oktoberfest – 9/16/23

There are no costs from the departments.

Breast Cancer Walk – 10/7/23

There are no costs from the departments.



City of Batavia

****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.

**Bureau of Clerk/Treasurer
One Batavia City Centre
Batavia, New York 14020**

**Phone: 585-345-6305
Fax: 585-343-9221
www.batavianewyork.com**



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

Official Use Only:

2023-21

Event Application #:

PAID
MAR - 8 2023
CITY OF BATAVIA
CLERK-TREASURER

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

Event Sponsor Kiwanis Club of Batavia
Type of Event Easter Egg Hunt
Day and Date of Event April 8, 2023 Saturday
Time of Event (don't include set up time here - just actual event time) 9:00am
Location of Event Centennial Park

Details of Event (be as specific as possible!) Kiwanis Club will put out approx 4,000 stuffed easter eggs starting at 7:00am. Approx. 300 kids, broken into 3 age groups will wait for the sign at 9am to collect eggs.

Contact Information:

Primary contact:

Secondary contact:

Name Matt Landers
Phone # (585) 409-8789
Mailing address 5 Allenburg Drive
E-mail address mlanders@yahoo.com

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

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

Type of alcoholic beverage to be served: Liquor Wine Beer

Will you be providing alcohol to your group? Yes No

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

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

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: 4/8/23 Set up time: 7am
Tear down date: 4/8/23 Tear down time: 10:00am

PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:

Date: 4/8/23 Start time: 9am End time: 9:30am
Estimated crowd size: 300-500 # 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

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? *if raining/snow* Yes No
Will a bounce house or other air supported structures be erected at event? Yes No

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

Please list size(s) of Tents/Canopies or other temporary structures erected* 10 X 10 pop-up 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:

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

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

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

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

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

POLICE

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

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

PLEASE NOTE:

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

Hold Harmless Agreement

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

5/16/13
Date:

Kiwanis Club of Batavia
Name of Event Sponsor:
[Signature] / Past President
Authorized Signature, Title

L. Matthew Henderson
Name - Printed or Typed

The rules and information contained within this application have been read and will be adhered to.
5/16/13 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"/>	_____	_____

If recommendation is denied, please attach a brief explanation

<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



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

PAID
FEB - 3 2023
CITY OF BATAVIA
CLERK-TREASURER

Official Use Only:

2023-7
Event Application #:

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

Event Sponsor Genesee Country Farmers' Market, Inc

Type of Event Farmers market - outdoors

Day and Date of Event June 2, 2023 to Oct. 27, 2023 Every Tues, Thurs, Fri.

Time of Event (don't include set up time here - just actual event time) 9AM-4PM

Location of Event Bank St mall parking lot

Details of Event (be as specific as possible!) Farmers market will be open Tues, Thur, Fri 9AM-4PM Vendors will be selling fruit, vegetables, baked goods, flowers, crafts, wineries, kettle corn, etc. food truck available each day with required permits.

Contact Information:

Primary contact:

Secondary contact:

Name Rebecca Grela
Phone # 716-870-3828
Mailing address PO Box 88 Oakfield, NY 14125
E-mail address rgrela86@gmail.com

Sharon Brent
716-560-0853
PO Box 342 Gasport NY 14067
sharon-brent@hotmail.com

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

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

Type of alcoholic beverage to be served: Liquor Wine Beer Cider
fastings only

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 *we have a special Farmers' Mkt permit through NY Agg Mkts. and liquor authority for fastings only. They can sell product in approved containers.*

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: every T, Th, Fri starting 6/27/23 until 10/27/23 Set up time: 7:30 AM
Tear down date: each market day Tear down time: 4:00 PM - 4:30 PM

PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:

Date: every T, Th, Fri. from 6/27/23 to 10/27/23 Start time: 7:30 AM End time: 5:00 PM
Estimated crowd size: 200-300 # of Vendors/Displays depending on the day of the week 5 to 30

WILL THE EVENT INCLUDE:

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

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

Address, Street _____ City _____ Zip Code _____

Music: Live Group Recorded/DJ

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

Yes No
Yes No

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

Please list size(s) of Tents/Canopies or other temporary structures erected* Vendors use 10x10 to 20x20 tents weighted down properly

ANCHORING INTO PAVEMENT IS PROHIBITED!

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

STREET CLOSURE(S):

ANY EVENT REQUIRING A STREET CLOSURE REQUIRES 90 DAY ADVANCE NOTICE

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

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

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

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

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

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

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

POLICE

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

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

PLEASE NOTE:

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

Hold Harmless Agreement

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

1/31/23
Date:

Genesee Country Farmers Market, Inc
Name of Event Sponsor:

Sharon Brent, Treasurer GCFM
Authorized Signature, Title

Sharon Brent
Name - Printed or Typed

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

1/31/23
Date:

Sharon Brent
Signature of Applicant:

Please forward this application to:

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



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

Official Use Only:

2023-10
Event Application #:

PAID
FEB 10 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 ALL BABIES CHERISHED

Type of Event 5K RACE

Day and Date of Event JUNE 3, 2023 SATURDAY

Time of Event (don't include set up time here - just actual event time) 9:00 AM - 12:00 PM

Location of Event NORTHGATE FMC 350 BANK STREET, BATAVIA, NY

Details of Event (be as specific as possible!) 5K RUN THROUGH VARIOUS STREETS OF NORTH EAST BATAVIA, INCLUDING BANK ST, VINE ST, EVERGREEN DR., SPRUCE ST, NORTH ST, NARRAMORE, EAST AVE, ROSS ST, NORTH ST, BANK ST.

Contact Information:

Primary contact:

Secondary contact:

Name RICHARD DUNN
Phone # 585 297-0371
Mailing address 226 STATE ST
E-mail address richarddunn@me.com

MIKE JACKSON
585-308-7358
majemc@rit.edu

* 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: www.allbabiescherished.com

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

Type of alcoholic beverage to be served: Liquor Wine Beer

Will you be providing alcohol to your group? Yes No

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

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

Who will be applying to the NYS Liquor Authority for the permit to sell? 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: JUNE 3

Set up time: 07:00

Tear down date: JUNE 3

Tear down time: 13:00

PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:

Date: 6/3/23

Start time: 09:00

End time: 12:00

Estimated crowd size: 150

of Vendors/Displays _____

WILL THE EVENT INCLUDE:

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

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

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

Address, Street _____ City _____ Zip Code _____

Music: Live Group Recorded/DJ

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

Address, Street _____ City _____ Zip Code _____

CITY SERVICES SUPPORT:

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

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

ELECTRIC:

Will electric be needed for the event? Yes No

What will you be providing electric to? _____

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

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

SIZE OF GENERATOR(S) 1500 WATT 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: NOT CLOSED, But
Police Assistance to Hold Traffic as Needed

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

<u>BANK STREET</u> <small>Street to be closed</small>	<u>VINE</u>	&	
<u>NORTH STREET</u> <small>Street to be closed</small>	<u>SPRUCE</u>	&	<u>NARRAMORE</u>
<u>EAST AVE</u> <small>Street to be closed</small>	<u>ROSS</u>	&	<u>^</u>
<u>NORTH</u> <small>Street to be closed</small>	<u>BANIC</u>	&	

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

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

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

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

POLICE

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

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

PLEASE NOTE:

1. Be as specific as possible in the description so we have the best understanding of your event. Also, be clear as to what you would like provided by the City. **Applications should be submitted at least 30 days in advance.**
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5. Deep Fryers **Must Be Approved.** Commercial Types Require a Type "K" Portable Fire Extinguisher
6. All Food Vendors **Must Have a Type ABC Fire Extinguisher.** All Fire Extinguishers **Must Be Inspected Within The Last Year. A Valid Health Department Permit Must Be Displayed.**
7. No grease or substance of any kind may be discharged upon the streets, sidewalks, or into the storm drains and/or sewers
8. City Sign Ordinances **Shall Be Complied With At All Times And In All Regards**
9. No paint or other markings may be placed on the street surface.
10. Additional operational costs of the City, as determined by City Departments, must be paid by the event sponsor at the conclusion of the event. The application fee is due at time of submission and is non-refundable.
11. Vendor/participants must also follow all inspection/temporary structure rules found in the appendices (pg 6-7)
12. If approved, a Certificate of Liability Insurance of at least \$1,000,000 naming the City of Batavia as an additional insured for at least the day(s) of the event must be submitted to the City Clerk prior to the event date.

Hold Harmless Agreement

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

2/10/23
Date:

ALL BABIES CHERISHED
Name of Event Sponsor:

Richard Dunn
Authorized Signature, Title

RICHARD DUNN
Name - Printed or Typed

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

2/10/23
Date:

Richard Dunn
Signature of Applicant:

Please forward this application to:

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

**SPECIAL EVENT APPLICATION
DEPARTMENT APPROVAL SUMMARY**

FOR OFFICIAL CITY USE ONLY

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

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

Event Application #: _____

Department: _____
List Department Name Here

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

Department Cost Estimate: _____
If applicable

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

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

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

Appendices

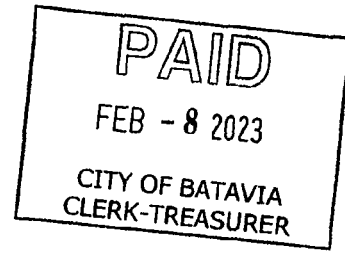
SPECIAL EVENTS INSPECTION			
YES	Item to verify	NO	Corrective action
	Extension cords plugged into approved electrical boxes?		Do not use unless cords plugged direct
	Generator in use 20 feet from any structure?		Do not use generator unless moved to safe area
	Generator has appropriate extinguisher available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

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

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



City of Batavia
Batavia, New York 14020
(585) 545-6300



Official Use Only:

2023-8
Event Application #:

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

Event Sponsor Genesee County Chamber of Commerce

Type of Event Concert.

Day and Date of Event June 23, 2023 Friday

Time of Event (don't include set up time here - just actual event time) 6:00pm 9:00pm

Location of Event Jackson Square, Batavia, New York 14020

Details of Event (be as specific as possible!) Concert by The Old Hippies along with Youth Artists and other artists.

