

AGENDA
REGULAR BOARD MEETING - TOWN OF BOSTON
JANUARY 4, 2023 - 7:30 P.M.

ITEM NO. I PRELIMINARY MATTERS

1. Call Meeting to Order
2. Roll Call
3. Pledge of Allegiance and Opening Prayer
4. Other Preliminary Matters

ITEM NO. II REGULAR BUSINESS

1. Correction and Adoption of the Minutes from December 7, 2022
2. Consideration of all Fund Bills

ITEM NO. III CORRESPONDENCE

1. Town Clerk's Monthly Report for November 2022
2. Erie County Industrial Development Agency Letter
3. Erie County Sanitary Code Public Hearing Information
4. Dispatch Reports - November 2022 - Boston EMS, Boston Fire Co, North Boston Fire Co, Patchin Fire Co
5. Congregate Dining 2023 Contract Letter
6. Boston Fire Company ISO Rating Report
7. North Boston Fire Company ISO Rating Report
8. Patchin Fire Company ISO Rating Report

ITEM NO. IV NEW BUSINESS

1. Requests from the Floor (3-minute time limit per person)
2. Public Hearing for 2022 Local Law Intro. No. 3, entitled: "A LOCAL LAW Updating the Town of Boston's standards and procedures for administration and enforcement of the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code."
3. Appointments
4. Committee and Liaison Appointments
5. Establish Salary Schedule
6. Set Payment of Salaries
7. Designation of Depositories
8. Set Dates and Times for Regular and Work Session Meetings

9. Designate Official Newspaper
10. Appointment to NEST Solid Waste Management Board
11. Direct Town Clerk to Send Letter to Refuse Collectors – Annual Licenses
12. Authorize Supervisor and Tax Collector to Invest Surplus Monies
13. Set Investment Policy
14. Authorize Signature Stamp for Supervisor
15. Set Mileage Rate Paid by Town
16. Authorize to Allow Lending Funds from One Account to Another
17. Set Hours for New York State Retirement Reporting
18. Petty Cash Funds
19. Set Holiday Schedule
20. 284 Agreement to Spend Town Highway Funds
21. Resolution 2023-01 Procurement Policy
22. Resolution 2023-02 Adopt Schedule of Fees
23. Resolution 2023-03 Clarke Patterson Lee to Serve as Primary Town Engineer
24. Resolution 2023-04 LaBella Associates to Serve as Town Engineer
25. Resolution 2023-05 Connie Miner & Co. Grant Consultant to Serve as Grant Writer
26. Resolution 2023-06 Agreement with the Boston Free Library Association
27. Resolution 2023-07 Payment of Workers Compensation Insurance Premium
28. Resolution 2023-08 Payment of Insurance Premium
29. Resolution 2023-09 Adoption of Harassment and Discrimination Policy
30. Resolution 2023-10 Authorizing Adoption by the Boston Town Board of Town of Boston of 2023 Local Law No. 1
31. Resolution 2023-11 Declaring 2006 John Deere 444J Loader Surplus and Authorizing Disposal Through Auction
32. Approval for new members Boston Vol. Fire Co. – Matthew Sanderson, William Webb, Deb Wilby, Tiffany Frazzini
33. Application for Use of Town Meeting Facility – Thornwood Park HMO
34. Application for Use of Town Meeting Facility -- Boston Seniors Club
35. Application for Use of Town Meeting Facility – Wednesday Billiards
36. Application for Use of Facility – Conservation Advisory Council Snowshoes & Snowmen Event
37. Application for Use of Facility – Conservation Advisory Council L.E.A.F Event

ITEM NO. V OLD BUSINESS

1. Resolution 2022-54 - Climate Smart Communities Pledge

ITEM NO. VI REPORTS AND PRESENTATIONS

1. Highway Superintendent
2. Councilmembers
3. Town Clerk
4. Supervisor

ITEM NO. VIII ADJOURNMENT OF MEETING

1. Adjournment of Meeting

Town Clerk and Tax Collector Audit Reports

New business:

Supervisor Keding stated the floor is open for public comment.

The following persons were heard:

- David Apa
- Dr. Mitch Tucker
- Derek Bowen
- Mike O'Halloran
- Jay Jackson

Supervisor Keding stated the floor is closed.

A motion was made by Supervisor Keding and was seconded by Councilwoman Lucachik to schedule a public hearing, Notice is hereby given that a public hearing shall be held by the Town Board of the Town of Boston on January 4, 2023, at 7:30 p.m., at Boston Town Hall, 8500 Boston State Road, Boston, New York, to hear any and all persons either for or against 2022 Local Law Intro. No. 3, entitled: "A LOCAL LAW Updating the Town of Boston's standards and procedures for administration and enforcement of the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code." This Local Law makes changes to the Town's Code Enforcement program required by recent changes in governing State law and regulations.

Copies of the proposed law, sponsored by Supervisor Keding, are on file in the Town Clerk's Office, Monday through Friday, from 9:00 a.m. to 4:00 p.m.

Supervisor Keding	Yes	Councilman Cartechine	Yes
Councilwoman Lucachik	Yes	Councilwoman Martin	Yes
Councilwoman Selby	Yes		

five (5) Yes Carried

A motion was made by Councilman Cartechine and was seconded by Councilwoman Selby,

RESOLUTION 2022-86 **AUTHORIZING AGREEMENT WITH
BOYS' AND GIRLS' CLUB OF ORCHARD PARK, INC.**

The Town of Boston desires to improve the services provided to the youth of the Town without the expense and liability of continuing its own recreation program; and the Boys' and Girls' Club of Orchard Park, Inc. (the "Club"), has offered to provide programming, management, resource development and financial oversight services to improve the recreation programs and services provided for Town of Boston youth; and the proposed management agreement between the Town and the Club provides that the Club will provide services to

Motion Con't:

Boston youth in exchange for Town support in the amount of \$75,000 for 2023 and \$75,000 for 2024.

Supervisor Keding	Yes	Councilman Cartechine	Yes
Councilwoman Lucachik	Yes	Councilwoman Martin	Yes
Councilwoman Selby	Yes		

five (5) Yes Carried

A motion was made by Councilwoman Selby and was seconded by Councilwoman Lucachik,

RESOLUTION 2022-87 AUTHORIZING DISPOSAL OF SURPLUS EQUIPMENT

The Town of Boston Town Hall Laborer has identified the following equipment obsolete due to age, condition, or changed needs:

- (1) Vacuum, Fuller Brush Company Model No. FBTM-PW, Serial No. 10D0005018
- (1) Dynex TV, Model No. DX-LCD42HD-09, Serial No. 1485LC42HV40HO1399
- (1) Zenith TV, Model No. SY2049X, Serial No. 621-25190220
- (1) TV Cart
- (1) Miko Air Purifier

The Town Hall Laborer recommends that this property be scrapped based on condition.

Supervisor Keding	Yes	Councilman Cartechine	Yes
Councilwoman Lucachik	Yes	Councilwoman Martin	Yes
Councilwoman Selby	Yes		

five (5) Yes Carried

A motion was made by Councilwoman Martin and was seconded by Councilman Cartechine,

RESOLUTION 2022-88 APPROVING JUSTICE COURT AUDIT

Pursuant to Uniform Justice Court Act § 2019-a, each Town Justice must present her records and docket for an audit to be performed by the Town Board or an accountant retained by the Town Board to perform such an audit; and Town Justices Kelly A. Vacco and Debra K. Bender duly have presented their records and docket to the Town Board, and Dresher and Malecki LLP performed an audit of those records on April 6, 2022; and the Town Board of the Town of Boston hereby approves the audit report prepared by Dresher and Malecki, LLP.

Supervisor Keding	Yes	Councilman Cartechine	Yes
Councilwoman Lucachik	Yes	Councilwoman Martin	Yes
Councilwoman Selby	Yes		

five (5) Yes Carried

Motion Con't;

Supervisor Keding	Yes	Councilman Cartechine	Yes
Councilwoman Lucachik	Yes	Councilwoman Martin	Yes
Councilwoman Selby	Yes		

five (5) Yes Carried

Reports and Presentations:

Highway Superintendent Telaak reported on the following:

New John Deere highlift has been delivered. 1999 International sold for \$9,300, fair price, 23 years old. Appreciate the comments on the Christmas Lights, do look great out there. Will let Barry Decker, Amanda Jensen, Scott Fellows know they are the ones who put out the lights. After Christmas comes the Christmas trees, call Waste Management to schedule pick up of your Christmas tree. We had quite a snow storm a couple of weeks ago, there was a lot of damage to some trees. Next Spring there's going to be a lot of brush out for pickup, I'm sure we'll be busy, April 1st is the first scheduled pickup. This will be our last meeting for the year, wished everyone Merry Christmas.

Councilwoman Selby reported on the following:

Thanked Barbara Moore for her years of service and her devotion to the blood drive. It is great that we can honor her, and it was great to hear her voice tonight, how wonderful for the Town of Boston. A few words about Herb Klein, I met him when I first moved to Boston about thirty years ago. My kids were only 1 and 2, my husband and children would go to Herb for haircuts. He was the first public official that I met, when I started here in 2002. He tried to help me out, he would say don't worry it'll be okay. He is a legacy in the Town. We are really going to miss a real gem.

Thanked the gentlemen who spoke, hope to work something out for the fire company and the EMS, to work together, these guys do great for our Town, and I hope everything works out the way it should. Great job on the Christmas Lighting. Happy Holidays, Merry Christmas and looking forward to a new year.

Councilman Cartechine reported on the following:

I really appreciate Mitch and Pamela coming to the meeting tonight and bringing Jason Kulaszewski, Clean Energy Coordinator, UB Regional Institute. My position on this is making sure that it's not going to be a detriment to the Town. In the long term I see the benefits and I see why you fought for it. I think you do wonderful work with the CAC, it's good to dive a little deeper into it and see what the benefits are for the CAC. I have one question for the gentleman at the DEC that I will speak with,

pending a favorable answer, I don't see any reason to hold this up so, I just wanted you to both have the benefit of that information tonight. Thanked Patchin Fire Company for coming tonight. I know it's been a process to determine what the move is going to be between the Boston Emergency Services or Squad and the Fire Company going forward. Thanked the gentleman that both spoke. I know Dave and I have had many conversations about this. I've said from day one when this termination of this MOU happened, the patient is the most important part of this conversation. Responding to someone in need is most important, I think both of those bodies would agree. It's about adopting a plan on how we go forward. Bob and his crew did an incredible job with the roads during the storm. We were fortunate that we didn't get the six feet, that Hamburg and Orchard Park did. Stated to Highway Superintendent Telaak, you can call on me and I will help the department, if there is a need for it. I knew Herb Klein very well, I enjoyed his company and would visit with him in his later years. He's been a big sounding board for me as a senior in the community, it was great to share time with him. There was a reception for him, a couple of weeks ago, a big turnout, there was a band. Herb brought the Boston Town Band to Boston; I'm astounded that they continue to thrive, and it really speaks to his character. I will personally miss him. I know the Town will miss him. My dear friend Barbara Moore, she's wanting people to get them out to the Blood Drive every month. It is a wonderful thing to see in our community and to participate in. I know there are members of the Highway Department that I see giving blood when I am there giving blood. I would like to welcome my fellow Board members to participate at the Blood Drive.

Councilwoman Lucachik reported on the following:

Planning Board meeting will be held on December 13th at 7:30 PM. They are just reviewing some old business, no new business. Holiday Christmas Lights look awesome, thank you to Bob's team. Mr. Herb Klein was a unique, selfless individual. Thankfully had an opportunity to meet him. He left a wonderful legacy. I hope we have more individuals like him coming from our town. Barbara Moore is a tenacious, lovely individual and keeps going and doing as much as she can. Happy Holidays and Merry Christmas to all.

Councilwoman Martin reported on the following:

My prayers are with the Klein family, with the loss of an amazing individual for our Town. Barbara Moore same sentiments as everyone else. She does wonders for our Town as well. Kudos to her and all her efforts with ConnectLife. Thank you, Bob for keeping our roads clear. The Christmas lighting was great. Mitch and Pam thank you, I think it's a great opportunity for the Town, I really appreciate all your effort. Merry Christmas and Happy New Year.

Town Clerk Quinlan reported on the following:

Town Clerk report for November 2022 has been submitted to the Supervisor's office. Heard from Barbara Moore today, ConnectLife blood drive from December 1st, 25 appointments and 2 walk ins, 20 units and 1 double red was collected, potentially saving 66 lives. Town of Boston Christmas Sharing Tree is up and decorated, each tag on the tree represents a child from a Town of Boston family who could use a little extra help this holiday season, take a tag, purchase a gift, wrap and bring back to the Town Clerk's office by end of day December 19th. Those gifts will be delivered to Boston Valley Elementary School counselor and will be distributed to the families. Thank you to the Town residents that make this possible every year. Thanked my deputy Margaret for her work in decorating the Christmas Tree and the Town Hall for us.

Supervisor Keding reported on the following:

Call Waste Management to schedule pick up your Christmas tree, considered a bulk item. May be cut up into four foot or less lengths, can be put in your garbage can. The Town did not apply for a CDBG this year. Funding will be received for Rural Transit. The Town will continue to keep our eyes out for projects that fit into the HUD guidelines, based off of household income. Thanked to our Highway Department for the great job done during the Winter storm. There was a medical emergency and one of our plows got in front of the ambulance to clear the road. Thanked the State, County and all the First Responders across Erie County that participated, Law Enforcement, and mostly the residents. Residents had adhered to the driving ban. The driving ban was not initiated by the Town of Boston. This storm was eight years to the day from the last storm that took a week to clean up, it took roughly three days to clean up from this storm. Kudos across the county for the many that had come together. WNY South towns Scenic Byway photo contest. Some residents in Boston submitted stunningly, beautiful, photos for this contest. Go to their website or Facebook to see the photos. The Town has been awarded by Comp Alliance the award for safe workplace again this year. It is a designation and a monetary return on the premiums that we pay, which saves the taxpayer's money. We will try and achieve that again for next year. In the near future there are some job openings, residents stay tuned to the Town website and the Hamburg Sun, for the various positions. I sit on the Erie County Sewer District #3 Board, which serves Boston. A lengthy discussion and presentation today regarding the sewer project that has been talked about for some time. The price tag on this project was approximately 100 million dollars. Some other things have come into play; identify the need to be repaired or replaced, followed by inflationary factors, that project right now is 150 million dollars. Erie County Sewer tax will show up on your tax bill. This project is something that needs to be done, New York State DEC requires it. Completion date is going to be roughly a three-year window. I would be happy to answer any questions, there is a lot of thought that's going into this matter.

We have a great team of engineers that's been guiding us along this path. Thank you to the first responders who came up and spoke tonight. I admire their passion as volunteers to serve the community. This MOU, memo of understanding, I just want to make clear that it is not something that the Town Board had initiated or had changed. It was not a decision by the Board, that was a contractual or a separate contractual agreement between two separate entries. Above and beyond the contracts that the Town Board had recently established with those organizations. Merry Christmas to all and Happy New Year. Next Town Board meeting will be cancelled due to lack of agenda items. I will see everyone at the reorganizational meeting on January 4, 2023.

A motion was made by Supervisor Keding and was seconded by Councilwoman Lucachik to adjourn the meeting at 8:21 p.m.

Supervisor Keding	Yes	Councilman Cartechine	Yes
Councilwoman Lucachik	Yes	Councilwoman Martin	Yes
Councilwoman Selby	Yes		

five (5) Yes

Carried

SANDRA L. QUINLAN, BOSTON TOWN CLERK

TOWN CLERK'S MONTHLY REPORT

TOWN OF BOSTON, NEW YORK

NOVEMBER, 2022

TO THE SUPERVISOR:

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Pursuant to Section 27, Subd 1 of the Town Law, I hereby make the following statement of all fees and moneys received by me in connection with my office during the month stated above, excepting only such fees and moneys the application and payment of which are otherwise provided for by Law:

A1255

<u>9</u>	DECALS	<u>20.90</u>
<u>11</u>	PHOTOCOPIES	<u>2.75</u>
<u>43</u>	DEATH CERTIFICATES	<u>430.00</u>
<u>15</u>	FAXES	<u>3.75</u>

TOTAL TOWN CLERK FEES

457.40

A2544

<u>32</u>	DOG LICENSES	<u>243.00</u>
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TOTAL A2544

243.00

A2555

<u>10</u>	BUILDING PERMITS	<u>660.00</u>
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TOTAL A2555

660.00

SR2130

<u>60</u>	WM BAG STICKER	<u>180.00</u>
<u>3</u>	PRO ANNUAL FEE ADD. TOTE	<u>415.62</u>

TOTAL SR2130

595.62

TOWN CLERK'S MONTHLY REPORT

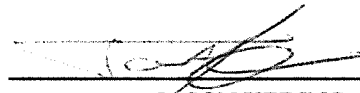
NOVEMBER, 2022

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	1,360.40 +	
	595.62 +	
	1,956.02 *+	
DISBURSEMENTS		
PAID TO SUPERVISOR FOR GENERAL FUND		<u>1,360.40</u>
PAID TO SUPERVISOR FOR REFUSE & GARBAGE		<u>595.62</u>
PAID TO NYSDEC FOR DECALS		<u>358.10</u>
PAID TO NYS ANIMAL POPULATION CONTROL PROGRAM		<u>37.00</u>
TOTAL DISBURSEMENTS		<u>2,351.12</u>

DECEMBER 1, 2022


 _____, SUPERVISOR
 JASON KEDING *DEC 6th 2022*

STATE OF NEW YORK, COUNTY OF ERIE, TOWN OF BOSTON

I, SANDRA QUINLAN, being duly sworn, says that I am the Clerk of the TOWN OF BOSTON that the foregoing is a full and true statement of all Fees and moneys received by me during the month above stated, excepting only such Fees the application and payment of which are otherwise provided for by law.

Subscribed and sworn to before me this



 Town Clerk

2nd day of *December* 20*22*



 Notary Public

KAREN M. MILLER
 Notary Public, State of New York
 Reg. No. 01MI6385215
 Qualified in Erie County
 Commission Expires 12-31-20*22*

RECEIVED
BOSTON TOWN CLERK

2022 DEC 20 AM 9: 17



December 16, 2022

**RE: Erie County Industrial Development Agency (the "Agency")
Amendment to Uniform Tax Exemption Policy
Economic Inclusion PILOT Policy**

Please accept this correspondence as notice from the Agency, pursuant to Section 874 of the New York General Municipal Law ("GML") and pursuant to the Agency's Uniform Tax Exemption Policy ("UTEP"), informing you of the Agency's contemplated action to amend its UTEP.

Enclosed herein is the Agency's proposed draft Economic Inclusion PILOT Policy (the "EIPP"), that is being considered by the Agency for approval as an addendum to the Agency's UTEP.

The purpose of the EIPP is to promote, encourage, and maximize opportunities for minorities and woman to experience economic progress. The EIPP provides additional real property tax abatement benefits, above and beyond those currently provided for in the UTEP, for companies that meet the EIPP minimum 30% MWBE (25% MBE and 5% WBE) utilization rate for construction activities, and a 30% minorities and women (minimum 20% minority and at least 30% minorities or women) job creation and/or retention rate. In support of the EIPP, and in compliance with the UTEP, the Agency is required to consider the following factors prior to approving the proposed EIPP as an addendum/amendment to the UTEP:

1. The extent to which the EIPP will create or retain permanent, private sector jobs. The EIPP encourages job creation and retention by incentivizing minority and women hiring.
2. The estimated value of tax exemptions to be provided. The EIPP will provide additional real property tax abatement beyond the existing UTEP real property tax abatement schedules, the exact value of the exemption/abatement based on each project's individual and unique investment.
3. Whether affected taxing jurisdictions shall be reimbursed by a project occupant if the project does not fulfill the purposes for which an exemption was provided. Existing UTEP reimbursement provisions will continue to apply.
4. The impact of the EIPP on existing and proposed businesses and economic development projects in the vicinity. The impact of the EIPP is a positive one on the community, as it will promote job opportunities, general prosperity and economic welfare for women and minority residents of Erie County.
5. The amount of private sector investment generated or likely to be generated by the EIPP. Given that the EIPP provides only an enhancement to existing real property tax abatements, it will result in the same, or perhaps greater, private sector investment than what is generated under the current UTEP.

6. The demonstrated public support for the EIPP. Elected officials from the City of Buffalo and the County of Erie, as well as local business leaders, have expressed support for the EIPP.
7. The likelihood of accomplishing the proposed EIPP in a timely fashion. It is anticipated that the EIPP will become effective by the first quarter of 2023.
8. The effect of the EIPP upon the environment. The EIPP will not have an adverse impact upon the environment.
9. The extent to which the EIPP will require the provision for additional services. The EIPP will not require any additional services beyond those already in existence.
10. The extent to which the EIPP will provide additional sources of revenue for municipalities and school districts. The EIPP is a positive one economically, in that the PILOT payments made under the EIPP payment schedule will be greater than what would otherwise be collected in the event the project is not undertaken.

Please be advised that representatives from the Agency will be present and discuss the proposed EIPP at a scheduled EIPP information session, to be conducted via Zoom Webinar, and to be held at 12:00 pm on January 9, 2022. As a taxing jurisdiction official, you are invited to attend the EIPP informational session. To register for this webinar, go to:

https://us02web.zoom.us/webinar/register/WN_GsGV5iF7QsCBZAyyINp1jA

In addition, the Agency invites you to provide written comments, which will be reviewed at the Agency's meeting scheduled to be held at 12:00 p.m. on March 22, 2023 at 12:00 p.m. which the Agency contemplates taking action on the EIPP. I also welcome you to attend the Agency's meeting and provide verbal comments and questions.

All written comments can be directed to the Agency at 95 Perry Street, Suite 403, Buffalo, New York 14203. I also welcome and encourage you to contact me with any questions or for additional information regarding the proposed EIPP. I can be reached at jcappell@ecidany.com and at (716) 856-6525.

Very truly yours,



President & CEO

ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Economic Inclusion PILOT Policy

I. Introduction

The Erie County Industrial Development Agency (the “Agency”) recognizes that economic development and inclusion activities associated with Agency financial assistance can create substantial direct and indirect benefits for minorities and women. To enhance the beneficial impact of projects and investments receiving Agency financial assistance, and to further the Agency’s goal of advancing opportunities for a Minority Business Enterprise (MBE)¹ and/or a Women Business Enterprise (WBE)² and for purposes herein, the abbreviation “MWBE” shall mean a Minority or Women Owned Business Enterprise), and to also advance employment opportunities for minorities and women in general, the Agency has established the Economic Inclusion PILOT Policy (the “EIP Policy”).

II. Goals and Objectives

The goal of the EIP Policy is to promote, encourage, and maximize opportunities for minorities and woman to experience economic progress by establishing a minimum 30% MWBE (25% MBE and 5% WBE) utilization rate for construction activities, and a 30% minorities and women (minimum 20% minority and at least 30% minorities or women) job creation and/or retention rate.

To obtain this goal, the EIP Policy is designed to encourage and incentivize recipients of Agency financial assistance, consisting of a real property tax abatement via an Agency payment-in-lie-of-tax agreement (a “PILOT Agreement”), to: (i) commit to utilizing and employing MWBE construction and professional service companies and firms during a project’s construction period, and, (ii) during the post construction period, to commit to certain minority and women hiring goals and/or job retention goals, while also implementing certain procurement, equity and inclusion, training, and mentorship goals. In return for committing to the foregoing, the Agency would then utilize the new EIP PILOT Agreement providing for enhanced real property tax abatement benefits, above and beyond those provided by the standard Agency PILOT Agreements.

¹ Under Article 15-A of the New York Executive Law, an MBE is a business enterprise in which at least fifty-one percent (51%) is owned, operated and controlled by citizens or permanent resident aliens who are meeting the ethnic definitions listed below:

- Black: Persons having origins from any of the Black African racial groups.
- Hispanic: Persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American descent of either Native American or Latin American origin, regardless of race.
- Asian-Pacific: Persons having origins from the Far East, Southeast Asia or the Pacific Islands.
- Asian-Indian Subcontinent: Persons having origins from the Indian subcontinent.
- Native American or Alaskan Native: Persons having origins in any of the original peoples of North America.

² Under Article 15-A of the New York Executive Law, a WBE is a business enterprise in which at least fifty-one percent (51%) is owned, operated and controlled by citizens or permanent resident aliens who are women.

III. EIP Policy PILOT Schedules

Pursuant to the Agency’s Uniform Tax Exemption Policy (the “UTEP”), real property tax abatement benefits are available with varying abatement percentages for either a standard 5-year, 7-year, or 10-year benefit period term (collectively, the “Agency PILOT Programs”) determined via Agency staff application of the PILOT Determination Scoring Worksheet for each particular project. In effect, upon receipt of an application for financial assistance, Agency staff identifies the standard PILOT Agreement benefit period term based upon each applicant’s individual application and related project information. Under the EIP Policy, the abatement percentages and benefit period term of the standard Agency PILOT Programs can now be enhanced, as depicted below, to encourage utilization of MWBE firms, employment and retention of women and minority employees, as well as procurement, equity and inclusion, training and mentorship goals.

A) Standard Five Year PILOT Schedule and EIP Enhancement

	1	2	3	4	5	6	7
Standard % Abatement	75%	65%	55%	45%	35%	0%	0%
EIP Tier 1	80%	75%	70%	65%	60%	55%	0%
EIP Tier 2	80%	75%	70%	65%	60%	55%	50%

B) Standard Seven Year PILOT Schedule and EIP Enhancement

	1	2	3	4	5	6	7	8	9
Standard % Abatement	95%	90%	85%	80%	75%	70%	65%	0%	0%
EIP Tier 1	95%	95%	90%	90%	80%	75%	70%	65%	0%
EIP Tier 2	95%	95%	90%	90%	80%	75%	70%	65%	50%

C) Standard Ten Year PILOT Schedule and EIP Enhancement

	1	2	3	4	5	6	7	8	9	10	11	12
Standard % Abatement	95%	90%	85%	85%	80%	80%	75%	75%	70%	65%	0%	0%
EIP Tier 1	95%	95%	90%	90%	85%	85%	80%	80%	75%	75%	70%	0%
EIP Tier 2	95%	95%	90%	90%	85%	85%	80%	80%	75%	75%	70%	50%

IV. EIP Policy Implementation

Consistent with standard practices, Agency staff will initially evaluate a project, utilizing the PILOT Determination Scoring Worksheet, to determine the standard/initial five, seven or ten year PILOT Agreement term.

