



BATAVIA CITY COUNCIL CONFERENCE MEETING

City Hall - Council Board Room
One Batavia City Centre
Monday, September 28, 2020

AGENDA

- I. Call to Order
- II. Invocation – Councilmember Karas
- III. Pledge of Allegiance
- IV. Public Comments
- V. Council Response to Public Comments
- VI. Communications
 - a. Christmas In The City – Saturday, December 5, 2020
- VII. Council President Report
 - a. Announcement of the next City Council Business Meeting to be held on Tuesday, October 13, 2020 at 7:00 p.m. at the City Hall Council Board Room, 2nd Floor, City Centre
 - b. City Manager Position Update
- VIII. Audit Presentation – Freed Maxick - Laura Landers
- IX. Audit Advisory Committee Letter
- X. Stipend Resolution
- XI. Habitat for Humanity – 50 Oak Street
- XII. EnerGov Software Contract
- XIII. Introduce Ordinance Amending Municipal Code and Scheduling of Public Hearing – Public Garage I-1 Industrial District
- XIV. Amend City Centre Concourse Roof Replacement Project
- XV. Surplus of Vehicles
- XVI. NYPA LED Street Lighting Proposal
- XVII. Executive Session...Real Property and Employment Matters
- XVIII. Adjournment

BID Christmas in the City 12-5-2020 (2020-16)

Estimated costs of the event are as follows:

Police - \$480

BOM - \$1425.71

DPW - \$276.42



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

PAID
SEP - 4 2020
CITY OF BATAVIA
CLERK-TREASURER

Official Use Only:

2020-16
Event Application #.

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

Event Sponsor Batavia Business Improvement District

Type of Event Christmas in The City / Parade

Date of Event Saturday December 5, 2020

Time of Event (don't include set up time here - just actual event time) 2:00 PM - 6:45 PM

Location of Event Downtown Batavia

Details of Event (be as specific as possible!) Downtown Batavia Businesses will host sales, crafts, activities inside their locations, Parade @ 1pm from Jefferson to Liberty St. Horse & Buggy Rides, Train Rides for Kids

Contact Information:

Primary contact: _____ Secondary contact: _____

Name Beth Kemp

Phone # 585-993-7747

E-mail address director@downtownbataviany.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: DowntownBataviany.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: 12/5/20

Set up time: 12:00 PM

Tear down date: 12/5/20

Tear down time: 6:45 PM

PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:

Date: 12/5/20

Start time: 2:00 PM

End time: 6:45 PM

2:00-6:00 PM Events Parade 6:00-6:45 PM

Estimated crowd size: _____

of Vendors/Displays 10-15
Downtown Merchants

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? PA system near X-Mas Tree (between Tompkins & Bank of America)

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*

* flatbed stage placed in front of X-Mas tree #

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: Parade, Horse & Buggy, Train Rides

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

Jackson St (from Main to School St) & _____
Street to be closed Cross Streets
School St & _____
Street to be closed Cross Streets
Center St (from Main to School St) & _____
Street to be closed Cross Streets
Main Street Court / Jefferson & Liberty / Swan
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.

* Main St closed only for Parade from 6:00-6:45 PM

Jackson, School & Center streets closed during event 2:00 PM - 6:00 PM

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. Any overtime and/or material costs in excess of \$500, as determined by City Departments, must be paid by the event sponsor or other party
11. The application fee is due at time of submission of the application and is non-refundable.
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 Business Improvement District Management

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

9/2/20
Date

Batavia Business Improvement District
Name of Event Sponsor

Elizabeth M Kemp Exec. Director
Authorized Signature, Title

Elizabeth (Beth) Kemp
Name - Printed or Typed

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

9/2/20
Date

Elizabeth M Kemp
Signature of Applicant

Please forward this application to:

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

**SPECIAL EVENT APPLICATION
DEPARTMENT APPROVAL SUMMARY**

FOR OFFICIAL CITY USE ONLY

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

If recommendation is denied, please attach a brief explanation

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

Event Application #: _____

Department: _____
List Department Name Here

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

Department Cost Estimate: _____
If applicable

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

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

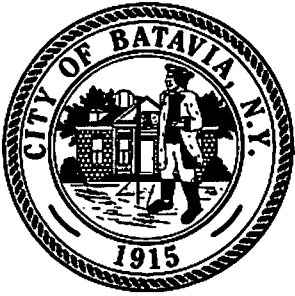
Submitted By: _____ Name / Title Date Submitted

Appendices

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

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

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



City of Batavia

August 27, 2020

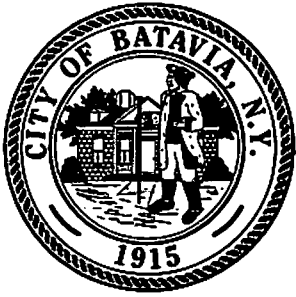
To the Honorable City Council,

The City of Batavia Audit Advisory Committee met on Tuesday, August 18, 2020, to review the City's 2019/2020 audited financial statements. Along with the five members of the committee, attendees included Interim City Manager Rachel Tabelski, City of Batavia Deputy Director of Finance Lisa Neary, and Certified Public Accountant Laura Landers, partner with Freed Maxick.

Ms. Landers kicked off the meeting by reviewing the 2019/2020 financial statements with all of us. Ms. Tabelski followed by presenting several highlights from the fiscal year ending March 31, 2020.

The Audit Advisory Committee raised a number of questions and received direct and thorough answers from Ms. Landers, Ms. Tabelski and Ms. Neary. Topics of in-depth and lively discussion included (in no specific order);

- 1) Discussion regarding funds being transferred from the cash and cash equivalents account and into certificates of deposit account. This was primarily done to earn higher interest rates that the CD accounts can earn. These CDs have varying maturity dates.
- 2) The city continues to do a very good job of paying down its debt service. It currently compares very favorably to other cities across New York state. Batavia has a debt service expenditure amount of 3.2% compared to an 8% average of 61 other cities, per the 2018 annual report from the Office of the New York State Comptroller.
- 3) An examination of the current reserve fund balances and the necessity and appropriateness of these balances. A decision was made this year to not transfer any additional money from the unassigned fund balance to a specific fund due to the projected decrease in sales tax revenue (see item 6 below).
- 4) Discussion regarding the enterprise fund and, specifically, the water and sewer funds. Both the water and sewer funds continue to operate in a profitable manner, and both fund balances continue to show a healthy position and an increase in the end-of-year fund balance amounts.
- 5) The self-insured health insurance plans that the city provides to its employees, the ways in which the city has realized savings and the proper funding of the workers compensation fund. Also discussed the possibility of the city reducing their stop loss insurance to an amount of approx. \$250,000 to protect itself in the event of a major catastrophic event or claims for employee injury.
- 6) Decrease in sales tax revenue due to the COVID-19 pandemic, as mentioned in Note 6- Subsequent Events of the audited financial statements. The City of Batavia, along with all other municipalities, should expect a decrease in sales tax revenue during the current fiscal year due to the COVID-19 pandemic. This especially applies to Batavia, which



City of Batavia

relies on sales tax revenue as a large component part of its overall revenue. The sales tax component accounts for approximately 40% of all revenue for the city on an annual basis. With the economic slowdown and temporary closure of some businesses and entities, this will significantly impact the sales tax revenue of Genesee County and, in turn, the City of Batavia. The total impact of this decreased sales tax revenue is unknown at this time but will have a negative impact on overall revenue to the city. City management has prepared a supplemental worksheet in anticipation of this sales tax decrease that was reviewed by the audit committee. The purpose of the worksheet is to adjust for, plan, and attempt to determine where cuts to spending can be made to offset the decrease in sales tax revenue.

The Audit Advisory Committee remains very satisfied with the current financial status of the City of Batavia. We applaud the leadership and members of City Council for their proactive approach and responsible budgeting, particularly when it comes to building reserve balances to address the future needs of our community and their desire to plan for and implement a 'level debt' strategy going forward. The Audit Advisory Committee asserts that the 2019/2020 financial statements for the City of Batavia appear accurate and tell a very positive story about the direction of the city. In addition, The Audit Advisory Committee also believes it is reasonable and prudent at this current time and agrees with the interim city manager's recommendations to not make any transfers from the unassigned fund balance to other assigned fund balances for any specific reserve as has been done in prior years.

Our city is in a much better financial position than it was in the past. We are also in a much stronger financial position than many other similarly sized cities, primarily due to our focus and ability to fund reserves for identified long-term projects.

We would like to thank City Council for its continued support of paneling an Audit Advisory Committee. Financial transparency and engaging the public remain critical pillars to effective governing, and we are honored to serve our city in this capacity. We would also like to thank Ms. Tabelski and her staff for providing us with all of the appropriate information, both presented and requested, and for the clear and detailed responses to our questions that arose during the meeting.

Sincerely,

Audit Advisory Committee

Marc Staley
Nicholas Harris
David Leone
Bob Bialkowski
Jeremy Karas

**Audit Advisory Committee
One Batavia City Centre
Batavia, New York 14020**

**Phone: 585-345-6330
Fax: 585-343-8182
www.batavianewyork.com**

#-2020

**A RESOLUTION TO AUTHORIZE ADDITIONAL COMPENSATION
FOR THE ASSISTANT CITY MANAGER**

Motion of Councilmember

WHEREAS, the City Manager has submitted his resignation effective June 20, 2020; and

WHEREAS, pursuant to Section 5-4 of the City Charter the Assistant City Manager, Rachael Tabelski, has served as Acting City Manager since June 20, 2020 and agreed to serve as City Manager until such time that a permanent City Manager is appointed; and

WHEREAS, The City Council of the City of Batavia wishes to compensate Rachael Tabelski for assuming the duties and additional responsibilities of City Manager with a stipend of \$1,000.00 per month in addition to her current salary; and

WHEREAS, the City Council is of the opinion that it is in the best interests of the City to compensate the Assistant City Manager and recognizes that for an interim period of time she will be taking on additional duties and responsibilities.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia authorize additional compensation for Rachael Tabelski, she shall be paid a stipend of \$1,000.00 per month in addition to her current salary effective July 20, 2020 until such time as City Council permanently fills the positions of City Manager.

**Motion of Councilmember
and on roll call**



City of Batavia

Memorandum

To: Honorable Council Members

From: Rachael J. Tabelski, MPA, Interim City Manager

Date: September 15, 2020

Subject: 50 Oak St. Foreclosure – Habitat for Humanity

After reviewing the foreclosures list in the City of Batavia Habitat for Humanity has identified 50 Oak St. as a property they wish to take ownership and rehabilitate.

In partnership with the City of Batavia and the Batavia Housing Authority, through the City's Residential Redevelopment Land-Use Plan adopted in 2010, Habitat for Humanity has rehabilitated numerous foreclosed properties in the City of Batavia. Habitat relies on houses gifted from private sources, and foreclosed properties from the City. Habitat recently completed a new build house in the 100-year flood plain, fully flood plain compliant, at 141 Liberty Street. The City sold Habitat the land for this new build in 2014.

50 Oak is a one family residential home with a current assessed value of \$62,000 (\$42,300 for the home and \$12,700 for the land). The home was built in 1924. The parcel location is on a main thoroughfare, identified in the Comprehensive Plan as a target area for improvement. The renovated homes and new families add considerable benefits to the street and neighborhoods they are located on, and greatly contribute to the City's neighborhood revitalization efforts.

Habitat plans to invest between \$58,000 to \$62,000 to renovate the house.

Consistent with the City's Strategic Plan and Neighborhood Revitalization efforts it is recommended that the City move forward with discontinuing public use and authorize the Council President to execute a quitclaim deed transferring 50 Oak Street to Habitat for Humanity in accordance with the Residential Land-Use Redevelopment Plan. If approved, it is expected that the property could be rehabilitated within 18 months after property transfer.



We build strength, stability, self-reliance and shelter.

Rachael J. Tabela
Assistant City Manager
One Batavia City Centre
Batavia, NY 14020

Dear Rachel,

It is my pleasure to share with you a current review of Habitat properties.

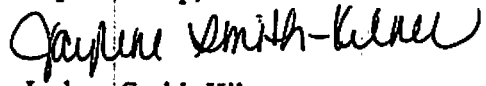
6 Manhattan Avenue was received from U.S. Bank National Association from contacting the City of Batavia. A prepossession contract was signed with the family recently, August 1, 2020 due to funding delays at the Affordable Housing Corporation. Closing is pending AHC grant approval, anticipated fall 2020.

45 Clifton Avenue received the Certificate of Occupancy this past week, July 27, 2020 and this home is the first to be built in a flood zone per FEMA regulations. A mother & her three children are the homeowner. We are in the phases of moving towards a closing with the end of the year as a target date.

116 S. Swan St. was the tenth and latest home acquired from the City of Batavia. This property received a grant (#14-2018) from the City of Batavia to cover the engineering and architecture design costs. Ron Panek, Code Enforcement Officer is in the process of issuing the building permit. The grant states Habitat is entitled to the \$8,700 when a building permit is issued by the City for the project and the remaining \$8,700 is to be distributed when the structure is built and a Certificate of Occupancy is issued by the City of Batavia. Excavation is commencing this week and marks our 25th home in Genesee County.