Contact Information:

Primary contact:

Secondary contact:

Name Bill McDonald

Phone # 585-250-2269

Mailing address 20 Douglas Street Batavia, New York

E-mail address billmcdonald52@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: www.oldhippiesmusic.com

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

Type of alcoholic beverage to be served: Liquor Wine Beer

Will you be providing alcohol to your group? Yes No

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

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

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

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: ~~July~~ ^{June} 23 2023

Set up time: 5:00 pm

Tear down date: July 23 2023

Tear down time: 9:00 pm

PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:

Date: July 23 Start time: 6:00 pm End time: 9:00 pm

Estimated crowd size: 200 # of Vendors/Displays None

WILL THE EVENT INCLUDE:

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

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

Address, Street _____ City _____ Zip Code _____

Music: Live Group Recorded/DJ

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

Address, Street _____ City _____ Zip Code _____

CITY SERVICES SUPPORT:

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

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

ELECTRIC:

Will electric be needed for the event? Yes No

What will you be providing electric to? _____

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

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

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

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

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

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

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

ANCHORING INTO PAVEMENT IS PROHIBITED!

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

STREET CLOSURE(S):

ANY EVENT REQUIRING A STREET CLOSURE REQUIRES 90 DAY ADVANCE NOTICE

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

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

Street to be closed & Cross Streets

Street to be closed & Cross Streets

Street to be closed & Cross Streets

Street to be closed & Cross Streets

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

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

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

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

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

POLICE

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

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

PLEASE NOTE:

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

Hold Harmless Agreement

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

1-27-2023
Date:

Bill McDonald
Name of Event Sponsor:

Bill McDonald
Authorized Signature, Title

Bill McDonald
Name - Printed or Typed

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

1-27-2023
Date:

Bill McDonald
Signature of Applicant:

Please forward this application to:

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



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

Official Use Only:

2023-9
Event Application #:

PAID
FEB - 8 2023
CITY OF BATAVIA
CLERK-TREASURER

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

Event Sponsor Genesee County Chamber of Commerce

Type of Event Concert

Day and Date of Event June 30th 2023 Friday

Time of Event (don't include set up time here - just actual event time) 5pm - 9pm

Location of Event Jackson Square Batavia, New York

Details of Event (be as specific as possible!) Concert By The Old Hippies
Youth Artists in The area as well as other
Musical Artists

Contact Information:

Primary contact:

Secondary contact:

Name Bill McDonald

Phone # 585-250-2269

Mailing address 20 Douglas Street Batavia, NY

E-mail address billmcdonald50@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: www.oldhippiesmusic.com

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

Type of alcoholic beverage to be served: Liquor Wine Beer

Will you be providing alcohol to your group? Yes No

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

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

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

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. ****

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

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

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

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

ANCHORING INTO PAVEMENT IS PROHIBITED!

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

STREET CLOSURE(S):

ANY EVENT REQUIRING A STREET CLOSURE REQUIRES 90 DAY ADVANCE NOTICE

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

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

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

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

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

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

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

POLICE

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

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

EVENT INFORMATION (required):

Set up date: June 30th

Set up time: 5: Pm

Tear down date: June 30th

Tear down time: ~~5: Pm~~ 9: Pm

PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:

Date: June 30th Start time: 6:00 pm End time: 9: Pm

Estimated crowd size: 200. # of Vendors/Displays None

WILL THE EVENT INCLUDE:

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

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

Address, Street _____ City _____ Zip Code _____

Music: Live Group Recorded/DJ

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

Address, Street _____ City _____ Zip Code _____

CITY SERVICES SUPPORT:

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

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

ELECTRIC:

Will electric be needed for the event? Yes No

What will you be providing electric to? _____

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

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

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

PLEASE NOTE:

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

Hold Harmless Agreement

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

1-27-2023

Date:

George Chamber of Commerce Bill McDonald

Name of Event Sponsor:

Bill McDonald

Authorized Signature, Title

Bill McDonald

Name - Printed or Typed

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

1-27-2023

Date:

Bill McDonald

Signature of Applicant:

Please forward this application to:

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



City of Batavia
Batavia, New York 14020
(585) 343-6300

PAID
FEB 13 2023
CITY OF BATAVIA
CLERK-TREASURER

Official Use Only:

2023-13

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 Oktoberfest
 Day and Date of Event Saturday, September 16, 2023
 Time of Event (don't include set up time here - just actual event time) 4 PM - 10 PM
 Location of Event Jackson Square
 Details of Event (be as specific as possible!) Festival with live music, German dancers, craft beer, food, and games

Contact Information:

Primary contact:

Secondary contact:

Name	<u>Sydney Carli</u>	Name	<u>Adam Burnett</u>
Phone #	<u>585-813-7005</u>	Phone #	<u>310-903-6535</u>
Mailing address	<u>220 Clinton St Rd Batavia, NY</u>	Mailing address	<u>109 Main St Batavia, NY</u>
E-mail address	<u>Syd@el.fishbrewing.com</u>	E-mail address	<u>adam@el.fishbrewing.com</u>

* 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? Sydney Carli

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: 9/16/23 Set up time: 9 AM
Tear down date: 9/17/23 Tear down time: 9 AM

PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:

Date: 9/16/23 Start time: 4 PM End time: 10 PM
Estimated crowd size: 200 # of Vendors/Displays 3

WILL THE EVENT INCLUDE:

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

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

Address, Street City Zip Code

Music: Live Group Recorded/DJ
German American Musicians Sarah Hamon-Johnson (410) 623-8861
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, 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* 1 20x40, 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? 2

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)*
12 picnic tables, 6 garbage cans

POLICE

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

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

PLEASE NOTE:

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

Hold Harmless Agreement

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

2/7/23
Date

Eli Fish Brewing Company/Batavia Brewing Company LLC
Name of Event Sponsor
Sydney L Carl, Event Coordinator
Authorized Signature, Title
Sydney L Carl
Name - Printed or Typed

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

2/7/23
Date

Sydney L Carl
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

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

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

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



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

Official Use Only:

2023-16
Event Application #:

PAID
FEB 22 2023
CITY OF BATAVIA
CLERK-TREASURER

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

Event Sponsor _____
Type of Event Breast Cancer Walk
Day and Date of Event Oct. 7 2023 Saturday 10/7/2023
Time of Event (don't include set up time here - just actual event time) 10 am
Location of Event Alla pl / Bank St.
Details of Event (be as specific as possible!) would like to have a table set at Alla pl. parking lot for start / finish walk.

Contact Information:

Primary contact:

Name Patricia Armstrong
Phone # 585 297-8283
Mailing address 25 Harvester Ave. Batavia
E-mail address Pjstrong63@gmail.com

Secondary contact:

Name Wendy Armstrong
Phone # 585 219-3171
Mailing address 55 Gilbert St. Leroy NY 14482
E-mail address wcurabal@live.com

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

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

Type of alcoholic beverage to be served: Liquor Wine Beer

Will you be providing alcohol to your group? Yes No

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

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

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

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

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

EVENT INFORMATION (required):

Set up date: Oct. 7 2023

Set up time: 8:45

Tear down date: Oct. 9 2023

Tear down time: 12 noon

PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:

Date: Oct. 7 2023 Start time: 10 am. End time: 12 noon

Estimated crowd size: 20-50 approx. # of Vendors/Displays # 1 table

WILL THE EVENT INCLUDE:

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

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

Address, Street _____ City _____ Zip Code _____

Music: Live Group Recorded/DJ

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

Address, Street _____ City _____ Zip Code _____

CITY SERVICES SUPPORT:

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

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

ELECTRIC:

Will electric be needed for the event? Yes No

What will you be providing electric to? _____

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

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

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

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

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

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

Please list size(s) of Tents/Canopies or other temporary structures erected* 10x10 canopy and 4ft. long table

ANCHORING INTO PAVEMENT IS PROHIBITED!

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

STREET CLOSURE(S):

ANY EVENT REQUIRING A STREET CLOSURE REQUIRES 90 DAY ADVANCE NOTICE

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

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

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

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

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

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

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

POLICE

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

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

PLEASE NOTE:

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

Hold Harmless Agreement

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

2/22/23
Date:

Name of Event Sponsor:

Authorized Signature, Title
Patricia Armstrong
Name - Printed or Typed

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

Date:

Signature of Applicant:

Please forward this application to:

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

411 ^{3 MILE MARK} Cancer Walk



Elevations:

Start/Finish = 892 feet

Highest = 907ft.

Lowest = 889ft.

1 Mile Mark:

166 State St.

14ft. South of Storm Drain on Westside

2 Mile Mark:

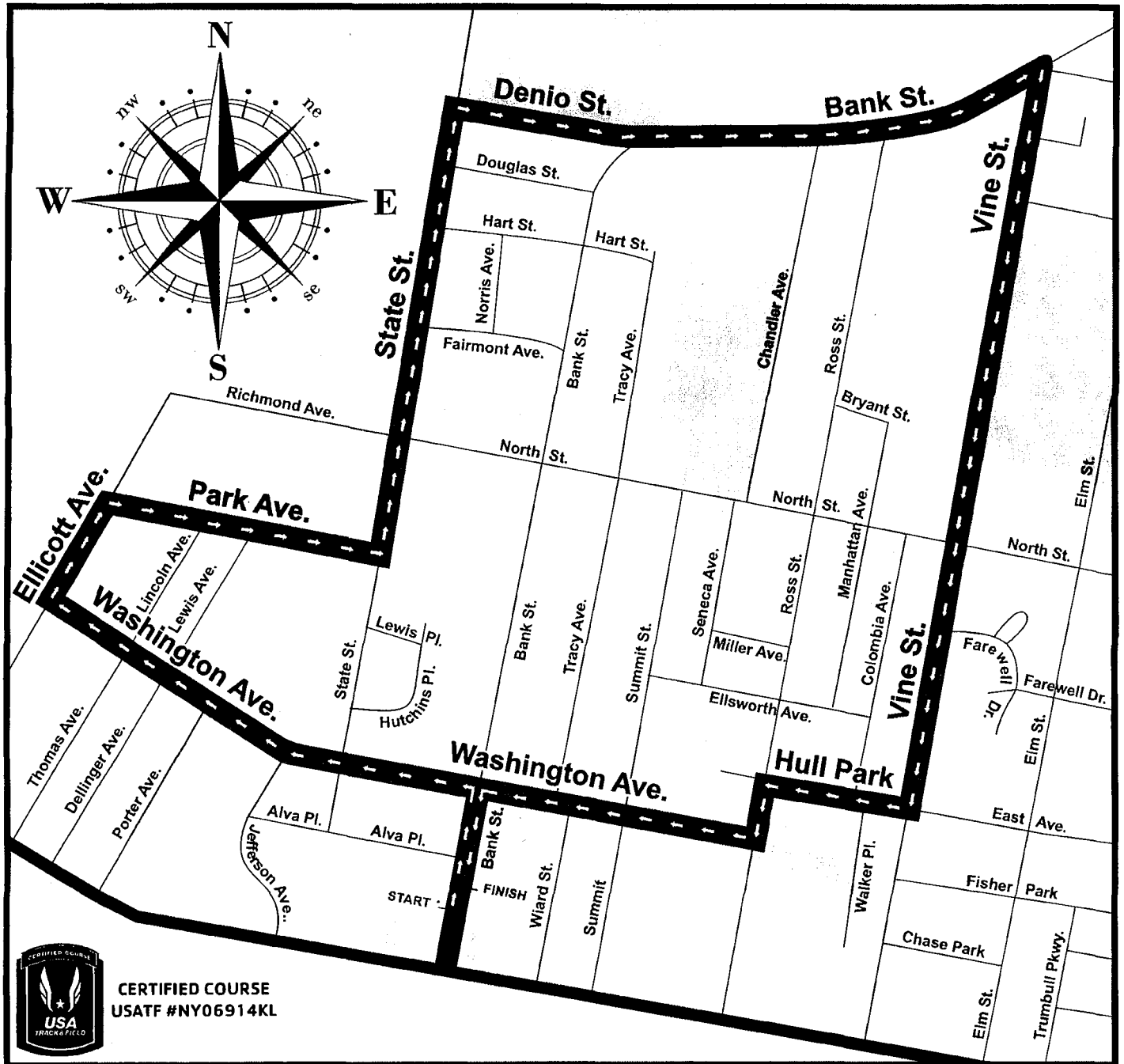
231 Vine St.