An applicant may then opt to work towards qualifying for the EIP Enhancement PILOT by meeting meet *both* Construction Period Obligations and Post-Construction Period Obligations.

A) Construction Period Obligations.

Construction Period Obligations require the applicant to meet a 30% MWBE (25% MBE and 5% WBE) utilization rate, based upon total construction contract value, for construction activities.³ If an applicant is unable to meet the Construction Period Obligations, but has demonstrated good faith efforts to do so, as defined and described within the instructions to the Agency's Application for Financial Assistance, the applicant will be deemed to have met the Construction Period Obligations.

If the Construction Period obligations have been met, the applicant will then need to meet the Post-Construction Period Obligations.

B) Post-Construction Period Obligations

(1) EIP Tier 1 Enhancement Post-Construction Obligations

To meet the EIP Tier 1 Enhancement (at either the 5, 7, or 10 year standard PILOT Agreement term) the applicant will need to: (i) meet the approved job retention and creation goals, (ii) demonstrate that it has met a 30% minority and women (minimum 20% minority and at least 30% minorities or women) job creation requirement as approved per item (i), within two years after project completion, (iii) maintain those hires/percentages during the term of the applicable PILOT Agreement, and (iv) complete at least two (2) of the EIP Policy Best Practices, as described below.

(2) EIP Tier 2 Enhancement Post-Construction Obligations

To meet the EIP Tier 2 Enhancement (at either the 5, 7, or 10 year standard PILOT Agreement term) the applicant will need to: (i) meet the approved job retention goals, (ii) demonstrate that it has total workforce (jobs retained) consisting of 30% minorities and women (minimum 20% minority and at least 30% minorities or women), based upon total workforce commitments as approved per item (i), within two years after project completion, (iii) maintain those percentages during the term of the applicable PILOT Agreement, and (iv) complete at least one (1) of the EIP Policy Best Practices, as described below.

(3) EIP Policy Best Practices

(i) Procurement Practice. Applicant establishment of MWBE procurement goals for operations including supplies, equipment and/or professional services of 10% of applicant's operational contract purchases which are within its local control for the term of the PILOT Agreement, and annual reporting to the Agency during the term of the PILOT Agreement with respect to same.

(ii) Diversity & Inclusion Practice. Applicant creation of a Diversity & Inclusion policy, in alignment with requirements to be developed and amended by the Agency

³ The Agency will utilize and rely upon Erie County, City of Buffalo, and New York State databases to confirm MBE/WBE certification.

from time to time, for its organization with identified goals and objectives metrics for the term of the PILOT Agreement, and annual reporting to the Agency during the term of the PILOT Agreement with respect to same.

(iii) Annual Training Practice. Applicant's management and/or key staff participation in annual training or specified Diversity & Inclusion activities, in alignment with requirements to be developed and amended by the Agency from time to time for the term of the PILOT Agreement, and annual reporting to the Agency during the term of the PILOT Agreement with respect to same.

(iv) Mentorship Practice. Applicant development of and/or participation in mentorship program(s) designed to support MWBE businesses and/or minority and women candidates for leadership positions within its organization or in its occupational field for the term of the PILOT Agreement, and annual reporting to the Agency during the term of the PILOT Agreement with respect to same.

(C) Enforcement

Failure to meet and/or maintain Construction Period Obligations and Post-Construction Period Obligations will result in the applicant being unable to claim or to continue to claim the EIP Enhancement for the remaining term of the PILOT Agreement, and the administrative/procedural amendment of the PILOT Agreement to default to the terms of the otherwise applicable standard Agency PILOT Program.

V. Effective Date

This EIP Policy shall be effective as of March 1, 2023, and shall be applicable and made available to Agency applicants for financial assistance for which the Agency adopts an Inducement Resolution after March 1, 2023.

DEC 9 2022 AM 11:58



COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

GALE R. BURSTEIN, MD, MPH
COMMISSIONER OF HEALTH

December 5, 2022

SENT TO: CITY, TOWN & VILLAGE CLERKS
CLERK OF THE COUNTY
LEGISLATURE
COUNTY EXECUTIVE

Attached hereto please find copies of proposed revisions to the Erie County Sanitary Code, Article IV, General Sanitation. These proposed revisions are hereby being filed pursuant to the Erie County Administrative Code, Section 5.05(b).

A Public Hearing (Notice of enclosed) relative to the proposed revisions will be held on January 17, 2023 at 3:00 P.M immediately preceding an Erie county Board of Health meeting in Room 1402 of the Rath Building, 95 Franklin Street, Buffalo, New York 14202.

Very truly yours,

Robert Free
Chairman
Erie County Board of Health

RF/mac
Attachments

DEC 9 2022 AM 11:58

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Erie County Board of Health on the 27th day of September 2022 made a motion calling for a public hearing to be held concerning revisions to the Erie County Sanitary Code Article IV, including new Section 15.

A public hearing will be conducted by the Erie County Board of Health on Tuesday, January 17, 2023 at 3:00 o'clock in the afternoon in the Erie County Board Room 1402 of the Rath building, 95 Franklin Street in the City of Buffalo, New York to hear all persons interested in this matter.

The proposed revisions are available for public inspection in the offices of the Erie County Health Department, Division of Environmental Health located at 501 Kensington Avenue, Buffalo, New York 14214. And in the offices of all Town, Village and City Clerks in Erie County.

ROBERT FREE
Chairman
Erie County Board of Health

ARTICLE IV GENERAL SANITATION

Section 1. ~~Privies Generally, Definition.~~ General Provisions

- (a) ~~"Privy" shall mean any facility or structure provided for the storage or structure provided for the storage or deposit of human excreta without water carriage.~~
- (b) ~~No person shall permit the existence on any property, place, or premises of any privy, the use of which is abandoned or no longer necessary for the occupancy of the property or which is improperly maintained so as to exposed the contents thereof. Where a public sanitary sewer, a municipal or private water supply is available and accessible, the Commissioner of Health may issue an order, effective within not less than thirty (30) days, upon the owner of any property whereon a privy is located requiring said owner to abandon the use of and to remove said privy.~~
- (c) ~~No privy shall be constructed under or within any building or structure intended or used for human occupancy.~~
- (d) ~~All privies shall be properly enclosed and screened, ventilated, lighted, kept in repair and shall be maintained at all times in a clean and sanitary condition.~~
- (e) ~~1. No privy shall be within one hundred (100) feet of any place where food is prepared or served.~~
- ~~2. No privy shall be within fifty (50) feet of any lake, reservoir or stream.~~
- ~~3. No privy shall be located in the direct line of drainage to not less than one Hundred (100) feet in a horizontal direction from~~

~~any water supply, intake~~

~~pipe, well, or spring used as a source of water supply.~~

4. ~~Privies, one hundred (100) feet to two hundred (200) feet from the source of a water supply shall be provided with water-tight vaults or receptacles, the contents of which shall be removed and disposed of in a sanitary manner.~~

1.1 Introduction. There exist and may in the future exist, within the County of Erie, certain privately and publicly owned structures, equipment, exterior property, premises, or parts thereof, which by reason of their structure, equipment, sanitation, maintenance, or use affect or are likely to affect adversely the public health, safety, and general welfare. To correct and prevent the existence of such adverse conditions, and to achieve and maintain such levels of environmental quality as will protect and promote public health, safety, and general welfare, the establishment and enforcement of general sanitation standards are required.

1.2 Purposes. It is hereby declared that the purpose of this Article is to minimize the incidence of communicable diseases, to regulate certain privately and publicly owned structures, equipment, exterior property, premises, or parts thereof, for the purpose of maintaining adequate sanitation and public health, and to protect the safety of the people of Erie County, and to promote the general welfare by regulations which shall be applicable to certain structures, equipment, exterior property, premises, or parts thereof, now in existence or hereafter constructed.

1.3 Title. This article shall be known and may be cited as the Erie County Sanitary Code Article IV.

1.4 Application and scope.

(a) Application. The requirements of this Article shall:

- (1) When adopted by the appropriate local authority, apply within Erie County.
- (2) Apply to certain privately and publicly owned structures, equipment, exterior property, premises, or parts thereof, within the jurisdiction of Erie County.

(b) Erie County Commissioner of Health may direct enforcement. The Erie County Commissioner of Health may enforce the requirements of this Article in any area where a danger or hazard to the public health shall or is likely to exist because of sanitation, hygiene and/or maintenance conditions.

(c) Construction. It is intended that the application of the provisions of this Article be consistent with the provisions of applicable State and local laws, codes, rules and regulations including the Uniform Fire Prevention and Building Code (Uniform Code); provided, however, that where the provisions of this Article are more restrictive, they shall govern, and where the provisions of such applicable State or local laws, codes, rules and regulations are more restrictive, they shall govern.

(d) Variance. The Erie County Commissioner of Health may, on written application and after review, grant a variance from a specific provision of this Article in a specific case subject to appropriate conditions where such variance is in harmony with the general purpose and intent of this Article, and where there are practical difficulties or unnecessary hardship in carrying out the strict letter of its provision. The responsible person must meet all terms of an approved variance including the effective date, the time period for which the variance is granted, the requirements being varied and any special conditions specified by the Erie County Commissioner of Health.

(e) Separability. If any provisions of this Article are held invalid, such invalidity shall not affect other provisions which shall be given effect without the invalid provisions.

1.5 Inspection and enforcement.

(a) Inspection.

(1) The Erie County Commissioner of Health and any person authorized by said Commissioner to do so, may without fee or hindrance, make inspections to determine the condition of all privately and publicly owned structures, equipment, exterior property, or parts thereof, and the premises on which they are located, in order to fulfill the purposes of this Article.

(2) For the purpose of making such inspections, the inspector is hereby authorized to enter, examine and survey certain structures, equipment, exterior property, premises, or parts thereof. Except for emergencies, or where authorized by

other law, or for the convenience of the occupant or owner, such inspections shall be made between the hours of 7 am and 9 pm.

(3) The owner, the agent thereof, the operator, and the occupant shall give the inspector free access to the structures, equipment, exterior property, premises, or parts thereof, for the purpose of such an inspection.

(b) Enforcement.

(1) Evidence of a violation of this Article discovered during such inspection shall not be used against the violator in either a criminal or civil proceeding except under the following conditions:

(i) Written notice of said violation shall be left with or mailed to the person responsible for correction of such violation or in the alternative such notice shall be posted in a conspicuous place upon the structures, equipment, exterior property, or premises, where the violation is discovered.

(ii) Said written notice states a specific and reasonable time within which such violation shall be eliminated; and

(iii) At the end of such time the violation has not been eliminated.

(2) Evidence of a violation of Sec 2 of this Article, Imminent Health and Safety Risk of Sewage Exposure, shall result in issuance of an immediate Cease and Desist Order.

(i) Written notice of cease and desist order shall be left with or mailed to the person responsible for correction of the imminent health and safety risk or in the alternative, such notice shall be posted in a conspicuous place upon the structures, equipment, exterior property, premises, or parts thereof, where the imminent health and safety risk is discovered.

(ii) Activity shall not continue until such time as the imminent health and safety risk is addressed and approval to resume activity is granted by the Erie County Commissioner of Health.

(3) Noncompliance or nonconformance; penalties. Noncompliance or nonconformance with any provision of this Article constitutes a violation punishable on conviction pursuant to the provisions of Article I of the Erie County Sanitary Code.

1.6 Definitions.

(a) ADEQUATE shall mean sufficient to accomplish the purpose for which something is intended and to such a degree that no unreasonable risk to health or safety is presented. An item installed, maintained, designed and assembled, an activity conducted, or act performed, in accordance with generally accepted standards, principles or practices applicable to a particular trade, business, occupation or profession, is adequate within the meaning of the Article.

(b) APPROVED shall mean written approval by the Erie County Commissioner of Health.

(c) COMMON USE shall mean use by more than one person without effective disinfection.

(d) DWELLING UNIT shall mean a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

(e) ERIE COUNTY COMMISSIONER OF HEALTH shall mean the Health Commissioner of Erie County, New York or his/her duly authorized representative or designee.

(f) EQUIPMENT shall mean any equipment, apparatus or device, system, or other contrivance and auxiliary components thereof, including but not limited to septic tanks, treatment facilities, piping and pump stations, related to or used in the conveyance of sewage and used in the process of adequate, approved sewage disposal.

(g) EXERCISE EQUIPMENT shall mean built-in and movable equipment for the preservation, maintenance, encouragement or development of physical fitness or well-being, including but not limited to, cardiovascular and weight training machinery.

(h) EXTERIOR PROPERTY shall mean the open space on the premises and on adjoining property under the control of owners or operators of such premises.

(i) GARBAGE shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, serving and consumption of food.

(j) GYM, HEALTH OR FITNESS FACILITY shall mean an indoor fitness center, gymnasium, health or athletic club that offers training or assistance or facilities for the preservation, maintenance and development of physical fitness or well-being.

(k) INDIVIDUAL SEWERAGE SYSTEM shall mean a system or piping, tanks or other facilities disposing of sewage or other liquid wastes into the soil.

(l) OFFENSIVE MATERIAL shall mean any litter, garbage, refuse, rubbish, sewage, fecal matter, manure, offal, dead animals, meat waste, blood, tankage, brine, urine, or any putrescible organic matter, or the contents of privies, cesspools, septic tanks, or chemical toilets, either in liquid, solid, or gaseous state, or other liquid, solid, or gaseous material, whether waste material or not, hazardous, or flammable wastes, petroleum products, or waste tires, or any other material or condition which are hereby deemed to be a nuisance or to be prejudicial to health by the Erie County Commissioner of Health.

(m) OWNER shall mean any person, agent, operator, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, County or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

(n) PERSON shall mean an individual, group of individuals, partnership, firm, corporation, association, political subdivision, government agency, municipality, estate or any other legal entity.

(o) PLUMBING shall mean and include all of the following supplied facilities and equipment; gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, toilet rooms, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.

(p) POTABLE WATER shall mean water that meets the requirements of New York State Sanitary Code Subpart 5.1 that is provided or used for human consumption, food preparation, or for lavatory, culinary, bathing or laundry purposes.

(q) PREMISES shall mean a lot, plot or parcel of land, an easement or public way, including any structure thereon.

(r) PRIVY shall mean a non-portable temporary toilet provided for the storage or deposit of human excreta without water carriage or connection to a sewerage system.

(s) PUBLIC HEALTH HAZARD shall mean any existing or imminent condition, which can be responsible for or cause illness, physical injury or death.

(t) REALTY SUBDIVISION shall have the meaning ascribed to it in Article 11, Title II of the New York State Public Health Law, and Article 17 Title 15 of the New York State Environmental Conservation Law.

(u) REFUSE shall mean all putrescible and non-putrescible solid wastes, including garbage, rubbish, ashes, incinerator residue, street cleanup, dead animals, offal and solid commercial waste.

(v) SAFETY shall mean the condition of being reasonably free from danger and hazards which may cause accidents or disease.

(w) SEWAGE shall mean excreta and the waste from a flush toilet, bath, sink, lavatory, dish washing or laundry machine, or the water-carried waste from any other fixture or equipment or machine.

(x) SEWERAGE SYSTEM shall mean pipe lines or conduits, pumping stations and force mains, and all other constructions, devices and appliances appurtenant thereto, used for conducting sewage, industrial waste or other wastes to a point of ultimate disposal.

(y) STRUCTURE shall mean that which is built or constructed or a portion thereof.

(z) SUPPLIED shall mean paid for, furnished, provided by, or under the control of the owner or operator.

(aa) TEMPERED WATER shall mean potable water that is between 80 and 100 degrees Fahrenheit.

(bb) TEMPORARY TOILET shall mean a self-contained toilet facility without water carriage that is not designed or intended for connection to a sewerage system.

(cc) TOILET FACILITY shall mean a fixed or portable facility provided for individual convenience in the sanitary disposal of body wastes and the structures for their installation and maintenance. Toilet facilities include biological, chemical, flush and combustion toilets and sanitary privies.

Section 2. Exposure of Sewage.

(a) 2.1 Imminent Health and Safety Risk of Exposure of Sewage. No person either as owner, ~~lessee, or tenant~~ the agent thereof, operator, or occupant of any property, dwelling, building or place, shall construct or maintain and/or operate any ~~privy, cesspool,~~ temporary toilet facility, sewage disposal system, pipe or drain so as to:

(a) Expose or discharge the sewage contents or other offensive material or matter there from to the atmosphere, or on the surface of the ground, ~~nor~~ ;

(b) Expose or discharge sewage contents or other offensive material or matter there from so as to endanger any source of supply of drinking water, ~~nor as~~ ;

(c) Allow sewage contents or other offensive material or matter there from to discharge into a water course or body of water unless a permit for such discharge shall have been issued therefore by the appropriate State officer or his duly authorized designee and such discharge shall be made in accordance with the requirements thereof.

~~(b) 2.2~~ No facilities for the private disposal of sewage shall be constructed under or within any building or structure and no building or structure shall be erected on an area within which private sewage disposal facilities are in use unless special written permission has been obtained therefore from the ~~Department of Health,~~ the Erie County Commissioner of Health.

~~(e) 2.3~~ No person shall permit the disposal of any substance into any plumbing line, sewer, privy, or separate sewage disposal system other than that which said facility is designed or is intended to receive.

~~(d) Transferred to County Department of Environmental Quality Codes.~~

Section 3. Sewer Connections Required.

(transferred to County Department of Environmental Quality Codes).

Section 4. Temporary Toilet Facilities. ~~on Construction.~~

4.1 Temporary Toilet Facilities: Use on Construction. Any person employing ~~men~~ workers on the construction of any highway, building or structure, shall provide or cause to be provided ~~a temporary privy or privies or other~~ satisfactory temporary toilet facilities for said workers.

(a) Toilet facilities shall be at a convenient place upon the premises, or readily accessible thereto, ~~and the same~~

(b) Toilet facilities shall be properly enclosed and have tight-fitting doors.

(1) The facilities shall be lighted properly and adequately ventilated, either by natural or mechanical means.

(c) Toilet facilities shall be of such construction as to be easily cleaned and shall be kept in good repair and shall be maintained at all times in a clean and sanitary condition.

(d) Toilet facilities shall be provided with adequate water-tight vaults or receptacles, and the contents thereof shall be completely covered with clean inert material or otherwise effectively treated, or removed immediately at the end of each shift or working day.

(1) Receptacles shall be emptied and thoroughly cleaned as needed or at least once weekly.

(e) Where possible, handwashing facilities with running water and soap or detergent with a sanitary storage receptacle should be included with or adjacent to toilet facilities.

(1) If handwashing facilities cannot be provided, a hand sanitizing station must be provided.

(f) A supply of toilet tissue is to be provided at all times at each toilet facility.

4.2 Temporary Toilet Facilities: Rest Stops and Comfort Stations

(a) Where a public sanitary sewer, a municipal or private water supply is not readily available or accessible and temporary facilities are provided for the public comfort, those

facilities shall be maintained in a clean and sanitary condition and comply with Sec 4.1 (b) through 4.1 (f) of this Article.

4.3 Temporary Toilet Facilities: Seasonal use of Privies.

(a) Where a public sanitary sewer, a municipal or private water supply is available and accessible, the Erie County Commissioner of Health may issue an order, effective within not less than thirty (30) days, upon the owner of any property whereon a privy is located requiring said owner to abandon the use of and to remove said privy.

(b) No person shall permit the existence on any property, place, or premises of any privy, the use of which is abandoned or no longer necessary for the occupancy of the property or which is improperly maintained so as to expose the contents thereof.

(c) No privy shall be constructed for use on any property that is intended for continuous human occupancy.

(d) No privy shall be constructed under or within any building or structure intended or used for human occupancy.

(e) All privies shall be properly enclosed and screened, ventilated, lighted, kept in repair and shall be maintained at all times in a clean and sanitary condition.

(1) All privies shall be provided with adequate water-tight vaults or receptacles, the contents of which shall be removed and disposed of in a sanitary manner.

(f) No privy shall be within one hundred (100) feet of any place where food is prepared or served.

(g) No privy shall be within fifty (50) feet of any lake, reservoir or stream.

(h) No privy shall be located in the direct line of drainage to not less than one Hundred (100) feet in a horizontal direction from any water supply, intake pipe, well, or spring used as a source of water supply.

4.4 Privies and portable temporary toilet facilities shall be located, constructed and maintained so that no contamination of a water supply, surface water, or adjacent ground surface will occur. The

contents shall be emptied and/or adequately treated to prevent discharge to the surface of the ground or to any area readily accessible to the public.

Section 5. Cleanliness of Public Toilets, Bathhouses, Showers and Locker Rooms

Any person who provides a toilet, bathhouse, shower or locker room facilities, for the use of employees, patrons or members or available to the public, shall maintain such ~~toilet~~ facilities at all times in a clean, well-lighted, ventilated and sanitary condition in accordance with this section.

~~The floor of any such toilet under and adjacent to a urinal fixture shall be impervious to moisture and properly drained. No towel, hairbrush or comb, shall be provided for common use in any such toilet or in a washroom, rest room or locker room adjacent thereto. The term "common use" shall mean use by more than one person without effective disinfection. The owner of a building or dwelling, or his agent in charge thereof, wherein two or more tenants shall have common use of a toilet or privy, shall be responsible for the maintenance of such toilet or privy in repair and in a clean and sanitary condition. Facilities for washing and drying hands shall always be available, including soap dispensed in a sanitary manner.~~

5.1 Water supply

(a) The water supply serving all plumbing fixtures, including drinking fountains, lavatories, toilets and showers, shall meet the applicable requirements of the New York State Sanitary Code, subpart 5-1.

(b) An adequate supply of hot and cold water from a municipal or satisfactory private source shall be provided for service for customers, cleanliness of employees, and for washing floors, walls, ceiling and equipment.

5.2 Plumbing fixtures

(a) Plumbing fixtures shall be of impervious material and of a type which is readily cleanable. They shall be free from cracks and from parts which are not readily accessible for cleaning. They shall be of a type which does not constitute a hazard to a public water supply through back siphonage. Plumbing fixtures and installation shall be in accordance with the NYS Uniform Code.

5.3 Sewage disposal system

(a) All waste water from a public toilet, public shower or lavatory sink shall be discharged to a public sewer system or other approved disposal system.

5.4 Garbage; refuse

(a) Garbage and refuse shall be collected, handled, stored and disposed of in a sanitary manner.

5.5 Lighting and Ventilation

(a) Lighting fixtures shall be in sufficient number and properly placed so as to provide adequate illumination.

(b) Toilet facilities, bathhouse, showers and locker rooms shall be properly and adequately ventilated, either by natural or mechanical means.

5.6 Toilet facilities provided for the use of employees, patrons or members, or available to the public

(a) Toilet fixtures are to be of sanitary design and readily cleanable.

(b) The floor, walls and partitions of the toilet facility, which shall afford privacy to a person within said facility, shall be constructed of smooth-finished material impervious to moisture and easily cleanable. Floors shall be properly drained.

(c) Toilet facilities are to be kept clean, in good repair and free from objectionable odors.

(d) A supply of toilet tissue is to be provided at all times at each toilet.

(e) Easily cleanable covered receptacles for waste paper and other refuse are to be provided.

5.7 Handwashing facilities

(a) Adequate handwashing facilities are to be provided and maintained in or adjacent to toilet facilities

(b) Each handwashing facility is to be provided with running hot and cold or tempered potable water.

(c) Each handwashing facility is to be provided with hand-cleaning soap or detergent with a sanitary storage receptacle.

(d) Individual single-service towels or warm air blowers are to be provided.

(1) Conveniently located waste receptacles are to be provided if disposable towels are used.

(e) Common use items, such as towels, are prohibited.

(f) Handwashing facilities, soap or detergent receptacles, handwashing devices and related facilities are to be kept clean and in good repair.

5.8 Bathhouse, Showers and Locker Rooms

(a) Walls and floors of the bathhouse, shower or locker room shall be kept clean and free from cracks or open joints. Floors shall be of such construction as to be easily cleaned and shall be kept clean and in good repair. The floors shall be impervious to moisture and properly drained.

(b) All fixtures within the bathhouse shall be maintained in a clean and sanitary condition at all times.

(c) All locker rooms and dressing areas shall be properly lighted, ventilated and maintained.

(d) Showers, when provided, shall be supplied with tempered water and shall be kept in good working condition to prevent scalding of users.

(1) Shower curtains shall be kept clean and in good repair.

(2) When provided, soap or detergent shall be dispensed and stored in a sanitary storage receptacle.

(e) Care of towels. All towels furnished or rented shall be washed with a detergent in hot water, rinsed and thoroughly dried after each use.

(1) Cabinets shall be provided for storage of clean towels. They shall have tight fitting doors that shall be kept closed to protect the towels from dust and dirt.

5.9 Drinking Fountains

(a) Drinking fountains, if provided, must be in good repair and maintained in a clean and sanitary condition.

(b) Drinking fountains may not be installed inside public bathrooms.

Section 6. ~~Permit Required for Sewage Disposal System; Permit Fee.~~ Sewage Disposal System; Permit Fee, Construction Standards, Locations, Abandonment of Septic Tanks

6.1 Permit Required. No person either as owner, the agent thereof, ~~or lessee or tenant, or operator or occupant,~~ shall undertake to construct or provide a system or facilities for the

separate disposal of waterborne sewage, domestic or trade wastes to serve any ~~building, dwelling, school, institution, privately or publicly owned structure~~ or premises in or from which such wastes may be discharged, unless such construction conforms to standards approved by the Erie County Commissioner of Health, ~~provided that such approval~~

(a) Such approval by the Erie County Commissioner of Health shall not be required when a permit therefore has been issued by the State Commissioner of Health.

6.2. Permit Fee. No permit required by subsection ~~(a)~~ 6.1 of this section shall be issued until and unless the applicant shall have paid to the Erie County Commissioner of Health a permit fee ~~of Forty (\$40) Dollars.~~ per the approved fee schedule.