Regarding 50 Oak Street, if acquired from the City of Batavia, Habitat for Humanity of Genesee County would intend to complete rehabilitation of this home. This would mark the completion of the eleventh home acquired by Habitat from the City of Batavia. We are proud and grateful of the years of collaboration with the City of Batavia. Our mission is to work hand in hand with the City to provide home ownership to deserving families and impacting housing within the City of Batavia.

In partnership,

A handwritten signature in black ink that reads "Jaylene Smith-Kilner". The signature is written in a cursive style with a prominent loop at the end of the last name.

Jaylene Smith-Kilner
Executive Director

#-2020

**A RESOLUTION TO DISCONTINUE THE PUBLIC USE AND TO AUTHORIZE
THE COUNCIL PRESIDENT TO SIGN A PURCHASE AND SALE CONTRACT
FOR 50 OAK STREET WITH BATAVIA HOUSING AUTHORITY**

Motion of Councilmember

WHEREAS, the City foreclosed on 50 Oak Street (SBL # 84.032-1-8) for non-payment of property taxes; and

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

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

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

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia, that it discontinues the public use of said property and authorizes the City Council President to sign a Purchase and Sale Contract for each property, as well as, all necessary and appropriate closing documents, to convey 50 Oak Street to the Batavia Housing Authority, subject to the Batavia Housing Authority's execution of the Purchase and Sale Contract that is satisfactory to the City Attorney's Office.

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

**Seconded by Councilmember
and on roll call**



City of Batavia

Memorandum

To: Honorable Members of the Batavia City Council

From: Rachael J. Tabelski, MPA, Interim City Manager

Date: September 21, 2020

Subject: EnerGov Software Contract

In 2018 the City Council passed a resolution formalizing the Enterprise Resource Planning (ERP) software project as a capital project and authorized a general obligation bond to finance the purchase, not to exceed \$800,000. The project financing was issued under a Bond Anticipation Note (BAN) with the anticipation of permanently bonding, which is likely to occur this fall.

In August of 2019 the City of Batavia council formally approved moving forward with the purchase and implementation of the ERP software after a comprehensive RFP process. The City contracted with Tyler Technologies to build, develop and implement the New World software package and other add on software including EnerGov.

EnerGov is a planning, permitting and licensing software that will be used primarily by the Department of Public Works Bureau of Inspection. EnerGov platform uses GIS to automate and connect critical processes, streamline workflow, improve communication, and increase productivity from desk to the field.

Energov planning is underway and we will be looking to officially kickoff the project activities in the late fall of 2020.

I am recommending that City Council approve the Tyler Technologies software agreement for EnerGov at a price not to exceed \$240,000. The annual cost for the software will be budgeted for separately on an annual basis.

#-2020

A RESOLUTION ENTERING INTO AN AGREEMENT FOR APPLICATION SOFTWARE AND SUPPORT SERVICES WITH TYLER TECHNOLOGIES FOR ENERGOV SOFTWARE

Motion of Councilmember

WHEREAS, the City of Batavia City Council has previously approved the purchase and installation of computer software to implement an integrated enterprise resource planning (ERP) system to utilize best practices, automated workflow, project management tools and other suitable applications; and

WHEREAS, the City completed a procurement process in conjunction with its consultants to purchase the software that would best fit the City's needs; and

WHEREAS, The City anticipated that EnerGov, a planning, permitting and licensing software will be used primarily by the Department of Public Works Bureau of Inspection to automate and connect critical processes, streamline workflow, improve communication, and increase productivity from desk to the field.

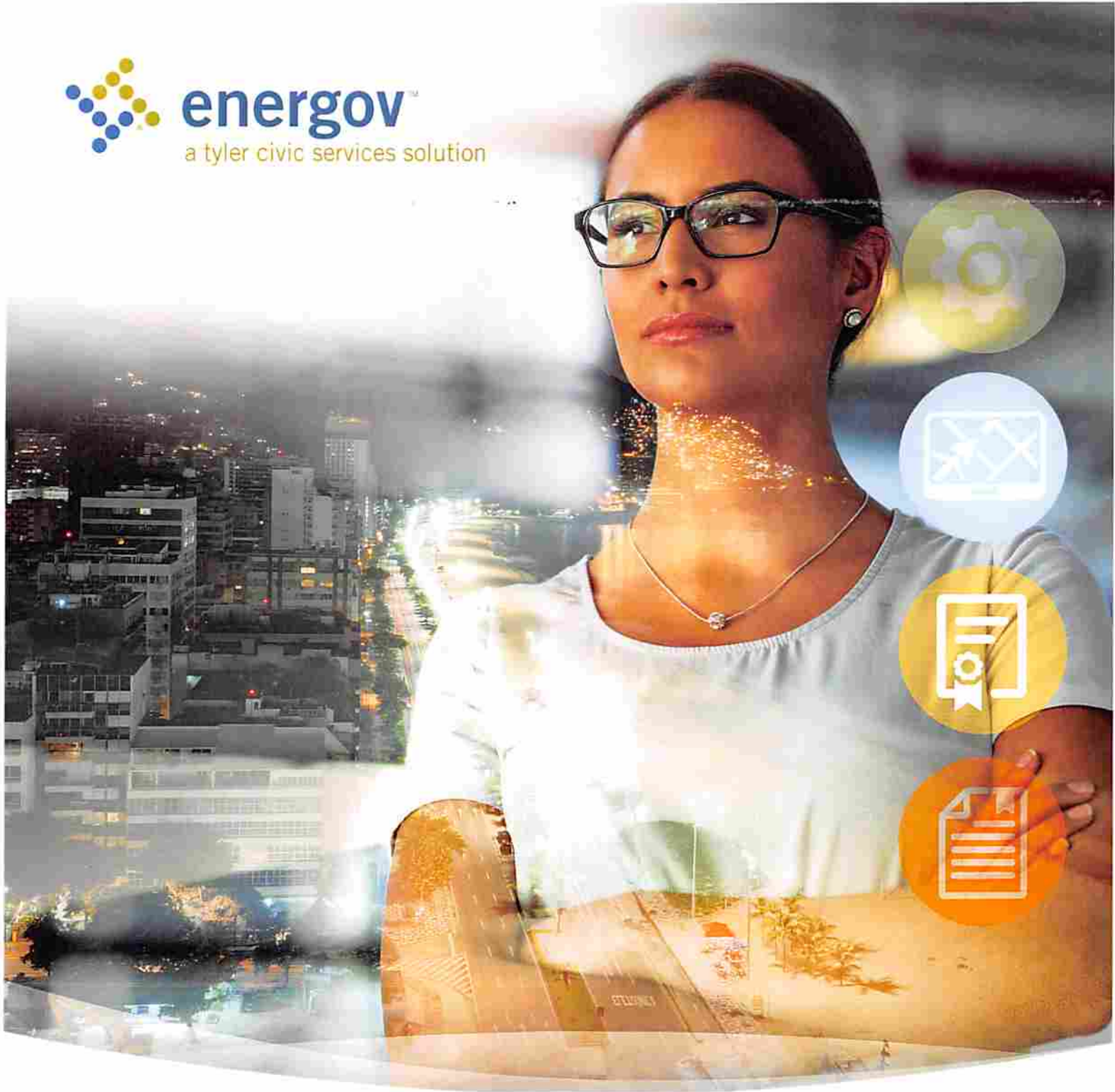
WHEREAS, City has committed the necessary funds for the purchase, installation, interface and implementation of the EnerGov software system; and

WHEREAS, The City will purchase the EnerGov software at an amount not to exceed \$240,000, as part of the ERP Capital Project; and

WHEREAS, the ongoing maintenance and support for the software will be budgeted for annually.

THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia, approves the purchase of planning and permitting software from Tyler Technologies and authorizes the Council President to sign the Agreement for Application Software and Support Services.

**Seconded by councilmember
And on roll call**



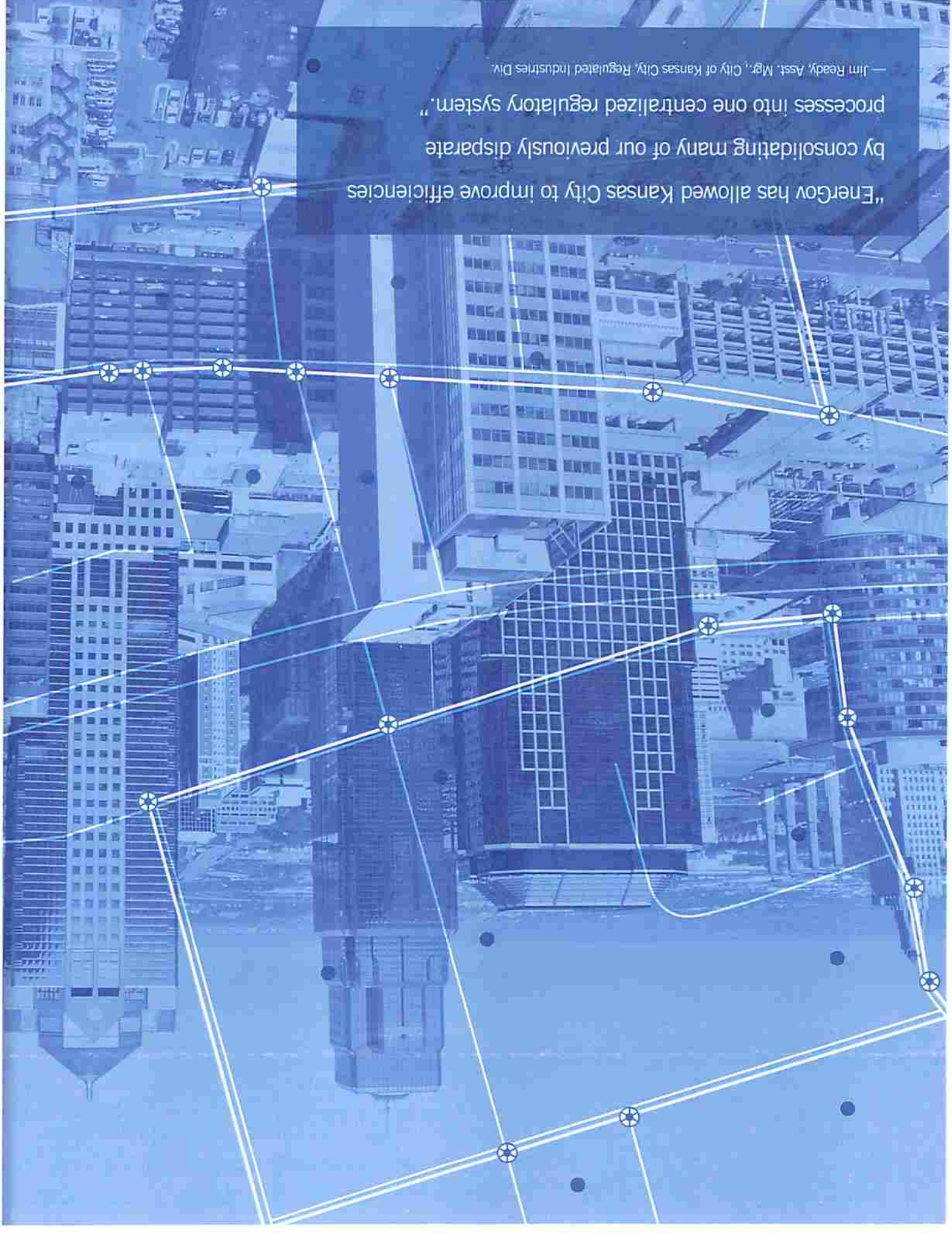
Managing Permitting, Licensing, and Asset Management in a New Dimension

Empowering people who serve the public™



"EnerGov has allowed Kansas City to improve efficiencies by consolidating many of our previously disparate processes into one centralized regulatory system."

— Jim Ready, Asst. Mgr., City of Kansas City, Regulated Industries Div.



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means providing solutions that allow you to be more engaging and citizen-centric. When you use technology that enables you to work with citizens efficiently and effectively, your agency and community thrive.

Tyler's EnerGov™ solution

From enabling new businesses to safely build, open their doors, and stay in compliance to efficiently and powerfully managing the development and permitting of new housing and community infrastructure – EnerGov is the leading choice for smart government operations.

Our mobile solutions extend automation to the field, allowing your employees to perform their jobs more proficiently and successfully, while convenient web access provides online services to citizens anytime, anywhere.



Mapping. Mobility. Accuracy.

GIS-Centric Mapping

GIS-based technology offers a new dimension in planning, permitting, and licensing through the industry-leading geographic information system (GIS) platform from Esri®.

Mobility

EnerGov's groundbreaking mobile app suite affords you the flexibility and precision needed while on the go. On-site inspections, environmental and safety issue assessment, full code compliance case management, and the plan review process will never be easier than when you deploy iG Inspect™ or iG Enforce™.

Accuracy

When budgets are tight and human resources are at a premium, EnerGov helps unify the multiple layers of information required to sustain permitting, licensing, regulatory processes, and communication among constituents. Having one central database allows for efficient data entry, inter-agency involvement, and precision in reporting.

Technology Solutions for Every Agency

Community Health

streamlines the mission-critical processes in environmental health, agriculture, and hazmat/waste regulatory departments.