23ft. South of Center of Driveway

3 Mile Mark:

203 Washington Ave.

6ft. West of Manhole



CERTIFIED COURSE
USATF #NY06914KL

Starting Line:

10ft. 9in. South of Light Pole #5
On Bank Street Near Senior Center

Finish Line:

12ft 10in. South of Man Hole Cover
On Bank Street Near BOA Drive Thru



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

PAID
MAR 14 2023
CITY OF BATAVIA
CLERK-TREASURER

Official Use Only:

2023-22

Event Application #:

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

Event Sponsor Cornerstone Church

Type of Event Outreach

Day and Date of Event Saturday, April 8th

Time of Event (don't include set up time here - just actual event time) 12 NOON - 2:00

Location of Event Austin Park

Details of Event (be as specific as possible!) reaching out to families, give the children candy, also food, clothes, snacks to families. We will also be doing face painting, games with music in the background by bluetooth

Contact Information:

Primary contact:

Secondary contact:

Cornerstone Church
Office # 585-343-8020

Name Paul Doyle
Phone # 585-478-5397
Mailing address 8050 Bank St Rd. Bat.
E-mail address Pdoyle@cornerstonebatavia.org

Erika Roper
416 Strickland Drive, Batavia
916-239-0314
Erika@revivalfirenetwork.org

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

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

Type of alcoholic beverage to be served: Liquor Wine Beer

Will you be providing alcohol to your group? Yes No

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

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

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

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

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

EVENT INFORMATION (required):

Set up date: April 8th, 23

Set up time: 11:00 AM - 11:30 AM

Tear down date: April 8th, 23

Tear down time: 12:15

PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:

Date: April 8, 2023

Start time: 12 NOON

End time: 2:00 PM

Estimated crowd size: 100

of Vendors/Displays -

WILL THE EVENT INCLUDE:

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

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

Address, Street _____ City _____ Zip Code _____

Music: Live Group Recorded/DJ

Cornerstone Church bluetooth _____

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? W/A

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* 10 X 10

ANCHORING INTO PAVEMENT IS PROHIBITED!

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

STREET CLOSURE(S):

ANY EVENT REQUIRING A STREET CLOSURE REQUIRES 90 DAY ADVANCE NOTICE

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

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)*

N/D

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.**
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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. If approved, a Certificate of Liability Insurance of at least \$1,000,000 naming the City of Batavia as an additional insured for at least the day(s) of the event must be submitted to the City Clerk prior to the event date.

Hold Harmless Agreement

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

March 14, 2023
Date:

Paul Doyle
Name of Event Sponsor:

Donna West Executive Secretary
Authorized Signature, Title

DONNA WEST
Name - Printed or Typed

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

March 14, 2023
Date:

Donna West
Signature of Applicant:

Please forward this application to:

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

**SPECIAL EVENT APPLICATION
DEPARTMENT APPROVAL SUMMARY**

FOR OFFICIAL CITY USE ONLY

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

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

Event Application #: _____

Department: _____
List Department Name Here

Department Approval

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

Department Cost Estimate: _____
If applicable

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

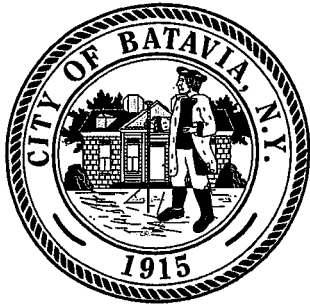
If Application not Approved, Provide Reason Here: *Fillable table – type your response here:*

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

Appendices

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

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



City of Batavia

ChemBid2023Council
Page 1 of 1

Memorandum

To: Honorable City Council
From: Tom Phelps, Superintendent of Water & Wastewater
Date: March 14th, 2021
Subject: Chemical Bids 2023-01

The Bureau of Water and Wastewater issued a Request for Bids on February 6th, 2023 for chemicals to be used at the Water Filtration Plant and Wastewater Treatment Plant during the 2023/2024 fiscal year. The chemicals are used in various aspects of the treatment processes at these facilities.

Bids documents were opened on February 27th, 2023 and reviewed by City staff. The lowest responsible bidders are identified as follows:

Company Name	Chemical	Bid Amount
Carmeuse Lime	Quicklime	\$ 366.480/Ton
CDI	Ferric Sulfate	\$ 1332.54/Ton
Shannon Chemical	Fluosilicic Acid	\$ 1124.00/Ton
Carbonic	Carbon Dioxide	\$ 400.00/Ton
Thatcher	Liquid Alum	\$ 420.00/Ton
Slack Chemical	Liquid Phosphate	\$752.40/Drum
JCI	Sodium Hypochlorite	\$2.54/Gal

We recommended City Council to award the contracts at the April 10, 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

#-2023

RESOLUTION AWARDING PURCHASE CONTRACTS FOR CHEMICALS

Motion of Councilperson

WHEREAS, the City has advertised for competitive, sealed bids for the purchase of various chemicals used for the operation of the Water and Wastewater Treatment facilities; and

WHEREAS, Eight (8) companies submitted bids, and six (6) low bidders were identified for the six (6) chemicals.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that one (1) year purchase contracts for various chemicals be awarded to the lowest responsible bidder hereinafter identified.

Company Name	Chemical	Bid Amount
Carmeuse Lime	Quicklime	\$ 366.480/Ton
CDI	Ferrie Sulfate	\$ 1332.54/Ton
Shannon Chemical	Fluosilicic Acid	\$ 1124.00/Ton
Carbonic	Carbon Dioxide	\$ 400.00/Ton
Thatcher	Liquid Alum	\$ 420.00/Ton
Slack Chemical	Liquid Phosphate	\$752.40/Drum
JCI	Sodium Hypochlorite	\$2.54/Gal

**Seconded by Councilperson
and on roll call**

CITY OF BATAVIA, NEW YORK BID #: 23-1
 CHEMICAL BIDS RECEIVED: MONDAY, FEBRUARY 27 @ 10AM


928,0222

Company	Quicklime	Ferric Sulfate	Fluocilic Acid	Carbon Dioxide	Liquid Alum	Liquid Phosphate	Sodium Hypochlorite	
Carbonic				400				
PDF	NB	1332.54	NB					
Stacte			1,297.44			752.40 drum		
Holland Company					762.00 Dry ton			
Thatcher					420.00 Dry ton			
Bison							21687 Gal Good through 6/30	
Chemtrade					511.00 Dry ton			
Cosmose	366.98							
Chemrite						894.00 4 drum min		
							967.30 drum	

Shannon Chemical

Received by: 

ICF

Witnessed by: 

2.54 Gal

Request for Bids to Furnish Chemical Supplies

FOR

**CITY OF BATAVIA
One Batavia City Centre
Batavia, NY 14020**

**DEPARTMENT OF PUBLIC WORKS
BUREAU OF
WATER AND WASTEWATER**

RFB No. 23-01

Bid Opening: February 27, 2023

RFB 23-01

NOTICE TO BIDDERS

Notice is hereby given that sealed bids for the furnishing of chemical supplies for the Bureau of Water and Wastewater will be received by the City of Batavia, in the Public Works Suite Conference Room, One Batavia City Centre, Batavia, New York 14020, until 10:00 AM, Local Time, February 27, 2023 at which time they will be publicly opened and read aloud. Bid envelopes shall be marked on the outside "Bid for Furnishing Chemicals."

Specifications and bid requirements for said bid are on file and may be obtained at the Public Works Administration in City Hall. All bids shall be submitted on forms provided by the City. Questions should be directed to the Bureau of Water & Wastewater at (585) 345-6325.

The City reserves the right to reject any or all bids or waive any irregularities in the bidding.

Bids will be received pursuant to the Notice to Bidders for furnishing Chemical Supplies during this twelve (12) month period of April 1, through March 31, for the Bureau of Water and Wastewater of the City of Batavia, New York, as follows:

CHEMICAL	ESTIMATED QUANTITY	USUAL QUANTITY PER SHIPMENT
<p>A. <u>Hi Reactive Pebble Quicklime.</u> Meeting requirements of ANSI/AWWA B202-93, bell-mine or equal-grade. 95% available CaO. 1/4" x 3/4" in size. Slaking residue not to exceed 1% & temperature arise when slaked off at least 40°C. Affidavit with each shipment.</p>	<p>850 Ton/Yr.</p>	<p>Full truck load in Pneumatic truck</p>
<p>B. <u>Granular Ferric Sulfate.</u> Ferrix 3 Pelletized. Meeting requirements of AWWA B406-97 of the latest revision. Affidavit of compliance to be furnished with each shipment.</p>	<p>60 Ton/Yr. In 50 lb. Bags</p>	<p>Full truck load. Delivery to be confirmed 24 hours prior to delivery.</p>
<p>C. <u>Fluosilicic Acid.</u> 23% minimum strength. Bid to indicate base price of 23% strength acid and shipment charges. Statement accompanying bid shall indicate method of invoice adjustment based on analysis of chemical shipped. Meeting AWWA requirements B703-00.</p>	<p>20 Ton/Yr. In bulk. Pumped to storage tank on 2nd floor of plant.</p>	<p>5 Ton - Weigh in at Oatka Milk Cooperative.</p>
<p>D. <u>Carbon Dioxide.</u> Must be a minimum of 99.5% pure and meet or exceed ANSI/AWWA B510-00 or latest edition. Meet or exceed ANSI/NSF 60 latest edition.</p>	<p>50 Ton/Yr.</p>	<p>10 Ton/90 days</p>
<p>E. <u>Liquid Alum.</u> Meeting requirements of AWWA B403-82 of the latest revision. Dry basis 17% Al₂O₃</p>	<p>400 Ton/Yr.</p>	<p>Bulk tank truck, 40,000 lbs. minimum</p>
<p>F. <u>Liquid Phosphate Treatment</u></p>	<p>24 (Twenty Four) 55-gal. Plastic drums/Year</p>	<p>24 Drums</p>
<p>G. <u>Sodium Hypochlorite.</u> Meeting requirements of ANSI/AWWA B300-99, latest edition. Meet or exceed ANSI/NSF 60 latest edition. Minimum 12.5% NaOCl by weight.</p>	<p>25,000 gallons/Year</p>	<p>1,500 Gallons - Weigh in at Oatka</p>