~~To be effective 30 (30) days after passage on 7/18/72.~~

6.3. Construction Standards. No person, firm or corporation shall construct or place an individual sewerage system on any premises or part thereof except as permitted by the Erie County Commissioner of Health per subsection 6.1 of this section.

(a) The Commissioner shall regulate and control the construction of individual sewerage systems in permissible locations in Erie County.

(b) The construction of individual sewerage systems must meet the requirements of the specifications and standards as set out in the New York State Sanitary Code Appendix 75-A, applicable design manuals as established by the New York State Department of Health, the specifications, standards and design manuals as established by the New York State Department of Environmental Conservation.

(c) The Commissioner may establish separate classes of construction specifications and performance standards for individual sewerage systems for different types of realty developments and land uses.

(1) These may include, but need not be limited to, separate classifications for single family dwellings, multiple dwellings, commercial or industrial uses, realty subdivisions, and for systems within cities or villages.

6.4. Non-Permissible Locations. No person, firm or corporation shall construct or place on any premises any individual sewerage system, or part of such system in any of the following locations:

(a) Within the limits of any sewer district in Erie County where public sanitary sewer collection lines and municipal or private water supply are available and accessible;

6.5. The Erie County Commissioner of Health may permit the construction of individual sewerage systems in permissible locations in Erie County subject to the following limitations:

(a) Within cities or villages. Systems to serve buildings or structures within the corporation limits of a city or village may be permitted by the Commissioner if:

(1) The governing body of the affected city or village, or the mayor's delegate, approves construction of the proposed individual sewerage systems; and

(2) The site and soil conditions are adequate to permit the proposed systems to satisfy performance standards established by said Commissioner for individual sewerage systems within cities or villages.

(b) Outside cities or villages, but within a sewer district. Systems to serve buildings or structures which are located outside a city or village, but which are within a sewer district, may be permitted by the Commissioner if:

(1) The Commissioner finds that public sanitary sewers will be available to the buildings or structures within ten (10) years of the date of the application and all necessary state and federal approvals have been obtained for such sewers; and

(2) The site is adequate to meet the construction specifications and satisfy the performance standards established by said Commissioner for systems to serve the type of development proposed for the site.

(c) Outside cities or villages and not within a sewer district, or in a location not to be served by public sanitary sewers. Systems to serve buildings or structures which are not within a sewer district, or which are in a location which the Commissioner finds will not be served by public sanitary sewers within ten (10) years of the date of application, may be permitted by the Commissioner if:

(1) The site is adequate to meet the construction specifications and performance standards established by the Commissioner for systems to serve the type of development proposed for the site; and

(2) In cases where a conventional septic tank system is permitted, the site will provide adequate unimproved space to allow construction of a complete replacement system in the event the first system fails; and

(3) In cases where a conventional septic tank system can not be installed and requires the installation of an alternative system or a system that does not use in-situ soils, the site provides a minimum of $\frac{3}{4}$ acre (32, 670 square feet) for each building or dwelling unit. The $\frac{3}{4}$ acre must be buildable land and can not include such areas as road ways, right of ways, easements, wetlands, water bodies or other non-buildable areas as determined by the Commissioner.

6.6. Abandonment of Septic Tanks. For safety purposes, all abandoned or decommissioned septic tanks shall be crushed, removed, or filled with stone, earth or sand.

6.7. No permit issued under this Section shall be deemed to authorize any action prohibited by or under the New York Public Health Law or New York Environmental Conservation Law.

Section 7. ~~(Deleted) Definitions. The following definitions shall apply to Sections 8, 9 and 10 of this Article.~~

- ~~(a) — The term "synthetic detergent" or "detergent" means any cleaning compound which is available for household use, laundry use, other personal uses or industrial use, which is composed of organic and inorganic compounds, including soaps, water softeners, surface active agents, dispersing agents, foaming agents, buffering agents, builders fillers, dyes, enzymes, fabric softeners and/or other additives, whether in the form of crystals, powders, flakes, liquids, sprays, or any other form.~~
- ~~(b) — The term "machine dishwasher" means equipment manufactured for the purpose of cleaning dishes, glassware and other utensils involved in food preparation, consumption or use, using a combination of water agitation and high temperatures.~~
- ~~(c) — The terms "dairy equipment", "beverage equipment", and "food processing equipment" mean that equipment used in the production of milk and dairy products, foods and beverages, including the processing, preparation or packaging thereof for consumption.~~
- ~~(d) — The term "industrial cleaning equipment" means machinery and other~~

~~tools used in cleaning processes during the course of industrial manufacturing, production and assembly.~~

Section 8. [\(Deleted\)](#)

~~(a) — No person shall sell, offer or expose for sale, give or furnish for re-sale or use in Erie County any synthetic detergent or detergent containing more than eight and seven-tenth percent (8.7%) of the phosphorous by weight, expressed as elemental phosphorous, within the County of Erie Health District from and after May 11, 1971.~~

~~(b) — No person shall sell, offer or expose for sale, give or furnish for re-sale or use in Erie County any synthetic detergent or detergent containing any phosphorous, expressed as elemental phosphorous, within the County of Erie Health District after January 1, 1972.~~

Section 9. [\(Deleted\)](#)

~~The concentration by weight of phosphorous in any detergent shall be determined by the method prescribed from time to time by the American Society for Testing and Materials.~~

Section 10. [\(Deleted\)](#)

~~Notwithstanding the foregoing, synthetic detergents or detergents manufactured for use in machine dishwashers, dairy equipment, beverage equipment, food processing equipment and industrial cleaning equipment shall not be subject to the limitations prescribed in Sections 8 and 9.~~

Section 11. Water & Sewage Service for Multiunit Complexes
(Transferred to County Dept. of Environmental Quality Codes).

**Section 12. Transfer of Title to Property; Certification by Commissioner of Health;
Certification Fee.**

12.1 Transfer of Title to Property. No person shall transfer to any other person, nor accept from any other person, the transfer of the title to any structure or parcel of land on which a structure is located, provided such structure is to be used for human occupancy, unless and until the Erie County Commissioner of Health shall have ~~examined~~ inspected the water supply and sewage disposal system serving such structure and issued a certificate that the water supply conforms to the standards ~~of Article V of this code~~ New York State Sanitary Code, Subpart 5-1, New York State Sanitary Code Subpart 5-1, Appendix 5B, and applicable standards of the State Commissioner of Health, and that the sewage disposal system is in conformity with Section 2 of this Article.

(a) The operation of this section shall not be applicable to the following: transfers in a foreclosure action; transfers without consideration and other than in connection with a sale, including transfers conveying realty as bona fide gifts; transfers in connection with a partition; transfers pursuant to the Federal Bankruptcy Act; transfers for which the consideration is \$100 or less.

(b) No such certification of the water supply need be applied for or made if the water supply serving the structure is an approved public water supply as defined in ~~Article V of this Code.~~ the New York State Sanitary Code Subpart 5-1.

(c) No such certification of the sewage disposal system need be applied for or made if the sewage originating in the structure discharged only to a public sewer owned and operated by a public sewer or other special service district.

12.2 Certification by Erie County Commissioner of Health. Certification pursuant to the provisions of this section shall not be construed as a guarantee by the Erie County Commissioner of Health or by his designees that the sewage disposal system will continue to function satisfactorily, nor shall it in any way restrict the action of the Erie County Commissioner of Health or his designee in the enforcement of any law or regulation.

~~The Commissioner of Health may waive the requirement of certification as a prerequisite to transfer of title as herein before specified provided that the prospective purchaser shall have filed with the said Commissioner a written guarantee to correct any deficiencies of the water supply or~~

~~sewage disposal system within a period of time to be specified by the said Commissioner, and shall have posted a bond of One Thousand (\$1,000.00) Dollars which bond shall be forfeit if needed corrections of the water supply and sewage disposal systems are not completed within the time specified in the written guarantee.~~

12.3 The Erie County Commissioner of Health may approve a variance from the requirement of certification as a prerequisite to transfer of title as herein before specified provided that the prospective purchaser shall have filed with said Commissioner a written guarantee to allow for inspection of the water supply and sewage disposal system and to correct any deficiencies of the water supply and sewage disposal system as noted by inspection within a period of time to be specified by said Commissioner.

(a) Failure of the purchaser to allow for inspection of the water supply and sewage disposal system within a period of time to be specified by said Commissioner is considered a violation of this section and could be issued a penalty of up to \$500.00 per day of violation.

(b) Failure of the purchaser to correct any deficiencies of the water supply and sewage disposal system noted by inspection and provided in written notification is considered a violation of this section and could be issued a penalty of up to \$500.00 per day of violation.

12.4 Certification Fee. No certification as specified in subsection ~~(a)~~ 12.1 of this section, nor no ~~waiver~~ variance as specified in subsection ~~(c)~~ 12.3 of this section shall be issued until and unless there have been paid to the Erie County Commissioner of Health a certification fee as listed in the approved fee schedule.

~~The Commissioner of Health may grant an exception from any requirement of this rule, on such terms as may be just, when in his discretion the enforcement of any such requirement will cause undue financial or other hardship due to the imminent construction of public sewage facilities, or result in any other extreme hardship, provided that no such exception shall be granted if a serious health hazard exists or will occur as a result of the granting of any such exception.~~

Section 13. (Reserved).

Section 14. Use of Septic Tanks in Subdivisions

~~Definition. When used in this section, the term realty subdivision shall have the meaning ascribed to it in Section 115 of the New York State Public Health Law, and Section 17-1501 of the New York State Environmental Conservation Law.~~

14.1 The Erie County Commissioner of Health may approve realty subdivision submitted after the effective date of this section if:

(a) The subdivision will be served by adequate public sanitary sewers prior to the occupancy of any residential unit within the subdivision; or

(b) The subdivision will contain forty-nine or less lots, is within a sewer district, ~~the said~~ Commissioner finds that adequate public sanitary sewers will be available and accessible within five years of the date of the application, ~~and~~

(1) All necessary state and federal approvals have been obtained for said public sanitary sewers; or

(c) The subdivision is outside a sewer district, will contain forty-nine or less lots, the percolation rate for the soil in the subdivision is at least one inch in sixty minutes, and adequate public sanitary sewers are not available and accessible.

Section 15. Gyms, Health or Fitness Facilities

15.1 Application. These sections shall apply to gyms and health or fitness facilities operated in Erie County, New York.

15.2 Permits to operate a gym, health or fitness facility in Erie County required; application, issuance, revocation, posting, inspection, access.

(a) No person shall operate a gym, health or fitness facility in Erie County or cause or allow the same to be operated, without a permit from the Erie County Commissioner of Health.

(b) Application for a permit shall be made on a form specified by the Erie County Department of Health, by the operator to the Commissioner beginning 4/1/2023 and thereafter at least 60 days before operation or the expiration of an existing permit or a change in name, owner or operator. For new construction, such application shall include a copy of the certificate of occupancy issued by the local code enforcement official.

(c) The Commissioner shall issue a permit if the gym, health or fitness facility conforms or will conform at the time of operation to the requirements of this section, any other

applicable laws, and will not present a danger to the health and safety of the patrons/members and the general public. An applicant's past history of compliance or non-compliance will be a consideration in evaluating the previously mentioned criteria.

(d) A permit may be denied, revoked or suspended by the Erie County Commissioner of Health or the State Commissioner of Health if the gym, health or fitness facility is maintained, operated or utilized in violation of the Public Health Law, local laws, duly issued emergency orders or other applicable provisions of the Uniform Code. Before denial, suspension or revocation of a permit, or after receipt of a notice of violation, the operator shall have the right to appeal to the Erie County Commissioner of Health, except that when a public health hazard exists, a permit may be temporarily suspended pending a hearing. A permit will also be revoked upon request of the operator or upon abandonment of the gym, health or fitness facility operation. Following the revocation, an application shall be filed for a new permit before resumption of operation.

(e) A permit for a gym, health or fitness facility shall be issued for a period of not more than three years from the date of issue. A permit shall not be transferable or assignable and shall expire upon a change of the name, owner, or operator of the gym, health or fitness facility or upon the date specified by the Commissioner.

(f) The Erie County Commissioner of Health and any person authorized by said Commissioner to do so shall be allowed entry for the purposes of inspection to any property operated as a gym, health or fitness facility as defined by this Article.

(1) For the purpose of making such inspections, the inspector is hereby authorized to enter, examine and survey the facilities and operation of the gym, health or fitness facility. Except for emergencies, or where authorized by other law, or for the convenience of the operator or owner, such inspections shall be made during the gym, health or fitness facility regular hours of operation or between the hours of 7 am and 9 pm.

(g) A permit issued for the operation of a gym, health or fitness facility shall be posted in a conspicuous place on the premises.

(h) A separate permit shall be required to operate a swimming pool, as defined by the New York State Sanitary Code Subpart 6-1, or a food service establishment, as defined by the New York State Sanitary Code Subpart 14-1, operated as part of a gym, health or fitness facility.

15.3 General Design and Structure

(a) Water supply

(i) The water supply serving all plumbing fixtures, including drinking fountains, handwashing facilities, toilets and showers, shall meet the applicable requirements of the New York State Sanitary Code Subpart 5-1.

(ii) An adequate supply of hot and cold water from a municipal or satisfactory private source shall be provided for service for customers, cleanliness of employees, and for washing floors, walls, ceiling and equipment.

(b) Plumbing fixtures. Plumbing fixtures shall be of impervious material and of a type which is readily cleanable. They shall be free from cracks and from parts which are not readily accessible for cleaning. They shall be of a type which does not constitute a hazard to a public water supply through back siphonage. Plumbing fixtures and installation shall be in accordance with the NYS Uniform Code.

(c) Sewage disposal system. All waste water from a public toilet, public shower or lavatory sink shall be discharged to a public sewer system or other approved disposal system.

(d) Garbage; refuse. Garbage and refuse shall be collected, handled, stored and disposed of in a sanitary manner.

(i) Receptacles for interior refuse and recyclables shall be provided in sufficient quantity and size to meet the needs of the facility and shall be kept covered and clean.

(ii) Exterior garbage, refuse and recyclable containers shall be rodent-proof, insect-proof, and watertight and stored in an area that will not create a nuisance and be kept clean and free of odors at all times.

(e) Walls and floors shall be kept clean and free from cracks or open joints. Floors shall be of such construction as to be easily cleaned and shall be kept clean and in good repair. The walls and ceiling shall be kept clean and in good repair.

(f) Lighting and Ventilation.

(1) Lighting fixtures shall be in sufficient number and properly placed so as to provide adequate illumination.

(2) Exercise areas, toilet facilities, showers, locker rooms and dressing areas shall be properly and adequately ventilated, either by natural or mechanical means.

15.4 Exercise Equipment.

(a) The layout of the facilities and equipment shall provide enough spacing to ensure that all exercise equipment can be used safely at all stations.

(b) Exercise equipment shall be well maintained and easy to clean.

(1) Operators shall regularly inspect exercise equipment for health and safety hazards, including, but not limited to; worn and frayed cables, exposed wiring, damaged walking surfaces, loose bolts, torn or ripped upholstery, etc.

(i) Damaged exercise equipment should be tagged "Do Not Use" or removed.

(c) Cleaning and disinfection of exercise equipment.

(1) All exercise equipment and tools shall be cleaned and disinfected between users.

(2) Sufficient cleaning and disinfection supplies shall be supplied and available to adequately clean and disinfect all exercise equipment.

(i) Spray bottles filled with disinfecting solution and disposable towels, or disinfecting wipes shall be supplied and available for use throughout the gym, health or fitness facility for each location/station/piece of exercise equipment.

(3) Signs should be posted to remind staff and users to clean and disinfect exercise equipment after each use.

(i) Fitness center patrons/members should be encouraged to clean exercise equipment before and after use.

(ii) If fitness center patrons/members fail to clean and disinfect exercise equipment after each use, sufficient staff must be available to clean and disinfect exercise equipment between users.

15.5 Maintenance and Operation

(a) Each gym, health or fitness facility must create and have on file an approved Standard Operational Procedure (SOP) for the proper cleaning and hygiene procedures that are used to maintain cleanliness of the facility and must include the plan for:

(1) Inspecting and cleaning equipment and locker rooms immediately before and after prime-time traffic periods or at least twice daily.

(i) Identifying, cleaning and disinfecting frequently touched surfaces.

(2) Cleaning and disinfecting all exercise equipment and tools between users as required in Section 15.4 (c).

(3) Cleaning and disinfection records must be provided for the entire gym, health or fitness facility, including the offices and toilets, and be maintained for twelve months.

(4) All cleaning products and equipment must be stored in a separate designated room and should be well ventilated and properly maintained.

(i) A list of the cleaning and disinfection products used in the facility should be kept and updated periodically.

(ii) Use of products that are EPA registered at concentrations as recommended by CDC for proper disinfection.

15.6 Safety Requirements

(a) Emergency contact numbers shall be displayed conspicuously to enable prompt action in case of an emergency.

(b) The gym, health or fitness facility shall have approved first-aid equipment on site.

(1) Required first-aid equipment shall be readily accessible to all public areas of the fitness center and in good repair. Minimum equipment shall include:

(i) A first aid kit, which may be any commercially prepared 24 unit kit or a supply of band aids, bandage compresses and self-adhering gauze bandages.

(ii) All first-aid kits must be replenished and updated on a regular basis.

(c) Repair work or any maintenance work in the gym, health or fitness facility that would cause a nuisance, poor air quality or any potential health hazards, such as sanding, spray painting, dry sweeping, etc. shall not be done during operating hours. When this type of work is performed, all conditions that would contribute to a potential nuisance or health hazard must be eliminated prior to re-opening.

15.7 Toilet Facilities, Showers and Locker Rooms

(a) Toilet, shower, locker room and dressing areas shall not open directly to the exercise area.

(b) Toilet Facilities.

(1) Toilet fixtures are to be of sanitary design and readily cleanable.

(2) The floor, walls and partitions of the toilet facility, which shall afford privacy to a person within said facility, shall be constructed of smooth-finished material impervious to moisture and easily cleanable. Floors shall be properly drained.

(3) Toilet facilities are to be kept clean, in good repair and free from objectionable odors.

(4) A supply of toilet tissue is to be provided at all times at each toilet.

(5) Easily cleanable covered receptacles for waste paper and other refuse are to be provided.

(c) Handwashing facilities

(1) Adequate handwashing facilities are to be provided and maintained in or adjacent to toilet facilities.

(2) Each handwashing facility is to be provided with running hot and cold or tempered potable water.

(3) Each handwashing facility is to be provided with hand-cleaning soap or detergent with a sanitary storage receptacle.

(4) Individual single-service towels or warm air blowers are to be provided.

(i) Conveniently located waste receptacles are to be provided if disposable towels are used.

(5) Common use items, such as towels, are prohibited.

(6) Handwashing facilities, soap or detergent receptacles, handwashing devices and related facilities are to be kept clean and in good repair.

(d) Showers and Locker Rooms

(1) The floors of showers and locker rooms shall be impervious to moisture and properly drained.

(2) All locker rooms and dressing areas shall be properly lighted, ventilated and maintained.

(3) Showers, when provided, shall be supplied with tempered water and shall be kept in good working condition to prevent scalding of users.

(i) Shower curtains shall be kept clean and in good repair.

(ii) When provided, soap or detergent shall be dispensed and stored in a sanitary storage receptacle.

(4) Care of towels. All towels furnished or rented shall be washed with a detergent in hot water, rinsed and thoroughly dried after each use.

(i) Cabinets shall be provided for storage of clean towels. They shall have tight fitting doors that shall be kept closed to protect the towels from dust and dirt.

(e) Drinking Fountains. Drinking fountains, if provided, must be in good repair and maintained in a clean and sanitary condition.

ARTICLE IV-B

REGULATION OF INDIVIDUAL SEWAGE DISPOSAL SYSTEMS

Passed December 19, 1973

[Incorporated into Article IV Section 6 \(DATE OF ADOPTION\)](#)

~~Section 1. Definitions~~

- ~~(a) When used in this Article the term "individual sewerage system" means a system or piping, tanks or other facilities disposing of sewage or other liquid wastes into the soil.~~
- ~~(b) When used in this Article the term "dwelling unit" shall mean dwelling unit as defined in Section 21.7, Title 10 of the New York State Codes, Rules and Regulations.~~

~~Section 2. No person, firm or corporation shall construct or place an individual sewerage system on any premises or part thereof except as permitted by the Commissioner of Health. The Commissioner of Health shall regulate and control the construction of individual sewerage systems in permissible locations in Erie County. The Commissioner shall establish and publish construction specifications and performance standards for individual sewerage systems. Such specifications and standards for individual sewerage systems. Such specifications and standards shall not be less restrictive than the minimum~~

~~specifications and standards set out in the Manual of Septic Tank Practice of the United States Department of Health, Education and Welfare, and applicable rules and regulations of the New York State Department of Health, and New York State Department of Environmental Conservation. The Commissioner may establish separate classes of construction specifications and performance standards for individual sewerage systems for different types of realty developments and land uses. These may include, but need not be limited to, separate classifications for single family dwellings, multiple dwellings, commercial or industrial uses, realty subdivisions, and for systems within cities or villages.~~

~~Section 3. — No person, firm or corporation shall construct or place on any premises any individual sewerage system, or part of such system in any of the following locations:~~

- ~~(a) — within the limits of any sewer district in Erie County where public sanitary sewer collections lines and municipal or private water supply are available and accessible;~~
- ~~(b) — within 200 feet of any reservoir or ground water aquifer for a public water supply, or within 100 feet of any other body of water, or within such greater distance of a reservoir or body of water as the Commissioner determines is required to protect the quality of the reservoir or body of water in accordance with water quality standards set by the New York State Department of Health or Environmental~~

~~Conservation.~~

~~Section 4. — The Commissioner of Health may permit the construction of individual sewerage systems in permissible locations in Erie County subject to the following limitations:~~

~~(a) — Within cities or villages~~

~~Systems to serve buildings or structures within the corporation limits of a city or village may be permitted by the Commissioner if:~~

~~(1) — the governing body of the affected city or village, or the mayor's delegate, approves construction of the proposed individual sewerage system; and~~

~~(2) — the site and soil conditions are adequate to permit the proposed systems to satisfy performance standards established by the Commissioner for individual sewerage systems within cities or villages.~~

~~(b) — Outside cities or villages, but within a sewer district.~~

~~Systems to serve buildings or structures which are located outside a city or village, but which are within a sewer district, may be permitted by the Commissioner if:~~

~~(1) — the Commissioner finds that public sanitary sewers will be available and accessible to the buildings or structures within ten (10) years of the date of the application and all necessary state and federal approvals have been obtained for such sewers; and~~

~~(2) — the site is adequate to meet the construction specifications and satisfy the performance standards established by the~~

Commissioner for systems to serve the type of development proposed for the site.

~~(e) Outside cities or villages and not within a sewer district, or in a location not to be served by public sanitary sewers. Systems to serve buildings or structures which are not within a sewer district, or which are in a location which the Commissioner~~

~~finds will not be served by public sanitary sewers within ten (10) years of the date of application, may be permitted by the Commissioner if:~~

- ~~(1) the site is adequate to meet the construction specifications and performance standards established by the Commissioner for systems to serve the type of development proposed for the site; and~~
- ~~(2) in cases where a conventional septic tank system is permitted, the site will provide adequate unimproved space to allow construction of a complete replacement system in the event the first system fails; and~~
- ~~(3) in cases where a septic tank and tile field in fill is permitted, the site provides a minimum of (20,000 square feet)³/₄ acre for each dwelling unit.~~

~~Section 5. No permit issued under this Article shall be deemed to authorize any action prohibited by or under the New York Public Health Law or New York Environmental Conservation Law.~~

~~Section 6.—Enforcement~~

~~(a)—Inspection—Any individual sewerage system located in the County of Erie shall be subject to inspection by the Commissioner of Health.~~

~~(b)—If the Commissioner of Health determines that an individual sewerage system is not in conformity with Section 2, Article IV, the person, firm or corporation that owns, maintains, or operates the individual sewerage system shall immediately correct such system. If the Commissioner of Health determines that the continued use and operation of any individual sewerage system results in or contributes to a public health hazard or nuisance, he may order the immediate cessation of any use of the individual sewerage system.~~

~~(c)—The construction, maintenance or operation of an individual sewerage system in violation of the provisions of the Erie County Sanitary Code shall be subject to penalties, both civil and criminal, in accordance with provisions of the Erie County Sanitary Code. Any construction, maintenance or use in a twenty-four (24) hour period shall constitute a separate, independent violation.~~

~~(d)—Nothing contained in this Section shall be construed to alter or repeal any existing provisions of law or provisions of the Erie County Sanitary Code in regard to the provision of penalties to or enforcement of a violation of the Erie County Sanitary Code, Article IV-A.~~

~~Section 7. — This Article shall become effective immediately upon
adoption by the Board of Health of Erie County.~~

Dispatch Call Type Summary

This Report uses the NFIRS History

Hamburg Public Safety Dispatch

Date Range: From 11/1/2022 to 11/30/2022

Agency: Boston Emergency Squad

Code	Dispatch Call Type	Nov-2022	Total
EMS	EMS	68	68
EMS-AA	EMS Auto Accident	2	2
FULL	Full Assignment	2	2
PRELIM	Preliminary Assignment	0	0
SPECIAL	Special Equip - M/A	0	0
SERVICE	Public Relation Calls	0	0
W	Water Rescue Assignment	0	0
HAZMAT	Hazmat Assignment	0	0
REFER	Referral	0	0
EMS	EMS Snow/Transportation	0	0
SWAT	SWAT	0	0
TEST	TEST - DISREGARD	0	0
Total		72	72

Dispatch Call Type Summary

This Report uses the NFIRS History

Hamburg Public Safety Dispatch

Date Range: From 11/1/2022 to 11/30/2022

Agency: Boston Fire Department

Code	Dispatch Call Type	Nov-2022	Total
EMS	EMS	3	3
EMS-AA	EMS Auto Accident	2	2
FULL	Full Assignment	2	2
PRELIM	Preliminary Assignment	9	9
SPECIAL	Special Equip - M/A	2	2
SERVICE	Public Relation Calls	2	2
W	Water Rescue Assignment	0	0
HAZMAT	Hazmat Assignment	0	0
REFER	Referral	0	0
EMS	EMS Snow/Transportation	0	0
SWAT	SWAT	0	0
TEST	TEST - DISREGARD	0	0
	Total	20	20

Dispatch Call Type Summary

This Report uses the NFIRS History

Hamburg Public Safety Dispatch

Date Range: From 11/1/2022 to 11/30/2022

Agency: North Boston Fire Department

Code	Dispatch Call Type	Nov-2022	Total
EMS	EMS	3	3
EMS-AA	EMS Auto Accident	0	0
FULL	Full Assignment	6	6
PRELIM	Preliminary Assignment	5	5
SPECIAL	Special Equip - M/A	0	0
SERVICE	Public Relation Calls	2	2
W	Water Rescue Assignment	0	0
HAZMAT	Hazmat Assignment	0	0
REFER	Referral	0	0
EMS	EMS Snow/Transportation	0	0
SWAT	SWAT	0	0
TEST	TEST - DISREGARD	0	0
	Total	16	16

Dispatch Call Type Summary

This Report uses the NFIRS History

Hamburg Public Safety Dispatch

Date Range: From 11/1/2022 to 11/30/2022

Agency: Patchin Fire Department

Code	Dispatch Call Type	Nov-2022	Total
EMS	EMS	6	6
EMS-AA	EMS Auto Accident	1	1
FULL	Full Assignment	3	3
PRELIM	Preliminary Assignment	8	8
SPECIAL	Special Equip - M/A	0	0
SERVICE	Public Relation Calls	4	4
W	Water Rescue Assignment	0	0
HAZMAT	Hazmat Assignment	0	0
REFER	Referral	0	0
EMS	EMS Snow/Transportation	0	0
SWAT	SWAT	0	0
TEST	TEST - DISREGARD	0	0
	Total	22	22



County of Erie

MARK POLONCARZ
COUNTY EXECUTIVE

DEPARTMENT OF SENIOR SERVICES

ANGELA MARINUCCI
Commissioner

December 11, 2022

Supervisor Jason Keding
Town of Boston
8500 Boston State Road
Boston, New York 14025

Dear Supervisor Keding:

The aggregate amount adopted by the Erie County Legislature for the 2023 Congregate Dining clean-up services to be performed pursuant to the contracts is \$80,266. The contract which was executed in 2017 is “Evergreen” which means, it will automatically renew itself annually.