Community Development

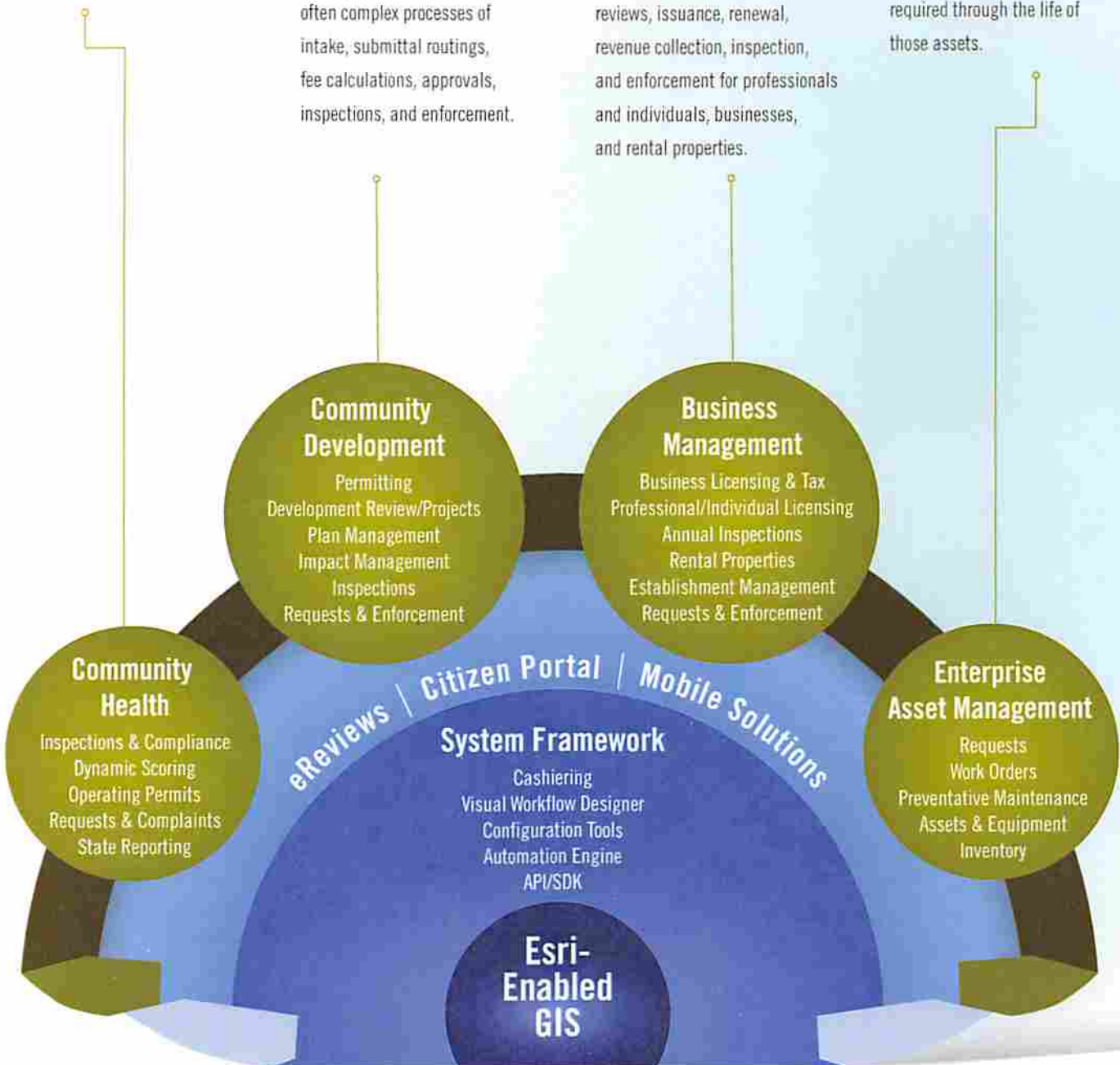
facilitates governmental operations in managing land use and all types of regulatory permitting, including the often complex processes of intake, submittal routings, fee calculations, approvals, inspections, and enforcement.

Business Management

provides a full spectrum of governmental regulation management through automation of licensing application requests, reviews, issuance, renewal, revenue collection, inspection, and enforcement for professionals and individuals; businesses, and rental properties.

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offers a complete view of your assets, from procurement to retirement and all maintenance required through the life of those assets.



Join the revolution in mobile government!

EnerGov Mobile App Suite

EnerGov's mobile app suite redefines high touch by moving your desk to your tablet. This groundbreaking solution offers a comprehensive mobile workforce platform and empowers government workers to manage cases, code enforcement, and inspections in the field.

EnerGov's mobile app suite offers flexible operational capabilities to meet any agency's unique requirements with the capacity to run in disconnected mode when wireless connections are unavailable. It gives you the freedom to choose your location without the threat of losing mission-critical data.



iG Inspect™



iG Enforce™



iG Inspect

Public Access and Response

Citizen Self Service

EnerGov's Citizen Self Service web portal is a fully integrated component of the EnerGov application and extends its flexibility and functionality across the web to citizens and customers 24/7. With advanced, user-friendly features, you define and design the specific information and processes that will be available to citizens on the web, and users enjoy easily navigable, streamlined permitting and application services.

- Feature-rich integrated Esri ArcGIS map
- Application submission, status checking, and payment processing
- Request inspections, report violations, and participate in plan review

eReviews

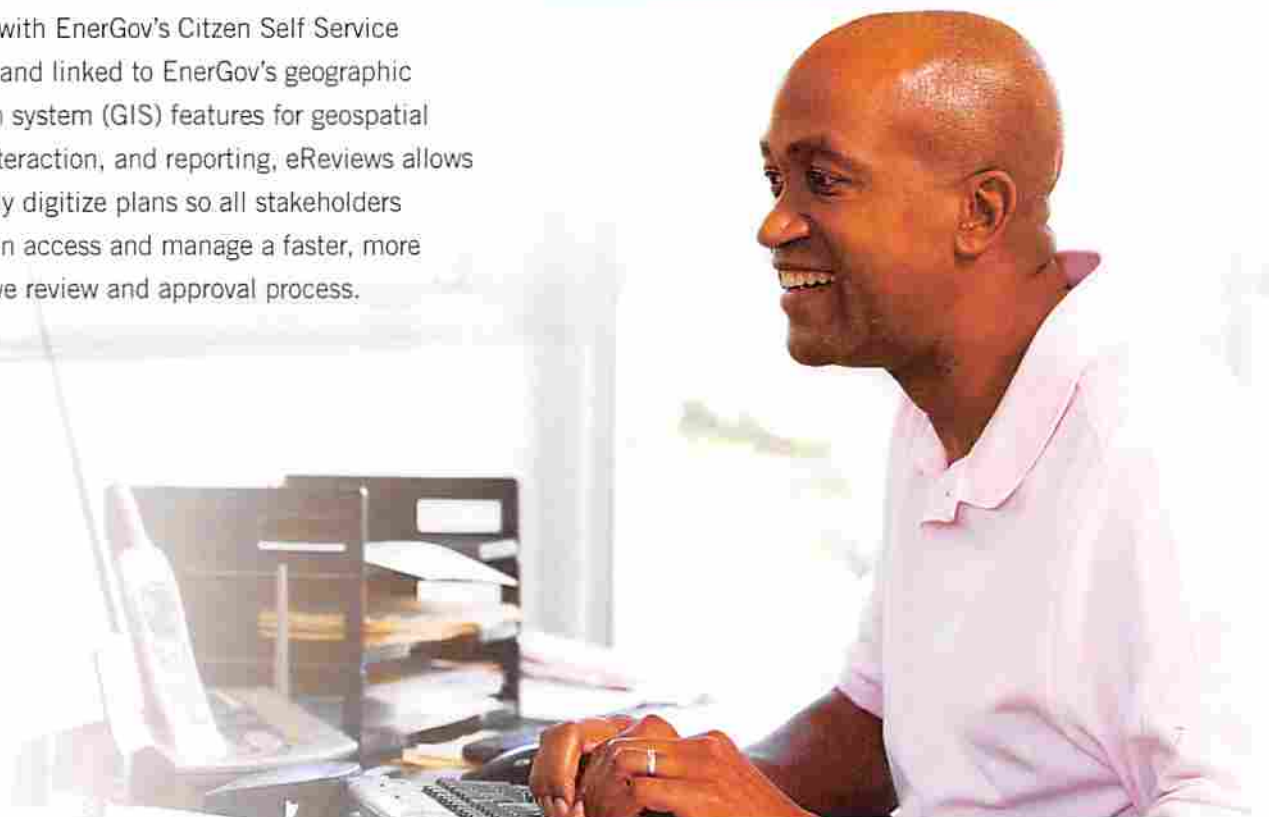
Your agency's plan review and submittal process can now be administered within a paperless, browser-based environment with EnerGov eReviews. Integrated with EnerGov's Citizen Self Service web portal and linked to EnerGov's geographic information system (GIS) features for geospatial viewing, interaction, and reporting, eReviews allows you to easily digitize plans so all stakeholders involved can access and manage a faster, more collaborative review and approval process.

Open Data

EnerGov's full suite of REST APIs allows your government organization to extend your EnerGov investment by offering you more connectivity, flexibility, and transparent communication with constituents than ever before. Using EnerGov's APIs, your IT staff can create specialized applications for the web, mobile devices, the GIS environment, and other external or community-based uses that display a personalized combination of open source data most pertinent to those you serve.

Social Media

Get and stay connected to your community. Using social media channels like Facebook and Twitter and automated communication as the conduit, you have the ability to achieve your desired level of transparency with citizens when it comes to community development initiatives, status updates, and much more.



Software that thinks like you do.

Tyler Technologies (NYSE: TYL) is a leading provider of end-to-end information management solutions and services for local governments. Tyler partners with clients to empower the public sector -- cities, counties, schools, and other government entities -- to become more efficient, more accessible, and more responsive to the needs of their constituents. Tyler's client base includes more than 15,000 local government offices in all 50 states, Canada, the Caribbean, Australia, and other international locations.

info@tylertech.com | 1.888.355.1093 | www.tylertech.com



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AMENDMENT

This amendment ("Amendment") is effective as of the date of signature of the last party to sign as indicated below ("Amendment Effective Date"), by and between Tyler Technologies, Inc. with offices at One Tyler Drive, Yarmouth, Maine 04096 ("Tyler") and the City of Batavia, with offices at One Batavia City Centre, Batavia, New York 14020 ("Client").

WHEREAS, Tyler and Client are parties to an agreement dated August 12, 2019 ("Agreement"); and

WHEREAS, Tyler and Client desire to amend the terms of the Agreement as provided herein.

NOW THEREFORE, in consideration of the mutual promises hereinafter contained, Tyler and Client agree as follows:

1. The items set forth in the sales quotation attached as Exhibit 1 to this Amendment are hereby added to the Agreement as of the Amendment Effective Date. Payment of fees and costs for such items shall conform to the following terms:
 - a. License Fees. License fees will be invoiced when Tyler makes the software added to the Agreement pursuant to this Amendment available for download (for the purpose of this Amendment, the "Available Download Date").
 - b. Maintenance Fees. Year 1 annual maintenance and support fees, prorated for a time period commencing on the Available Download Date and ending at the same time as the end of the then-current annual maintenance term for the Tyler Software already licensed under the Agreement, are due on the Available Download Date. Subsequent annual maintenance fees will be invoiced in accord with the Agreement.
 - c. Implementation Services Fees & Expenses. Services added to the Agreement pursuant to this Amendment, along with applicable expenses, shall be invoiced as provided and/or incurred.
 - d. Conversion Fees. Fixed-fee conversions are invoiced 50% upon initial delivery of the converted data, by conversion option, and 50% upon Client acceptance to load the converted data into Live/Production environment, by conversion option. Where conversions are quoted as estimated, we will bill you the actual services delivered on a time and materials basis.
 - e. Other Fixed Price Services. Except as otherwise provided, other fixed price services are invoiced as delivered, at the rates set forth in the Investment Summary. For the avoidance of doubt, where "EnerGov Project Manager Services" are provided, payment will be due upon delivery of the Implementation Planning document.
2. "Defined Named Users" means the number of named users that are authorized to use the EnerGov labeled modules. The Defined Named Users for this Amendment are as identified in the Investment Summary.



3. This Amendment shall be governed by and construed in accordance with the terms and conditions of the Agreement.
4. Except as expressly indicated in this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.

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

Tyler Technologies, Inc.

City of Batavia

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____



Exhibit 1 Investment Summary

The following Investment Summary details the software and services to be delivered by us to you under the Agreement. This Investment Summary is effective as of the Amendment Effective Date. Capitalized terms not otherwise defined will have the meaning assigned to such terms in the Agreement.

In the event a comment in the following sales quotation conflicts with a provision of this Amendment, the provision in this Amendment shall control.