1. All quantities are approximate for twelve (12) month requirements. The City reserves the right to increase or decrease total quantities as may be necessary.
2. All prices bid shall be F.O.B. Batavia, New York, delivered at the City's Water Filtration Plant, 480 Lehigh Avenue; Sewage Plant, 5 Treadeasy Avenue, and also include any royalty fees or other special charges.
3. Prices shall not include any taxes.
4. The City reserves the right to purchase individual items from different suppliers based on prices most favorable to the City.
5. Bids will be accepted on any one, or more, or all items.
6. No cylinder or pallet deposits will be paid by the City. All extra charges shall be included in the bid price.
7. Deliveries of chemicals will be accepted only on pre-arranged date and times. Ferric Sulfate, Pebble Quicklime and Fluosilicic Acid must be delivered between the hours of 7 a.m. and 1 p.m., Monday through Friday at the Water Treatment Plant. It is required that 24 hours' notice be given for the delivery of ferric sulfate, so that scheduling can be arranged. Deliveries not scheduled may be delayed in unloading or sent back for re-delivery. The unloading of ferric sulfate typically takes a maximum of 4 hours.
8. Liquid Phosphate Treatment will be delivered in a truck with a hydraulic tailgate to provide for unloading at Water Plant.
9. Fluosilicic Acid truck will be weighed at Oatka Milk Products weigh station in Batavia, N.Y. before and after delivery. The weigh ticket will be provided to the City upon delivery at the Water Treatment Plant.

BIDDING INSTRUCTIONS:

Each bidder is required to complete and submit both the bid form and the attached specification sheet. The specifications submitted and lab testing will be used with each bid to evaluate all products. Independent lab analysis or municipal water plant references, with name and phone number of contact person, shall be available to verify requirements requested. Failure to submit all of the required specifications may result in the rejection of that bid.

REQUIREMENTS: (For Phosphate Treatment)

1. Phosphate must be approved for use in potable water supplies by the E.P.A., certified for use in potable water by the NSF-60 and comply with the U.S.D.A. Guide Requirements for use in a public water supply. A letter of approval from both agencies shall accompany the bid.
2. Must be able to function as a corrosion and scale control in the treatment process.
3. Must sequester iron and manganese over a temperature range of five (5) degrees to one hundred (100) degrees centigrade and have a shelf life in excess of 2 years.
4. Must function as a corrosion inhibitor without the presence of zinc. References must be available upon request.
5. Must be able to gradually remove existing deposits without causing any major cosmetic/quality problems to the end user. References must be available upon request.
6. Must be Non-toxic to humans by meeting the RMCDs (Recommended Maximum Contaminant Level) as listed in the water chemicals codex. Must also have a pH range of five (5) to seven (7) (6.8 as a 1% solution) and not have injurious effect on Water Department personnel. Material Safety Data Sheet must accompany bid.
7. Successful bidder must be able to provide application instructions and provide appropriate metering equipment.
8. Successful bidder must provide periodic water quality analysis to monitor and verify performance of product.
9. Product must be liquid and not precipitate out during normal handling and storage.
10. Must have a successful history of use in municipalities of similar size for a period of at least three (3) years. Local references for verification of product performance, delivery and technical support must accompany bid.
11. Must not increase bacteria colony counts in distribution system.
12. Must not increase system chlorine demand on maintenance dosage.

PROPOSAL – SPECIFICATION CHEMICAL BIDS
CITY OF BATAVIA, ONE BATAVIA CITY CENTRE, BATAVIA NEW YORK DATE: 2/11/21

We, the undersigned, agree to furnish the City of Batavia, N.Y., requirements for chemical supplies for the twelve (12) month period April 1, 2021 through March 31, 2022, in accordance with the Notice to Bidders and Specifications, as follows:

CHEMICAL	EST. QUANTITY/YR FOR 12 MONTH PERIOD	UNIT COST 4/1/21 THROUGH 3/31/22
A. Pebble Quicklime	850 Tons	\$ Ton
B. Granular Ferric Sulfate (50 lb. Bags)	60 Tons	\$ Ton
C. Fluosilicic Acid	20 Tons	\$ Ton
D. Carbon Dioxide	50 Tons	\$ Ton
E. Liquid Alum	400 Tons	\$ Dry Ton
F. Polyphosphate Liquid Price per lb. \$	12 Drums	\$ Drum
G. Sodium Hypochlorite	25,000 gallons	\$ Ton

All Prices F.O.B. Batavia, N.Y.
 (Less taxes)

Signed: _____ Title: _____
 Print: _____
 Company: _____
 Address: _____

 Phone # () _____
 Fax # () _____

NON-COLLUSIVE BIDDING CERTIFICATION

By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

- (1) The prices in this bid have been arrived at independently without collusion, consultation, communication or agreement for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;
- (2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and
- (3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

The herein certification is made pursuant to General Municipal Law, Section 103-d (Ch. 675, Laws of 1966).

(For Use by Individuals and Partnerships)

The undersigned, _____, being the individual or partner submitting a bid herein to the City of Batavia, affirms that the foregoing certification is true, under penalty of perjury.

Date

Name

(For Use by Corporations)

Any bid herein made to the City of Batavia, N.Y. by a corporate bidder for work or services performed or to be performed, or goods sold or to be sold, where competitive bidding is required and where such bid contains the certification referred to hereinabove, shall be deemed to have been authorized by the Board of Directors of the herein corporate bidder, and such authorization shall be deemed to include the signing and submission of the bid and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation.

The herein certificate is made pursuant to General Municipal Law, Section 103-d (Ch. 675, Laws of 1966).

The undersigned, _____, being an officer of the corporate bidder herein, namely, its _____, affirms that the foregoing statement and certification is true, under penalty of perjury.

(SEAL OF THE CORPORATION)

Corporate Bidder

By

Officer

Date

IRAN DIVESTMENT ACT

By submitting a bid in response to this solicitation or by assuming the responsibility of a Contract awarded hereunder, Bidder/Contractor (or any assignee) certifies that it is not on the "Entities Determined To Be Non-Responsive Bidders/Offerers Pursuant to The New York State Iran Divestment Act of 2013" list ("Prohibited Entities List") posted on the OGS website at: <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf> and further certifies that it will not utilize on such Contract any subcontractor that is identified on the Prohibited Entities List. Additionally, Bidder/Contractor is advised that should it seek to renew or extend a Contract awarded in response to the solicitation, it must provide the same certification at the time the Contract is renewed or extended.

During the term of the Contract, should the City of Batavia receive information that a person (as defined in State Finance Law § 165-a) is in violation of the above-referenced certifications, the City of Batavia will review such information and offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment activity which is in violation of the Act within 90 days after the determination of such violation, then the City of Batavia shall take such action as may be appropriate and provided for by law, rule, or contract, including, but not limited to, seeking compliance, recovering damages, or declaring the Contractor in default.

The City of Batavia reserves the right to reject any bid, request for assignment, renewal or extension for an entity that appears on the Prohibited Entities List prior to the award, assignment, renewal or extension of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the Prohibited Entities list after contract award.



City of Batavia

Memorandum

To: Honorable City Council

From: Rachael J. Tabelski, City Manager

Date: March 17, 2023

Subject: Application to USDA RD Community Facilities Program- New Police Facility & Authorization to Borrow Resolution

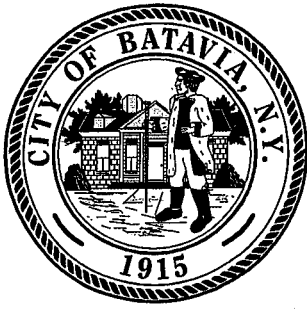
The City of Batavia has been progressing towards the construction of a new Police Facility for many years. No less than five studies, to determine the future of the police in Batavia starting in 1991, have been completed. The Police Task Force recommended the creation of a standalone facility to serve as the long-term building and secure parking facility for the City of Batavia Police Department.

Currently, the 160 year old Brisbane Mansion serves as the City of Batavia Police Department Head Quarters and is inadequate in many ways. The new Police facility will improve the quality, efficiency, security, and regulatory compliance features of the services and activities provided by the Batavia Police Department. The building will enhance the opportunities to meet community needs making the facility accessible to, and usable by, persons with disabilities.

The 20,000 Sq. Ft. building will be construction on the corner of Bank and Alva Place on a City of Batavia owned and underutilized parking lot. The location will enhance the infill into the City Center Campus while still maintaining parking for area businesses on Washington.

Recent estimates of the building are pricing the entire project at \$15.5M. The funding for the project will include a 30 year Public Improvement Serial Bond, a \$2.5M USDA grant and the potential for the use of Facility Reserves (currently a \$790,000 balance after passage of the FY 23/24 budget).

The debt payments for a \$15.5M bond will range from \$700,000-\$800,000 annually at current interest rates. The City will be able to make payments of this amount as debt rolls off and current reserve funding is used to make the payments per the City's level debt planning.



City of Batavia

I recommend the City Council approve the resolution directing the City Manager to apply for USDA funding and approve the Resolution Authorizing the City to borrow.