Although a new contract is not needed this year, **it is a requirement of the contract that the insurance certificates to be kept current as long as the contract is in effect. Please Note: The Liability Insurance certificate expired on 1/1/23 and Workers' Compensation certificate on file expired on 12/31/22.** When your insurance certificates expire, it is your responsibility to forward new certificates to conform to the requirements of the contract. Failure to do so could result in contract termination.

If you have any questions about the contract, please do not hesitate to contact your contract monitor, Jaclyn Strawbrich at 858-6517; Jaclyn.strawbrich@erie.gov. We look forward to continue to work with you to serve the elderly of Erie County.

Sincerely,

Jaclyn Strawbrich
Assistant Project Administrator



1000 Bishops Gate Blv. Ste 300
Mt. Laurel, NJ 08054-5404

t1.800.444.4554 Opt.2
f1.800.777.3929

December 26, 2022

Mr. Jason Keding, Town Supervisor
Boston FPSA
8500 Boston State Road
Boston, New York, 14025

RE: Boston Fpsa, Erie County, New York (Upstate)
Public Protection Classification: 04/4Y
Effective Date: April 01, 2023

Dear Mr. Jason Keding,

We wish to thank you and Chief Christopher Kiefhaber for your cooperation during our recent Public Protection Classification (PPC) survey. ISO has completed its analysis of the structural fire suppression delivery system provided in your community. The resulting classification is indicated above.

If you would like to know more about your community's PPC classification, or if you would like to learn about the potential effect of proposed changes to your fire suppression delivery system, please call us at the phone number listed below.

ISO's Public Protection Classification Program (PPC) plays an important role in the underwriting process at insurance companies. In fact, most U.S. insurers – including the largest ones – use PPC information as part of their decision-making when deciding what business to write, coverage's to offer or prices to charge for personal or commercial property insurance.

Each insurance company independently determines the premiums it charges its policyholders. The way an insurer uses ISO's information on public fire protection may depend on several things – the company's fire-loss experience, ratemaking methodology, underwriting guidelines, and its marketing strategy.

Through ongoing research and loss experience analysis, we identified additional differentiation in fire loss experience within our PPC program, which resulted in the revised classifications. We based the differing fire loss experience on the fire suppression capabilities of each community. The new classifications will improve the predictive value for insurers while benefiting both commercial and residential property owners. We've published the new classifications as "X" and "Y" — formerly the "9" and "8B" portion of the split classification, respectively. For example:

- A community currently graded as a split 6/9 classification will now be a split 6/6X classification; with the "6X" denoting what was formerly classified as "9."
- Similarly, a community currently graded as a split 6/8B classification will now be a split 6/6Y classification, the "6Y" denoting what was formerly classified as "8B."

- Communities graded with single “9” or “8B” classifications will remain intact.
- Properties over 5 road miles from a recognized fire station would receive a class 10.

PPC is important to communities and fire departments as well. Communities whose PPC improves may get lower insurance prices. PPC also provides fire departments with a valuable benchmark, and is used by many departments as a valuable tool when planning, budgeting and justifying fire protection improvements.

ISO appreciates the high level of cooperation extended by local officials during the entire PPC survey process. The community protection baseline information gathered by ISO is an essential foundation upon which determination of the relative level of fire protection is made using the Fire Suppression Rating Schedule.

The classification is a direct result of the information gathered, and is dependent on the resource levels devoted to fire protection in existence at the time of survey. Material changes in those resources that occur after the survey is completed may affect the classification. Although ISO maintains a pro-active process to keep baseline information as current as possible, in the event of changes please call us at 1-800-444-4554, option 2 to expedite the update activity.

ISO is the leading supplier of data and analytics for the property/casualty insurance industry. Most insurers use PPC classifications for underwriting and calculating premiums for residential, commercial and industrial properties. The PPC program is not intended to analyze all aspects of a comprehensive structural fire suppression delivery system program. It is not for purposes of determining compliance with any state or local law, nor is it for making loss prevention or life safety recommendations.

If you have any questions about your classification, please let us know.

Sincerely,

Alex Shubert

Alex Shubert

Manager -National Processing Center

cc: Mr. Philip Drozd, Town Supervisor, Concord TS, ERIE
Ms. Lisa Sears, Director, Erie County Central Police Services
Mr. Sean Crotty, Emergency Manager, Hamburg Public Safety Dispatch Center
Mr. Steven Denzler, Engineer, Erie County Water Authority
Chief Christopher Kiefhaber, Chief, Boston Fire Department

**Public Protection Classification
(PPC[®])
Summary Report**

Boston FPSA

New York (Upstate)

Prepared by

**Insurance Services Office, Inc.
1000 Bishops Gate Blvd., Ste. 300
P.O. Box 5404
Mt. Laurel, New Jersey 08054-5404
1-800-444-4554**

**Report Created December 2022
Effective April 1, 2023**

Background Information

Introduction

ISO collects and evaluates information from communities in the United States on their structure fire suppression capabilities. The data is analyzed using our Fire Suppression Rating Schedule (FSRS) and then a Public Protection Classification (PPC®) grade is assigned to the community. The surveys are conducted whenever it appears that there is a possibility of a PPC change. As such, the PPC program provides important, up-to-date information about fire protection services throughout the country.

The FSRS recognizes fire protection features only as they relate to suppression of first alarm structure fires. In many communities, fire suppression may be only a small part of the fire department's overall responsibility. ISO recognizes the dynamic and comprehensive duties of a community's fire service, and understands the complex decisions a community must make in planning and delivering emergency services. However, in developing a community's PPC grade, only features related to reducing property losses from structural fires are evaluated. Multiple alarms, simultaneous incidents and life safety are not considered in this evaluation. The PPC program evaluates the fire protection for small to average size buildings. Specific properties with a Needed Fire Flow in excess of 3,500 gpm are evaluated separately and assigned an individual PPC grade.

A community's investment in fire mitigation is a proven and reliable predictor of future fire losses. Statistical data on insurance losses bears out the relationship between excellent fire protection – as measured by the PPC program – and low fire losses. So, insurance companies use PPC information for marketing, underwriting, and to help establish fair premiums for homeowners and commercial fire insurance. In general, the price of fire insurance in a community with a good PPC grade is substantially lower than in a community with a poor PPC grade, assuming all other factors are equal.

ISO is an independent company that serves insurance companies, communities, fire departments, insurance regulators, and others by providing information about risk. ISO's expert staff collects information about municipal fire suppression efforts in communities throughout the United States. In each of those communities, ISO analyzes the relevant data and assigns a PPC grade – a number from 1 to 10. Class 1 represents an exemplary fire suppression program, and Class 10 indicates that the area's fire suppression program does not meet ISO's minimum criteria.

ISO's PPC program evaluates communities according to a uniform set of criteria, incorporating nationally recognized standards developed by the National Fire Protection Association and the American Water Works Association. A community's PPC grade depends on:

- **Needed Fire Flows**, which are representative building locations used to determine the theoretical amount of water necessary for fire suppression purposes.
- **Emergency Communications**, including emergency reporting, telecommunicators, and dispatching systems.
- **Fire Department**, including equipment, staffing, training, geographic distribution of fire companies, operational considerations, and community risk reduction.
- **Water Supply**, including inspection and flow testing of hydrants, alternative water supply operations, and a careful evaluation of the amount of available water compared with the amount needed to suppress fires up to 3,500 gpm.

Data Collection and Analysis

ISO has evaluated and classified over 39,000 fire protection areas across the United States using its FSRS. A combination of meetings between trained ISO field representatives and the dispatch center coordinator, community fire official, and water superintendent is used in conjunction with a comprehensive questionnaire to collect the data necessary to determine the PPC grade. In order for a community to obtain a grade better than a Class 9, three elements of fire suppression features are reviewed. These three elements are Emergency Communications, Fire Department, and Water Supply.

A review of the **Emergency Communications** accounts for 10% of the total classification. This section is weighted at **10 points**, as follows:

- Emergency Reporting 3 points
- Telecommunicators 4 points
- Dispatch Circuits 3 points

A review of the **Fire Department** accounts for 50% of the total classification. ISO focuses on a fire department's first alarm response and initial attack to minimize potential loss. The fire department section is weighted at **50 points**, as follows:

- Engine Companies 6 points
- Reserve Pumpers 0.5 points
- Pump Capacity 3 points
- Ladder/Service Companies 4 points
- Reserve Ladder/Service Trucks 0.5 points
- Deployment Analysis 10 points
- Company Personnel 15 points
- Training 9 points
- Operational considerations 2 points
- Community Risk Reduction 5.5 points (in addition to the 50 points above)

A review of the **Water Supply** system accounts for 40% of the total classification. ISO reviews the water supply a community uses to determine the adequacy for fire suppression purposes. The water supply system is weighted at **40 points**, as follows:

- Credit for Supply System 30 points
- Hydrant Size, Type & Installation 3 points
- Inspection & Flow Testing of Hydrants 7 points

There is one additional factor considered in calculating the final score – **Divergence**.

Even the best fire department will be less than fully effective if it has an inadequate water supply. Similarly, even a superior water supply will be less than fully effective if the fire department lacks the equipment or personnel to use the water. The FSRs score is subject to modification by a divergence factor, which recognizes disparity between the effectiveness of the fire department and the water supply.

The Divergence factor mathematically reduces the score based upon the relative difference between the fire department and water supply scores. The factor is introduced in the final equation.

PPC Grade

The PPC grade assigned to the community will depend on the community's score on a 100-point scale:

PPC	Points
1	90.00 or more
2	80.00 to 89.99
3	70.00 to 79.99
4	60.00 to 69.99
5	50.00 to 59.99
6	40.00 to 49.99
7	30.00 to 39.99
8	20.00 to 29.99
9	10.00 to 19.99
10	0.00 to 9.99

The classification numbers are interpreted as follows:

- Class 1 through (and including) Class 8 represents a fire suppression system that includes an FSRs creditable dispatch center, fire department, and water supply.
- Class 8B is a special classification that recognizes a superior level of fire protection in otherwise Class 9 areas. It is designed to represent a fire protection delivery system that is superior except for a lack of a water supply system capable of the minimum FSRs fire flow criteria of 250 gpm for 2 hours.
- Class 9 is a fire suppression system that includes a creditable dispatch center, fire department but no FSRs creditable water supply.
- Class 10 does not meet minimum FSRs criteria for recognition, including areas that are beyond five road miles of a recognized fire station.

New PPC program changes effective July 1, 2014

We have revised the PPC program to capture the effects of enhanced fire protection capabilities that reduce fire loss and fire severity in Split Class 9 and Split Class 8B areas (as outlined below). This new structure benefits the fire service, community, and property owner.

New classifications

Through ongoing research and loss experience analysis, we identified additional differentiation in fire loss experience within our PPC program, which resulted in the revised classifications. We based the differing fire loss experience on the fire suppression capabilities of each community. The new PPC classes will improve the predictive value for insurers while benefiting both commercial and residential property owners. Here are the new classifications and what they mean.

Split classifications

When we develop a split classification for a community — for example 5/9 — the first number is the class that applies to properties within 5 road miles of the responding fire station and 1,000 feet of a creditable water supply, such as a fire hydrant, suction point, or dry hydrant. The second number is the class that applies to properties within 5 road miles of a fire station but beyond 1,000 feet of a creditable water supply. We have revised the classification to reflect more precisely the risk of loss in a community, replacing Class 9 and 8B in the second part of a split classification with revised designations.

What's changed with the new classifications?

We've published the new classifications as "X" and "Y" — formerly the "9" and "8B" portion of the split classification, respectively. For example:

- A community currently displayed as a split 6/9 classification will now be a split 6/6X classification; with the "6X" denoting what was formerly classified as "9".
- Similarly, a community currently graded as a split 6/8B classification will now be a split 6/6Y classification, the "6Y" denoting what was formerly classified as "8B".
- Communities graded with single "9" or "8B" classifications will remain intact.

Prior Classification	New Classification
1/9	1/1X
2/9	2/2X
3/9	3/3X
4/9	4/4X
5/9	5/5X
6/9	6/6X
7/9	7/7X
8/9	8/8X
9	9

Prior Classification	New Classification
1/8B	1/1Y
2/8B	2/2Y
3/8B	3/3Y
4/8B	4/4Y
5/8B	5/5Y
6/8B	6/6Y
7/8B	7/7Y
8/8B	8/8Y
8B	8B

What's changed?

As you can see, we're still maintaining split classes, but it's how we represent them to insurers that's changed. The new designations reflect a reduction in fire severity and loss and have the potential to reduce property insurance premiums.

Benefits of the revised split class designations

- To the fire service, the revised designations identify enhanced fire suppression capabilities used throughout the fire protection area
- To the community, the new classes reward a community's fire suppression efforts by showing a more reflective designation
- To the individual property owner, the revisions offer the potential for decreased property insurance premiums

New water class

Our data also shows that risks located more than 5 but less than 7 road miles from a responding fire station with a creditable water source within 1,000 feet had better loss experience than those farther than 5 road miles from a responding fire station with no creditable water source. We've introduced a new classification — 10W — to recognize the reduced loss potential of such properties.

What's changed with Class 10W?

Class 10W is property-specific. Not all properties in the 5-to-7-mile area around the responding fire station will qualify. The difference between Class 10 and 10W is that the 10W-graded risk or property is within 1,000 feet of a creditable water supply. Creditable water supplies include fire protection systems using hauled water in any of the split classification areas.

What's the benefit of Class 10W?

10W gives credit to risks within 5 to 7 road miles of the responding fire station and within 1,000 feet of a creditable water supply. That's reflective of the potential for reduced property insurance premiums.

What does the fire chief have to do?

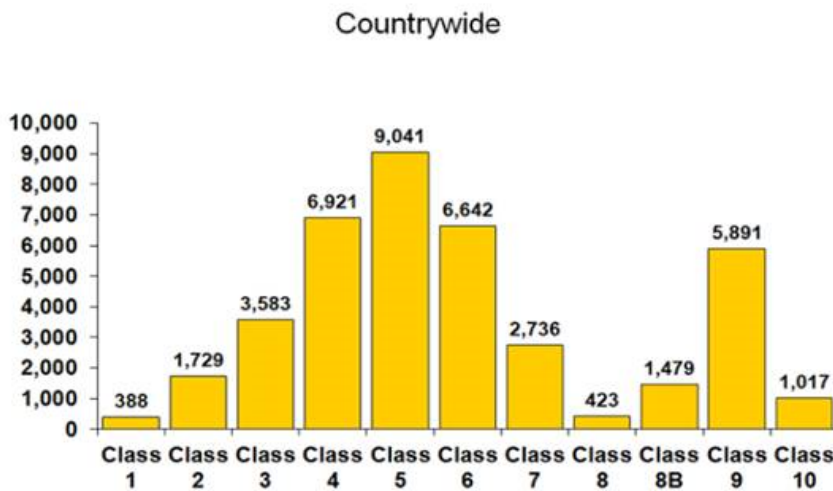
Fire chiefs don't have to do anything at all. The revised classifications went in place automatically effective July 1, 2014 (July 1, 2015 for Texas).

What if I have additional questions?

Feel free to contact ISO at 800.444.4554 or email us at PPC-Cust-Serv@iso.com.

Distribution of PPC Grades

The 2020 published countrywide distribution of communities by the PPC grade is as follows:



Assistance

The PPC program offers help to communities, fire departments, and other public officials as they plan for, budget, and justify improvements. ISO is also available to assist in the understanding of the details of this evaluation.

The PPC program representatives can be reached by telephone at (800) 444-4554. The technical specialists at this telephone number have access to the details of this evaluation and can effectively speak with you about your questions regarding the PPC program. What's more, we can be reached via the internet at www.isomitigation.com/talk/.

We also have a website dedicated to our Community Hazard Mitigation Classification programs at www.isomitigation.com. Here, fire chiefs, building code officials, community leaders and other interested citizens can access a wealth of data describing the criteria used in evaluating how cities and towns are protecting residents from fire and other natural hazards. This website will allow you to learn more about the PPC program. The website provides important background information, insights about the PPC grading processes and technical documents. ISO is also pleased to offer Fire Chiefs Online — a special, secured website with information and features that can help improve your PPC grade, including a list of the Needed Fire Flows for all the commercial occupancies ISO has on file for your community. Visitors to the site can download information, see statistical results and also contact ISO for assistance.

In addition, on-line access to the FSRs and its commentaries is available to registered customers for a fee. However, fire chiefs and community chief administrative officials are given access privileges to this information without charge.

To become a registered fire chief or community chief administrative official, register at www.isomitigation.com.

PPC Review

ISO concluded its review of the fire suppression features being provided for Boston FPSA. The resulting community classification is **Class 04/4Y**.

If the classification is a single class, the classification applies to properties with a Needed Fire Flow of 3,500 gpm or less in the community. If the classification is a split class (e.g., 6/XX):

- The first class (e.g., “6” in a 6/XX) applies to properties within 5 road miles of a recognized fire station and within 1,000 feet of a fire hydrant or alternate water supply.
- The second class (XX or XY) applies to properties beyond 1,000 feet of a fire hydrant but within 5 road miles of a recognized fire station.
- Alternative Water Supply: The first class (e.g., “6” in a 6/10) applies to properties within 5 road miles of a recognized fire station with no hydrant distance requirement.
- Class 10 applies to properties over 5 road miles of a recognized fire station.
- Class 10W applies to properties within 5 to 7 road miles of a recognized fire station with a recognized water supply within 1,000 feet.
- Specific properties with a Needed Fire Flow in excess of 3,500 gpm are evaluated separately and assigned an individual classification.

FSRS Feature	Earned Credit	Credit Available
Emergency Communications		
414. Credit for Emergency Reporting	2.55	3
422. Credit for Telecommunicators	2.21	4
432. Credit for Dispatch Circuits	1.80	3
440. Credit for Emergency Communications	6.56	10
Fire Department		
513. Credit for Engine Companies	5.32	6
523. Credit for Reserve Pumpers	0.00	0.50
532. Credit for Pump Capacity	3.00	3
549. Credit for Ladder Service	2.34	4
553. Credit for Reserve Ladder and Service Trucks	0.00	0.50
561. Credit for Deployment Analysis	6.27	10
571. Credit for Company Personnel	10.02	15
581. Credit for Training	1.31	9
730. Credit for Operational Considerations	2.00	2
590. Credit for Fire Department	30.26	50
Water Supply		
616. Credit for Supply System	26.54	30
621. Credit for Hydrants	3.00	3
631. Credit for Inspection and Flow Testing	5.60	7
640. Credit for Water Supply	35.14	40
Divergence	-5.47	--
1050. Community Risk Reduction	3.17	5.50
Total Credit	69.66	105.50

Emergency Communications

Ten percent of a community's overall score is based on how well the communications center receives and dispatches fire alarms. Our field representative evaluated:

- Communications facilities provided for the general public to report structure fires
- Enhanced 9-1-1 Telephone Service including wireless
- Computer-aided dispatch (CAD) facilities
- Alarm receipt and processing at the communication center
- Training and certification of telecommunicators
- Facilities used to dispatch fire department companies to reported structure fires

	Earned Credit	Credit Available
414. Credit Emergency Reporting	2.55	3
422. Credit for Telecommunicators	2.21	4
432. Credit for Dispatch Circuits	1.80	3
Item 440. Credit for Emergency Communications:	6.56	10

Item 414 - Credit for Emergency Reporting (3 points)

The first item reviewed is Item 414 "Credit for Emergency Reporting (CER)". This item reviews the emergency communication center facilities provided for the public to report fires including 911 systems (Basic or Enhanced), Wireless Phase I and Phase II, Voice over Internet Protocol, Computer Aided Dispatch and Geographic Information Systems for automatic vehicle location. ISO uses National Fire Protection Association (NFPA) 1221, *Standard for the Installation, Maintenance and Use of Emergency Services Communications Systems* as the reference for this section.

Item 410. Emergency Reporting (CER)	Earned Credit	Credit Available
<p>A./B. Basic 9-1-1, Enhanced 9-1-1 or No 9-1-1</p> <p>For maximum credit, there should be an Enhanced 9-1-1 system, Basic 9-1-1 and No 9-1-1 will receive partial credit.</p>	20.00	20
<p>1. E9-1-1 Wireless</p> <p>Wireless Phase I using Static ALI (automatic location identification) Functionality (10 points); Wireless Phase II using Dynamic ALI Functionality (15 points); Both available will be 25 points</p>	25.00	25
<p>2. E9-1-1 Voice over Internet Protocol (VoIP)</p> <p>Static VoIP using Static ALI Functionality (10 points); Nomadic VoIP using Dynamic ALI Functionality (15 points); Both available will be 25 points</p>	25.00	25
<p>3. Computer Aided Dispatch</p> <p>Basic CAD (5 points); CAD with Management Information System (5 points); CAD with Interoperability (5 points)</p>	15.00	15
<p>4. Geographic Information System (GIS/AVL)</p> <p><u>The PSAP uses</u> a fully integrated CAD/GIS management system with automatic vehicle location (AVL) integrated with a CAD system providing dispatch assignments.</p> <p>The individual fire departments being dispatched <u>do not</u> need GIS/AVL capability to obtain this credit.</p>	0.00	15
<p>Review of Emergency Reporting total:</p>	85.00	100

Item 422- Credit for Telecommunicators (4 points)

The second item reviewed is Item 422 "Credit for Telecommunicators (TC)". This item reviews the number of Telecommunicators on duty at the center to handle fire calls and other emergencies. All emergency calls including those calls that do not require fire department action are reviewed to determine the proper staffing to answer emergency calls and dispatch the appropriate emergency response. The 2013 Edition of NFPA 1221, *Standard for the Installation, Maintenance and Use of Emergency Services Communications Systems*, recommends that ninety-five percent of emergency calls shall be answered within 15 seconds and ninety-nine percent of emergency calls shall be answered within 40 seconds. In addition, NFPA recommends that eighty percent of emergency alarm processing shall be completed within 60 seconds and ninety-five percent of alarm processing shall be completed within 106 seconds of answering the call.

To receive full credit for operators on duty, ISO must review documentation to show that the communication center meets NFPA 1221 call answering and dispatch time performance measurement standards. This documentation may be in the form of performance statistics or other performance measurements compiled by the 9-1-1 software or other software programs that are currently in use such as Computer Aided Dispatch (CAD) or Management Information System (MIS).

Item 420. Telecommunicators (CTC)	Earned Credit	Credit Available
<p>A1. Alarm Receipt (AR)</p> <p>Receipt of alarms shall meet the requirements in accordance with the criteria of NFPA 1221</p>	19.64	20
<p>A2. Alarm Processing (AP)</p> <p>Processing of alarms shall meet the requirements in accordance with the criteria of NFPA 1221</p>	0.00	20
<p>B. Emergency Dispatch Protocols (EDP)</p> <p>Telecommunicators have emergency dispatch protocols (EDP) containing questions and a decision-support process to facilitate correct call categorization and prioritization.</p>	0.00	20
<p>C. Telecommunicator Training and Certification (TTC)</p> <p>Telecommunicators meet the qualification requirements referenced in NFPA 1061, <i>Standard for Professional Qualifications for Public Safety Telecommunicator</i>, and/or the Association of Public-Safety Communications Officials - International (APCO) <i>Project 33</i>. Telecommunicators are certified in the knowledge, skills, and abilities corresponding to their job functions.</p>	19.00	20
<p>D. Telecommunicator Continuing Education and Quality Assurance (TQA)</p> <p>Telecommunicators participate in continuing education and/or in-service training and quality-assurance programs as appropriate for their positions</p>	16.50	20
Review of Telecommunicators total:	55.14	100

Item 432 - Credit for Dispatch Circuits (3 points)

The third item reviewed is Item 432 “Credit for Dispatch Circuits (CDC)”. This item reviews the dispatch circuit facilities used to transmit alarms to fire department members. A “Dispatch Circuit” is defined in NFPA 1221 as “A circuit over which an alarm is transmitted from the communications center to an emergency response facility (ERF) or emergency response units (ERUs) to notify ERUs to respond to an emergency”. All fire departments (except single fire station departments with full-time firefighter personnel receiving alarms directly at the fire station) need adequate means of notifying all firefighter personnel of the location of reported structure fires. The dispatch circuit facilities should be in accordance with the general criteria of NFPA 1221. “Alarms” are defined in this Standard as “A signal or message from a person or device indicating the existence of an emergency or other situation that requires action by an emergency response agency”.