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Quoted By: Christopher Vargo
 Quote Expiration: 9/30/2020
 Quote Name: City of Batavia, NY - EnerGov
 Quote Number: 2020-111165
 Quote Description: City of Batavia, NY - EnerGov

Sales Quotation For

City of Batavia
 1 Batavia City Ctr
 Batavia , NY 14020-2050
 Phone: +1 (585) 345-6330

Tyler Software and Related Services

Description	License	Impl Hours	Impl Cost	Module Total	Maintenance
EnerGov					
EnerGov e-Reviews	\$18,000	40	\$5,000	\$23,000	\$3,600
EnerGov Advanced Server Extensions Bundle	\$9,600	24	\$3,000	\$12,600	\$1,920
Tyler					
Inventory	\$3,500	0	\$0	\$3,500	\$630
EnerGov Community Development Suite (25)	\$37,500	200	\$25,000	\$62,500	\$7,500
EnerGov Citizen Self Service - Community Development	\$5,000	24	\$3,000	\$8,000	\$1,000
Tyler GIS (Per User) (45)	\$22,500	8	\$1,000	\$23,500	\$4,500
EnerGov IG Workforce Aps (10)	\$5,000	16	\$2,000	\$7,000	\$1,000
Tyler 311/Incident Management	\$8,000	48	\$6,000	\$14,000	\$1,600
EAM - Asset Maintenance (20)	\$30,000	200	\$25,000	\$55,000	\$6,000
<i>Sub-Total:</i>	<i>\$139,100</i>		<i>\$70,000</i>	<i>\$209,100</i>	<i>\$27,750</i>
TOTAL:	\$139,100	560	\$70,000	\$209,100	\$27,750

Other Services

Description	Quantity	Unit Price	Extended Price	Maintenance
EnerGov Project Manager Services	1	\$5,000	\$5,000	\$0
EnerGov Community Development Conversion	1	\$14,500	\$14,500	\$0
EnerGov Community Development Forms Library	1	\$3,825	\$3,825	\$0
Inventory Implementation Hours and Cost	24	\$160	\$3,840	\$0
TOTAL:			\$27,165	\$0

Summary

	One Time Fees	Recurring Fees
Total Tyler Software	\$139,100	\$27,750
Total Tyler Services	\$97,165	\$0
Total Third Party Hardware, Software and Services	\$0	\$0
Summary Total	\$236,265	\$27,750
Contract Total (Excluding Estimated Travel)	\$264,015	
Estimated Travel Expenses	\$40,000	

Optional Tyler Software and Related Services

Description	License	Impl Hours	Impl Cost	Module Total	Maintenance
Tyler					
Tyler Asset Performance (20)	\$12,000	80	\$10,000	\$22,000	\$2,160
Tyler Requestor Access License - Site License	\$1,500	0	\$0	\$1,500	\$300
<i>Sub Total:</i>	\$13,500		\$10,000	\$23,500	\$2,460
TOTAL:	\$13,500	80	\$10,000	\$23,500	\$2,460

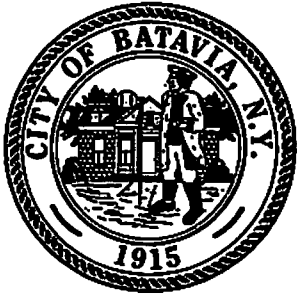
Comments

Client agrees that items in this sales quotation are, upon Client's signature or approval of same, hereby added to the existing agreement ("Agreement") between the parties and subject to its terms. Additionally, payment for said items, as applicable but subject to any listed assumptions herein, shall conform to the following terms:

- License fees for Tyler and third party software are invoiced upon the earlier of (i) deliver of the license key or (ii) when Tyler makes such software available for download by the Client;
 - Fees for hardware are invoiced upon delivery;
 - Fees for year one of hardware maintenance are invoiced upon delivery of the hardware;
 - Annual Maintenance and Support fees, SaaS fees, Hosting fees, and Subscription fees are first payable when Tyler makes the software available for download by the Client (for Maintenance) or on the first day of the month following the date this quotation was signed (for SaaS, Hosting, and Subscription), and any such fees are prorated to align with the applicable term under the Agreement, with renewals invoiced annually thereafter in accord with the Agreement.
 - Fees for services included in this sales quotation shall be invoiced as indicated below.
 - Implementation and other professional services fees shall be invoiced as delivered.
 - Fixed-fee Business Process Consulting services shall be invoiced 50% upon delivery of the Best Practice Recommendations, by module, and 50% upon delivery of custom desktop procedures, by module.
 - Fixed-fee conversions are invoiced 50% upon initial delivery of the converted data, by conversion option, and 50% upon Client acceptance to load the converted data into Live/Production environment, by conversion option. Where conversions are quoted as estimated, Tyler will invoice Client the actual services delivered on a time and materials basis.
 - Except as otherwise provided, other fixed price services are invoiced upon complete delivery of the service. For the avoidance of doubt, where "Project Planning Services" are provided, payment shall be invoiced upon delivery of the Implementation Planning document. Dedicated Project Management services, if any, will be invoiced monthly in arrears, beginning on the first day of the month immediately following initiation of project planning.
 - If Client has purchased any change management services, those services will be invoiced in accordance with the Agreement.
 - Expenses associated with onsite services are invoiced as incurred.
- The costs provided in this proposal are based on all of the proposed products and services being obtained from Tyler Technologies. Should significant portions of the products or services be deleted, Tyler reserves the right to adjust its prices accordingly.
- Tyler supports SQL Server Reporting Services (SSRS) for server-based report generation and ad hoc reporting. SSRS utilizes a web services interface to support the development of custom reporting applications. SSRS is included in the Express, Workgroup, Standard, and Enterprise editions of Microsoft SQL Server. Customers may elect to use other third-party report generation tools including Crystal Reports however Tyler does not provide support for these tools and cannot guarantee compatibility.
- Tyler's quote contains estimates of the amount of services needed, based on our preliminary understanding of the size and scope of your project. The actual amount of services depends on such factors as your level of involvement in the project and the speed of knowledge transfer.
- Tyler's prices do not include applicable local, city or federal sales, use excise, personal property or other similar taxes or duties, which you are responsible for determining and remitting.

Comments

- In the event Client cancels services less than two (2) weeks in advance, Client is liable to Tyler for (i) all non-refundable expenses incurred by Tyler on Client's behalf; and (ii) daily fees associated with the cancelled services if Tyler is unable to re-assign its personnel.
- With our 2018.1 Release Tyler requires the use of Tyler Identity and at least a 2048 bit RSA SSL Security Certificate for all New World ERP applications if hosted by the Client. This certificate is required to encrypt sensitive information as it travels across the network. There are various vendors who sell SSL Certificates, with all ranges of prices.
- Tyler's cost is based on all of the proposed products and services being obtained from Tyler. Should significant portions of the products or services be deleted, Tyler reserves the right to adjust prices accordingly.
- Unless otherwise noted, prices submitted in the quote do not include travel expenses incurred in accordance with Tyler's then-current Business Travel Policy.
- Conversion prices are based on a single occurrence of the database. If additional databases need to be converted, these will need to be quoted.
 - • Community Development Forms Library Includes: 1 Permits - Building, 1 Permits - Trade, 1 Planning - Certificate, 1 Permits - Occupancy/Completion, 1 Code – Violation Notice.
 - Flat-rate Project Management includes project plan creation, kickoff meeting, status calls, task monitoring, verification and transition to support.
 - Implementation hours are scheduled and delivered in four (4) or eight (8) hour increments.
 - EnerGov Community Development: Tyler leads and owns the "Assess and Define" and "Configuration" of 2 unique business transactions, 2 template business transactions, 1 geo-rule and 1 standard automation events. Configuration elements beyond this will be owned by the client.
- EnerGov's e-Reviews requires Bluebeam Studio Prime, at an estimated yearly subscription cost of \$3,000/100 users. Further pricing detail is available by contacting Bluebeam at <https://www.bluebeam.com/solutions/studio-prime>.
- The software, services, and hardware, as applicable, that are itemized above, are hereby added to your existing Agreement with us. The software and hardware fees will be invoiced to you in full upon receipt of your signed quote. The service fees will be billed to you as services are delivered and the travel expenses are due as incurred. Associated maintenance and support fees will be invoiced on a pro rata basis beginning on the first day of the month following Amendment Effective Date, and thereafter in a lump sum amount together with Client's then-current maintenance and support fees for previously licensed software. The terms and conditions of your Agreement will otherwise control.



City of Batavia

Memorandum

To: Rachael Tabelski, Acting City Manager

From: Matt Worth, Director of Public Works *MW*

Date: September 14, 2020

Subject: Rezoning Local Law Introduction and Public Hearing – Public Garage Business in I-1 Zones with Special Use Permit

An action to change the City of Batavia Zoning Ordinance to add “Public Garages” as an allowed use with the issuance of a Special Use Permit in I-1 Industrial Zoning Districts is before Council for consideration. This process included a review by both the City and County Planning Boards as requested by City Council.

The review of the planning boards included the recommendation to add “Public Garages”, with the issuance of a special use permit, to I-1 Industrial zoning districts. The Zoning Ordinance submission before Council and attached for the public to review as part of the Public Hearing reflects this change. All other items that are part of the original petition, and supporting documentation that was provided for the original referral to the Planning Board are still valid.

As is required by the action to introduce a Local Law to change the City of Batavia Zoning Ordinance a public hearing is to be scheduled. A public hearing is an opportunity for the public to review the proposed changes and make comments ahead of the City Council taking action.

It is recommended that a public hearing in this matter be scheduled for Monday October 26th at the City Council Conference Meeting.

Supporting Documentation:

Previous memos and actions

Genesee County Planning Board Referrals/Notice of Final Action

Draft Ordinance for Zoning Change allowing Public Garages in I-1 Industrial Zones

Draft Resolution for Local Law Introduction and Public Hearing

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

Phone: 585-345-6325
Fax: 585-343-1385
www.batavianewyork.com

#-2020

A RESOLUTION TO INTRODUCE AN ORDINANCE AMENDING CHAPTER 190 ENTITLED "ZONING" OF THE CITY OF BATAVIA MUNICIPAL CODE TO AMEND I-1 INDUSTRIAL ZONE TO INCLUDED PUBLIC GARAGE BUSINESS WITH SPECIAL USE PERMITS AND TO SCHEDULE A PUBLIC HEARING

Motion of Councilmember

WHEREAS it has been requested to allow public garage businesses in I-1 Industrial Zone of the City of Batavia Municipal Code with a special use permit; and

BE IT RESOLVED that a proposed Ordinance entitled "AN ORDINANCE AMENDING CHAPTER 190 ENTITLED "ZONING" OF THE CITY OF BATAVIA MUNICIPAL CODE TO AMEND I-1 TO INCLUDED PUBLIC GARAGE BUSINESSES BY A SPECIAL USE PERMIT IN THE CITY OF BATAVIA" is introduced before the City Council of the City of Batavia, New York; and

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

BE IT FURTHER RESOLVED that the City Council hold a public hearing on said proposed Ordinance at the City Hall, One Batavia City Centre, Batavia, New York, at 7:00 P.M. on Monday, October 26, 2020; and

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

**Seconded by Councilmember
and roll call**



City of Batavia
Department of Public Works
Bureau of Inspections

One Batavia City Center, Batavia, New York 14020 (585)-345-6345 (585)-345-1385 (fax)

To: Planning and Development Committee
From: Doug Randall, Code Enforcement Officer
Date: 5/18/20
Re: Public Garage (automotive repair shop)

City Council has been petitioned to amend the current zoning ordinance to allow the principal use of "Public Garage" for the storage, hiring, selling, greasing, washing, servicing, or repair of motor vehicles, operated for gain in the I-1 Industrial Use District.

City Council has requested the Planning and Development Committee review permitted zoning of "Public Garage" in the Batavia Municipal Code, to include application and implementation matters, as well as potential revisions, and make recommendations to City Council for consideration.

Review Procedures:

City Planning and Development Committee- Pursuant to City Charter chapter 13-3, the Planning and Development Committee shall serve in an advisory capacity to City Council and make recommendations regarding proper use of private lands as outlined in the comprehensive plan.

The PDC should consider, at a minimum;

- 1) Whether Public Garage should be an approved principal use within the I-1 Industrial District.
- 2) Which zoning use districts would be best suited for these types of uses.
- 3) What restrictions or conditions should be placed on this use.

#32-2020

**A RESOLUTION REFERRING THE REVIEW OF THE PERMITTED ZONING USE
OF PUBLIC REPAIR GARAGE IN THE BATAVIA MUNICIPAL CODE TO THE
PLANNING AND DEVELOPMENT COMMITTEE**

Motion of Councilmember

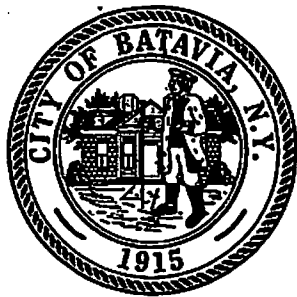
WHEREAS, the City Council is desirous of reviewing the Batavia Municipal Code, Section §190, in response to a petition from Eric V. Biscaro, owner of 653 Ellicott Street, in relation to the lack of permitted zoning use of public repair garage; and

WHEREAS, under the City Charter § 13-3 the City Planning and Development Committee shall have such powers and duties to serve in an advisory capacity and provide such advice as to assist the City Council in developing a strategy that interprets, plans and leads in the implementation of land use matters relating to public and private development within the City of Batavia; and

WHEREAS, General City Law Section 27 provides City Council with the authority to refer matters to the Planning and Development Committee requesting reviews and recommendations regarding planning and development within the City of Batavia; and

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia hereby requests that the City Planning and Development Committee is to review permitted zoning of public repair garage in the Batavia Municipal Code, to include application and implementation matters, as well as potential revisions, and make a recommendation to the City Council for consideration.