Police Facility History

1855 Constructed as Brisbane Mansion

1918 Mansion converted into Batavia City Hall

1991- Batavia City Hall conditions report

1994 Genesee County Facilities Study proposal for City/County Courthouse & Office

1997 Feasibility Study of Renovation of City Hall

1998-2005 Joint Police/Sheriff Facility Discussions

2002- Study for a joint Genesee County Sheriff & Batavia City Police Public Safety Building

2002 St. Jerome (Bank St.)

2004 Evaluation of the old City Hall Structure for City Police

2004 Batavia Police Department left as lone occupant of building

2014 Facility Feasibility Study/Formed Task Force

2015 Police Task Force Final Recommendations

2015 Memo from City Manager on Police Facility Financing

2015-2016 Failed negotiations on Swan Street site

2018 Facility Study Update

2021 Feasibility Study Alva Place – New Build Location (Bank and Alva)

2022- 2023 Design and Engineering Completed

2023 Take Project to Bid

#XX-2023

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO SEEK FUNDING FROM
USDA RURAL DEVELOPMENT COMMUNITY FACILITIES LOAN PROGRAM**

Motion of Councilperson

WHEREAS, the City of Batavia has identified the need to construct a new Police Facility to address capacity concerns, building limitations, improve handicapped access, and to ensure quality police protection services can be executed now and into the future; and

WHEREAS, the City of Batavia has an opportunity to seek funding from the USDA Rural Development (USDA RD) Community Facilities Program as a potential funding source for said needs; and

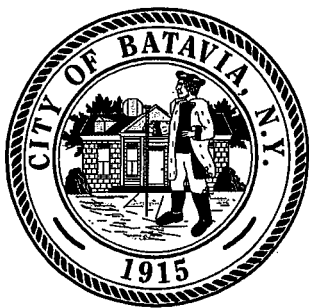
WHEREAS, the City of Batavia has been awarded \$2,500,000 congressional grant award to be administered using the USDA RD Community Facility Program; and

WHEREAS, the process of applying for a loan and grant entails minimal additional effort from the City in terms making an application to secure the grant and to secure a favorable long-term loan interest rate in the event the City elects to secure this funding; and

WHEREAS, the process of applying for a loan does not obligate the City of Batavia in any way unless, and until a specific loan and grant offer has been extended to the City by USDA RD and the City of Batavia's approval of the offer is attained.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia, hereby grants permission for the City Manager to seek a funding opportunity from the USDA RD Community Facilities Loan Program and to execute any required application materials required by the Agency.

**Seconded by Councilperson
and on roll call**



City of Batavia

Memorandum

To: Honorable City Council

From: Rachael J. Tabelski, City Manager

Date: March 17, 2023

Subject: Application to USDA RD Community Facilities Program- New Police Facility & Authorization to Borrow Resolution

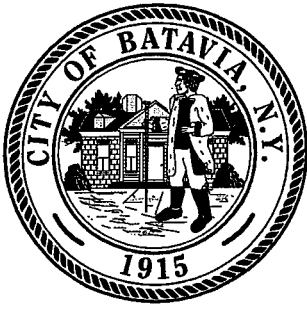
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City of Batavia

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2023 Take Project to Bid

BOND RESOLUTION
CITY COUNCIL OF THE CITY OF BATAVIA
March 21, 2022

A RESOLUTION AUTHORIZING GENERAL OBLIGATION BONDS OF THE CITY OF BATAVIA, GENESEE COUNTY, NEW YORK, TO FINANCE THE COST OF THE CONSTRUCTION OF CAPITAL IMPROVEMENTS CONSISTING OF A POLICE DEPARTMENT SAFETY HEADQUARTERS, AS WELL AS AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS.

WHEREAS, the **CITY OF BATAVIA** (the “City”), in the County of Genesee, by its City Council, has completed the advance planning, engineering and design of capital improvements to consist of the City’s Policy Headquarters (the “Design Project”);

WHEREAS, upon completion of the Design Project, the City, by its City Council, has determined it necessary for the City to move forward with the construction of capital improvements to consist of the City’s Policy Headquarters (the “Construction Project”);

WHEREAS, the estimated total cost of the Construction Project is \$15,500,000, which is to be financed in part by a loan from the United States Department of Agriculture (the “USDA”) in an amount not to exceed \$13,000,000 (the “USDA Loan”) and in part by a grant from the USDA not to exceed \$2,500,000 (the USDA Grant”);

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

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

Section 1. The construction expenses (the “Construction Expenses”) in connection with the capital improvements consisting of the police department safety headquarters are hereby authorized at the estimated combined cost of \$15,500,000.

Section 2. The financing of the Construction Expenses, and the costs of issuance of such financing, (the “Specific Object or Purpose”), are hereby authorized at a maximum estimated aggregate cost of \$15,500,000.

Section 3. The Specific Objects or Purposes of the Construction Project are objects or purposes described in Section 11 of the LFL.

Section 4. The City Council, acting as Lead Agency under the SEQRA regulations of the State of New York, has previously issued a Negative Declaration for the Construction Project finding that the same will not have a significant adverse impact on the environment.

Section 5. The plan for the financing of such maximum estimated cost is by the issuance of general obligation serial bonds of the City in an aggregate principal amount not exceeding \$15,500,000 which is hereby authorized to be issued therefor pursuant to the LFL.

Section 6. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five (5) years.

Section 7. It is hereby determined that the period of probable usefulness of the Construction Project is twenty five (25) years, pursuant to Section 11.00(a)(11) of the LFL.

Section 8. The faith and credit of the City of Batavia, Genesee County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in every year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year.

Section 9. Subject to the provisions of this resolution and of the LFL, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the LFL, the powers and duties of the City Council pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the City Manager, the chief fiscal officer of the City. To the extent required by law, this Resolution shall also constitute a "Bond Anticipation Note Resolution" pursuant to the LFL.

Section 10. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the City Manager, as the chief fiscal officer of the City. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the LFL, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the LFL, as the City Treasurer shall determine consistent with the provisions of the LFL.

Section 11. The City Manager is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

Section 12. The City Manager is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange

Act of 1934.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

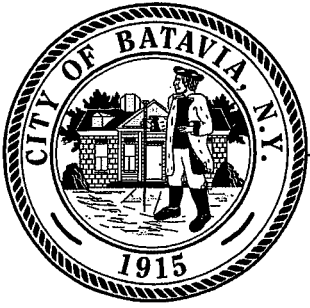
- 1) Such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting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

Section 14. The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the LFL, for the purpose or purposes described in Section 1 of this resolution. The City then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 1 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 15. This resolution shall take effect immediately.

Section 16. This resolution or a summary hereof shall be published in full in the official legal newspaper of the City for such purposes, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the LFL.

* * * * *



City of Batavia

Memorandum

To: Honorable City Council

From: Rachael J. Tabelski, City Manager

Date: March 17, 2023

Subject: Authorization of ARPA Funds for Environmental Services- Underground Storage Tank

On Wednesday November 2, 2022 the City of Batavia Fire Department discovered that their Underground Storage Tank (UST) that holds fuel for the facilities generator had a potential leak. The City Manager and the City Attorney enlisted the services of TurnKey Environmental Restoration on an emergency basis to analyze the situation and to work with the New York State Department of Environmental Conservation Spill Response Unit.

TurnKey began communicating with the DEC immediately on behalf of the City and devised a plan to excavate the UST utilizing DEC guidelines and best practices.

TurnKey's scope of services included:

1. Notifying DEC of the petroleum release
2. Screening for petroleum release
3. Emptying the remaining contents of the UST
4. Removing the UST and any/all impacted soil
5. Proper disposal of impacted soils
6. Site restoration

As this presented an emergency situation, the City contracted with TurnKey on November 4th and the work was completed by mid-January. The expense of the cleanup is \$61,717.08.

I recommend that the City Council of the City of Batavia authorize the use of ARPA funding for this unexpected and unplanned expense.

#XX-2023

**RESOLUTION TO AUTHORIZE THE REPURPOSE OF ARPA FUNDS FOR THE
REMOVAL AND REMEDIATION OF AN UNDERGROUND STORAGE TANK (UST)
AND AMEND THE 22/23 BUDGET**

Motion of Councilperson

WHEREAS, the City of Batavia is in receipt of \$1,474,764.79 of American Rescue Plan Act of 2021 Coronavirus Local Fiscal Recovery Funds (ARPA); and

WHEREAS, the City of Batavia has committed to expend a majority of these funds through various resolutions; and

WHEREAS, on Wednesday November 2, 2022 the City of Batavia Fire Department discovered their Underground Storage Tank (UST) that holds fuel for the facilities generator had a potential leak; and

WHEREAS, the City Manager and the City attorney enlisted the services of TurnKey Environmental Restoration on an emergency basis to analyze the situation and to work with the New York State Department of Environmental Conservation Spill Response Unit; and

WHEREAS, the City is requesting to repurpose \$61,717.08 of ARPA funding from the Austin Park Playground Project to be used to pay the TurnKey invoices.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia to authorize the City Manager to redirect ARPA funding from the Austin Park Playground Project to the UST removal and cleanup services; and

BE IT FURTHER RESOLVED, that the City Council of the City of Batavia does hereby authorize the City Manager to amend the budget for the 22/23 fiscal year as follows:

Increase expense:

A.05.3410.3400 439-211199

Fire Repair & Maint - ARPA \$61,717.08

Increase revenue:

A.00.0000.0000 4089-211199

General Fund Federal Aid \$61,717.08

**Seconded by Councilperson
and on roll call**

Invoice

Project Leader

Christopher Boron



Rachael Tabelski
City Manager
1 Batavia City Centre
Batavia, NY 14020

www.benchmarkturnkey.com
2558 Hamburg Turnpike
Suite 300
Buffalo, NY 14218
716-856-0599

January 12, 2023

Invoice No: 9960

Project T0666-022-001 18 Evans St NYSDEC Spill No. 2206638

Professional Services through November 30, 2022

Phase 001 Project Management & Site Visit

Professional Personnel

	Hours	Rate	Amount	
Sr. Project Manager				
Boron, Christopher	7.00	172.00	1,204.00	
Senior Project Engineer/Scientist				
Werthman, Paul W.	2.00	135.00	270.00	
Totals	9.00		1,474.00	
Total Labor				1,474.00
				Total this Phase
				\$1,474.00

Phase 002 Investigation

Professional Personnel

	Hours	Rate	Amount	
Senior Project Engineer/Scientist				
Werthman, Paul W.	16.00	135.00	2,160.00	
Engineer/Scientist				
Kanaley, Chelsea	2.00	95.00	190.00	
Totals	18.00		2,350.00	
Total Labor				2,350.00

Subconsultant

Nature's Way Environmental Consultants & 11/8/2022	Geoprobe services		1,145.88	
Alpha Analytical Inc 11/10/2022	L2262616		1,266.08	
Total Subcontractor		1.15 times	2,411.96	2,773.75

Reimbursable Expenses

Project Misc Expense - reimbursable 11/8/2022	Werthman, Paul W.	Speedway- Ice for samples	3.74	
Total Reimbursable Expenses			3.74	3.74