There are two different levels of dispatch circuit facilities provided for in the Standard – a primary dispatch circuit and a secondary dispatch circuit. In jurisdictions that receive 730 alarms or more per year (average of two alarms per 24-hour period), two separate and dedicated dispatch circuits, a primary and a secondary, are needed. In jurisdictions receiving fewer than 730 alarms per year, a second dedicated dispatch circuit is not needed. Dispatch circuit facilities installed but not used or tested (in accordance with the NFPA Standard) receive no credit.

The score for Credit for Dispatch Circuits (CDC) is influenced by monitoring for integrity of the primary dispatch circuit. There are up to 0.90 points available for this Item. Monitoring for integrity involves installing automatic systems that will detect faults and failures and send visual and audible indications to appropriate communications center (or dispatch center) personnel. ISO uses NFPA 1221 to guide the evaluation of this item. ISO's evaluation also includes a review of the communication system's emergency power supplies.

Item 432 “Credit for Dispatch Circuits (CDC)” = 1.80 points

Fire Department

Fifty percent of a community's overall score is based upon the fire department's structure fire suppression system. ISO's field representative evaluated:

- Engine and ladder/service vehicles including reserve apparatus
- Equipment carried
- Response to reported structure fires
- Deployment analysis of companies
- Available and/or responding firefighters
- Training

	Earned Credit	Credit Available
513. Credit for Engine Companies	5.32	6
523. Credit for Reserve Pumpers	0.00	0.5
532. Credit for Pumper Capacity	3.00	3
549. Credit for Ladder Service	2.34	4
553. Credit for Reserve Ladder and Service Trucks	0.00	0.5
561. Credit for Deployment Analysis	6.27	10
571. Credit for Company Personnel	10.02	15
581. Credit for Training	1.31	9
730. Credit for Operational Considerations	2.00	2
Item 590. Credit for Fire Department:	30.26	50

Basic Fire Flow

The Basic Fire Flow for the community is determined by the review of the Needed Fire Flows for selected buildings in the community. The fifth largest Needed Fire Flow is determined to be the Basic Fire Flow. The Basic Fire Flow has been determined to be 3000 gpm.

Item 513 - Credit for Engine Companies (6 points)

The first item reviewed is Item 513 "Credit for Engine Companies (CEC)". This item reviews the number of engine companies, their pump capacity, hose testing, pump testing and the equipment carried on the in-service pumpers. To be recognized, pumper apparatus must meet the general criteria of NFPA 1901, *Standard for Automotive Fire Apparatus* which include a minimum 250 gpm pump, an emergency warning system, a 300 gallon water tank, and hose. At least 1 apparatus must have a permanently mounted pump rated at 750 gpm or more at 150 psi.

The review of the number of needed pumpers considers the response distance to built-upon areas; the Basic Fire Flow; and the method of operation. Multiple alarms, simultaneous incidents, and life safety are not considered.

The greatest value of A, B, or C below is needed in the fire district to suppress fires in structures with a Needed Fire Flow of 3,500 gpm or less: **3 engine companies**

- a) **2 engine companies** to provide fire suppression services to areas to meet NFPA 1710 criteria or within 1½ miles.
- b) **3 engine companies** to support a Basic Fire Flow of 3000 gpm.
- c) **3 engine companies** based upon the fire department's method of operation to provide a minimum two engine response to all first alarm structure fires.

The FSRS recognizes that there are **3 engine companies** in service.

The FSRS also reviews Automatic Aid. Automatic Aid is considered in the review as assistance dispatched automatically by contractual agreement between two communities or fire districts. That differs from mutual aid or assistance arranged case by case. ISO will recognize an Automatic Aid plan under the following conditions:

- It must be prearranged for first alarm response according to a definite plan. It is preferable to have a written agreement, but ISO may recognize demonstrated performance.
- The aid must be dispatched to all reported structure fires on the initial alarm.
- The aid must be provided 24 hours a day, 365 days a year.

FSRS Item 512.D "Automatic Aid Engine Companies" responding on first alarm and meeting the needs of the city for basic fire flow and/or distribution of companies are factored based upon the value of the Automatic Aid plan (up to 1.00 can be used as the factor). The Automatic Aid factor is determined by a review of the Automatic Aid provider's communication facilities, how they receive alarms from the graded area, inter-department training between fire departments, and the fire ground communications capability between departments.

For each engine company, the credited Pump Capacity (PC), the Hose Carried (HC), the Equipment Carried (EC) all contribute to the calculation for the percent of credit the FSRS provides to that engine company.

Item 513 "Credit for Engine Companies (CEC)" = 5.32 points

Item 523 - Credit for Reserve Pumpers (0.50 points)

The item is Item 523 “Credit for Reserve Pumpers (CRP)”. This item reviews the number and adequacy of the pumpers and their equipment. The number of needed reserve pumpers is 1 for each 8 needed engine companies determined in Item 513, or any fraction thereof.

Item 523 “Credit for Reserve Pumpers (CRP)” = 0.00 points

Item 532 – Credit for Pumper Capacity (3 points)

The next item reviewed is Item 532 “Credit for Pumper Capacity (CPC)”. The total pump capacity available should be sufficient for the Basic Fire Flow of 3000 gpm. The maximum needed pump capacity credited is the Basic Fire Flow of the community.

Item 532 “Credit for Pumper Capacity (CPC)” = 3.00 points

Item 549 – Credit for Ladder Service (4 points)

The next item reviewed is Item 549 “Credit for Ladder Service (CLS)”. This item reviews the number of response areas within the city with 5 buildings that are 3 or more stories or 35 feet or more in height, or with 5 buildings that have a Needed Fire Flow greater than 3,500 gpm, or any combination of these criteria. The height of all buildings in the city, including those protected by automatic sprinklers, is considered when determining the number of needed ladder companies. Response areas not needing a ladder company should have a service company. Ladders, tools and equipment normally carried on ladder trucks are needed not only for ladder operations but also for forcible entry, ventilation, salvage, overhaul, lighting and utility control.

The number of ladder or service companies, the height of the aerial ladder, aerial ladder testing and the equipment carried on the in-service ladder trucks and service trucks is compared with the number of needed ladder trucks and service trucks and an FSRS equipment list. Ladder trucks must meet the general criteria of NFPA 1901, *Standard for Automotive Fire Apparatus* to be recognized.

The number of needed ladder-service trucks is dependent upon the number of buildings 3 stories or 35 feet or more in height, buildings with a Needed Fire Flow greater than 3,500 gpm, and the method of operation.

The FSRS recognizes that there are **0 ladder companies** in service. These companies are needed to provide fire suppression services to areas to meet NFPA 1710 criteria or within 2½ miles and the number of buildings with a Needed Fire Flow over 3,500 gpm or 3 stories or more in height, or the method of operation.

The FSRS recognizes that there are **1 service companies** in service.

Item 549 “Credit for Ladder Service (CLS)” = 2.34 points

Item 553 – Credit for Reserve Ladder and Service Trucks (0.50 points)

The next item reviewed is Item 553 “Credit for Reserve Ladder and Service Trucks (CRLS)”. This item considers the adequacy of ladder and service apparatus when one (or more in larger communities) of these apparatus are out of service. The number of needed reserve ladder and service trucks is 1 for each 8 needed ladder and service companies that were determined to be needed in Item 540, or any fraction thereof.

Item 553 “Credit for Reserve Ladder and Service Trucks (CRLS)” = 0.00 points

Item 561 – Deployment Analysis (10 points)

Next, Item 561 “Deployment Analysis (DA)” is reviewed. This Item examines the number and adequacy of existing engine and ladder-service companies to cover built-upon areas of the city.

To determine the Credit for Distribution, first the Existing Engine Company (EC) points and the Existing Engine Companies (EE) determined in Item 513 are considered along with Ladder Company Equipment (LCE) points, Service Company Equipment (SCE) points, Engine-Ladder Company Equipment (ELCE) points, and Engine-Service Company Equipment (ESCE) points determined in Item 549.

Secondly, as an alternative to determining the number of needed engine and ladder/service companies through the road-mile analysis, a fire protection area may use the results of a systematic performance evaluation. This type of evaluation analyzes computer-aided dispatch (CAD) history to demonstrate that, with its current deployment of companies, the fire department meets the time constraints for initial arriving engine and initial full alarm assignment in accordance with the general criteria of in NFPA 1710, *Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments*.

A determination is made of the percentage of built upon area within 1½ miles of a first-due engine company and within 2½ miles of a first-due ladder-service company.

Item 561 “Credit Deployment Analysis (DA)” = 6.27 points

Item 571 – Credit for Company Personnel (15 points)

Item 571 “Credit for Company Personnel (CCP)” reviews the average number of existing firefighters and company officers available to respond to reported first alarm structure fires in the city.

The on-duty strength is determined by the yearly average of total firefighters and company officers on-duty considering vacations, sick leave, holidays, “Kelley” days and other absences. When a fire department operates under a minimum staffing policy, this may be used in lieu of determining the yearly average of on-duty company personnel.

Firefighters on apparatus not credited under Items 513 and 549 that regularly respond to reported first alarms to aid engine, ladder, and service companies are included in this item as increasing the total company strength.

Firefighters staffing ambulances or other units serving the general public are credited if they participate in fire-fighting operations, the number depending upon the extent to which they are available and are used for response to first alarms of fire.

On-Call members are credited on the basis of the average number staffing apparatus on first alarms. Off-shift career firefighters and company officers responding on first alarms are considered on the same basis as on-call personnel. For personnel not normally at the fire station, the number of responding firefighters and company officers is divided by 3 to reflect the time needed to assemble at the fire scene and the reduced ability to act as a team due to the various arrival times at the fire location when compared to the personnel on-duty at the fire station during the receipt of an alarm.

The number of Public Safety Officers who are positioned in emergency vehicles within the jurisdiction boundaries may be credited based on availability to respond to first alarm structure fires. In recognition of this increased response capability the number of responding Public Safety Officers is divided by 2.

The average number of firefighters and company officers responding with those companies credited as Automatic Aid under Items 513 and 549 are considered for either on-duty or on-call company personnel as is appropriate. The actual number is calculated as the average number of company personnel responding multiplied by the value of AA Plan determined in Item 512.D.

The maximum creditable response of on-duty and on-call firefighters is 12, including company officers, for each existing engine and ladder company and 6 for each existing service company.

Chief Officers are not creditable except when more than one chief officer responds to alarms; then extra chief officers may be credited as firefighters if they perform company duties.

The FSRS recognizes **0.00 on-duty personnel** and an average of **15.75 on-call personnel** responding on first alarm structure fires.

Item 571 “Credit for Company Personnel (CCP)” = 10.02 points

Item 581 – Credit for Training (9 points)

Training	Earned Credit	Credit Available
<p>A. Facilities, and Use</p> <p>For maximum credit, each firefighter should receive 18 hours per year in structure fire related subjects as outlined in NFPA 1001.</p>	2.80	35
<p>B. Company Training</p> <p>For maximum credit, each firefighter should receive 16 hours per month in structure fire related subjects as outlined in NFPA 1001.</p>	2.00	25
<p>C. Classes for Officers</p> <p>For maximum credit, each officer should be certified in accordance with the general criteria of NFPA 1021. Additionally, each officer should receive 12 hours of continuing education on or off site.</p>	0.00	12
<p>D. New Driver and Operator Training</p> <p>For maximum credit, each new driver and operator should receive 60 hours of driver/operator training per year in accordance with NFPA 1002 and NFPA 1451.</p>	2.33	5
<p>E. Existing Driver and Operator Training</p> <p>For maximum credit, each existing driver and operator should receive 12 hours of driver/operator training per year in accordance with NFPA 1002 and NFPA 1451.</p>	2.00	5
<p>F. Training on Hazardous Materials</p> <p>For maximum credit, each firefighter should receive 6 hours of training for incidents involving hazardous materials in accordance with NFPA 472.</p>	0.22	1
<p>G. Recruit Training</p> <p>For maximum credit, each firefighter should receive 240 hours of structure fire related training in accordance with NFPA 1001 within the first year of employment or tenure.</p>	1.65	5
<p>H. Pre-Fire Planning Inspections</p> <p>For maximum credit, pre-fire planning inspections of each commercial, industrial, institutional, and other similar type building (all buildings except 1-4 family dwellings) should be made annually by company members. Records of inspections should include up-to date notes and sketches.</p>	3.60	12

Item 580 “Credit for Training (CT)” = 1.31 points

Item 730 – Operational Considerations (2 points)

Item 730 “Credit for Operational Considerations (COC)” evaluates fire department standard operating procedures and incident management systems for emergency operations involving structure fires.

Operational Considerations	Earned Credit	Credit Available
Standard Operating Procedures The department should have established SOPs for fire department general emergency operations	50	50
Incident Management Systems The department should use an established incident management system (IMS)	50	50
Operational Considerations total:	100	100

Item 730 “Credit for Operational Considerations (COC)” = 2.00 points

Water Supply

Forty percent of a community's overall score is based on the adequacy of the water supply system. The ISO field representative evaluated:

- the capability of the water distribution system to meet the Needed Fire Flows at selected locations up to 3,500 gpm.
- size, type and installation of fire hydrants.
- inspection and flow testing of fire hydrants.

	Earned Credit	Credit Available
616. Credit for Supply System	26.54	30
621. Credit for Hydrants	3.00	3
631. Credit for Inspection and Flow Testing	5.60	7
Item 640. Credit for Water Supply:	35.14	40

Item 616 – Credit for Supply System (30 points)

The first item reviewed is Item 616 “Credit for Supply System (CSS)”. This item reviews the rate of flow that can be credited at each of the Needed Fire Flow test locations considering the supply works capacity, the main capacity and the hydrant distribution. The lowest flow rate of these items is credited for each representative location. A water system capable of delivering 250 gpm or more for a period of two hours plus consumption at the maximum daily rate at the fire location is considered minimum in the ISO review.

Where there are 2 or more systems or services distributing water at the same location, credit is given on the basis of the joint protection provided by all systems and services available.

The supply works capacity is calculated for each representative Needed Fire Flow test location, considering a variety of water supply sources. These include public water supplies, emergency supplies (usually accessed from neighboring water systems), suction supplies (usually evidenced by dry hydrant installations near a river, lake or other body of water), and supplies developed by a fire department using large diameter hose or vehicles to shuttle water from a source of supply to a fire site. The result is expressed in gallons per minute (gpm).

The normal ability of the distribution system to deliver Needed Fire Flows at the selected building locations is reviewed. The results of a flow test at a representative test location will indicate the ability of the water mains (or fire department in the case of fire department supplies) to carry water to that location.

The hydrant distribution is reviewed within 1,000 feet of representative test locations measured as hose can be laid by apparatus.

For maximum credit, the Needed Fire Flows should be available at each location in the district. Needed Fire Flows of 2,500 gpm or less should be available for 2 hours; and Needed Fire Flows of 3,000 and 3,500 gpm should be obtainable for 3 hours.

Item 616 “Credit for Supply System (CSS)” = 26.54 points

Item 621 – Credit for Hydrants (3 points)

The second item reviewed is Item 621 “Credit for Hydrants (CH)”. This item reviews the number of fire hydrants of each type compared with the total number of hydrants.

There are a total of 64 hydrants in the graded area.

620. Hydrants, - Size, Type and Installation	Number of Hydrants
A. With a 6 -inch or larger branch and a pumper outlet with or without 2½ -inch outlets	64
B. With a 6 -inch or larger branch and no pumper outlet but two or more 2½ -inch outlets, or with a small foot valve, or with a small barrel	0
C./D. With only a 2½ -inch outlet or with less than a 6 -inch branch	0
E./F. Flush Type, Cistern, or Suction Point	0

Item 621 “Credit for Hydrants (CH)” = 3.00 points

Item 630 – Credit for Inspection and Flow Testing (7 points)

The third item reviewed is Item 630 “Credit for Inspection and Flow Testing (CIT)”. This item reviews the fire hydrant inspection frequency, and the completeness of the inspections. Inspection of hydrants should be in accordance with AWWA M-17, *Installation, Field Testing and Maintenance of Fire Hydrants*.

Frequency of Inspection (FI): Average interval between the 3 most recent inspections.

Frequency	Points
1 year	30
2 years	20
3 years	10
4 years	5
5 years or more	No Credit

Note: The points for inspection frequency are reduced by 10 points if the inspections are incomplete or do not include a flushing program. An additional reduction of 10 points are made if hydrants are not subjected to full system pressure during inspections. If the inspection of cisterns or suction points does not include actual drafting with a pumper, or back-flushing for dry hydrants, 20 points are deducted.

Total points for Inspections = 3.20 points

Frequency of Fire Flow Testing (FF): Average interval between the 3 most recent inspections.

Frequency	Points
5 years	40
6 years	30
7 years	20
8 years	10
9 years	5
10 years or more	No Credit

Total points for Fire Flow Testing = 2.40 points

Item 631 “Credit for Inspection and Fire Flow Testing (CIT)” = 5.60 points

Divergence = -5.47

The Divergence factor mathematically reduces the score based upon the relative difference between the fire department and water supply scores. The factor is introduced in the final equation.

Community Risk Reduction

	Earned Credit	Credit Available
1025. Credit for Fire Prevention and Code Enforcement (CPCE)	1.26	2.2
1033. Credit for Public Fire Safety Education (CFSE)	0.88	2.2
1044. Credit for Fire Investigation Programs (CIP)	1.03	1.1
Item 1050. Credit for Community Risk Reduction	3.17	5.50

Item 1025 – Credit for Fire Prevention Code Adoption and Enforcement (2.2 points)	Earned Credit	Credit Available
Fire Prevention Code Regulations (PCR)	10.00	10

Evaluation of fire prevention code regulations in effect.		
Fire Prevention Staffing (PS) Evaluation of staffing for fire prevention activities.	0.00	8
Fire Prevention Certification and Training (PCT) Evaluation of the certification and training of fire prevention code enforcement personnel.	0.75	6
Fire Prevention Programs (PCP) Evaluation of fire prevention programs.	12.20	16
Review of Fire Prevention Code and Enforcement (CPCE) subtotal:	22.95	40

Item 1033 – Credit for Public Fire Safety Education (2.2 points)	Earned Credit	Credit Available
Public Fire Safety Educators Qualifications and Training (FSQT) Evaluation of public fire safety education personnel training and qualification as specified by the authority having jurisdiction.	0.00	10
Public Fire Safety Education Programs (FSP) Evaluation of programs for public fire safety education.	16.00	30
Review of Public Safety Education Programs (CFSE) subtotal:	16.00	40

Item 1044 – Credit for Fire Investigation Programs (1.1 points)	Earned Credit	Credit Available
Fire Investigation Organization and Staffing (IOS) Evaluation of organization and staffing for fire investigations.	8.00	8
Fire Investigator Certification and Training (IQT) Evaluation of fire investigator certification and training.	4.80	6
Use of National Fire Incident Reporting System (IRS) Evaluation of the use of the National Fire Incident Reporting System (NFIRS) for the 3 years before the evaluation.	6.00	6
Review of Fire Investigation Programs (CIP) subtotal:	18.80	20

Summary of PPC Review
for
Boston FPSA

FSRS Item	Earned Credit	Credit Available
Emergency Communications		
414. Credit for Emergency Reporting	2.55	3
422. Credit for Telecommunicators	2.21	4
432. Credit for Dispatch Circuits	1.80	3
440. Credit for Emergency Communications	6.56	10
Fire Department		
513. Credit for Engine Companies	5.32	6
523. Credit for Reserve Pumpers	0.00	0.5
532. Credit for Pumper Capacity	3.00	3
549. Credit for Ladder Service	2.34	4
553. Credit for Reserve Ladder and Service Trucks	0.00	0.5
561. Credit for Deployment Analysis	6.27	10
571. Credit for Company Personnel	10.02	15
581. Credit for Training	1.31	9
730. Credit for Operational Considerations	2.00	2
590. Credit for Fire Department	30.26	50
Water Supply		
616. Credit for Supply System	26.54	30
621. Credit for Hydrants	3.00	3
631. Credit for Inspection and Flow Testing	5.60	7
640. Credit for Water Supply	35.14	40
Divergence	-5.47	--
1050. Community Risk Reduction	3.17	5.50
Total Credit	69.66	105.5

Final Community Classification = 04/4Y

INSURANCE SERVICES OFFICE, INC.
HYDRANT FLOW DATA SUMMARY

Community Boston Fpsa

New York
(Upstate)
State (61)

Witnessed by: Insurance Services Office

County Erie

Survey Date: August 10, 2022

TEST NO.	TYPE DIST.*	TEST LOCATION	SERVICE	FLOW - GPM $Q=(29.83(C(d^2)p^{0.5}))$			PRESSURE PSI		FLOW -AT 20 PSI		REMARKS***	MODEL TYPE	FLOW TEST DATE	
				INDIVIDUAL HYDRANTS		TOTAL	STATIC	RESID.	NEEDED **	AVAIL.				
1.0		Trevett Rd. 4th. Hyd s/o Fowler Rd.	Erie County Water Authority, Main Zone	1010	0	0	1010	114	32	500	1100		FTPC	09/14/2005
2.0		Boston State Road 1st. Hyd s/o Aspen Dr.	Erie County Water Authority, Main Zone	1140	1140	0	2280	105	68	4000	3600		FTPC	09/14/2005
2.1		Boston State Road 1st. Hyd s/o Aspen Dr.	Erie County Water Authority, Main Zone	1140	1140	0	2280	105	68	3000	3600		FTPC	09/14/2005
2.2		Boston State Road 1st. Hyd s/o Aspen Dr.	Erie County Water Authority, Main Zone	1140	1140	0	2280	105	68	750	3600		FTPC	09/14/2005
3.0		Back Creek Rd. 2nd. Hyd n/o Rice Hill Rd.	Erie County Water Authority, Main Zone	1140	0	0	1140	120	68	500	1600		FTPC	09/14/2005
4.0		Boston Colden Rd. 1st. Hyd e/o Boston State Road	Erie County Water Authority, Main Zone	1010	0	0	1010	95	58	1250	1500		FTPC	09/14/2005
5.0		Trevett Rd. 2nd. Hyd n/o Brown Hill Rd.	Erie County Water Authority, Main Zone	1010	0	0	1010	86	50	3500	1400		FTPC	09/14/2005
6.0		Back Creek S/O Hillcroft Dr	Erie County Water Authority, Main Zone	1290	0	0	1290	103	64	750	1900		FTPC	09/14/2005
7.0		Boston State Road 2nd Hyd S/O Rollin Dr	Erie County Water Authority, Main Zone	750	750	0	1500	80	25	1750	1600		FTPC	09/04/2005
8.0		Boston State Road S/O Boston Cross Road	Erie County Water Authority, Main Zone	1180	1180	0	2360	89	64	1500	4100		FTPC	09/14/2005
9.0		Trevett Road 2nd Hyd S/O Boston State Road	Erie County Water Authority, Main Zone	1210	1210	0	2420	82	74	3000	7300		FTPC	09/14/2005
10.0		Brown Hill Road W/O Trevett RD	Erie County Water Authority, Main Zone	1010	1010	0	2020	60	55	3000	6200		FTPC	09/14/2005

THE ABOVE LISTED NEEDED FIRE FLOWS ARE FOR PROPERTY INSURANCE PREMIUM CALCULATIONS ONLY AND ARE NOT INTENDED TO PREDICT THE MAXIMUM AMOUNT OF WATER REQUIRED FOR A LARGE SCALE FIRE CONDITION.

THE AVAILABLE FLOWS ONLY INDICATE THE CONDITIONS THAT EXISTED AT THE TIME AND AT THE LOCATION WHERE TESTS WERE WITNESSED.

*Comm = Commercial; Res = Residential.

**Needed is the rate of flow for a specific duration for a full credit condition. Needed Fire Flows greater than 3,500 gpm are not considered in determining the classification of the city when using the Fire Suppression Rating Schedule.

*** (A)-Limited by available hydrants to gpm shown. Available facilities limit flow to gpm shown plus consumption for the needed duration of (B)-2 hours, (C)-3 hours or (D)-4 hours.



1000 Bishops Gate Blv. Ste 300
Mt. Laurel, NJ 08054-5404

t1.800.444.4554 Opt.2
f1.800.777.3929

July 25, 2022

Mr. Jason Keding, Town Supervisor
North Boston FPSA
8500 Boston State Road
Boston, New York, 14025

RE: North Boston Fpsa, Erie County, New York (Upstate)
Public Protection Classification: 03/3Y
Effective Date: November 01, 2022

Dear Mr. Jason Keding,

We wish to thank you and Chief Daryl Kibler for your cooperation during our recent Public Protection Classification (PPC) survey. ISO has completed its analysis of the structural fire suppression delivery system provided in your community. The resulting classification is indicated above.

If you would like to know more about your community's PPC classification, or if you would like to learn about the potential effect of proposed changes to your fire suppression delivery system, please call us at the phone number listed below.

ISO's Public Protection Classification Program (PPC) plays an important role in the underwriting process at insurance companies. In fact, most U.S. insurers – including the largest ones – use PPC information as part of their decision-making when deciding what business to write, coverage's to offer or prices to charge for personal or commercial property insurance.

Each insurance company independently determines the premiums it charges its policyholders. The way an insurer uses ISO's information on public fire protection may depend on several things – the company's fire-loss experience, ratemaking methodology, underwriting guidelines, and its marketing strategy.

Through ongoing research and loss experience analysis, we identified additional differentiation in fire loss experience within our PPC program, which resulted in the revised classifications. We based the differing fire loss experience on the fire suppression capabilities of each community. The new classifications will improve the predictive value for insurers while benefiting both commercial and residential property owners. We've published the new classifications as "X" and "Y" — formerly the "9" and "8B" portion of the split classification, respectively. For example:

- A community currently graded as a split 6/9 classification will now be a split 6/6X classification; with the "6X" denoting what was formerly classified as "9."
- Similarly, a community currently graded as a split 6/8B classification will now be a split 6/6Y classification, the "6Y" denoting what was formerly classified as "8B."