**Seconded by Councilmember
and on roll call**



City of Batavia

Memorandum

To: Martin Moore, City Manager
From: Matt Worth, Director of Public Works
Date: February 18, 2020
Subject: Petition for Zoning Ordinance Change

The City received a formal petition from Mr. Eric V. Biscaro who is the owner of 653 Ellicott Street for a change to the current Zoning Ordinance. Currently, the City of Batavia Zoning Ordinance does not allow for any public repair garages in an I-1 Industrial zone and that type of use is limited to C-2 Commercial zones with a special use permit per the Zoning Ordinance.

The petition as received requests that I-1 Industrial Zones be changed to allow for the operation of a public automotive service garage business. This item was originally considered for a use variance, however, granting a variance would not have been a successful approach due to NYS General City Law. The recommendation from the Genesee County Planning Board of Referrals was to file the petition before you to consider changing the code to allow this use. A review of the updated comprehensive plan does not appear to address this issue specifically, as it relates to either Industrial Zones, however it does suggest a change to a commercial zone for this section of the City.

It is appropriate for City Council to consider referring this matter to the City of Batavia Planning and Development Committee for review.

Supporting Documentation:
Draft Resolution
Genesee County Planning Response
Petition for Zoning Change

Office of the City Manager
One Batavia City Centre
Batavia, New York 14020

Phone: 585-345-6330
Fax: 585-343-8182
www.batavianewyork.com



GENESEE COUNTY PLANNING BOARD REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID C-03-BAT-1-20

Review Date 1/16/2020

Municipality	<u>BATAVIA, C.</u>
Board Name	<u>ZONING BOARD OF APPEALS</u>
Applicant's Name	<u>Eric Biscaro</u>
Referral Type	<u> </u>
Variance(s)	<u>Use Variance</u>
Description:	<u>Use Variance to operate a motor vehicle repair shop.</u>
Location	<u>653 Ellicott St. (NYS Rt. 63), Batavia</u>
Zoning District	<u>Industrial (I-1) District</u>

PLANNING BOARD DECISION

DISAPPROVAL

EXPLANATION:

Under the criteria set forth in NYS General City Law, this proposal does not appear to meet the thresholds for the granting of a Use Variance. The parcel was purchased by the applicant with the prohibition in place therefore the hardship appears to be self-created. Additionally, the applicant's financial data arguably shows that the property is making a reasonable return with the uses currently allowed under the zoning law. Furthermore, there is no evidence that the property and its circumstances are unique in this zoning district. By State Law, the applicant must meet all four tests in order for the Zoning Board of Appeals to grant the use variance. The applicant should instead approach City Council and ask if such a use could be added to the list of allowed uses in the I-1 district. Possible inappropriate application of use variances may pose significant impacts upon the development policies/processes of the City.

Director

January 16, 2020

Date

If the County Planning Board disapproved the proposal, or recommends modifications, the referring agency shall NOT act contrary to the recommendations except by a vote of a majority plus one of all the members and after the adoption of a resolution setting forth the reasons for such contrary action. Within 30 days after the final action the referring agency shall file a report of final action with the County Planning Board. An action taken form is provided for this purpose and may be obtained from the Genesee County Planning Department.

**PETITION TO AMEND
CITY OF BATAVIA ZONING CODE**

I, Eric V. Biscaro, am the owner of the property located at 653 Ellicott Street in the City of Batavia. The property is Tax Map Parcel Number 97.008-1-4. It consists of 3.22 acres of land improved by commercial/industrial buildings. It is presently located in an I-1 zone (Industrial District).

We wish to remodel part of an existing building to allow for a two-bay automotive service garage.

We have been advised that the City of Batavia Zoning Code does not allow an automotive service garage in an I-1 zone.

We respectfully request that the City Code be amended to include automotive service garages as a permitted use in an I-1 zoned property.

We have attached an aerial photograph of the property at 653 Ellicott Street.


Respectfully submitted,


Eric V. Biscaro

STATE OF NEW YORK

COUNTY OF GENESEE) SS.

On the 13th day of February, 2020, before me, the undersigned, a Notary Public in and for New York State, personally appeared Eric V. Biscaro, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Notary Public

THOMAS D. WILLIAMS
Notary Public, State of New York
No. 02W14839065
Qualified in Genesee County
Commission Expires: Dec 31, 2021

THE WILLIAMS LAW FIRM, LLP

(FORMERLY MURRAY & WILLIAMS)

ATTORNEYS AT LAW

2 COURT STREET PLAZA

P.O. BOX 402

BATAVIA, NEW YORK 14021-0402

TELEPHONE: (585) 343-1486

FAX: (585) 343-1487

E-MAIL: bjk@williamsllp.com

JAMES W. MURRAY (1908-1994)

GERALD O. WILLIAMS

THOMAS D. WILLIAMS

February 13, 2020

Martin D. Moore, City Manager City of Batavia
One Batavia City Centre
Batavia, NY 14020

Dear Mr. Moore:

Enclosed please find a Petition to Amend the City of Batavia Zoning Code, with attachments, on behalf of our client, Eric V. Biscaro, and respectfully request that you submit it to the Batavia City Council for their consideration.

Please let me know if you would like anything further at this time. Thank you for your assistance in this matter.

Respectfully yours,

THE WILLIAMS LAW FIRM, LLP



Thomas D. Williams

CITY OF BATAVIA

BUILDING PERMIT APPLICATION

DATE: 2-13-2020

APPLICANT NAME & PHONE: Eric Biscaro 585-356-4423

Project Location and Information

Permit #: _____ Fee: _____

Address of Project: 653 Ellicott St Batavia N.Y

Owner & Address: Eric Biscaro 4977 Ellicott St Rd Batavia

Phone: 585-356-4423

Project Type/Describe Work

Estimated cost of work: 60,000 - 90,000

Start date: after zoning

Describe project:

Re work approx 40% of existing open shed into a
2 Bay Automotive service garage

Contractor Information – Insurance certificates (liability & workers comp) required being on file

GENERAL

Name/Address: Self - Armor Building Supply

Phone: 343-5367

PLUMBING (City of Batavia Licensed Plumber Required)

Name/Address: To be determined

Phone: _____

HEATING

Name/Address: To be determined

Phone: _____

ELECTRICAL (Third Party Electrical Inspection Required)

Name/Address: To be determined

Phone: _____

FOR OFFICE USE ONLY

Zoning District: _____ Flood Zone: _____ Corner Lot: _____ Historic District/Landmark: _____

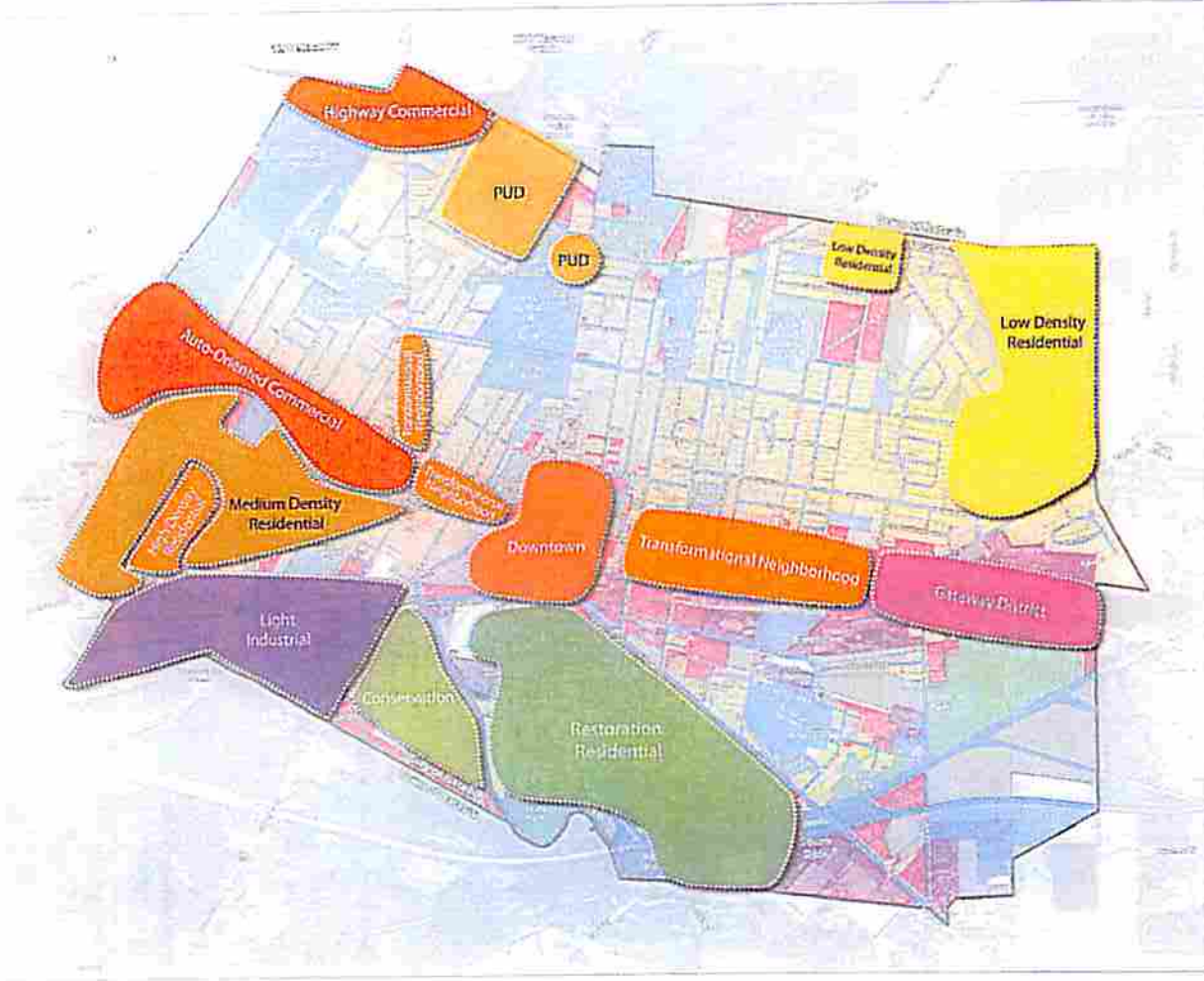
Zoning Review: _____ Variance Required: _____ Site Plan Review: _____ Other: _____

National Grid Sign Off (Pools): _____ Lot Size: _____

Existing Use: _____ NYS Building Code Occupancy Class: _____

Proposed Use: _____ NYS Building Code Occupancy Class: _____

**City of Batavia
Comprehensive Plan**
Future Land Use Plan



- Existing Land Use Legend**
- City Boundary
 - Land Use Type**
 - Agricultural
 - Commercial
 - Community Services
 - Industrial
 - Mixed Use
 - Parks, Recreation & Conservation Lands
 - Public Services
 - Residential - Low Density
 - Residential - Medium Density
 - Residential - High Density
 - Vacant Land
 - Unclassified



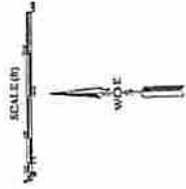
Due January 2010 Source: City of Batavia, NMAP 2013 Imagery, NRS/STG



This map is intended for illustrative purposes only and is not intended for legal or financial purposes.