Other Expense

Project CADD Usage	2.0 hours @ 6.00	12.00	
11x17 B&W Prints	1.0 Print @ 0.20	.20	
2018 Ford F350 4x4 mileage	288.0 Miles @ 0.685	197.28	

Project	T0666-022-001	18 Evans St NYSDEC Spill No. 2206638	Invoice	9960
Hilti hammer drill with bits DAILY		1.0 Day @ 40.00	40.00	
Level D PPE-DAILY		1.0 Daily @ 15.00	15.00	
Solinst 101 Water Level Indicator DAILY		1.0 Day @ 25.00	25.00	
Total Other Expense			289.48	289.48
		Total this Phase		\$5,416.97
		THIS INVOICE AMOUNT DUE		<u>\$6,890.97</u>

Invoice

Project Leader

Christopher Boron



City of Batavia
One Batavia City Centre
Batavia, NY 14020

www.benchmarkturnkey.com
2558 Hamburg Turnpike
Suite 300
Buffalo, NY 14218
716-856-0599

March 15, 2023

Invoice No: 10030

Project T0666-022-001 18 Evans St NYSDEC Spill No. 2206638

Professional Services through February 28, 2023

Phase 003 Tank & Soil Excavation

See attached Summary Spreadsheet

Lump Sum **54,826.11**

Total this Phase **\$54,826.11**

THIS INVOICE AMOUNT DUE **\$54,826.11**

Statement of Account

Invoice No	Date	Outstanding	
9960	1/12/2023	6,890.97	
Total Outstanding		6,890.97	
		Total Account Balance	\$61,717.08

Petroleum Remediation Invoice Summary
18 Evan Street
Batavia, New York

Item	Estimated				Actual			
	Quantity	Units	Unit Cost	Total	Quantity	Units	Unit Cost	Total
TASK 1 - Project Management/Coordination & Correspondance with NYSDEC, Landfill Disposal Approval								
<i>Professional Services</i>	1	EST	\$ 3,500.00	\$ 3,500				\$ 3,481.15
				\$ 3,500				\$ 3,481.15
TASK 2 - Excavation, Transportion, Disposal of Petroleum Impacted Soil & Backfill								
<i>Professional Services</i>								
Excavation Field Oversight (assumes 3 field day)	30	HR	\$ 95	\$ 2,850	30	HR	\$ 95	\$ 3,079.50
Equipment & Expenses	2	DAY	\$ 300	\$ 600	2	DAY	\$ 300	\$ 3,079.50
<i>Earthwork Services</i>								
Mobilization/Demobilization/Fuel Excavator	1	LS	\$ 1,000	\$ 1,000	1	LS	\$ 1,000	\$ 1,000
Excavator (PC170) & Operator	3	Day	\$ 1,600	\$ 4,800	3	Day	\$ 1,600	\$ 4,800
Soil/Fill Transportation & Disposal at approved Landfill Facility	450	TON	\$ 50.00	\$ 22,500	442.89	TON	\$ 50.00	\$ 22,144.50
Stone Backfill	450	TON	\$ 30.00	\$ 13,500	457.37	TON	\$ 30.00	\$ 13,721.10
				\$ 45,250				\$ 44,745.10
TASK 4 - Water Management (if necessary)								
Water Management	1	EST	\$ 10,000.00	\$ 10,000				\$ 577.91
TASK 5 - Post- Excavation Confirmatory Sampling								
Post Excavation Verification Samples- VOCs - CP-51 list, 2 day TAT	7	EA	\$ 195	\$ 1,368	5*	EA	\$ 195	\$ 2,521.95
Post Excavation Verification Samples- SVOCs - CP-51 list, 2 day TAT	7	EA	\$ 306	\$ 2,141	5*	EA	\$ 306	\$ 2,521.95
				\$ 3,508				\$ 2,521.95
TASK 6 - Spill Closure Report								
Spill Closure Report	1	LS	\$ 3,500	\$ 3,500	1	LS	\$ 3,500	\$ 3,500
TOTAL - REMEDIAL EXCAVATION				\$ 65,758				\$ 54,826.11

* 1 day TAT



November 2, 2022

Mr. George Van Nest, Esq.
Underberg & Kessler, LLP
Counsel for City of Batavia
50 Fountain Plaza, Suite 320
Buffalo, New York 14202

**Re: Environmental Services Related to Leaking Underground Storage Tank
18 Evans Street, Batavia, New York
NYSDEC Spill No. 2206638**

Dear Mr. Van Nest,

TurnKey Environmental Restoration, LLC (TurnKey) has prepared this proposal for environmental services related to a leaking underground storage tank (UST) at 18 Evans Street, Batavia, New York (Site). It is our understanding that a 275-gallon diesel UST was filled on October 27, 2022 and the associated tank gauge indicated the tank was full. The tank gauge is currently reading approximately a ¼ full tank and product within the UST has not been used. It is estimated that approximately 170 to 200 gallon may have leaked form the UST.

SCOPE OF SERVICES

TurnKey will contact the New York State Department of Environmental Conservation (NYSDEC) to notify them of the petroleum release. TurnKey will complete a Site visit to assess the UST area access, screen building interior for petroleum odors/vapors, and meet with the Fire Department to discuss underground utilities and Site conditions around the UST.

TurnKey will contact UDig NY to request an emergency utility clearance prior to mobilizing equipment to the Site to empty the remaining contents of the UST, removed the UST and any accessible impacted soil and water around the UST without compromising the adjacent structures.

TurnKey will complete the environmental services on a time and expense basis, in accordance with our attached 2022 Standard Fixed Hourly Billing Rates (Rate Schedule) for services.

We estimate a mobilization fee of \$600 and an equipment fee of \$1,000 per day for our equipment (i.e., excavator, pumps, hoses, hand tools, etc.) needed to access the UST and remove its contents, remove the UST and accessible contamination, if present, and

Strong Advocates, Effective Solutions, Integrated Implementation

www.benchmarkturnkey.com

2558 Hamburg Turnpike, Suite 300 | Buffalo, NY 14218
phone: (716) 856-0599 | fax: (716) 856-0583

backfill the excavation. Analytical samples will also be collected as required by NYSDEC prior to backfill the excavation.

Costs associated with transportation and disposal of soil, water, tanks product, analytical samples, etc. will be provided once the volumes of these material are known. As stated on the Rate Schedule subcontracted services and direct expenses will be invoiced at cost plus 15%. It is assumed that the final surface restoration (asphalt or concrete) of the excavation area will be the City of Batavia's responsibility.

AUTHORIZATION TO PROCEED

We have attached and made part of this proposal a copy of our standard terms and conditions for engineering services (see Attachment 1). If this proposal is acceptable, please indicate your acceptance by signing below and returning an electronic copy of the proposal to us.

We appreciate this opportunity to be of service to you. Please do not hesitate to contact us if you have any questions or require additional information.

Sincerely,
TurnKey Environmental Restoration, LLC



Christopher Boron, P.G.
Sr. Project Manager



Michael A. Lesakowski
President

**ENVIRONMENTAL SERVICES RELATED TO LEAKING UST
18 EVANS STREET, BATAVIA, NEW YORK
NYSDEC SPILL NO. 2206638**

PROPOSAL AND ATTACHED TERMS AND CONDITIONS ACCEPTED BY:

Rachael J. Tabelski

Name (Printed)

Rachael J. Tabelski

Signature

City Manager

Title

11-4-22

Date

ATTACHMENT 1

**ATTACHMENT 1
GENERAL TERMS AND CONDITIONS**

For Services Rendered to:
Underberg & Kessler, LLP (**Client**)
by
TurnKey Environmental Restoration, LLC (**TurnKey**)
for
18 Evans Street, Batavia, New York (**Assignment**)

In consideration of the mutual promises herein, Client and TurnKey agree to the following Terms and Conditions for this Assignment:

Article 1 -- BASIC SERVICES

1.1 **Scope.** TurnKey shall provide the Basic Services generally described in the proposal to Client dated November 2, 2022 (**Proposal**). TurnKey's obligations under this Assignment are solely for the benefit of Client and no other party is intended to benefit or have rights hereunder.

1.2 **Standard of Care.** TurnKey shall perform the professional services under this Assignment at the level customary for competent and prudent engineers performing such services at the time and place where the services are provided [**Standard of Care**]. These services will be provided by engineers and individuals skilled in other technical disciplines, as appropriate.

1.3 **Instruments of Service.** TurnKey is responsible for the professional quality, technical accuracy, timely completion, and the coordination of all instruments of its services including reports [**Service Instruments**] and other services provided under this Assignment.

1.4 **Applicable Codes and Regulations.** The Service Instruments will be based on the generally accepted codes and regulations applicable to the Project at the time of performance.

1.5 **Subcontractors and Subconsultants.** N/A

1.6 **Title to Hazardous Materials.** N/A

1.7 **Generation, Storage, Transportation or Disposal of Hazardous Materials.** N/A

Article 2 -- ADDITIONAL SERVICES

2.1 **Scope.** TurnKey will provide additional or optional services when authorized in writing by the Client.

Article 3 -- CLIENT'S RESPONSIBILITIES

Unless stated otherwise in Article 8 or in the Proposal, Client shall provide the following in a timely manner:

3.1 **Client's Representative.** Designate representative(s) having authority to give instructions, receive information, define Client's policies, and make decisions with respect to the Assignment.

3.2 **Assignment Criteria.** Provide all criteria and information as to Client's requirements for the Assignment, including objectives, concepts, constraints, and performance requirements, and any budgetary limitations.

3.3 **Data.** Provide TurnKey all available information, including previous reports and any other data in the possession of the Client relative to the Assignment. TurnKey may rely on the accuracy and completeness of the supplied data. These data may include (1)

data prepared by others including borings, subsurface explorations, hydrographic surveys, and laboratory tests and inspections of samples, materials and equipment, (2) appropriate professional interpretations of such data, (3) environmental assessments and impact statements, (4) property, boundary, easement, right-of-way, topographic and utility surveys, (5) property descriptions, zoning, deed and other land use restrictions, and (6) other necessary special data or consultations. TurnKey may rely on the accuracy and completeness of the supplied data.

3.4 Access. Arrange for TurnKey to enter upon and inspect the property as necessary.

3.5 Surveys. Provide engineering and property surveys to define buried infrastructure, property boundaries, easements, and other project or site reference points.

3.6 Review. Examine the Service Instruments and render written decisions concerning the Service Instruments within a reasonable time.

3.7 Permits. Furnish approvals and permits from governmental authorities or other entities having jurisdiction over the Assignment and approvals from others as may be necessary for the timely completion of the Assignment.