- Communities graded with single “9” or “8B” classifications will remain intact.
- Properties over 5 road miles from a recognized fire station would receive a class 10.

PPC is important to communities and fire departments as well. Communities whose PPC improves may get lower insurance prices. PPC also provides fire departments with a valuable benchmark, and is used by many departments as a valuable tool when planning, budgeting and justifying fire protection improvements.

ISO appreciates the high level of cooperation extended by local officials during the entire PPC survey process. The community protection baseline information gathered by ISO is an essential foundation upon which determination of the relative level of fire protection is made using the Fire Suppression Rating Schedule.

The classification is a direct result of the information gathered, and is dependent on the resource levels devoted to fire protection in existence at the time of survey. Material changes in those resources that occur after the survey is completed may affect the classification. Although ISO maintains a pro-active process to keep baseline information as current as possible, in the event of changes please call us at 1-800-444-4554, option 2 to expedite the update activity.

ISO is the leading supplier of data and analytics for the property/casualty insurance industry. Most insurers use PPC classifications for underwriting and calculating premiums for residential, commercial and industrial properties. The PPC program is not intended to analyze all aspects of a comprehensive structural fire suppression delivery system program. It is not for purposes of determining compliance with any state or local law, nor is it for making loss prevention or life safety recommendations.

If you have any questions about your classification, please let us know.

Sincerely,

Alex Shubert

Alex Shubert

Manager -National Processing Center

cc: Mr. Steven Piotrowski, Communications Manager, Erie County Central Police Services
Mr. Sean Crotty, Emergency Manager, Hamburg Public Safety Dispatch Center
Chief Daryl Kibler, Chief, North Boston Fire Department
Mr. Steven Denzler, Engineer, Erie County Water Authority

**Public Protection Classification
(PPC®)
Summary Report**

North Boston FPSA

New York (Upstate)

Prepared by

**Insurance Services Office, Inc.
1000 Bishops Gate Blvd., Ste. 300
P.O. Box 5404
Mt. Laurel, New Jersey 08054-5404
1-800-444-4554**

**Report Created July 2022
Effective November 1, 2022**

Background Information

Introduction

ISO collects and evaluates information from communities in the United States on their structure fire suppression capabilities. The data is analyzed using our Fire Suppression Rating Schedule (FSRS) and then a Public Protection Classification (PPC®) grade is assigned to the community. The surveys are conducted whenever it appears that there is a possibility of a PPC change. As such, the PPC program provides important, up-to-date information about fire protection services throughout the country.

The FSRS recognizes fire protection features only as they relate to suppression of first alarm structure fires. In many communities, fire suppression may be only a small part of the fire department's overall responsibility. ISO recognizes the dynamic and comprehensive duties of a community's fire service, and understands the complex decisions a community must make in planning and delivering emergency services. However, in developing a community's PPC grade, only features related to reducing property losses from structural fires are evaluated. Multiple alarms, simultaneous incidents and life safety are not considered in this evaluation. The PPC program evaluates the fire protection for small to average size buildings. Specific properties with a Needed Fire Flow in excess of 3,500 gpm are evaluated separately and assigned an individual PPC grade.

A community's investment in fire mitigation is a proven and reliable predictor of future fire losses. Statistical data on insurance losses bears out the relationship between excellent fire protection – as measured by the PPC program – and low fire losses. So, insurance companies use PPC information for marketing, underwriting, and to help establish fair premiums for homeowners and commercial fire insurance. In general, the price of fire insurance in a community with a good PPC grade is substantially lower than in a community with a poor PPC grade, assuming all other factors are equal.

ISO is an independent company that serves insurance companies, communities, fire departments, insurance regulators, and others by providing information about risk. ISO's expert staff collects information about municipal fire suppression efforts in communities throughout the United States. In each of those communities, ISO analyzes the relevant data and assigns a PPC grade – a number from 1 to 10. Class 1 represents an exemplary fire suppression program, and Class 10 indicates that the area's fire suppression program does not meet ISO's minimum criteria.

ISO's PPC program evaluates communities according to a uniform set of criteria, incorporating nationally recognized standards developed by the National Fire Protection Association and the American Water Works Association. A community's PPC grade depends on:

- **Needed Fire Flows**, which are representative building locations used to determine the theoretical amount of water necessary for fire suppression purposes.
- **Emergency Communications**, including emergency reporting, telecommunicators, and dispatching systems.
- **Fire Department**, including equipment, staffing, training, geographic distribution of fire companies, operational considerations, and community risk reduction.
- **Water Supply**, including inspection and flow testing of hydrants, alternative water supply operations, and a careful evaluation of the amount of available water compared with the amount needed to suppress fires up to 3,500 gpm.

Data Collection and Analysis

ISO has evaluated and classified over 39,000 fire protection areas across the United States using its FSRS. A combination of meetings between trained ISO field representatives and the dispatch center coordinator, community fire official, and water superintendent is used in conjunction with a comprehensive questionnaire to collect the data necessary to determine the PPC grade. In order for a community to obtain a grade better than a Class 9, three elements of fire suppression features are reviewed. These three elements are Emergency Communications, Fire Department, and Water Supply.

A review of the **Emergency Communications** accounts for 10% of the total classification. This section is weighted at **10 points**, as follows:

- Emergency Reporting 3 points
- Telecommunicators 4 points
- Dispatch Circuits 3 points

A review of the **Fire Department** accounts for 50% of the total classification. ISO focuses on a fire department's first alarm response and initial attack to minimize potential loss. The fire department section is weighted at **50 points**, as follows:

- Engine Companies 6 points
- Reserve Pumpers 0.5 points
- Pump Capacity 3 points
- Ladder/Service Companies 4 points
- Reserve Ladder/Service Trucks 0.5 points
- Deployment Analysis 10 points
- Company Personnel 15 points
- Training 9 points
- Operational considerations 2 points
- Community Risk Reduction 5.5 points (in addition to the 50 points above)

A review of the **Water Supply** system accounts for 40% of the total classification. ISO reviews the water supply a community uses to determine the adequacy for fire suppression purposes. The water supply system is weighted at **40 points**, as follows:

- Credit for Supply System 30 points
- Hydrant Size, Type & Installation 3 points
- Inspection & Flow Testing of Hydrants 7 points

There is one additional factor considered in calculating the final score – **Divergence**.

Even the best fire department will be less than fully effective if it has an inadequate water supply. Similarly, even a superior water supply will be less than fully effective if the fire department lacks the equipment or personnel to use the water. The FSRs score is subject to modification by a divergence factor, which recognizes disparity between the effectiveness of the fire department and the water supply.

The Divergence factor mathematically reduces the score based upon the relative difference between the fire department and water supply scores. The factor is introduced in the final equation.

PPC Grade

The PPC grade assigned to the community will depend on the community's score on a 100-point scale:

PPC	Points
1	90.00 or more
2	80.00 to 89.99
3	70.00 to 79.99
4	60.00 to 69.99
5	50.00 to 59.99
6	40.00 to 49.99
7	30.00 to 39.99
8	20.00 to 29.99
9	10.00 to 19.99
10	0.00 to 9.99

The classification numbers are interpreted as follows:

- Class 1 through (and including) Class 8 represents a fire suppression system that includes an FSRs creditable dispatch center, fire department, and water supply.
- Class 8B is a special classification that recognizes a superior level of fire protection in otherwise Class 9 areas. It is designed to represent a fire protection delivery system that is superior except for a lack of a water supply system capable of the minimum FSRs fire flow criteria of 250 gpm for 2 hours.
- Class 9 is a fire suppression system that includes a creditable dispatch center, fire department but no FSRs creditable water supply.
- Class 10 does not meet minimum FSRs criteria for recognition, including areas that are beyond five road miles of a recognized fire station.

New PPC program changes effective July 1, 2014

We have revised the PPC program to capture the effects of enhanced fire protection capabilities that reduce fire loss and fire severity in Split Class 9 and Split Class 8B areas (as outlined below). This new structure benefits the fire service, community, and property owner.

New classifications

Through ongoing research and loss experience analysis, we identified additional differentiation in fire loss experience within our PPC program, which resulted in the revised classifications. We based the differing fire loss experience on the fire suppression capabilities of each community. The new PPC classes will improve the predictive value for insurers while benefiting both commercial and residential property owners. Here are the new classifications and what they mean.

Split classifications

When we develop a split classification for a community — for example 5/9 — the first number is the class that applies to properties within 5 road miles of the responding fire station and 1,000 feet of a creditable water supply, such as a fire hydrant, suction point, or dry hydrant. The second number is the class that applies to properties within 5 road miles of a fire station but beyond 1,000 feet of a creditable water supply. We have revised the classification to reflect more precisely the risk of loss in a community, replacing Class 9 and 8B in the second part of a split classification with revised designations.

What's changed with the new classifications?

We've published the new classifications as "X" and "Y" — formerly the "9" and "8B" portion of the split classification, respectively. For example:

- A community currently displayed as a split 6/9 classification will now be a split 6/6X classification; with the "6X" denoting what was formerly classified as "9".
- Similarly, a community currently graded as a split 6/8B classification will now be a split 6/6Y classification, the "6Y" denoting what was formerly classified as "8B".
- Communities graded with single "9" or "8B" classifications will remain intact.

Prior Classification	New Classification
1/9	1/1X
2/9	2/2X
3/9	3/3X
4/9	4/4X
5/9	5/5X
6/9	6/6X
7/9	7/7X
8/9	8/8X
9	9

Prior Classification	New Classification
1/8B	1/1Y
2/8B	2/2Y
3/8B	3/3Y
4/8B	4/4Y
5/8B	5/5Y
6/8B	6/6Y
7/8B	7/7Y
8/8B	8/8Y
8B	8B

What's changed?

As you can see, we're still maintaining split classes, but it's how we represent them to insurers that's changed. The new designations reflect a reduction in fire severity and loss and have the potential to reduce property insurance premiums.

Benefits of the revised split class designations

- To the fire service, the revised designations identify enhanced fire suppression capabilities used throughout the fire protection area
- To the community, the new classes reward a community's fire suppression efforts by showing a more reflective designation
- To the individual property owner, the revisions offer the potential for decreased property insurance premiums

New water class

Our data also shows that risks located more than 5 but less than 7 road miles from a responding fire station with a creditable water source within 1,000 feet had better loss experience than those farther than 5 road miles from a responding fire station with no creditable water source. We've introduced a new classification — 10W — to recognize the reduced loss potential of such properties.

What's changed with Class 10W?

Class 10W is property-specific. Not all properties in the 5-to-7-mile area around the responding fire station will qualify. The difference between Class 10 and 10W is that the 10W-graded risk or property is within 1,000 feet of a creditable water supply. Creditable water supplies include fire protection systems using hauled water in any of the split classification areas.

What's the benefit of Class 10W?

10W gives credit to risks within 5 to 7 road miles of the responding fire station and within 1,000 feet of a creditable water supply. That's reflective of the potential for reduced property insurance premiums.

What does the fire chief have to do?

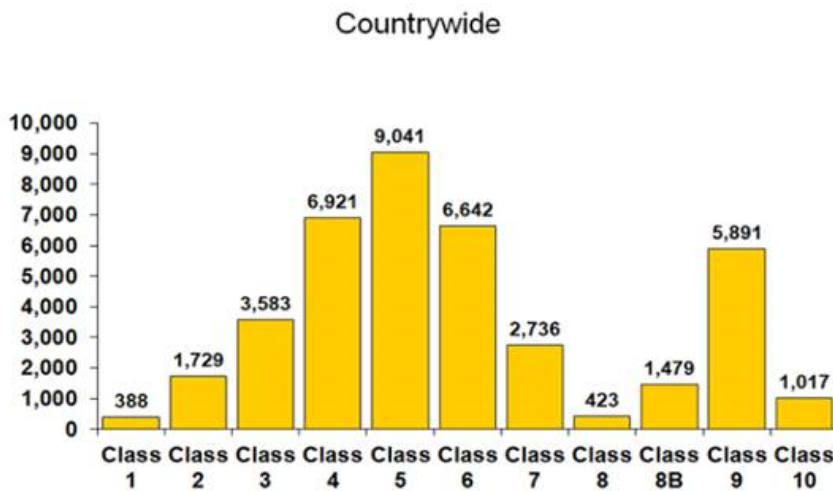
Fire chiefs don't have to do anything at all. The revised classifications went in place automatically effective July 1, 2014 (July 1, 2015 for Texas).

What if I have additional questions?

Feel free to contact ISO at 800.444.4554 or email us at PPC-Cust-Serv@iso.com.

Distribution of PPC Grades

The 2020 published countrywide distribution of communities by the PPC grade is as follows:



Assistance

The PPC program offers help to communities, fire departments, and other public officials as they plan for, budget, and justify improvements. ISO is also available to assist in the understanding of the details of this evaluation.

The PPC program representatives can be reached by telephone at (800) 444-4554. The technical specialists at this telephone number have access to the details of this evaluation and can effectively speak with you about your questions regarding the PPC program. What's more, we can be reached via the internet at www.isomitigation.com/talk/.

We also have a website dedicated to our Community Hazard Mitigation Classification programs at www.isomitigation.com. Here, fire chiefs, building code officials, community leaders and other interested citizens can access a wealth of data describing the criteria used in evaluating how cities and towns are protecting residents from fire and other natural hazards. This website will allow you to learn more about the PPC program. The website provides important background information, insights about the PPC grading processes and technical documents. ISO is also pleased to offer Fire Chiefs Online — a special, secured website with information and features that can help improve your PPC grade, including a list of the Needed Fire Flows for all the commercial occupancies ISO has on file for your community. Visitors to the site can download information, see statistical results and also contact ISO for assistance.

In addition, on-line access to the FSRs and its commentaries is available to registered customers for a fee. However, fire chiefs and community chief administrative officials are given access privileges to this information without charge.

To become a registered fire chief or community chief administrative official, register at www.isomitigation.com.

PPC Review

ISO concluded its review of the fire suppression features being provided for North Boston FPSA. The resulting community classification is **Class 03/3Y**.

If the classification is a single class, the classification applies to properties with a Needed Fire Flow of 3,500 gpm or less in the community. If the classification is a split class (e.g., 6/XX):

- The first class (e.g., “6” in a 6/XX) applies to properties within 5 road miles of a recognized fire station and within 1,000 feet of a fire hydrant or alternate water supply.
- The second class (XX or XY) applies to properties beyond 1,000 feet of a fire hydrant but within 5 road miles of a recognized fire station.
- Alternative Water Supply: The first class (e.g., “6” in a 6/10) applies to properties within 5 road miles of a recognized fire station with no hydrant distance requirement.
- Class 10 applies to properties over 5 road miles of a recognized fire station.
- Class 10W applies to properties within 5 to 7 road miles of a recognized fire station with a recognized water supply within 1,000 feet.
- Specific properties with a Needed Fire Flow in excess of 3,500 gpm are evaluated separately and assigned an individual classification.

FSRS Feature	Earned Credit	Credit Available
Emergency Communications		
414. Credit for Emergency Reporting	2.10	3
422. Credit for Telecommunicators	3.19	4
432. Credit for Dispatch Circuits	1.80	3
440. Credit for Emergency Communications	7.09	10
Fire Department		
513. Credit for Engine Companies	6.00	6
523. Credit for Reserve Pumpers	0.00	0.50
532. Credit for Pump Capacity	3.00	3
549. Credit for Ladder Service	1.12	4
553. Credit for Reserve Ladder and Service Trucks	0.00	0.50
561. Credit for Deployment Analysis	5.61	10
571. Credit for Company Personnel	14.90	15
581. Credit for Training	2.93	9
730. Credit for Operational Considerations	2.00	2
590. Credit for Fire Department	35.56	50
Water Supply		
616. Credit for Supply System	29.90	30
621. Credit for Hydrants	3.00	3
631. Credit for Inspection and Flow Testing	5.60	7
640. Credit for Water Supply	38.50	40
Divergence	-5.03	--
1050. Community Risk Reduction	3.31	5.50
Total Credit	79.43	105.50

Emergency Communications

Ten percent of a community's overall score is based on how well the communications center receives and dispatches fire alarms. Our field representative evaluated:

- Communications facilities provided for the general public to report structure fires
- Enhanced 9-1-1 Telephone Service including wireless
- Computer-aided dispatch (CAD) facilities
- Alarm receipt and processing at the communication center
- Training and certification of telecommunicators
- Facilities used to dispatch fire department companies to reported structure fires

	Earned Credit	Credit Available
414. Credit Emergency Reporting	2.10	3
422. Credit for Telecommunicators	3.19	4
432. Credit for Dispatch Circuits	1.80	3
Item 440. Credit for Emergency Communications:	7.09	10

Item 414 - Credit for Emergency Reporting (3 points)

The first item reviewed is Item 414 "Credit for Emergency Reporting (CER)". This item reviews the emergency communication center facilities provided for the public to report fires including 911 systems (Basic or Enhanced), Wireless Phase I and Phase II, Voice over Internet Protocol, Computer Aided Dispatch and Geographic Information Systems for automatic vehicle location. ISO uses National Fire Protection Association (NFPA) 1221, *Standard for the Installation, Maintenance and Use of Emergency Services Communications Systems* as the reference for this section.

Item 410. Emergency Reporting (CER)	Earned Credit	Credit Available
<p>A./B. Basic 9-1-1, Enhanced 9-1-1 or No 9-1-1</p> <p>For maximum credit, there should be an Enhanced 9-1-1 system, Basic 9-1-1 and No 9-1-1 will receive partial credit.</p>	20.00	20
<p>1. E9-1-1 Wireless</p> <p>Wireless Phase I using Static ALI (automatic location identification) Functionality (10 points); Wireless Phase II using Dynamic ALI Functionality (15 points); Both available will be 25 points</p>	25.00	25
<p>2. E9-1-1 Voice over Internet Protocol (VoIP)</p> <p>Static VoIP using Static ALI Functionality (10 points); Nomadic VoIP using Dynamic ALI Functionality (15 points); Both available will be 25 points</p>	10.00	25
<p>3. Computer Aided Dispatch</p> <p>Basic CAD (5 points); CAD with Management Information System (5 points); CAD with Interoperability (5 points)</p>	15.00	15
<p>4. Geographic Information System (GIS/AVL)</p> <p>The PSAP uses a fully integrated CAD/GIS management system with automatic vehicle location (AVL) integrated with a CAD system providing dispatch assignments.</p> <p>The individual fire departments being dispatched <u>do not</u> need GIS/AVL capability to obtain this credit.</p>	0.00	15
<p>Review of Emergency Reporting total:</p>	70.00	100

Item 422- Credit for Telecommunicators (4 points)

The second item reviewed is Item 422 "Credit for Telecommunicators (TC)". This item reviews the number of Telecommunicators on duty at the center to handle fire calls and other emergencies. All emergency calls including those calls that do not require fire department action are reviewed to determine the proper staffing to answer emergency calls and dispatch the appropriate emergency response. The 2013 Edition of NFPA 1221, *Standard for the Installation, Maintenance and Use of Emergency Services Communications Systems*, recommends that ninety-five percent of emergency calls shall be answered within 15 seconds and ninety-nine percent of emergency calls shall be answered within 40 seconds. In addition, NFPA recommends that eighty percent of emergency alarm processing shall be completed within 60 seconds and ninety-five percent of alarm processing shall be completed within 106 seconds of answering the call.

To receive full credit for operators on duty, ISO must review documentation to show that the communication center meets NFPA 1221 call answering and dispatch time performance measurement standards. This documentation may be in the form of performance statistics or other performance measurements compiled by the 9-1-1 software or other software programs that are currently in use such as Computer Aided Dispatch (CAD) or Management Information System (MIS).

Item 420. Telecommunicators (CTC)	Earned Credit	Credit Available
<p>A1. Alarm Receipt (AR)</p> <p>Receipt of alarms shall meet the requirements in accordance with the criteria of NFPA 1221</p>	19.78	20
<p>A2. Alarm Processing (AP)</p> <p>Processing of alarms shall meet the requirements in accordance with the criteria of NFPA 1221</p>	20.00	20
<p>B. Emergency Dispatch Protocols (EDP)</p> <p>Telecommunicators have emergency dispatch protocols (EDP) containing questions and a decision-support process to facilitate correct call categorization and prioritization.</p>	0.00	20
<p>C. Telecommunicator Training and Certification (TTC)</p> <p>Telecommunicators meet the qualification requirements referenced in NFPA 1061, <i>Standard for Professional Qualifications for Public Safety Telecommunicator</i>, and/or the Association of Public-Safety Communications Officials - International (APCO) <i>Project 33</i>. Telecommunicators are certified in the knowledge, skills, and abilities corresponding to their job functions.</p>	20.00	20
<p>D. Telecommunicator Continuing Education and Quality Assurance (TQA)</p> <p>Telecommunicators participate in continuing education and/or in-service training and quality-assurance programs as appropriate for their positions</p>	20.00	20
Review of Telecommunicators total:	79.78	100

Item 432 - Credit for Dispatch Circuits (3 points)

The third item reviewed is Item 432 “Credit for Dispatch Circuits (CDC)”. This item reviews the dispatch circuit facilities used to transmit alarms to fire department members. A “Dispatch Circuit” is defined in NFPA 1221 as “A circuit over which an alarm is transmitted from the communications center to an emergency response facility (ERF) or emergency response units (ERUs) to notify ERUs to respond to an emergency”. All fire departments (except single fire station departments with full-time firefighter personnel receiving alarms directly at the fire station) need adequate means of notifying all firefighter personnel of the location of reported structure fires. The dispatch circuit facilities should be in accordance with the general criteria of NFPA 1221. “Alarms” are defined in this Standard as “A signal or message from a person or device indicating the existence of an emergency or other situation that requires action by an emergency response agency”.

There are two different levels of dispatch circuit facilities provided for in the Standard – a primary dispatch circuit and a secondary dispatch circuit. In jurisdictions that receive 730 alarms or more per year (average of two alarms per 24-hour period), two separate and dedicated dispatch circuits, a primary and a secondary, are needed. In jurisdictions receiving fewer than 730 alarms per year, a second dedicated dispatch circuit is not needed. Dispatch circuit facilities installed but not used or tested (in accordance with the NFPA Standard) receive no credit.

The score for Credit for Dispatch Circuits (CDC) is influenced by monitoring for integrity of the primary dispatch circuit. There are up to 0.90 points available for this Item. Monitoring for integrity involves installing automatic systems that will detect faults and failures and send visual and audible indications to appropriate communications center (or dispatch center) personnel. ISO uses NFPA 1221 to guide the evaluation of this item. ISO's evaluation also includes a review of the communication system's emergency power supplies.

Item 432 “Credit for Dispatch Circuits (CDC)” = 1.80 points

Fire Department

Fifty percent of a community's overall score is based upon the fire department's structure fire suppression system. ISO's field representative evaluated:

- Engine and ladder/service vehicles including reserve apparatus
- Equipment carried
- Response to reported structure fires
- Deployment analysis of companies
- Available and/or responding firefighters
- Training

	Earned Credit	Credit Available
513. Credit for Engine Companies	6.00	6
523. Credit for Reserve Pumpers	0.00	0.5
532. Credit for Pumper Capacity	3.00	3
549. Credit for Ladder Service	1.12	4
553. Credit for Reserve Ladder and Service Trucks	0.00	0.5
561. Credit for Deployment Analysis	5.61	10
571. Credit for Company Personnel	14.90	15
581. Credit for Training	2.93	9
730. Credit for Operational Considerations	2.00	2
Item 590. Credit for Fire Department:	35.56	50

Basic Fire Flow

The Basic Fire Flow for the community is determined by the review of the Needed Fire Flows for selected buildings in the community. The fifth largest Needed Fire Flow is determined to be the Basic Fire Flow. The Basic Fire Flow has been determined to be 1750 gpm.

Item 513 - Credit for Engine Companies (6 points)

The first item reviewed is Item 513 "Credit for Engine Companies (CEC)". This item reviews the number of engine companies, their pump capacity, hose testing, pump testing and the equipment carried on the in-service pumpers. To be recognized, pumper apparatus must meet the general criteria of NFPA 1901, *Standard for Automotive Fire Apparatus* which include a minimum 250 gpm pump, an emergency warning system, a 300 gallon water tank, and hose. At least 1 apparatus must have a permanently mounted pump rated at 750 gpm or more at 150 psi.

The review of the number of needed pumpers considers the response distance to built-upon areas; the Basic Fire Flow; and the method of operation. Multiple alarms, simultaneous incidents, and life safety are not considered.

The greatest value of A, B, or C below is needed in the fire district to suppress fires in structures with a Needed Fire Flow of 3,500 gpm or less: **2 engine companies**

- a) **1 engine companies** to provide fire suppression services to areas to meet NFPA 1710 criteria or within 1½ miles.
- b) **2 engine companies** to support a Basic Fire Flow of 1750 gpm.
- c) **2 engine companies** based upon the fire department's method of operation to provide a minimum two engine response to all first alarm structure fires.

The FSRS recognizes that there are **2 engine companies** in service.

The FSRS also reviews Automatic Aid. Automatic Aid is considered in the review as assistance dispatched automatically by contractual agreement between two communities or fire districts. That differs from mutual aid or assistance arranged case by case. ISO will recognize an Automatic Aid plan under the following conditions:

- It must be prearranged for first alarm response according to a definite plan. It is preferable to have a written agreement, but ISO may recognize demonstrated performance.
- The aid must be dispatched to all reported structure fires on the initial alarm.
- The aid must be provided 24 hours a day, 365 days a year.

FSRS Item 512.D "Automatic Aid Engine Companies" responding on first alarm and meeting the needs of the city for basic fire flow and/or distribution of companies are factored based upon the value of the Automatic Aid plan (up to 1.00 can be used as the factor). The Automatic Aid factor is determined by a review of the Automatic Aid provider's communication facilities, how they receive alarms from the graded area, inter-department training between fire departments, and the fire ground communications capability between departments.