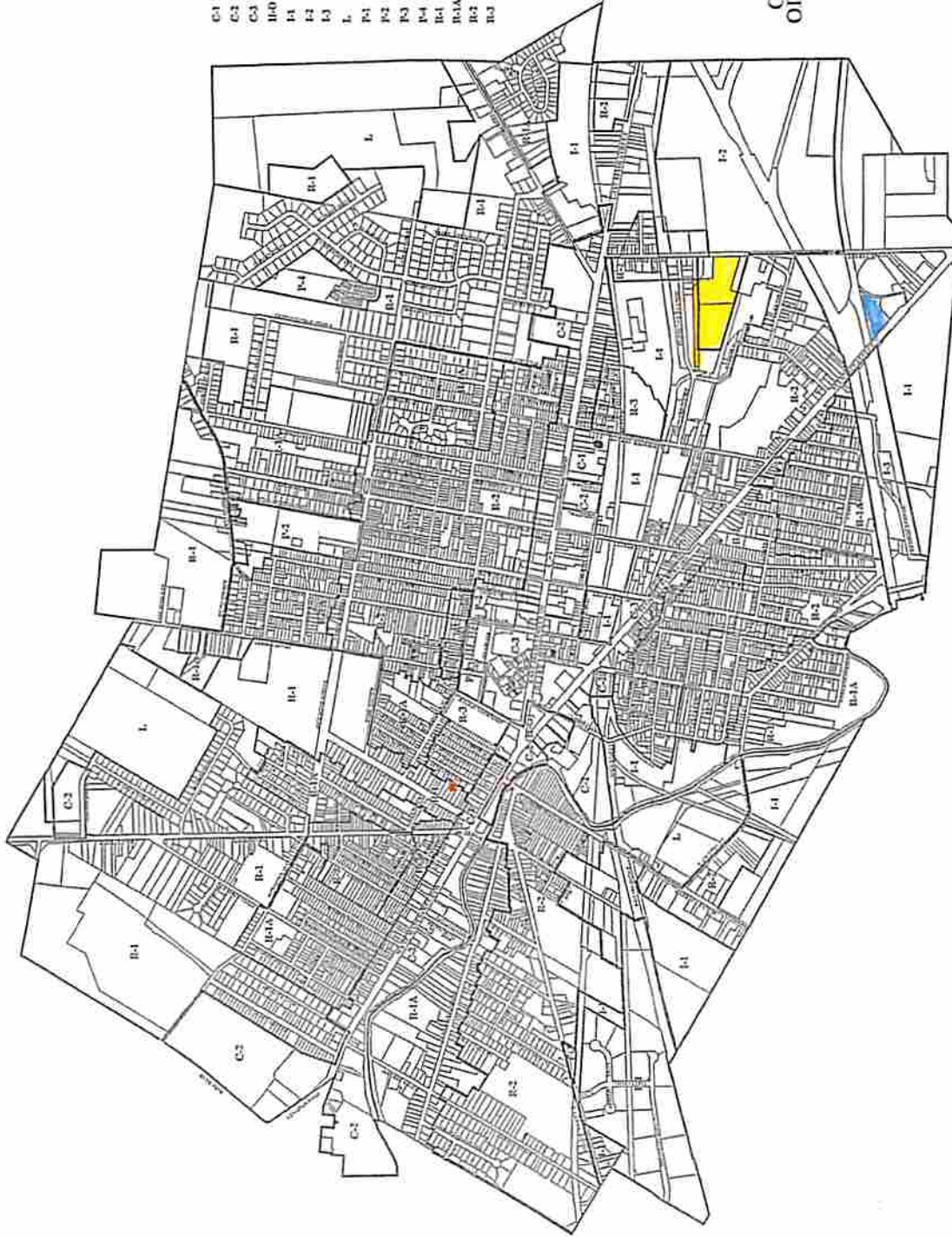


- C-1 LIMITED CO-MERCIAL DISTRICT
- C-2 GENERAL COMMERCIAL DISTRICT
- C-3 CENTRAL COMMERCIAL DISTRICT
- HO-0 HISTORIC OVERLAY DISTRICT
- I-1 INDUSTRIAL DISTRICT
- I-2 INDUSTRIAL DISTRICT
- I-3 INDUSTRIAL DISTRICT
- L LAND CONSERVATION DISTRICT
- P-1 PLANNED DEVELOPMENT-INDUSTRIAL
- P-2 PLANNED DEVELOPMENT-MEDICAL
- P-3 PLANNED DEVELOPMENT-SERV. COMMER.
- P-4 PLANNED DEVELOPMENT-RESIDENTIAL
- R-1 RESIDENTIAL DISTRICT
- R-1A RESIDENTIAL DISTRICT
- R-2 RESIDENTIAL DISTRICT
- R-3 RESIDENTIAL DISTRICT



**OFFICIAL ZONING MAP
OF THE CITY OF BATAVIA**
GENESSEE COUNTY, NY

By Order
August 15, 2006
October 11, 2005



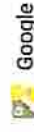
*Blue highlighted area
is 653 Ellicott St.*

Google Maps 653 Ellicott St



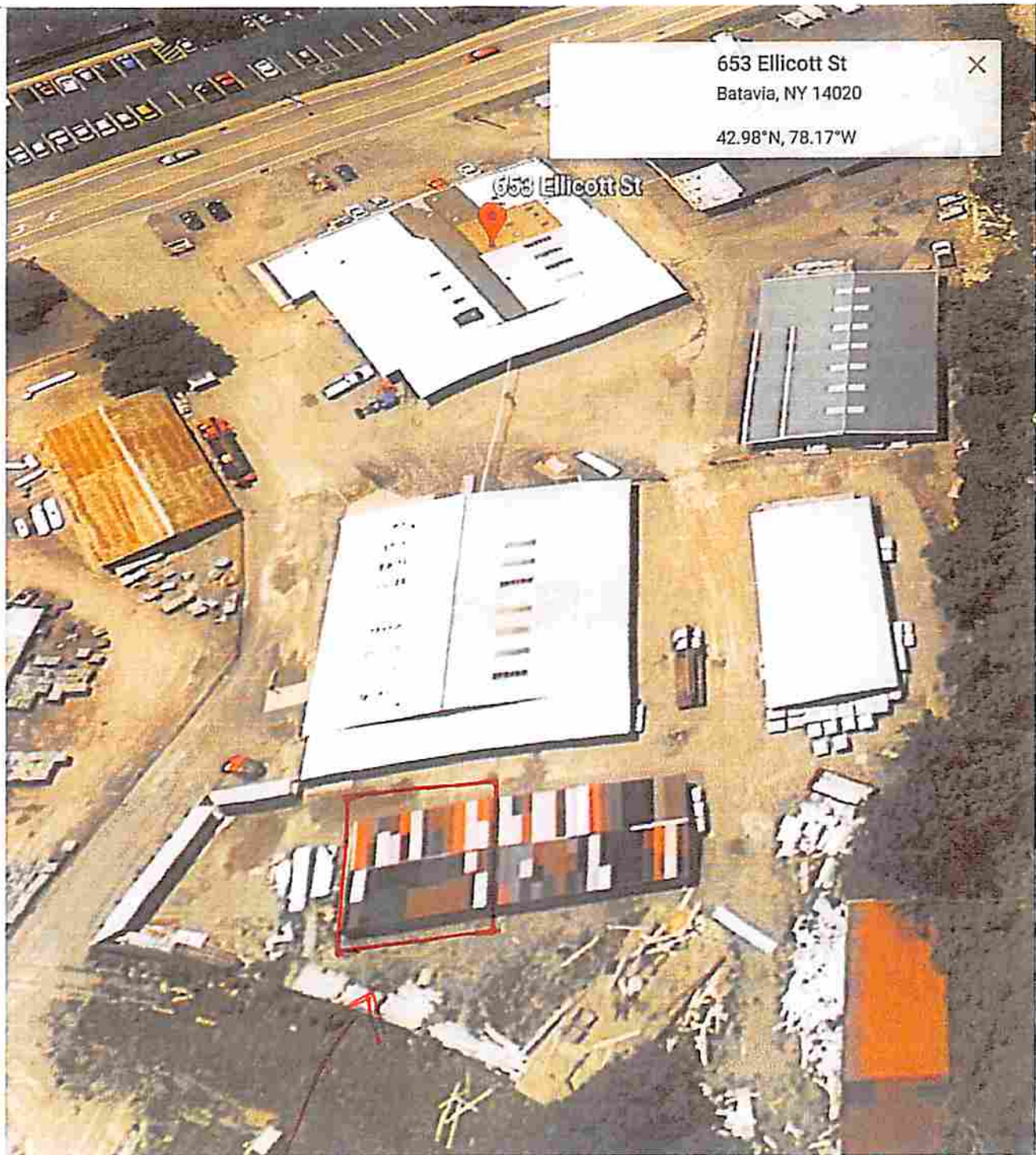
Image capture: Oct 2018 © 2020 Google

Batavia, New York

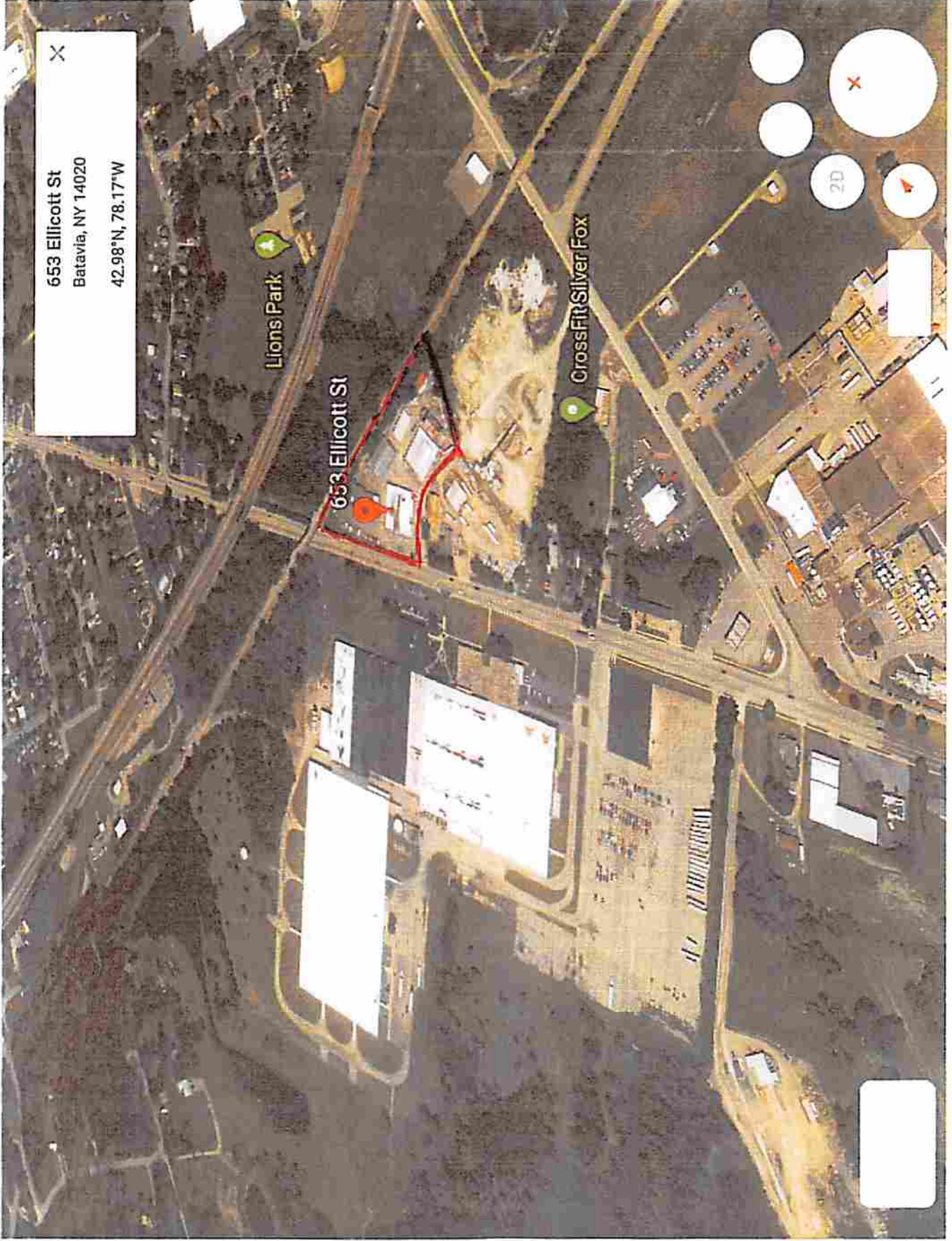


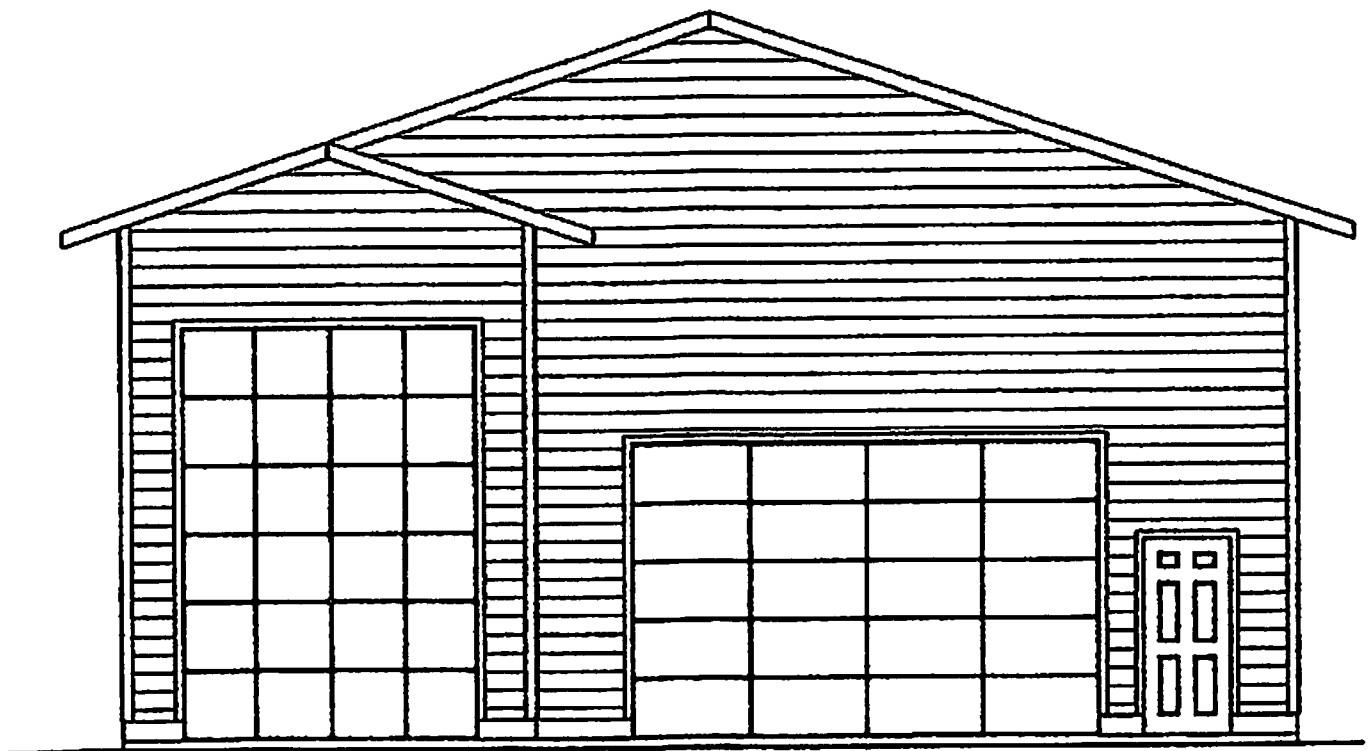
Street View

* Building 400 ft. down driveway



purposed building area
outlined in red.