3.8 Assignment Developments. Give prompt written notice to TurnKey whenever Client observes or otherwise becomes aware of any development that affects the scope or timing of TurnKey's services or any defect or non-conformance in the work of any Contractor, subcontractor, or subconsultant.

3.9 Expert Advice. Provide legal, accounting, insurance, manufacturing operations, process or other necessary advisory services for the Project.

Article 4 -- PERIODS OF SERVICE

4.1 Time of Performance. Articles 4 and 5 anticipate the orderly and continuous progress of the Assignment. The time of performance contemplated is the period that should reasonably be required for the completion of the Assignment. Unless otherwise stated in this Assignment, issuance of a Purchase Order by the Client or signing of a proposal by both the Client and TurnKey will constitute such authorization. If Client elects to authorize TurnKey to proceed before issuance of a Purchase Order or signing the proposal, TurnKey shall be paid as if the services had been performed after the Purchase Order was issued or the proposal was signed.

4.2 Force Majeure. If a force, event, or circumstance beyond TurnKey's control interrupts or delays TurnKey's performance, the time of performance of the Basic or Additional Services shall be equitably adjusted.

4.3 Start of Performance. Unless otherwise stated in this Assignment, signing of the proposal by both the client and TurnKey will start the Services. If client gives authorization before signing a proposal, TurnKey shall be paid as if the services had been performed after both parties signed the proposal.

4.4 Completion of Performance. For the purposes of final payment under ITEM 5, completion of TurnKey's services will occur:

4.4.1 for a study, investigation or planning activity: upon delivery of the final report as specified in a Task Order;

4.4.2 for a design activity: when the Contract Documents are delivered as specified in a Task Order;

4.4.3 for a bidding or construction contract negotiation activity: upon issuance by Client of notice of award of the construction contract;

4.4.4 for a construction activity: when written recommendation of final payment for the last prime construction contract of the Project is issued; and

4.4.5 for a startup or operations activity: upon successful completion of acceptance testing by the Contractor or beneficial occupancy by Client or upon completion of the operating term as specified in a Task Order.

Article 5 -- COMPENSATION

5.1 Basic Services. Client shall pay TurnKey the Amount stated in invoices issued in accordance with the proposal. Unless otherwise specified in the proposal, invoices will be issued based on the estimated percentage of work completed and are due and payable within 30 days after receipt by the Client.

5.2 Additional Services. Client shall pay TurnKey for Additional Services actually performed pursuant to Client's authorization and agreed upon in writing prior to the performance of such services.

5.3 Litigation Services. If Client requires TurnKey's services either as a witness in, or support of, litigation or other dispute resolution procedures between Client and a third party, TurnKey will provide such services in accordance with a Pricing Schedule for litigation services.

5.4 Applicable Taxes. Client shall be responsible for payment of all applicable taxes, including sales taxes, for services or goods furnished hereunder. If Client determines that project is tax exempt Client shall issue to TurnKey a tax exemption certificate or, for NY State projects, certificate of capital improvement.

5.5 Delay or Termination.

5.5.1 TurnKey or Client may terminate this Assignment after giving 10 days written notice.

5.5.2 If Client delays the performance of, or payment for, services under this Assignment for more than 30 days for a reason(s) other than TurnKey's fault, TurnKey may suspend performance until it receives payment in full for services rendered and expenses incurred to the date of suspension.

5.5.3 If Client terminates this Assignment prior to completion of the Basic Services, TurnKey shall be paid in full for services rendered and expenses incurred to the date of termination, including reasonable demobilization and termination expenses.

5.6 Disputed Amounts. Notwithstanding the provisions of Article 7, if Client disputes an item(s) or amount(s) contained in an invoice, Client agrees to pay the balance of the undisputed invoiced amounts to TurnKey in accordance with the proposal and any additional authorized services.

5.7 Collection. Any reasonable attorneys' fees and other reasonable costs incurred by TurnKey in collection of delinquent amounts shall be paid by the Client.

Article 6 -- OPINIONS OF COST

6.1 Opinions of Cost. TurnKey may provide estimates of investigation costs, remediation costs, regulatory fees, maintenance costs and other future site costs (Construction Cost) as part of the Service Instruments. Client acknowledges that TurnKey has no control over the cost of labor, materials, equipment or services furnished by others, or over contractor or subcontractor methods of determining prices, or over competitive bidding or market conditions. TurnKey's opinion of probable Construction Cost is made on the basis of TurnKey's experience and qualifications and represents TurnKey's judgment and experience with the construction industry. TurnKey does not guarantee that proposals, bids or actual Project cost will not vary from TurnKey's opinions of probable Construction Cost.

Article 7 -- GENERAL CONSIDERATIONS

7.1 Changes. By written notice at any time, Client may change the Basic Services, provided such changes are within the general scope of the services contemplated by this Assignment. In such event, an equitable adjustment both in the compensation for and time of performance of the Assignment shall be made in writing prior to TurnKey's performing the changed services.

7.2 Confidentiality. TurnKey will hold secret and confidential all information designated by Client as confidential [**Confidential Information**]. TurnKey will not reveal Confidential Information to a third party unless:

7.2.1 Client consents in writing;

- 7.2.2 the information is or becomes part of the public domain;
- 7.2.3 TurnKey lawfully possessed the information before receipt from Client;
- 7.2.4 applicable law, regulation, court order or an agency of competent jurisdiction requires its disclosure; or
- 7.2.5 failure to disclose the information would pose an imminent and substantial threat to human health or the environment.

7.3 Professional Service. The Service Instruments furnished under this Assignment are the tangible results of TurnKey's professional services for the Project. TurnKey shall retain ownership and property interests in the Service Instruments. Subject to the terms and conditions of this Agreement, TurnKey grants to Client the worldwide, non-exclusive, non-transferable, non-sublicenseable, perpetual, irrevocable right to use, copy, and create derivatives of any materials provided by TurnKey in the course of performing the services solely for Client's internal business operations.

- 7.3.1 **Reuse.** TurnKey does not represent the Service Instruments to be suitable for reuse by Client or others for extensions of the Project or on any other project. Any reuse without written verification or adaptation by TurnKey for the specific purpose intended is at Client's sole risk, without liability to TurnKey. Any such verification or adaptation will entitle TurnKey to compensation at rates to be agreed on by Client and TurnKey.
- 7.3.2 **CADD/GIS.** TurnKey may provide information related to the Service Instruments in computer-assisted design and drafting [CADD] or Geographic Information System [GIS] format to Client. CADD/GIS files are derived in part from computer software for which TurnKey is licensed. These licenses are not transferable. Any unlicensed reuse of CADD/GIS may subject the user to liabilities to the software licensor.
- 7.3.3 **Copies.** TurnKey may retain copies of the service records for its files as required by State or Federal Law.
- 7.4 **Disputes.** If a dispute or complaint [**Dispute**] arises concerning this Assignment, Client and TurnKey will negotiate a resolution of the Dispute. Should negotiation be unsuccessful, mediation of the Dispute by a third party shall follow. Any time which elapses in attempting to resolve the Dispute through either or both negotiation or mediation shall extend day-for-day any applicable statute(s) of repose or limitation of actions.
 - 7.4.1 **Negotiation.** Following written notice of a Dispute, a minimum of three face-to-face meetings (or less if the Dispute is resolved) shall be held.
 - 7.4.2 **Mediation.** If negotiation is unsuccessful, a mutually acceptable third party [**Facilitator**] having expertise in the subject of the Dispute shall be engaged to mediate the Dispute.

The fee and expenses of the Facilitator shall be shared equally by the parties to the Dispute. The parties may present evidence and arguments to the Facilitator. Unless the Facilitator and the parties agree otherwise, a minimum of three face to face meetings shall be held within the sixty day period beginning on the date of the Facilitator's engagement. Following the third meeting, or earlier if appropriate, the Facilitator shall report to the parties whether he believes the Dispute is resolvable through mediation. At that point the parties shall elect (a) to continue mediation, (b) replace the Facilitator and continue mediation, or (c) end mediation. If the mediation is ended, the parties may adjudicate or arbitrate the Dispute.

- 7.4.3 **Adjudication.** The laws of the State shall control both the action and the substantive issues unless required by law to be filed in a federal district court. Disputes whose total value [exclusive of interest] exceeds \$200,000 may not be arbitrated but may be litigated.
- 7.4.4 **Arbitration.** If the parties elect to submit the Dispute to arbitration, (a) the arbitration shall be decided in accordance with the current Construction Industry Arbitration Rules of the American Arbitration Association; (b) the demand for arbitration may not be made after the date when institution of legal or equitable proceedings to resolve the Dispute would be barred by the applicable statute of limitations; and (c) the arbitration proceeding may not include, by consolidation or otherwise, any third person. Any decision rendered by the arbitrators shall be final. Judgment may be entered upon the decision in any court having jurisdiction. The decision shall not be subject to modification or appeal except to the extent permitted by Sections 10 and 11 of the Federal Arbitration Act (9 U.S.C. 10, 11).

7.5 **Insurance.** TurnKey will maintain **insurance** against the following risks during the term of the Assignment:

- 7.5.1 Workers compensation in statutory amounts and employer's liability for TurnKey's employees' Project-related injuries or disease with limits of \$1,000,000;
- 7.5.2 Commercial General Liability Insurance against bodily injuries and death and property damage with a combined single limit of not less than \$2,000,000 per occurrence and \$2,000,000 in the aggregate, including contractual liability insurance specifically insuring the indemnifying portions of this Agreement, naming Client as additional named insured;
- 7.5.3 Comprehensive Automobile Liability insurance covering owned, non-owned and hired vehicles against personal injury and death and property damage with a combined single limit of not less than \$1,000,000 per occurrence and aggregate, naming Client as additional named insured;
- 7.5.4 Professional Liability (Errors and Omissions) Insurance with limits of not less than \$2,000,000 each occurrence and \$2,000,000 in the aggregate.

The certificates of insurance to be provided by TurnKey shall be endorsed to provide that such policies shall not be materially changed or canceled until at least 30 days prior notice is given to Client. TurnKey agrees that the provisions set forth herein shall be imposed upon, assumed and performed by each of its subcontractors or subconsultants, if any.

7.6 **Mutual Indemnification.** The Client acknowledges and agrees that TurnKey has not created or contributed to the creation or existence of any hazardous or toxic waste, material, or substance, or any other type of environmental hazard or pollution (as those terms are commonly understood or defined by applicable laws or regulations and collectively termed "Pollution" with regard to this paragraph) in connection with the Assignment. In addition, the compensation to be paid TurnKey under this Assignment is not commensurate with the risk of injury or loss which may be caused by Pollution.