For each engine company, the credited Pump Capacity (PC), the Hose Carried (HC), the Equipment Carried (EC) all contribute to the calculation for the percent of credit the FSRS provides to that engine company.

Item 513 "Credit for Engine Companies (CEC)" = 6.00 points

Item 523 - Credit for Reserve Pumpers (0.50 points)

The item is Item 523 “Credit for Reserve Pumpers (CRP)”. This item reviews the number and adequacy of the pumpers and their equipment. The number of needed reserve pumpers is 1 for each 8 needed engine companies determined in Item 513, or any fraction thereof.

Item 523 “Credit for Reserve Pumpers (CRP)” = 0.00 points

Item 532 – Credit for Pumper Capacity (3 points)

The next item reviewed is Item 532 “Credit for Pumper Capacity (CPC)”. The total pump capacity available should be sufficient for the Basic Fire Flow of 1750 gpm. The maximum needed pump capacity credited is the Basic Fire Flow of the community.

Item 532 “Credit for Pumper Capacity (CPC)” = 3.00 points

Item 549 – Credit for Ladder Service (4 points)

The next item reviewed is Item 549 “Credit for Ladder Service (CLS)”. This item reviews the number of response areas within the city with 5 buildings that are 3 or more stories or 35 feet or more in height, or with 5 buildings that have a Needed Fire Flow greater than 3,500 gpm, or any combination of these criteria. The height of all buildings in the city, including those protected by automatic sprinklers, is considered when determining the number of needed ladder companies. Response areas not needing a ladder company should have a service company. Ladders, tools and equipment normally carried on ladder trucks are needed not only for ladder operations but also for forcible entry, ventilation, salvage, overhaul, lighting and utility control.

The number of ladder or service companies, the height of the aerial ladder, aerial ladder testing and the equipment carried on the in-service ladder trucks and service trucks is compared with the number of needed ladder trucks and service trucks and an FSRS equipment list. Ladder trucks must meet the general criteria of NFPA 1901, *Standard for Automotive Fire Apparatus* to be recognized.

The number of needed ladder-service trucks is dependent upon the number of buildings 3 stories or 35 feet or more in height, buildings with a Needed Fire Flow greater than 3,500 gpm, and the method of operation.

The FSRS recognizes that there are **0 ladder companies** in service. These companies are needed to provide fire suppression services to areas to meet NFPA 1710 criteria or within 2½ miles and the number of buildings with a Needed Fire Flow over 3,500 gpm or 3 stories or more in height, or the method of operation.

The FSRS recognizes that there are **1 service companies** in service.

Item 549 “Credit for Ladder Service (CLS)” = 1.12 points

Item 553 – Credit for Reserve Ladder and Service Trucks (0.50 points)

The next item reviewed is Item 553 “Credit for Reserve Ladder and Service Trucks (CRLS)”. This item considers the adequacy of ladder and service apparatus when one (or more in larger communities) of these apparatus are out of service. The number of needed reserve ladder and service trucks is 1 for each 8 needed ladder and service companies that were determined to be needed in Item 540, or any fraction thereof.

Item 553 “Credit for Reserve Ladder and Service Trucks (CRLS)” = 0.00 points

Item 561 – Deployment Analysis (10 points)

Next, Item 561 “Deployment Analysis (DA)” is reviewed. This Item examines the number and adequacy of existing engine and ladder-service companies to cover built-upon areas of the city.

To determine the Credit for Distribution, first the Existing Engine Company (EC) points and the Existing Engine Companies (EE) determined in Item 513 are considered along with Ladder Company Equipment (LCE) points, Service Company Equipment (SCE) points, Engine-Ladder Company Equipment (ELCE) points, and Engine-Service Company Equipment (ESCE) points determined in Item 549.

Secondly, as an alternative to determining the number of needed engine and ladder/service companies through the road-mile analysis, a fire protection area may use the results of a systematic performance evaluation. This type of evaluation analyzes computer-aided dispatch (CAD) history to demonstrate that, with its current deployment of companies, the fire department meets the time constraints for initial arriving engine and initial full alarm assignment in accordance with the general criteria of in NFPA 1710, *Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments*.

A determination is made of the percentage of built upon area within 1½ miles of a first-due engine company and within 2½ miles of a first-due ladder-service company.

Item 561 “Credit Deployment Analysis (DA)” = 5.61 points

Item 571 – Credit for Company Personnel (15 points)

Item 571 “Credit for Company Personnel (CCP)” reviews the average number of existing firefighters and company officers available to respond to reported first alarm structure fires in the city.

The on-duty strength is determined by the yearly average of total firefighters and company officers on-duty considering vacations, sick leave, holidays, “Kelley” days and other absences. When a fire department operates under a minimum staffing policy, this may be used in lieu of determining the yearly average of on-duty company personnel.

Firefighters on apparatus not credited under Items 513 and 549 that regularly respond to reported first alarms to aid engine, ladder, and service companies are included in this item as increasing the total company strength.

Firefighters staffing ambulances or other units serving the general public are credited if they participate in fire-fighting operations, the number depending upon the extent to which they are available and are used for response to first alarms of fire.

On-Call members are credited on the basis of the average number staffing apparatus on first alarms. Off-shift career firefighters and company officers responding on first alarms are considered on the same basis as on-call personnel. For personnel not normally at the fire station, the number of responding firefighters and company officers is divided by 3 to reflect the time needed to assemble at the fire scene and the reduced ability to act as a team due to the various arrival times at the fire location when compared to the personnel on-duty at the fire station during the receipt of an alarm.

The number of Public Safety Officers who are positioned in emergency vehicles within the jurisdiction boundaries may be credited based on availability to respond to first alarm structure fires. In recognition of this increased response capability the number of responding Public Safety Officers is divided by 2.

The average number of firefighters and company officers responding with those companies credited as Automatic Aid under Items 513 and 549 are considered for either on-duty or on-call company personnel as is appropriate. The actual number is calculated as the average number of company personnel responding multiplied by the value of AA Plan determined in Item 512.D.

The maximum creditable response of on-duty and on-call firefighters is 12, including company officers, for each existing engine and ladder company and 6 for each existing service company.

Chief Officers are not creditable except when more than one chief officer responds to alarms; then extra chief officers may be credited as firefighters if they perform company duties.

The FSRS recognizes **0.00 on-duty personnel** and an average of **19.00 on-call personnel** responding on first alarm structure fires.

Item 571 “Credit for Company Personnel (CCP)” = 14.90 points

Item 581 – Credit for Training (9 points)

Training	Earned Credit	Credit Available
<p>A. Facilities, and Use</p> <p>For maximum credit, each firefighter should receive 18 hours per year in structure fire related subjects as outlined in NFPA 1001.</p>	4.90	35
<p>B. Company Training</p> <p>For maximum credit, each firefighter should receive 16 hours per month in structure fire related subjects as outlined in NFPA 1001.</p>	2.16	25
<p>C. Classes for Officers</p> <p>For maximum credit, each officer should be certified in accordance with the general criteria of NFPA 1021. Additionally, each officer should receive 12 hours of continuing education on or off site.</p>	12.00	12
<p>D. New Driver and Operator Training</p> <p>For maximum credit, each new driver and operator should receive 60 hours of driver/operator training per year in accordance with NFPA 1002 and NFPA 1451.</p>	5.00	5
<p>E. Existing Driver and Operator Training</p> <p>For maximum credit, each existing driver and operator should receive 12 hours of driver/operator training per year in accordance with NFPA 1002 and NFPA 1451.</p>	5.00	5
<p>F. Training on Hazardous Materials</p> <p>For maximum credit, each firefighter should receive 6 hours of training for incidents involving hazardous materials in accordance with NFPA 472.</p>	0.18	1
<p>G. Recruit Training</p> <p>For maximum credit, each firefighter should receive 240 hours of structure fire related training in accordance with NFPA 1001 within the first year of employment or tenure.</p>	2.17	5
<p>H. Pre-Fire Planning Inspections</p> <p>For maximum credit, pre-fire planning inspections of each commercial, industrial, institutional, and other similar type building (all buildings except 1-4 family dwellings) should be made annually by company members. Records of inspections should include up-to date notes and sketches.</p>	1.20	12

Item 580 “Credit for Training (CT)” = 2.93 points

Item 730 – Operational Considerations (2 points)

Item 730 “Credit for Operational Considerations (COC)” evaluates fire department standard operating procedures and incident management systems for emergency operations involving structure fires.

Operational Considerations	Earned Credit	Credit Available
Standard Operating Procedures The department should have established SOPs for fire department general emergency operations	50	50
Incident Management Systems The department should use an established incident management system (IMS)	50	50
Operational Considerations total:	100	100

Item 730 “Credit for Operational Considerations (COC)” = 2.00 points

Water Supply

Forty percent of a community's overall score is based on the adequacy of the water supply system. The ISO field representative evaluated:

- the capability of the water distribution system to meet the Needed Fire Flows at selected locations up to 3,500 gpm.
- size, type and installation of fire hydrants.
- inspection and flow testing of fire hydrants.

	Earned Credit	Credit Available
616. Credit for Supply System	29.90	30
621. Credit for Hydrants	3.00	3
631. Credit for Inspection and Flow Testing	5.60	7
Item 640. Credit for Water Supply:	38.50	40

Item 616 – Credit for Supply System (30 points)

The first item reviewed is Item 616 “Credit for Supply System (CSS)”. This item reviews the rate of flow that can be credited at each of the Needed Fire Flow test locations considering the supply works capacity, the main capacity and the hydrant distribution. The lowest flow rate of these items is credited for each representative location. A water system capable of delivering 250 gpm or more for a period of two hours plus consumption at the maximum daily rate at the fire location is considered minimum in the ISO review.

Where there are 2 or more systems or services distributing water at the same location, credit is given on the basis of the joint protection provided by all systems and services available.

The supply works capacity is calculated for each representative Needed Fire Flow test location, considering a variety of water supply sources. These include public water supplies, emergency supplies (usually accessed from neighboring water systems), suction supplies (usually evidenced by dry hydrant installations near a river, lake or other body of water), and supplies developed by a fire department using large diameter hose or vehicles to shuttle water from a source of supply to a fire site. The result is expressed in gallons per minute (gpm).

The normal ability of the distribution system to deliver Needed Fire Flows at the selected building locations is reviewed. The results of a flow test at a representative test location will indicate the ability of the water mains (or fire department in the case of fire department supplies) to carry water to that location.

The hydrant distribution is reviewed within 1,000 feet of representative test locations measured as hose can be laid by apparatus.

For maximum credit, the Needed Fire Flows should be available at each location in the district. Needed Fire Flows of 2,500 gpm or less should be available for 2 hours; and Needed Fire Flows of 3,000 and 3,500 gpm should be obtainable for 3 hours.

Item 616 “Credit for Supply System (CSS)” = 29.90 points

Item 621 – Credit for Hydrants (3 points)

The second item reviewed is Item 621 “Credit for Hydrants (CH)”. This item reviews the number of fire hydrants of each type compared with the total number of hydrants.

There are a total of 150 hydrants in the graded area.

620. Hydrants, - Size, Type and Installation	Number of Hydrants
A. With a 6 -inch or larger branch and a pumper outlet with or without 2½ - inch outlets	150
B. With a 6 -inch or larger branch and no pumper outlet but two or more 2½ -inch outlets, or with a small foot valve, or with a small barrel	0
C./D. With only a 2½ -inch outlet or with less than a 6 -inch branch	0
E./F. Flush Type, Cistern, or Suction Point	0

Item 621 “Credit for Hydrants (CH)” = 3.00 points

Item 630 – Credit for Inspection and Flow Testing (7 points)

The third item reviewed is Item 630 “Credit for Inspection and Flow Testing (CIT)”. This item reviews the fire hydrant inspection frequency, and the completeness of the inspections. Inspection of hydrants should be in accordance with AWWA M-17, *Installation, Field Testing and Maintenance of Fire Hydrants*.

Frequency of Inspection (FI): Average interval between the 3 most recent inspections.

Frequency	Points
1 year	30
2 years	20
3 years	10
4 years	5
5 years or more	No Credit

Note: The points for inspection frequency are reduced by 10 points if the inspections are incomplete or do not include a flushing program. An additional reduction of 10 points are made if hydrants are not subjected to full system pressure during inspections. If the inspection of cisterns or suction points does not include actual drafting with a pumper, or back-flushing for dry hydrants, 20 points are deducted.

Total points for Inspections = 3.20 points

Frequency of Fire Flow Testing (FF): Average interval between the 3 most recent inspections.

Frequency	Points
5 years	40
6 years	30
7 years	20
8 years	10
9 years	5
10 years or more	No Credit

Total points for Fire Flow Testing = 2.40 points

Item 631 “Credit for Inspection and Fire Flow Testing (CIT)” = 5.60 points

Divergence = -5.03

The Divergence factor mathematically reduces the score based upon the relative difference between the fire department and water supply scores. The factor is introduced in the final equation.

Community Risk Reduction

	Earned Credit	Credit Available
1025. Credit for Fire Prevention and Code Enforcement (CPCE)	1.43	2.2
1033. Credit for Public Fire Safety Education (CFSE)	0.85	2.2
1044. Credit for Fire Investigation Programs (CIP)	1.03	1.1
Item 1050. Credit for Community Risk Reduction	3.31	5.50

Item 1025 – Credit for Fire Prevention Code Adoption and Enforcement (2.2 points)	Earned Credit	Credit Available
Fire Prevention Code Regulations (PCR)	10.00	10

Evaluation of fire prevention code regulations in effect.		
Fire Prevention Staffing (PS) Evaluation of staffing for fire prevention activities.	0.00	8
Fire Prevention Certification and Training (PCT) Evaluation of the certification and training of fire prevention code enforcement personnel.	2.75	6
Fire Prevention Programs (PCP) Evaluation of fire prevention programs.	13.20	16
Review of Fire Prevention Code and Enforcement (CPCE) subtotal:	25.95	40

Item 1033 – Credit for Public Fire Safety Education (2.2 points)	Earned Credit	Credit Available
Public Fire Safety Educators Qualifications and Training (FSQT) Evaluation of public fire safety education personnel training and qualification as specified by the authority having jurisdiction.	0.00	10
Public Fire Safety Education Programs (FSP) Evaluation of programs for public fire safety education.	15.50	30
Review of Public Safety Education Programs (CFSE) subtotal:	15.50	40

Item 1044 – Credit for Fire Investigation Programs (1.1 points)	Earned Credit	Credit Available
Fire Investigation Organization and Staffing (IOS) Evaluation of organization and staffing for fire investigations.	8.00	8
Fire Investigator Certification and Training (IQT) Evaluation of fire investigator certification and training.	4.80	6
Use of National Fire Incident Reporting System (IRS) Evaluation of the use of the National Fire Incident Reporting System (NFIRS) for the 3 years before the evaluation.	6.00	6
Review of Fire Investigation Programs (CIP) subtotal:	18.80	20

Summary of PPC Review
for
North Boston FPSA

FSRS Item	Earned Credit	Credit Available
Emergency Communications		
414. Credit for Emergency Reporting	2.10	3
422. Credit for Telecommunicators	3.19	4
432. Credit for Dispatch Circuits	1.80	3
440. Credit for Emergency Communications	7.09	10
Fire Department		
513. Credit for Engine Companies	6.00	6
523. Credit for Reserve Pumpers	0.00	0.5
532. Credit for Pumper Capacity	3.00	3
549. Credit for Ladder Service	1.12	4
553. Credit for Reserve Ladder and Service Trucks	0.00	0.5
561. Credit for Deployment Analysis	5.61	10
571. Credit for Company Personnel	14.90	15
581. Credit for Training	2.93	9
730. Credit for Operational Considerations	2.00	2
590. Credit for Fire Department	35.56	50
Water Supply		
616. Credit for Supply System	29.90	30
621. Credit for Hydrants	3.00	3
631. Credit for Inspection and Flow Testing	5.60	7
640. Credit for Water Supply	38.50	40
Divergence	-5.03	--
1050. Community Risk Reduction	3.31	5.50
Total Credit	79.43	105.5

Final Community Classification = 03/3Y

INSURANCE SERVICES OFFICE, INC.
HYDRANT FLOW DATA SUMMARY

Community North Boston Fpsa

County Erie State New York (Upstate) (61)

Witnessed by: Insurance Services Office

Survey Date: March 4, 2022

TEST NO.	TYPE DIST.*	TEST LOCATION	SERVICE	FLOW - GPM $Q=(29.83(C(d^2)p^{0.5}))$			PRESSURE PSI		FLOW -AT 20 PSI		REMARKS***	MODEL TYPE	FLOW TEST DATE	
				INDIVIDUAL HYDRANTS	TOTAL		STATIC	RESID.	NEEDED **	AVAIL.				
1.0		Eckhardt Rd. opp. East Lane	Erie County Water Authority, Main Zone	1230	0	0	1230	70	44	750	1800		FTPC	08/25/1993
2.0		Woodlee Ct. 1st N/O Herman Hill	Erie County Water Authority, Main Zone	1110	0	0	1110	89	46	750	1400		FTPC	08/25/1993
3.0		Mayer Rd. E/O Glenn Terr.	Erie County Water Authority, Main Zone	1140	0	0	1140	101	61	1750	1700		FTPC	08/25/1993
3.1		Mayer Rd. E/O Glenn Terr.	Erie County Water Authority, Main Zone	1140	0	0	1140	101	61	750	1700		FTPC	08/25/1993
4.0		Boston State Road N/O Ripple Dr.	Erie County Water Authority, Main Zone	1090	1090	0	2180	102	50	2250	2800		FTPC	08/25/1993
5.0		Herman Hill E/O Hickey Dr.	Erie County Water Authority, Main Zone	1220	0	0	1220	96	70	2000	2200		FTPC	08/25/1993
6.0		Zimmerman Rd. E/O Back Creek Rd.	Erie County Water Authority, Main Zone	1060	1060	0	2120	112	70	3000	3200		FTPC	08/25/1993
7.0		Rte. 391 2nd Hyd. S/O Herman Hill	Erie County Water Authority, Main Zone	1140	1140	0	2280	106	62	3000	3300		FTPC	08/25/1993
8.0		Keller Rd. 3rd W/O S. Feddick	Erie County Water Authority, Main Zone	860	0	0	860	70	35	750	1000		FTPC	08/25/1993

THE ABOVE LISTED NEEDED FIRE FLOWS ARE FOR PROPERTY INSURANCE PREMIUM CALCULATIONS ONLY AND ARE NOT INTENDED TO PREDICT THE MAXIMUM AMOUNT OF WATER REQUIRED FOR A LARGE SCALE FIRE CONDITION.

THE AVAILABLE FLOWS ONLY INDICATE THE CONDITIONS THAT EXISTED AT THE TIME AND AT THE LOCATION WHERE TESTS WERE WITNESSED.

*Comm = Commercial; Res = Residential.

**Needed is the rate of flow for a specific duration for a full credit condition. Needed Fire Flows greater than 3,500 gpm are not considered in determining the classification of the city when using the Fire Suppression Rating Schedule.

*** (A)-Limited by available hydrants to gpm shown. Available facilities limit flow to gpm shown plus consumption for the needed duration of (B)-2 hours, (C)-3 hours or (D)-4 hours.



1000 Bishops Gate Blv. Ste 300
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t1.800.444.4554 Opt.2
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June 27, 2022

Mr. Jason Keding, Town Supervisor
Patchin FPSA
8500 Boston State Road
Boston, New York, 14025

RE: Patchin Fpsa, Erie County, New York (Upstate)
Public Protection Classification: 04/4X
Effective Date: October 01, 2022

Dear Mr. Jason Keding,

We wish to thank you and Chief Brandon Bender for your cooperation during our recent Public Protection Classification (PPC) survey. ISO has completed its analysis of the structural fire suppression delivery system provided in your community. The resulting classification is indicated above.

If you would like to know more about your community's PPC classification, or if you would like to learn about the potential effect of proposed changes to your fire suppression delivery system, please call us at the phone number listed below.

Please note that as part of our analysis it was determined that the following fire station(s) did not meet the minimum requirements for recognition: Patchin FS 2 Fire Station is not recognized.

ISO's Public Protection Classification Program (PPC) plays an important role in the underwriting process at insurance companies. In fact, most U.S. insurers – including the largest ones – use PPC information as part of their decision-making when deciding what business to write, coverage's to offer or prices to charge for personal or commercial property insurance.

Each insurance company independently determines the premiums it charges its policyholders. The way an insurer uses ISO's information on public fire protection may depend on several things – the company's fire-loss experience, ratemaking methodology, underwriting guidelines, and its marketing strategy.

Through ongoing research and loss experience analysis, we identified additional differentiation in fire loss experience within our PPC program, which resulted in the revised classifications. We based the differing fire loss experience on the fire suppression capabilities of each community. The new classifications will improve the predictive value for insurers while benefiting both commercial and residential property owners. We've published the new classifications as "X" and "Y" – formerly the "9" and "8B" portion of the split classification, respectively. For example:

- A community currently graded as a split 6/9 classification will now be a split 6/6X classification; with the "6X" denoting what was formerly classified as "9."

- Similarly, a community currently graded as a split 6/8B classification will now be a split 6/6Y classification, the “6Y” denoting what was formerly classified as “8B.”
- Communities graded with single “9” or “8B” classifications will remain intact.
- Properties over 5 road miles from a recognized fire station would receive a class 10.

PPC is important to communities and fire departments as well. Communities whose PPC improves may get lower insurance prices. PPC also provides fire departments with a valuable benchmark, and is used by many departments as a valuable tool when planning, budgeting and justifying fire protection improvements.

ISO appreciates the high level of cooperation extended by local officials during the entire PPC survey process. The community protection baseline information gathered by ISO is an essential foundation upon which determination of the relative level of fire protection is made using the Fire Suppression Rating Schedule.

The classification is a direct result of the information gathered, and is dependent on the resource levels devoted to fire protection in existence at the time of survey. Material changes in those resources that occur after the survey is completed may affect the classification. Although ISO maintains a pro-active process to keep baseline information as current as possible, in the event of changes please call us at 1-800-444-4554, option 2 to expedite the update activity.

ISO is the leading supplier of data and analytics for the property/casualty insurance industry. Most insurers use PPC classifications for underwriting and calculating premiums for residential, commercial and industrial properties. The PPC program is not intended to analyze all aspects of a comprehensive structural fire suppression delivery system program. It is not for purposes of determining compliance with any state or local law, nor is it for making loss prevention or life safety recommendations.

If you have any questions about your classification, please let us know.

Sincerely,

Alex Shubert

Alex Shubert
Manager -National Processing Center

cc: Mr. Sean Crotty, Emergency Manager, Hamburg Public Safety Dispatch Center
Chief Brandon Bender, Chief, Patchin Fire Department
Mr. Russel Stoll, Supervisor, Erie County Water Authority
Ms. Michele Kerr, Director, Erie County Central Police Services

**Public Protection Classification
(PPC®)
Summary Report**

Patchin FPSA

New York (Upstate)

Prepared by

**Insurance Services Office, Inc.
1000 Bishops Gate Blvd., Ste. 300
P.O. Box 5404
Mt. Laurel, New Jersey 08054-5404
1-800-444-4554**

**Report Created June 2022
Effective October 1, 2022**

Background Information

Introduction

ISO collects and evaluates information from communities in the United States on their structure fire suppression capabilities. The data is analyzed using our Fire Suppression Rating Schedule (FSRS) and then a Public Protection Classification (PPC®) grade is assigned to the community. The surveys are conducted whenever it appears that there is a possibility of a PPC change. As such, the PPC program provides important, up-to-date information about fire protection services throughout the country.

The FSRS recognizes fire protection features only as they relate to suppression of first alarm structure fires. In many communities, fire suppression may be only a small part of the fire department's overall responsibility. ISO recognizes the dynamic and comprehensive duties of a community's fire service, and understands the complex decisions a community must make in planning and delivering emergency services. However, in developing a community's PPC grade, only features related to reducing property losses from structural fires are evaluated. Multiple alarms, simultaneous incidents and life safety are not considered in this evaluation. The PPC program evaluates the fire protection for small to average size buildings. Specific properties with a Needed Fire Flow in excess of 3,500 gpm are evaluated separately and assigned an individual PPC grade.

A community's investment in fire mitigation is a proven and reliable predictor of future fire losses. Statistical data on insurance losses bears out the relationship between excellent fire protection – as measured by the PPC program – and low fire losses. So, insurance companies use PPC information for marketing, underwriting, and to help establish fair premiums for homeowners and commercial fire insurance. In general, the price of fire insurance in a community with a good PPC grade is substantially lower than in a community with a poor PPC grade, assuming all other factors are equal.

ISO is an independent company that serves insurance companies, communities, fire departments, insurance regulators, and others by providing information about risk. ISO's expert staff collects information about municipal fire suppression efforts in communities throughout the United States. In each of those communities, ISO analyzes the relevant data and assigns a PPC grade – a number from 1 to 10. Class 1 represents an exemplary fire suppression program, and Class 10 indicates that the area's fire suppression program does not meet ISO's minimum criteria.

ISO's PPC program evaluates communities according to a uniform set of criteria, incorporating nationally recognized standards developed by the National Fire Protection Association and the American Water Works Association. A community's PPC grade depends on:

- **Needed Fire Flows**, which are representative building locations used to determine the theoretical amount of water necessary for fire suppression purposes.
- **Emergency Communications**, including emergency reporting, telecommunicators, and dispatching systems.
- **Fire Department**, including equipment, staffing, training, geographic distribution of fire companies, operational considerations, and community risk reduction.
- **Water Supply**, including inspection and flow testing of hydrants, alternative water supply operations, and a careful evaluation of the amount of available water compared with the amount needed to suppress fires up to 3,500 gpm.

Data Collection and Analysis

ISO has evaluated and classified over 39,000 fire protection areas across the United States using its FSRS. A combination of meetings between trained ISO field representatives and the dispatch center coordinator, community fire official, and water superintendent is used in conjunction with a comprehensive questionnaire to collect the data necessary to determine the PPC grade. In order for a community to obtain a grade better than a Class 9, three elements of fire suppression features are reviewed. These three elements are Emergency Communications, Fire Department, and Water Supply.