Plan 012G'

Click to enlarge. Views may vary slightly from working drawings. Refer to floor plan for actual layout.



City of Batavia

Memorandum

To: Rachael Tabelski, Acting City Manager

From: Matt Worth, Director of Public Works 

Date: September 14, 2020

Subject: City Centre Concourse Roof Project

The City Centre Concourse Roof project is complete with the exception of the final factory warranty inspection. The project has been generally successful with the new roof area being water-tight and structurally improved.

Several areas were identified in the original deck inspection for replacement. These areas were included in the bid documents and were included for replacement with the contract. Upon full removal of the old roof, approximately 3,700 additional square feet of decking was found to be in such poor condition that this deck repair was also replaced. In an effort to reduce the impact of this cost a separate section of roof which was found to be in better than expected condition was overlaid with new roofing rather than a complete tear-off. As these conditions were discovered as the roof was removed repairs were ordered to be done with the City, Architect, and Contractor negotiating the cost upon completion.

The negotiated cost for deck repair was \$27,120 which was approximately 1/3 of the unit pricing in the contract bid documents. All parties understood that the repair area was a large item and therefore not consistent with the bid pricing which was intended for small spot repairs. In addition, a section of roof which was identified to be re-covered and not torn off was negotiated as a \$7,467 credit for a net change of \$19,653

There was also a small over-run for asbestos testing services which are a reimbursable expense which will not exceed \$2,000. It is requested that City Council approve additional funds not to exceed \$5,000 from the facility reserve account to close out the project with the final change order.

Supporting Documents:
Draft Resolution

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

Phone: 585-345-6325
Fax: 585-343-1385
www.batavianewyork.com

#-2020

**A RESOLUTION TO AMEND THE 2020/2021 BUDGET
RESERVE AND EXPENSE ACCOUNTS FOR CHANGE TO BATAVIA CITY CENTRE
ROOF ALTERATIONS AND REPLACEMENT PROJECT**

Motion of Councilmember

WHEREAS, pursuant to General Municipal Law 6-c the City of Batavia has an established Facilities Reserve Fund; and

WHEREAS, the City Centre roof deck was more severely deteriorated than expected and to accommodate the existing structure of the roof a change order in the amount of \$21,653 has been created which is \$5000 more than the already requested contingency; and

WHEREAS, the City would like to move forward with the change order to accommodate the roof deck repair and close out the project; and

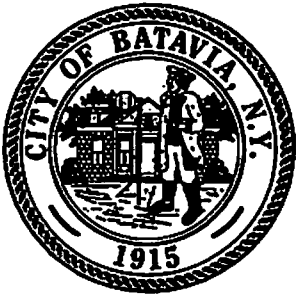
NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the Director of Public Works is hereby authorized on behalf of the City to execute the change orders for the City Centre Roof Alterations and Replacement Project with Grove Roofing Services, Inc.

NOW, THEREFORE, BE IT FURTHER RESOLVED, By the City Council of the City of Batavia to authorize the City Manager to amend the 2020/2021 budget by increasing the accounts as follows:

Revenue A.00.0000.0000 511-2106	\$ 5,000.00
---------------------------------	-------------

Expense A.01.9950 906-2106	\$ 5,000.00
----------------------------	-------------

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



City of Batavia

Memorandum

To: Rachael Tabelski, Acting City Manager

From: Matt Worth, Director of Public Works 

Date: September 16, 2020

Subject: Surplus equipment disposal

The following equipment has been or is scheduled for replacement in the coming months. It is requested that these pieces of equipment be declared as surplus as they will be of no further use once their replacements are received and placed into service. It would be expected that these vehicles would all be disposed of through the auction process.

Unit 403 – 2001 Ford F350 Dump body VIN 1FDWF36S71EC67249 – 80,600.0 miles. This truck is assigned to sewers and is used in the maintenance of sanitary sewers and storm sewer. In winter months this truck is pressed into service for patch of roadways. This is vehicle had a short production run of 2 years is no longer supported by the manufacturer for replacement parts and does not have a strong aftermarket supply either. This truck was originally purchased with the intent of ten years of service but has been kept around a bit longer in order to focus on more critical replacements. This and its twin Unit 212 are both in need of replacement, Unit 212 will be replaced in a future fiscal year.

Unit 408 – 1994 Vactor 2100 w/ International Chassis VIN 1HTGLADT5SH613979 – 52,812.4 miles/ 10,563 hours. This is a combination vacuum jetter and is a critical piece of equipment in the maintenance and repairs of sewer and water. It is a highly sought after machine within the department for its hydro-excavation capabilities. Even though its primary mission is sanitary sewers you will find this unit being used on water main breaks, cleaning valve boxes, cleaning pits, road repairs and even planting trees in areas of dense utilities. This is a 10 yr machine when used in front line and we get another 10 yrs in support role. The machine is tired and beyond restoration.

Unit FD 10 – 2009 Dodge Durango Fire Command Vehicle VIN 1D8HB38P49F712670 - This vehicle was replaced by a new unit this past spring. The vehicle has extensive body and frame corrosion and would not be suitable to remain in the fleet due to the necessary repairs required.

Supporting Documents:
Draft Resolution

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

Phone: 585-345-6325
Fax: 585-343-1385
www.batavianewyork.com

#-2020

**A RESOLUTION TO DECLARE CITY OF BATAVIA VEHICLES
AND EQUIPMENT SURPLUS FOR THE PURPOSE OF SALVAGE AND DISPOSAL**

Motion of Councilmember:

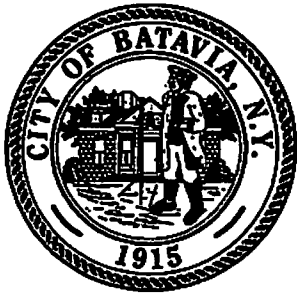
WHEREAS, the Department of Public Works has declared the equipment listed below surplus and as part of the equipment replacement plan; and

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

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the City Manager is authorized to declare the following as surplus for the purpose of salvage and disposal by auction or trade. All proceeds from the surplus of equipment shall be deposited in the equipment reserve account for Wastewater, or Fire Department as appropriate;

- 2001 FORD F-350 Dump Body VIN 1FDWF36S71EC67249 (Wastewater)
- 1994 Vactor 2100 VIN 1HTGLADT5SH613979 (Wastewater)
- 2009 Dodge Durango VIN 1D8HB38P49F712670 (Fire)

**Seconded by Councilmember
and on roll call**



City of Batavia

Memorandum

To: Rachael Tabelski, Acting City Manager

From: Matt Worth, Director of Public Works *(mw)*

Date: September 11, 2020

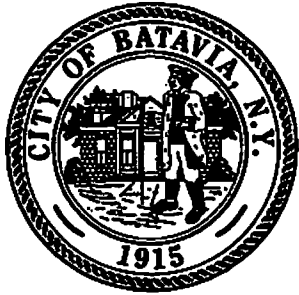
Subject: LED Street Lighting Proposal from New York Power Authority (NYPA)

City Staff has been reviewing several options for converting existing street lighting systems over to LED technology. The City essentially has two street light systems with the lights on the NYS Arterials being primarily City owned, and the street lights on the residential and side streets being primarily utility owned (National Grid). The utility owned system is more complex as the conversion would require either a "buyout" of the undepreciated cost of existing fixtures which makes the project less attractive from a financial standpoint. The City could also consider buying the street light system from National Grid at a considerable cost, but would realize much more attractive energy costs in the long run.

With the uncertainty of the methods of calculating National Grid costs we have focused on the City owned system as an initial project. The project as proposed by NYPA would replace all City owned fixtures with LED technology. The project would be a turn-key operation with NYPA handling all procurement, design, and contract administration. The project as proposed would have all financing covered through energy savings during the 14-year bond while still reducing energy costs by approximately \$3,000 annually as described in the attached documentation. Savings would increase to over \$40,000 after the financing period was complete.

It is recommended that City Council authorize to enter into an agreement with the New York Power Authority to proceed with this project as described to replace existing City owned street lighting with new LED technology. The turn-key aspect of this project is also attractive with the limited staffing available to manage a project like this independently. A successful project that has relatively low-risk would be a good benchmark for future considerations with the utility owned lights.

Supporting Documentation:
Draft Resolution
Memo and NYPA Evaluation



Memorandum

To: Matt Worth, Director of Public Works

From: Bill Davis, Superintendent Water and Wastewater *BD*

Date: August 31, 2020

Subject: LED Street Light Conversion

I have been working with Casey Maestro from NY Power Authority (NYPA). NYPA is the largest power organization in the Country. Their top priority is Economic Development, and a national leader in promoting energy efficiency, the development of clean energy technologies and electric vehicles. Their energy services projects can be found throughout New York State, saving money and megawatts while helping reduce greenhouse gas emissions.

We can currently purchase new street light fixtures for all the city owned lights, 772 fixtures. The new fixtures will be LED technology and much more energy efficient. NYPA will design the project, and will include the financing, purchase, and installation of new street lights. The cost of the project will be paid from the savings in electric usage. The City will be cash positive in the first year to approximately \$3,277.12 and will continue annually for 14 years.

After the project is fully paid for the cash positive position will be approximately \$42,493.77 annually.

The total cost of the project after financing is \$549,033.03. This estimate has a high level of confidence as NYPA has already procured the fixtures.

I would recommend the City enter into this agreement for two reasons:

- The savings in electric, approximately 1/3 of energy consumed and provides a better light.
- This will reduce maintenance cost on the old fixtures, the lamp life of LED is approximately 10-15 years over High-Pressure Sodium at 5-7 years.

#-2020

**A RESOLUTION TO ENTER INTO AN AGREEMENT WITH
NEW YORK POWER AUTHORITY FOR A LED STREET LIGHTING PROJECT**

Motion of Councilmember

WHEREAS, a project to replace City owned streetlights with LED lighting; and

WHEREAS, a project of this size will save the City over \$3,000 a year during financing and over \$40,000 a year after financing is complete; and

WHEREAS, New York Power Authority is a New York State Preferred Vendor.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the City Council President is hereby authorized on behalf of the City to execute an agreement with New York Power Authority in the amount of \$549,033.03 for the replacement of City owned streetlights with LED lighting.

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

DRAFT



Total Project Summary - City Owned Fixtures
New York Power Authority
City of Batavia

June 25, 2020

Project Cost: Pre-Design COST ESTIMATE				
			Material	Labor
Total Fixtures:	772	Construction Costs:	\$155,649.49	\$84,740.00
NGRID Owned:	0	Owners Stock:	\$3,112.99	\$0.00
Customer Owned:	772	Mandatory Fuses:	\$34,740.00	\$0.00
		Digital Asset Management:	\$15,440.00	\$0.00
		Wiring:	\$0.00	\$19,300.00
(2% of labor cost)		Payment and Performance Bonds:	\$0.00	\$2,080.80
		Totals:	\$208,942.48	\$106,120.80
		Total Material, Labor, & Asbestos:	\$315,063.28	
		Contingency: 10%	\$31,506.33	
		Subtotal:	\$346,569.61	
		Hazardous Waste Disposal Cost:	\$3,088.00	(Disposal of old fixtures - allowance)
		Environmental Subtotal:	\$3,088.00	
		Design, & Construction Mgt:	\$45,054.05	
		NYPA Project Mgt. & Administrative:	\$59,206.75	(See Note # 1)
		Project Management Subtotal:	\$104,260.80	
		Purchase of Fixtures	\$0.00	(See Note # 2)
		Project Subtotal:	\$453,918.41	
		Interest During Construction (IDC):	\$9,078.37	(See Note # 3)
		Total Project Cost:	\$462,996.77	
Estimated Annual Savings				
<u>Estimated Electrical Savings:</u>		<u>Estimated Fuel Savings:</u>		<u>MMBtu Savings:</u>
kWh Savings:	257,710	Natural Gas:	0 ccf	0.0
kWh Cost Savings: \$	42,493.77	Oil Savings:	0 gal	0.0
Monthly kW Savings:	N/A	Steam (100 psi):	0 lbs	0.0
kW Cost Savings:	N/A	CO2 Reduction:	132 tons	0.0
Total Electrical Savings:	\$42,493.77			0.0
Total Energy Savings:	\$42,493.77	Ownership Savings:	\$0.00	Est. Total Savings: \$42,493.77
Simple Payback				
		Total Project Cost With IDC:	\$462,996.77	
		Estimated Rebates & Incentives:	(\$43,125.00)	
		Net Project Cost:	\$419,871.77	
		Total Amount Saved:	\$42,493.77	
		Simple Payback:	9.88	
Project Financing				
		TOTAL AMOUNT FINANCED:	\$419,871.77	(Rebates & Incentives Not Included)
		Interest Rate:	4.00%	(See Note # 4)
		Years Financed:	14	
		Number of Payments:	168	
		Annual Debt Service to NYPA:	\$39,216.64	
		Monthly Debt Service to NYPA:	\$3,268.05	
		Total Project Cost after Financing:	\$549,033.03	
		Total Annual Savings:	\$42,493.77	
		Payback With Financing:	12.92	
		Annual Cash Flow:	\$3,277.12	

Notes

1. NYPA Project Mgt. & Administrative represents a fee of 15% of the Construction Costs, Asbestos Abatement, Design & Construction Fee, and associated contingencies.
2. Purchase price estimated at \$119/fixture, as per the NGRID purchase price letter dated July 19, 2019.
3. Interest During Construction (IDC) Estimated based on 4% interest rate.