7.6.1 TurnKey agrees to defend, indemnify, and hold harmless Client (including its officers, directors, employees and agents) from and against any and all losses, damages, liabilities and expenses (including legal fees and reasonable costs of investigation) to the extent resulting from or arising out of the gross negligence or willful misconduct on the part of TurnKey in performing services pursuant to this Agreement and any breach of this Agreement by TurnKey; provided however, that such indemnification shall not apply to the extent any losses, damages, liabilities, or expenses result from, are attributable to, or arise out of:

- (a) the gross negligence or willful misconduct of Client; or
- (b) any existing condition at the site over which TurnKey had no or has no control, including but not limited to the presence, if any, of solid, hazardous or toxic materials, wastes or substances or materials, contamination and/or pollution (as those terms are commonly understood or defined by federal, state or local statutes or regulations) at the site which is the subject of the TurnKey's performance of services under this Agreement (collectively, "Site Conditions").

7.6.2 Client agrees to defend, indemnify and hold harmless TurnKey (including its officers, employees, and agents) from and against any and all losses, damages, liabilities and expenses (including legal fees and reasonable costs of investigation) to the extent resulting from or arising out of the gross negligence or willful misconduct on the part of Client and any breach of this Agreement by Client; provided however, that such indemnification shall not apply to the extent any losses, damages, liabilities, or expenses result from, are attributable to, or arise out of:

- (a) the gross negligence or willful misconduct of TurnKey; or
- (b) any Site Conditions over which TurnKey had no or has no control.

7.7 **Limitation of Liability.** Notwithstanding any other provision of this Assignment and to the fullest extent permitted by law, Client agrees that:

7.7.1 TurnKey's liability to Client for any and all claims, damages, losses, or expenses arising out of this Assignment from any

cause including, but not limited to, TurnKey's negligence, strict liability, breach of contract or breach of warranty, shall not exceed the cost of services rendered under this Agreement. Such Limitation of Liability shall not apply where TurnKey has been found grossly negligent or to have intentionally or willfully caused such liability.

7.7.2 Neither TurnKey nor Client shall be liable to each other for any special, indirect or consequential damages, whether caused or alleged to be caused by negligence, strict liability, breach of contract or warranty under this Assignment of either party or their officers, directors, employees, agents, representatives or subcontractors.

7.8 **Interpretation.** This Assignment shall be interpreted in accordance with the laws of the State of New York.

7.9 **Successors.** This Assignment is binding on the successors and assigns of Client and TurnKey. The Assignment may not be assigned in whole or in part to any third parties without the written consent of both Client and TurnKey.

7.10 **Independent Contractor.** TurnKey represents that it is an independent contractor and is not an employee of Client.

7.11 **Notices.** Written notices may be delivered in person or by certified mail, or by facsimile, or by courier. All notices shall be effective upon the date of receipt by the party. Notices shall be delivered or sent to the designated representative of the other party at the address given on the last page of this Assignment. An address may only be changed by written notice.

7.12 **Applicable Law.** If applicable to this Assignment, TurnKey will comply with the requirements of:

7.12.1 the Equal Employment Opportunity clause in Section 202 of Executive Order 11246, as amended,

7.12.2 Utilization of Small and Disadvantaged Business Concerns (Public Law 95-507), and

7.12.3 all other federal, state and local laws and regulations or orders issued under such laws.

7.13 **Entire Agreement.** These terms and conditions, including the Proposal and any schedules, attachments, written changes executed pursuant to these terms and conditions, and referenced documents, is the entire agreement between Client and the TurnKey. Any prior or contemporaneous agreements, promises, negotiations or representations not expressly stated herein are of no force and effect. Any changes to these terms and conditions shall be in writing and signed by Client and TurnKey.

7.14 **Waivers and Severability.** A waiver or breach of any term, condition, or covenant by a party shall not constitute a waiver or breach of any other term, condition or covenant. If any court of competent jurisdiction declares a provision of these terms and conditions invalid, illegal, or otherwise unenforceable, the remaining provisions shall remain in full force and effect.

7.15 **Effective Date.** Unless stated otherwise herein, this Assignment is effective on the date of execution of the Proposal by Client.

Article 8 -- SPECIAL PROVISIONS

8.1 This Assignment is subject to the following special provisions:

8.1.1 **Deliverables.** TurnKey may provide Client with a written report ("Report") as part of the Service Instruments generated in connection with the Assignment. The Report may present such findings and conclusions of environmental regulatory compliance status of Client's operations as TurnKey may reasonably draw on the basis of information gathered in accordance with this Assignment. The Report will be based solely upon TurnKey's findings made in the performing the Basic Services and any authorized Additional Services.

TurnKey may review and interpret information provided by third parties, including government authorities and testing laboratories. TurnKey will not independently evaluate or verify the accuracy or completeness of such information unless a patent error or inconsistency dictates the need for such verification, and may rely on such information as accurate.

8.1.2 **Limitations on Site Assessment Services.** This assignment is subject to the additional limitations identified on Schedule A, attached hereto and made part hereof.

**TurnKey & Benchmark
2022 Standard Fixed Hourly Billing Rates**

We propose to invoice in accordance with the following provisions:

- A. Hourly Rates.** For services rendered during calendar year 2022, subject to adjustment after January 1, 2023:

<u>Classification</u>	<u>Hourly Billing Rate</u>
Principal	\$190
Sr. Project Manager	\$172
Project Manager	\$153
Sr. Project Eng./Scientist/Specialist	\$135
Project Engineer/Scientist/Specialist	\$109
Engineer/Scientist, Sr. Operator	\$ 95
Sr. Technician, Operator	\$ 82
Technician	\$ 66

Overtime: 20% overtime premium is charged only for hourly workers outside normal working hours.

- B. Other Direct Expenses.** Direct project-related expenses may include but are not limited to shipping and handling; commercial printing; expendable supplies; equipment rental; travel; special insurance; licenses; and permits. Subcontracted services and direct expenses will be invoiced at cost plus 15%.

In-house services and unit charges are as follows:

- CADD \$6/Hour surcharge for direct CADD usage
- Transportation \$0.585/mile for autos (per latest IRS guideline)
\$0.685/mile for 4x4 vehicles
- Postage At cost
- Equipment Use Per standard schedule of usage rates for in-house equipment.

- C. Terms of Payment.** Invoices will be submitted for each month during which services were performed and will include the following information:

- a. Description of services rendered.
- b. For labor costs: employee names, labor classifications, number of hours worked, direct hourly labor rates.
- c. For direct expenses: description of the item, vendor name, vendor invoice no. (if available), invoice amount, and handling costs, if any.
- d. Carrying charges at 1.5% per month for payments outstanding over 30 days.
- e. Applicable sales or value-added taxes.

- D. Payment Due Date.** All invoices are due and payable within 30 days of the invoice date.

TABLE 1
Petroleum Remediation Cost Estimate
18 Evan Street
Batavia, New York

Item	Quantity	Units	Unit Cost	Total
TASK 1 - Project Management/Coordination & Correspondance with NYSDEC, Landfill Disposal Approval				
<i>Professional Services</i>	1	EST	\$ 3,500.00	\$ 3,500
				\$ 3,500
TASK 2 - Excavation, Transportation, Disposal of Petroleum Impacted Soil & Backfill				
<i>Professional Services</i> ¹				
Excavation Field Oversight (assumes 3 field day)	30	HR	\$ 95	\$ 2,850
Equipment & Expenses	2	DAY	\$ 300	\$ 600
<i>Earthwork Services</i>				
Mobilization/Demobilization/Fuel Excavator	1	LS	\$ 1,000	\$ 1,000
Excavator (PC170) & Operator	3	Day	\$ 1,600	\$ 4,800
Soil/Fill Transportation & Disposal at approved Landfill Facility ²	450	TON	\$ 50.00	\$ 22,500
Stone Backfill	450	TON	\$ 30.00	\$ 13,500
				\$ 45,250
TASK 4 - Water Management (if necessary)				
Water Management	1	EST	\$ 10,000.00	\$ 10,000
TASK 5 - Post- Excavation Confirmatory Sampling ³				
Post Excavation Verification Samples- VOCs - CP-51 list, 2 day TAT	7	EA	\$ 195	\$ 1,366
Post Excavation Verification Samples- SVOCs - CP-51 list, 2 day TAT	7	EA	\$ 306	\$ 2,141
				\$ 3,508
TASK 6 - Spill Closure Report				
<i>Spill Closure Report</i>	1	LS	\$ 3,500	\$ 3,500
TOTAL - ESTIMATED REMEDIAL COST⁴				\$ 65,758

Notes

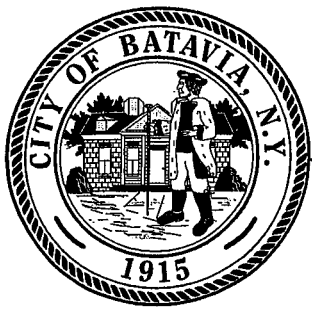
- 1) Estimated number of days; actual fee will be based on actual field days.
- 2) Tonnage is estimated based on investigation activities. Actual fee will be based on tonnage removed and disposed of at landfill.
- 3) Assumes a 2-day laboratory turn-around time.
- 4) Assumes concrete slab will be restored by others.

TABLE 1
Petroleum Remediation Cost Estimate
18 Evan Street
Batavia, New York

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City of Batavia

Memorandum

To: Rachael Tabelski, City Manager

From: Shawn Heubusch, Police Chief

Date: March 16, 2023

Subject: Surplus of police cars for disposal

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

The attached draft resolution calls for the surplus of two (2) police vehicles by the Police Department with the intent on auctioning/ selling the equipment. These vehicles are being replaced as per the Department's vehicle replacement schedule and it has been determined that there are no other City Departments that are in need of said vehicles.

I request the proceeds from the sales to be placed into the Police Equipment Reserve Fund for future equipment purchases.

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

Thank you.

Police Department
10 Main Street
Batavia, New York 14020



Phone: 585-345-6350
Fax: 585-344-1878
Records: 585-345-6303
Detective Bureau: 585-345-6370
www.batavianewyork.com

#-2023

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

Motion of Councilperson

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

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

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

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

2017 Ford Police Interceptor Utility VIN - 1FM5K8ARXHGD07105

2013 Ford Police Interceptor Utility VIN - 1FM5K8AR0DGC73203

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia
does hereby authorize the transfer of the proceeds from the sale of said equipment to the Police
Equipment Reserve Fund.

**Seconded by Councilperson
and on roll call**