NiMo db's NatGrid
PSC214 (April 1, 2018)
SC2 Utility Owned Lights

Highlight denotes variable rates taken from utility bill.
Descriptions and set values to be entered from bill
Set values from utility tariff
Assumptions to be entered by engineer

Delivery	\$0.086460 /kWh
Supply	\$0.040210 /kWh
RDM	\$0.008243 /kWh
SBC/RPS Charge	\$0.005045 /kWh
Legacy Transition Crg	\$0.001086 /kWh
Transmission Rev Adj	\$0.000010 /kWh
Tariff Surcharge	
Demand	0.010101
Supply	0.010101

	Avg. Monthly	Annual Cost
Billing kWh	37,805	453,658
	\$3,268.61	\$39,223.31
	\$1,520.13	\$18,241.61
	\$311.62	\$3,739.39
	\$190.73	\$2,288.71
	\$41.06	\$492.67
	\$0.38	\$4.54
	\$53.86	\$646.37
	\$15.35	\$184.26
Total Delivery Cost:	\$5,401.74	\$64,820.85

Lamps Charges	Tariff \$/unit/year	# of Lamps	\$/Facility	Cost / Month	Cost /Yr
70W HPS	\$ 8.040	113 lamps @	\$0.67000	\$0.00	\$0.00
100W HPS	\$ 8.040	153 lamps @	\$0.67000	\$0.00	\$0.00
100W MV	\$ 6.840	lamps @	\$0.57000	\$0.00	\$0.00
150W HPS	\$ 8.040	379 lamps @	\$0.67000	\$0.00	\$0.00
175W MV	\$ 6.840	lamps @	\$0.57000	\$0.00	\$0.00
175W MH	\$ 55.440	lamps @	\$4.62000	\$0.00	\$0.00
250W HPS	\$ 8.040	8 lamps @	\$0.67000	\$0.00	\$0.00
400W HPS	\$ 8.040	21 lamps @	\$0.67000	\$0.00	\$0.00
400W MV	\$ 6.840	lamps @	\$0.57000	\$0.00	\$0.00
400W MH	\$ 55.440	lamps @	\$4.62000	\$0.00	\$0.00
1000W HPS	\$ 16.440	6 lamps @	\$1.37000	\$0.00	\$0.00

Total Lamps: 680

Luminaire Charges	Tariff \$/unit/year	# Fixtures	\$/Facility	Cost / Month	Cost /Yr
LM Aspen Grove 70	\$ 100.800	units @	\$8.40000	\$0.00	\$0.00
LM Aspen Grove 100	\$ 100.800	units @	\$8.40000	\$0.00	\$0.00
LM Aspen Grove 150	\$ 100.800	units @	\$8.40000	\$0.00	\$0.00
LM Delaware Park 150	\$ 199.680	units @	\$16.64000	\$0.00	\$0.00
LM Delaware Park 250	\$ 246.600	units @	\$20.55000	\$0.00	\$0.00
LM Central Park 100	\$ 123.120	units @	\$10.26000	\$0.00	\$0.00
LM Central Park 175	\$ 123.120	units @	\$10.26000	\$0.00	\$0.00
LM Roadway 70	\$ 55.800	113 units @	\$4.65000	\$0.00	\$0.00
LM Roadway 100	\$ 55.800	153 units @	\$4.65000	\$0.00	\$0.00
LM Roadway 150	\$ 55.800	379 units @	\$4.65000	\$0.00	\$0.00
LM Roadway 250	\$ 55.800	8 units @	\$4.65000	\$0.00	\$0.00
LM Roadway 175	\$ 55.800	units @	\$4.65000	\$0.00	\$0.00
LM Roadway 400	\$ 55.800	23 units @	\$4.65000	\$0.00	\$0.00
LM Roadway 1000	\$ 126.000	6 units @	\$10.50000	\$0.00	\$0.00
LM Flood 250	\$ 76.800	units @	\$6.40000	\$0.00	\$0.00
LM Flood 400	\$ 76.800	units @	\$6.40000	\$0.00	\$0.00
LM Edison 70	\$ 78.960	units @	\$6.58000	\$0.00	\$0.00
LM Edison 100	\$ 78.960	units @	\$6.58000	\$0.00	\$0.00
LM Edison 150	\$ 78.960	units @	\$6.58000	\$0.00	\$0.00
LM Setback 250	\$ 110.760	units @	\$9.23000	\$0.00	\$0.00
LM Shoebox 150	\$ 66.600	units @	\$5.55000	\$0.00	\$0.00
LM Shoebox 250	\$ 66.600	units @	\$5.55000	\$0.00	\$0.00
LM Coach 100	\$ 73.440	units @	\$6.12000	\$0.00	\$0.00
LM Traditional 70	\$ 49.320	92 units @	\$4.11000	\$0.00	\$0.00
LM Traditional 100	\$ 49.320	units @	\$4.11000	\$0.00	\$0.00
LM Traditional 150	\$ 49.320	units @	\$4.11000	\$0.00	\$0.00
LM Underpass 100	\$ 85.080	units @	\$7.09000	\$0.00	\$0.00
LM Washington 100	\$ 134.040	units @	\$11.17000	\$0.00	\$0.00
LL Enclosed IN 4000	\$ 110.280	units @	\$9.19000	\$0.00	\$0.00

Total Luminaires: 774

Pole Arm & Foundation Charges	Tariff \$/unit/year	# Fixtures	\$/Facility	Cost / Month	Cost /Yr
FD Concrete > 16' PC	\$ 215.880	units @	\$17.99000	\$0.00	\$0.00
FD Concrete > 16'	\$ 215.880	units @	\$17.99000	\$0.00	\$0.00
FD Concrete <= 16'	\$ 215.880	units @	\$17.99000	\$0.00	\$0.00
FD Concrete <= 16' PC	\$ 215.880	units @	\$17.99000	\$0.00	\$0.00
FD Mech - Scw Type	\$ 110.280	units @	\$9.19000	\$0.00	\$0.00
SD Fiberglass <= 16' DE PT	\$ 92.520	units @	\$7.71000	\$0.00	\$0.00
SD Fiberglass <= 16' AB PT	\$ 67.320	units @	\$5.61000	\$0.00	\$0.00
SD Fbgl President AB	\$ 156.840	units @	\$13.07000	\$0.00	\$0.00
SD Aluminum > 16' AB	\$ 256.200	units @	\$21.35000	\$0.00	\$0.00
SD Aluminum > 16' AB HD	\$ 256.200	units @	\$21.35000	\$0.00	\$0.00
SD Aluminum > 16' AB SQ	\$ 512.280	units @	\$42.69000	\$0.00	\$0.00
SD Aluminum <= 16' AB SQ	\$ 140.400	units @	\$11.70000	\$0.00	\$0.00
SD Aluminum Villager AB	\$ 111.960	units @	\$9.33000	\$0.00	\$0.00
SD Aluminum Armory Sq AB	\$ 336.120	units @	\$28.01000	\$0.00	\$0.00
SD Alum OH <= 15P	\$ 178.680	units @	\$14.89000	\$0.00	\$0.00
SD Steel > 16' AB	\$ 256.200	units @	\$21.35000	\$0.00	\$0.00
SD Steel >16' AB	\$ 38.370	units @	\$3.19750	\$0.00	\$0.00
SD Steel <= 16' DE PT	\$ 131.910	units @	\$10.99250	\$0.00	\$0.00
SD Steel <= 16' AB PT	\$ 111.960	units @	\$9.33000	\$0.00	\$0.00
SD Steel OH <= 15P	\$ 178.680	units @	\$14.89000	\$0.00	\$0.00
CO Wood Pole (convenience outlet)	\$ 53.500	units @	\$4.45833	\$0.00	\$0.00
BK Park Ave South	\$ 105.600	units @	\$8.80000	\$0.00	\$0.00

AR Contemporary Xarm	\$ 102,720
FO Wood Pole	\$ 53,520
FO New Standard	\$ 53,520
FO Existing Standard	\$ 53,520

Underground Cable and Conduit	
CR Underground Residential DB Cable	\$ 88,200
CR Underground DB Cable	\$ 118,440
CR Underground Cable Only	\$ 118,440
CR Underground Cable & Conduit	\$ 118,440

	units @	\$8,56000	\$0.00	\$0.00
	units @	\$4,46000	\$0.00	\$0.00
	units @	\$4,46000	\$0.00	\$0.00
	units @	\$4,46000	\$0.00	\$0.00
Total Poles:	-			
	#Units	\$/Facility	Cost / Month	Cost /Yr
	units @	\$7,35000	\$0.00	\$0.00
	units @	\$9,87000	\$0.00	\$0.00
	units @	\$9,87000	\$0.00	\$0.00
	units @	\$9,87000	\$0.00	\$0.00
Total Units:	-	Total SC2 Facility Cost:	\$0.00	\$0.00

Utility Delivery Charge	\$0.059350 / kWh	\$11,629.53
Electricity Supply Charge	\$0.040210 / kWh	\$7,879.08
RDM Charge	\$0.008243 / kWh	\$1,615.15
Legacy Transmission Charge	\$0.001086 / kWh	\$212.80
Trans Rev Adjustmetn	\$0.000010 / kWh	\$1.96
SBC/RPS Charge	\$0.005045 / kWh	\$988.56
New kWh Usage under SC3:		\$22,327.08

Lamps Charges	Eq. LED	New Watt	\$/LED	# Lamps	Pur \$	Unit Costs		Lab \$
						Mat \$	\$105	
LM Roadway 70	LED-70	25	\$ 89	113	\$ -	\$ 10,006	\$ -	\$ 11,865
LM Roadway 100	LED-100	45	\$ 93	153	\$ -	\$ 14,290	\$ -	\$ 16,065
LM Roadway 150	LED-150	80	\$ 142	379	\$ -	\$ 53,856	\$ -	\$ 39,795
LM Roadway 175	LED-175	108	\$ 160	0	\$ -	\$ -	\$ -	\$ -
LM Roadway 250	LED-250	108	\$ 160	8	\$ -	\$ 1,278	\$ -	\$ 840
LM Roadway 400	LED-400	180	\$ 263	21	\$ -	\$ 5,519	\$ -	\$ 2,205
LM Roadway 1000	LED-1000	215	\$ 283	6	\$ -	\$ 1,701	\$ -	\$ 630
				680	\$ -	\$ 86,649	\$ -	\$ 71,400
70W Traditional	LED-70	54	\$ 750	92	\$ -	\$ 69,000	\$ -	\$ 13,340
70W Edison	LED-70	54	\$ 750	0	\$ -	\$ -	\$ -	\$ -
100W Traditional	LED-100	54	\$ 750	0	\$ -	\$ -	\$ -	\$ -
100W Central Park	LED-100	54	\$ 750	0	\$ -	\$ -	\$ -	\$ -
100W LM Underpass	LED-100	54	\$ 750	0	\$ -	\$ -	\$ -	\$ -
100W Washington	LED-100	54	\$ 750	0	\$ -	\$ -	\$ -	\$ -
100W Edison	LED-100	54	\$ 750	0	\$ -	\$ -	\$ -	\$ -
150W Traditional	LED-150	72	\$ 750	0	\$ -	\$ -	\$ -	\$ -
150W LM Delaware Park	LED-150	72	\$ 750	0	\$ -	\$ -	\$ -	\$ -
150W Shoebox	LED-150	72	\$ 750	0	\$ -	\$ -	\$ -	\$ -
150W Edison	LED-150	72	\$ 750	0	\$ -	\$ -	\$ -	\$ -
175W Central Park	LED-175	108	\$ 750	0	\$ -	\$ -	\$ -	\$ -
250W Shoebox	LED-250	108	\$ 750	0	\$ -	\$ -	\$ -	\$ -
250W LM Delaware Park	LED-250	108	\$ 750	0	\$ -	\$ -	\$ -	\$ -
LL Enclosed IN 4000		96	\$ 750	0	\$ -	\$ -	\$ -	\$ -
				92	\$ -	\$ 69,000	\$ -	\$ 13,340
Total Units:				772	\$ -	\$ 155,649	\$ -	\$ 84,740

	Tariff	\$/unit/year	#Units	units @	01/00/00	\$/Facility	Cost / Month	Cost /Yr
Pole Attachment Charge		\$ 7,200	-	2,316		\$0.60000	\$0.00	\$0.00
					New SC3 Facility Cost:		\$0.00	\$0.00

Annual Utility Energy Savings:	\$42,493.77
Annual Utility Facility Savings:	\$0.00
O&M Service Contract (annualized over 10 years):	\$ -
Potential Property Tax Reduction (@1.353454%):	\$ -
Total Annual Ownership Savings:	\$0.00
Total Annual Savings:	\$42,493.77

MOTION TO ENTER EXECUTIVE SESSION

Motion of Councilperson

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

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

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

**Seconded by Councilperson
and on roll call**