A review of the **Emergency Communications** accounts for 10% of the total classification. This section is weighted at **10 points**, as follows:

- Emergency Reporting 3 points
- Telecommunicators 4 points
- Dispatch Circuits 3 points

A review of the **Fire Department** accounts for 50% of the total classification. ISO focuses on a fire department's first alarm response and initial attack to minimize potential loss. The fire department section is weighted at **50 points**, as follows:

- Engine Companies 6 points
- Reserve Pumpers 0.5 points
- Pump Capacity 3 points
- Ladder/Service Companies 4 points
- Reserve Ladder/Service Trucks 0.5 points
- Deployment Analysis 10 points
- Company Personnel 15 points
- Training 9 points
- Operational considerations 2 points
- Community Risk Reduction 5.5 points (in addition to the 50 points above)

A review of the **Water Supply** system accounts for 40% of the total classification. ISO reviews the water supply a community uses to determine the adequacy for fire suppression purposes. The water supply system is weighted at **40 points**, as follows:

- Credit for Supply System 30 points
- Hydrant Size, Type & Installation 3 points
- Inspection & Flow Testing of Hydrants 7 points

There is one additional factor considered in calculating the final score – **Divergence**.

Even the best fire department will be less than fully effective if it has an inadequate water supply. Similarly, even a superior water supply will be less than fully effective if the fire department lacks the equipment or personnel to use the water. The FSRs score is subject to modification by a divergence factor, which recognizes disparity between the effectiveness of the fire department and the water supply.

The Divergence factor mathematically reduces the score based upon the relative difference between the fire department and water supply scores. The factor is introduced in the final equation.

PPC Grade

The PPC grade assigned to the community will depend on the community's score on a 100-point scale:

PPC	Points
1	90.00 or more
2	80.00 to 89.99
3	70.00 to 79.99
4	60.00 to 69.99
5	50.00 to 59.99
6	40.00 to 49.99
7	30.00 to 39.99
8	20.00 to 29.99
9	10.00 to 19.99
10	0.00 to 9.99

The classification numbers are interpreted as follows:

- Class 1 through (and including) Class 8 represents a fire suppression system that includes an FSRs creditable dispatch center, fire department, and water supply.
- Class 8B is a special classification that recognizes a superior level of fire protection in otherwise Class 9 areas. It is designed to represent a fire protection delivery system that is superior except for a lack of a water supply system capable of the minimum FSRs fire flow criteria of 250 gpm for 2 hours.
- Class 9 is a fire suppression system that includes a creditable dispatch center, fire department but no FSRs creditable water supply.
- Class 10 does not meet minimum FSRs criteria for recognition, including areas that are beyond five road miles of a recognized fire station.

New PPC program changes effective July 1, 2014

We have revised the PPC program to capture the effects of enhanced fire protection capabilities that reduce fire loss and fire severity in Split Class 9 and Split Class 8B areas (as outlined below). This new structure benefits the fire service, community, and property owner.

New classifications

Through ongoing research and loss experience analysis, we identified additional differentiation in fire loss experience within our PPC program, which resulted in the revised classifications. We based the differing fire loss experience on the fire suppression capabilities of each community. The new PPC classes will improve the predictive value for insurers while benefiting both commercial and residential property owners. Here are the new classifications and what they mean.

Split classifications

When we develop a split classification for a community — for example 5/9 — the first number is the class that applies to properties within 5 road miles of the responding fire station and 1,000 feet of a creditable water supply, such as a fire hydrant, suction point, or dry hydrant. The second number is the class that applies to properties within 5 road miles of a fire station but beyond 1,000 feet of a creditable water supply. We have revised the classification to reflect more precisely the risk of loss in a community, replacing Class 9 and 8B in the second part of a split classification with revised designations.

What's changed with the new classifications?

We've published the new classifications as "X" and "Y" — formerly the "9" and "8B" portion of the split classification, respectively. For example:

- A community currently displayed as a split 6/9 classification will now be a split 6/6X classification; with the "6X" denoting what was formerly classified as "9".
- Similarly, a community currently graded as a split 6/8B classification will now be a split 6/6Y classification, the "6Y" denoting what was formerly classified as "8B".
- Communities graded with single "9" or "8B" classifications will remain intact.

Prior Classification	New Classification
1/9	1/1X
2/9	2/2X
3/9	3/3X
4/9	4/4X
5/9	5/5X
6/9	6/6X
7/9	7/7X
8/9	8/8X
9	9

Prior Classification	New Classification
1/8B	1/1Y
2/8B	2/2Y
3/8B	3/3Y
4/8B	4/4Y
5/8B	5/5Y
6/8B	6/6Y
7/8B	7/7Y
8/8B	8/8Y
8B	8B

What's changed?

As you can see, we're still maintaining split classes, but it's how we represent them to insurers that's changed. The new designations reflect a reduction in fire severity and loss and have the potential to reduce property insurance premiums.

Benefits of the revised split class designations

- To the fire service, the revised designations identify enhanced fire suppression capabilities used throughout the fire protection area
- To the community, the new classes reward a community's fire suppression efforts by showing a more reflective designation
- To the individual property owner, the revisions offer the potential for decreased property insurance premiums

New water class

Our data also shows that risks located more than 5 but less than 7 road miles from a responding fire station with a creditable water source within 1,000 feet had better loss experience than those farther than 5 road miles from a responding fire station with no creditable water source. We've introduced a new classification — 10W — to recognize the reduced loss potential of such properties.

What's changed with Class 10W?

Class 10W is property-specific. Not all properties in the 5-to-7-mile area around the responding fire station will qualify. The difference between Class 10 and 10W is that the 10W-graded risk or property is within 1,000 feet of a creditable water supply. Creditable water supplies include fire protection systems using hauled water in any of the split classification areas.

What's the benefit of Class 10W?

10W gives credit to risks within 5 to 7 road miles of the responding fire station and within 1,000 feet of a creditable water supply. That's reflective of the potential for reduced property insurance premiums.

What does the fire chief have to do?

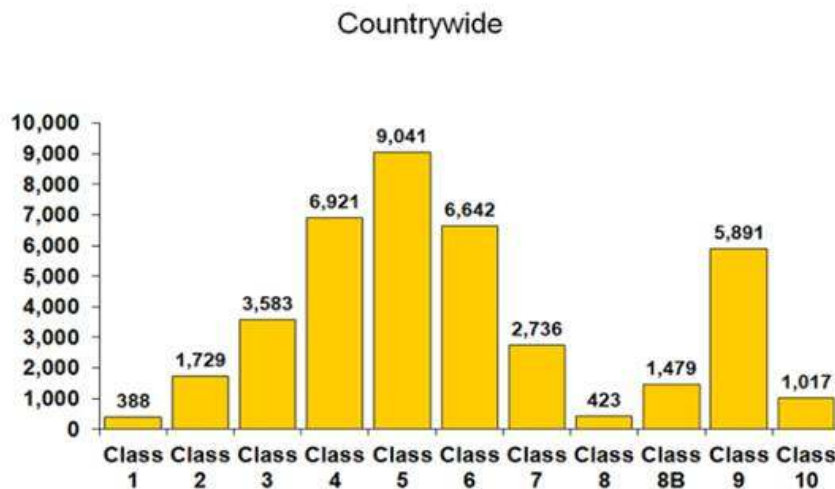
Fire chiefs don't have to do anything at all. The revised classifications went in place automatically effective July 1, 2014 (July 1, 2015 for Texas).

What if I have additional questions?

Feel free to contact ISO at 800.444.4554 or email us at PPC-Cust-Serv@iso.com.

Distribution of PPC Grades

The 2020 published countrywide distribution of communities by the PPC grade is as follows:



Assistance

The PPC program offers help to communities, fire departments, and other public officials as they plan for, budget, and justify improvements. ISO is also available to assist in the understanding of the details of this evaluation.

The PPC program representatives can be reached by telephone at (800) 444-4554. The technical specialists at this telephone number have access to the details of this evaluation and can effectively speak with you about your questions regarding the PPC program. What's more, we can be reached via the internet at www.isomitigation.com/talk/.

We also have a website dedicated to our Community Hazard Mitigation Classification programs at www.isomitigation.com. Here, fire chiefs, building code officials, community leaders and other interested citizens can access a wealth of data describing the criteria used in evaluating how cities and towns are protecting residents from fire and other natural hazards. This website will allow you to learn more about the PPC program. The website provides important background information, insights about the PPC grading processes and technical documents. ISO is also pleased to offer Fire Chiefs Online — a special, secured website with information and features that can help improve your PPC grade, including a list of the Needed Fire Flows for all the commercial occupancies ISO has on file for your community. Visitors to the site can download information, see statistical results and also contact ISO for assistance.

In addition, on-line access to the FSRS and its commentaries is available to registered customers for a fee. However, fire chiefs and community chief administrative officials are given access privileges to this information without charge.

To become a registered fire chief or community chief administrative official, register at www.isomitigation.com.

PPC Review

ISO concluded its review of the fire suppression features being provided for Patchin FPSA. The resulting community classification is **Class 04/4X**.

If the classification is a single class, the classification applies to properties with a Needed Fire Flow of 3,500 gpm or less in the community. If the classification is a split class (e.g., 6/XX):

- The first class (e.g., “6” in a 6/XX) applies to properties within 5 road miles of a recognized fire station and within 1,000 feet of a fire hydrant or alternate water supply.
- The second class (XX or XY) applies to properties beyond 1,000 feet of a fire hydrant but within 5 road miles of a recognized fire station.
- Alternative Water Supply: The first class (e.g., “6” in a 6/10) applies to properties within 5 road miles of a recognized fire station with no hydrant distance requirement.
- Class 10 applies to properties over 5 road miles of a recognized fire station.
- Class 10W applies to properties within 5 to 7 road miles of a recognized fire station with a recognized water supply within 1,000 feet.
- Specific properties with a Needed Fire Flow in excess of 3,500 gpm are evaluated separately and assigned an individual classification.

FSRS Feature	Earned Credit	Credit Available
Emergency Communications		
414. Credit for Emergency Reporting	2.10	3
422. Credit for Telecommunicators	3.19	4
432. Credit for Dispatch Circuits	1.80	3
440. Credit for Emergency Communications	7.09	10
Fire Department		
513. Credit for Engine Companies	3.31	6
523. Credit for Reserve Pumpers	0.00	0.50
532. Credit for Pump Capacity	3.00	3
549. Credit for Ladder Service	1.07	4
553. Credit for Reserve Ladder and Service Trucks	0.00	0.50
561. Credit for Deployment Analysis	2.69	10
571. Credit for Company Personnel	11.48	15
581. Credit for Training	1.96	9
730. Credit for Operational Considerations	2.00	2
590. Credit for Fire Department	25.51	50
Water Supply		
616. Credit for Supply System	29.68	30
621. Credit for Hydrants	3.00	3
631. Credit for Inspection and Flow Testing	5.60	7
640. Credit for Water Supply	38.28	40
Divergence	-8.94	--
1050. Community Risk Reduction	3.55	5.50
Total Credit	65.49	105.50

Emergency Communications

Ten percent of a community's overall score is based on how well the communications center receives and dispatches fire alarms. Our field representative evaluated:

- Communications facilities provided for the general public to report structure fires
- Enhanced 9-1-1 Telephone Service including wireless
- Computer-aided dispatch (CAD) facilities
- Alarm receipt and processing at the communication center
- Training and certification of telecommunicators
- Facilities used to dispatch fire department companies to reported structure fires

	Earned Credit	Credit Available
414. Credit Emergency Reporting	2.10	3
422. Credit for Telecommunicators	3.19	4
432. Credit for Dispatch Circuits	1.80	3
Item 440. Credit for Emergency Communications:	7.09	10

Item 414 - Credit for Emergency Reporting (3 points)

The first item reviewed is Item 414 "Credit for Emergency Reporting (CER)". This item reviews the emergency communication center facilities provided for the public to report fires including 911 systems (Basic or Enhanced), Wireless Phase I and Phase II, Voice over Internet Protocol, Computer Aided Dispatch and Geographic Information Systems for automatic vehicle location. ISO uses National Fire Protection Association (NFPA) 1221, *Standard for the Installation, Maintenance and Use of Emergency Services Communications Systems* as the reference for this section.

Item 410. Emergency Reporting (CER)	Earned Credit	Credit Available
<p>A./B. Basic 9-1-1, Enhanced 9-1-1 or No 9-1-1</p> <p>For maximum credit, there should be an Enhanced 9-1-1 system, Basic 9-1-1 and No 9-1-1 will receive partial credit.</p>	20.00	20
<p>1. E9-1-1 Wireless</p> <p>Wireless Phase I using Static ALI (automatic location identification) Functionality (10 points); Wireless Phase II using Dynamic ALI Functionality (15 points); Both available will be 25 points</p>	25.00	25
<p>2. E9-1-1 Voice over Internet Protocol (VoIP)</p> <p>Static VoIP using Static ALI Functionality (10 points); Nomadic VoIP using Dynamic ALI Functionality (15 points); Both available will be 25 points</p>	10.00	25
<p>3. Computer Aided Dispatch</p> <p>Basic CAD (5 points); CAD with Management Information System (5 points); CAD with Interoperability (5 points)</p>	15.00	15
<p>4. Geographic Information System (GIS/AVL)</p> <p><u>The PSAP uses</u> a fully integrated CAD/GIS management system with automatic vehicle location (AVL) integrated with a CAD system providing dispatch assignments.</p> <p>The individual fire departments being dispatched <u>do not</u> need GIS/AVL capability to obtain this credit.</p>	0.00	15
Review of Emergency Reporting total:	70.00	100

Item 422- Credit for Telecommunicators (4 points)

The second item reviewed is Item 422 “Credit for Telecommunicators (TC)”. This item reviews the number of Telecommunicators on duty at the center to handle fire calls and other emergencies. All emergency calls including those calls that do not require fire department action are reviewed to determine the proper staffing to answer emergency calls and dispatch the appropriate emergency response. The 2013 Edition of NFPA 1221, *Standard for the Installation, Maintenance and Use of Emergency Services Communications Systems*, recommends that ninety-five percent of emergency calls shall be answered within 15 seconds and ninety-nine percent of emergency calls shall be answered within 40 seconds. In addition, NFPA recommends that eighty percent of emergency alarm processing shall be completed within 60 seconds and ninety-five percent of alarm processing shall be completed within 106 seconds of answering the call.

To receive full credit for operators on duty, ISO must review documentation to show that the communication center meets NFPA 1221 call answering and dispatch time performance measurement standards. This documentation may be in the form of performance statistics or other performance measurements compiled by the 9-1-1 software or other software programs that are currently in use such as Computer Aided Dispatch (CAD) or Management Information System (MIS).

Item 420. Telecommunicators (CTC)	Earned Credit	Credit Available
<p>A1. Alarm Receipt (AR)</p> <p>Receipt of alarms shall meet the requirements in accordance with the criteria of NFPA 1221</p>	19.78	20
<p>A2. Alarm Processing (AP)</p> <p>Processing of alarms shall meet the requirements in accordance with the criteria of NFPA 1221</p>	20.00	20
<p>B. Emergency Dispatch Protocols (EDP)</p> <p>Telecommunicators have emergency dispatch protocols (EDP) containing questions and a decision-support process to facilitate correct call categorization and prioritization.</p>	0.00	20
<p>C. Telecommunicator Training and Certification (TTC)</p> <p>Telecommunicators meet the qualification requirements referenced in NFPA 1061, <i>Standard for Professional Qualifications for Public Safety Telecommunicator</i>, and/or the Association of Public-Safety Communications Officials - International (APCO) <i>Project 33</i>. Telecommunicators are certified in the knowledge, skills, and abilities corresponding to their job functions.</p>	20.00	20
<p>D. Telecommunicator Continuing Education and Quality Assurance (TQA)</p> <p>Telecommunicators participate in continuing education and/or in-service training and quality-assurance programs as appropriate for their positions</p>	20.00	20
<p>Review of Telecommunicators total:</p>	79.78	100

Item 432 - Credit for Dispatch Circuits (3 points)

The third item reviewed is Item 432 “Credit for Dispatch Circuits (CDC)”. This item reviews the dispatch circuit facilities used to transmit alarms to fire department members. A “Dispatch Circuit” is defined in NFPA 1221 as “A circuit over which an alarm is transmitted from the communications center to an emergency response facility (ERF) or emergency response units (ERUs) to notify ERUs to respond to an emergency”. All fire departments (except single fire station departments with full-time firefighter personnel receiving alarms directly at the fire station) need adequate means of notifying all firefighter personnel of the location of reported structure fires. The dispatch circuit facilities should be in accordance with the general criteria of NFPA 1221. “Alarms” are defined in this Standard as “A signal or message from a person or device indicating the existence of an emergency or other situation that requires action by an emergency response agency”.

There are two different levels of dispatch circuit facilities provided for in the Standard – a primary dispatch circuit and a secondary dispatch circuit. In jurisdictions that receive 730 alarms or more per year (average of two alarms per 24-hour period), two separate and dedicated dispatch circuits, a primary and a secondary, are needed. In jurisdictions receiving fewer than 730 alarms per year, a second dedicated dispatch circuit is not needed. Dispatch circuit facilities installed but not used or tested (in accordance with the NFPA Standard) receive no credit.

The score for Credit for Dispatch Circuits (CDC) is influenced by monitoring for integrity of the primary dispatch circuit. There are up to 0.90 points available for this Item. Monitoring for integrity involves installing automatic systems that will detect faults and failures and send visual and audible indications to appropriate communications center (or dispatch center) personnel. ISO uses NFPA 1221 to guide the evaluation of this item. ISO's evaluation also includes a review of the communication system's emergency power supplies.

Item 432 “Credit for Dispatch Circuits (CDC)” = 1.80 points

Fire Department

Fifty percent of a community's overall score is based upon the fire department's structure fire suppression system. ISO's field representative evaluated:

- Engine and ladder/service vehicles including reserve apparatus
- Equipment carried
- Response to reported structure fires
- Deployment analysis of companies
- Available and/or responding firefighters
- Training

	Earned Credit	Credit Available
513. Credit for Engine Companies	3.31	6
523. Credit for Reserve Pumpers	0.00	0.5
532. Credit for Pumper Capacity	3.00	3
549. Credit for Ladder Service	1.07	4
553. Credit for Reserve Ladder and Service Trucks	0.00	0.5
561. Credit for Deployment Analysis	2.69	10
571. Credit for Company Personnel	11.48	15
581. Credit for Training	1.96	9
730. Credit for Operational Considerations	2.00	2
Item 590. Credit for Fire Department:	25.51	50

Basic Fire Flow

The Basic Fire Flow for the community is determined by the review of the Needed Fire Flows for selected buildings in the community. The fifth largest Needed Fire Flow is determined to be the Basic Fire Flow. The Basic Fire Flow has been determined to be 1500 gpm.

Item 513 - Credit for Engine Companies (6 points)

The first item reviewed is Item 513 "Credit for Engine Companies (CEC)". This item reviews the number of engine companies, their pump capacity, hose testing, pump testing and the equipment carried on the in-service pumpers. To be recognized, pumper apparatus must meet the general criteria of NFPA 1901, *Standard for Automotive Fire Apparatus* which include a minimum 250 gpm pump, an emergency warning system, a 300 gallon water tank, and hose. At least 1 apparatus must have a permanently mounted pump rated at 750 gpm or more at 150 psi.

The review of the number of needed pumpers considers the response distance to built-upon areas; the Basic Fire Flow; and the method of operation. Multiple alarms, simultaneous incidents, and life safety are not considered.

The greatest value of A, B, or C below is needed in the fire district to suppress fires in structures with a Needed Fire Flow of 3,500 gpm or less: **2 engine companies**

- a) **1 engine companies** to provide fire suppression services to areas to meet NFPA 1710 criteria or within 1½ miles.
- b) **2 engine companies** to support a Basic Fire Flow of 1500 gpm.
- c) **2 engine companies** based upon the fire department's method of operation to provide a minimum two engine response to all first alarm structure fires.

The FSRS recognizes that there are **2 engine companies** in service.

The FSRS also reviews Automatic Aid. Automatic Aid is considered in the review as assistance dispatched automatically by contractual agreement between two communities or fire districts. That differs from mutual aid or assistance arranged case by case. ISO will recognize an Automatic Aid plan under the following conditions:

- It must be prearranged for first alarm response according to a definite plan. It is preferable to have a written agreement, but ISO may recognize demonstrated performance.
- The aid must be dispatched to all reported structure fires on the initial alarm.
- The aid must be provided 24 hours a day, 365 days a year.

FSRS Item 512.D "Automatic Aid Engine Companies" responding on first alarm and meeting the needs of the city for basic fire flow and/or distribution of companies are factored based upon the value of the Automatic Aid plan (up to 1.00 can be used as the factor). The Automatic Aid factor is determined by a review of the Automatic Aid provider's communication facilities, how they receive alarms from the graded area, inter-department training between fire departments, and the fire ground communications capability between departments.

For each engine company, the credited Pump Capacity (PC), the Hose Carried (HC), the Equipment Carried (EC) all contribute to the calculation for the percent of credit the FSRS provides to that engine company.

Item 513 "Credit for Engine Companies (CEC)" = 3.31 points

Item 523 - Credit for Reserve Pumpers (0.50 points)

The item is Item 523 “Credit for Reserve Pumpers (CRP)”. This item reviews the number and adequacy of the pumpers and their equipment. The number of needed reserve pumpers is 1 for each 8 needed engine companies determined in Item 513, or any fraction thereof.

Item 523 “Credit for Reserve Pumpers (CRP)” = 0.00 points

Item 532 – Credit for Pumper Capacity (3 points)

The next item reviewed is Item 532 “Credit for Pumper Capacity (CPC)”. The total pump capacity available should be sufficient for the Basic Fire Flow of 1500 gpm. The maximum needed pump capacity credited is the Basic Fire Flow of the community.

Item 532 “Credit for Pumper Capacity (CPC)” = 3.00 points

Item 549 – Credit for Ladder Service (4 points)

The next item reviewed is Item 549 “Credit for Ladder Service (CLS)”. This item reviews the number of response areas within the city with 5 buildings that are 3 or more stories or 35 feet or more in height, or with 5 buildings that have a Needed Fire Flow greater than 3,500 gpm, or any combination of these criteria. The height of all buildings in the city, including those protected by automatic sprinklers, is considered when determining the number of needed ladder companies. Response areas not needing a ladder company should have a service company. Ladders, tools and equipment normally carried on ladder trucks are needed not only for ladder operations but also for forcible entry, ventilation, salvage, overhaul, lighting and utility control.

The number of ladder or service companies, the height of the aerial ladder, aerial ladder testing and the equipment carried on the in-service ladder trucks and service trucks is compared with the number of needed ladder trucks and service trucks and an FSRS equipment list. Ladder trucks must meet the general criteria of NFPA 1901, *Standard for Automotive Fire Apparatus* to be recognized.

The number of needed ladder-service trucks is dependent upon the number of buildings 3 stories or 35 feet or more in height, buildings with a Needed Fire Flow greater than 3,500 gpm, and the method of operation.

The FSRS recognizes that there are **0 ladder companies** in service. These companies are needed to provide fire suppression services to areas to meet NFPA 1710 criteria or within 2½ miles and the number of buildings with a Needed Fire Flow over 3,500 gpm or 3 stories or more in height, or the method of operation.

The FSRS recognizes that there are **1 service companies** in service.

Item 549 “Credit for Ladder Service (CLS)” = 1.07 points

Item 553 – Credit for Reserve Ladder and Service Trucks (0.50 points)

The next item reviewed is Item 553 “Credit for Reserve Ladder and Service Trucks (CRLS)”. This item considers the adequacy of ladder and service apparatus when one (or more in larger communities) of these apparatus are out of service. The number of needed reserve ladder and service trucks is 1 for each 8 needed ladder and service companies that were determined to be needed in Item 540, or any fraction thereof.

Item 553 “Credit for Reserve Ladder and Service Trucks (CRLS)” = 0.00 points

Item 561 – Deployment Analysis (10 points)

Next, Item 561 “Deployment Analysis (DA)” is reviewed. This Item examines the number and adequacy of existing engine and ladder-service companies to cover built-upon areas of the city.

To determine the Credit for Distribution, first the Existing Engine Company (EC) points and the Existing Engine Companies (EE) determined in Item 513 are considered along with Ladder Company Equipment (LCE) points, Service Company Equipment (SCE) points, Engine-Ladder Company Equipment (ELCE) points, and Engine-Service Company Equipment (ESCE) points determined in Item 549.

Secondly, as an alternative to determining the number of needed engine and ladder/service companies through the road-mile analysis, a fire protection area may use the results of a systematic performance evaluation. This type of evaluation analyzes computer-aided dispatch (CAD) history to demonstrate that, with its current deployment of companies, the fire department meets the time constraints for initial arriving engine and initial full alarm assignment in accordance with the general criteria of in NFPA 1710, *Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments*.

A determination is made of the percentage of built upon area within 1½ miles of a first-due engine company and within 2½ miles of a first-due ladder-service company.

Item 561 “Credit Deployment Analysis (DA)” = 2.69 points

Item 571 – Credit for Company Personnel (15 points)

Item 571 “Credit for Company Personnel (CCP)” reviews the average number of existing firefighters and company officers available to respond to reported first alarm structure fires in the city.

The on-duty strength is determined by the yearly average of total firefighters and company officers on-duty considering vacations, sick leave, holidays, “Kelley” days and other absences. When a fire department operates under a minimum staffing policy, this may be used in lieu of determining the yearly average of on-duty company personnel.

Firefighters on apparatus not credited under Items 513 and 549 that regularly respond to reported first alarms to aid engine, ladder, and service companies are included in this item as increasing the total company strength.

Firefighters staffing ambulances or other units serving the general public are credited if they participate in fire-fighting operations, the number depending upon the extent to which they are available and are used for response to first alarms of fire.

On-Call members are credited on the basis of the average number staffing apparatus on first alarms. Off-shift career firefighters and company officers responding on first alarms are considered on the same basis as on-call personnel. For personnel not normally at the fire station, the number of responding firefighters and company officers is divided by 3 to reflect the time needed to assemble at the fire scene and the reduced ability to act as a team due to the various arrival times at the fire location when compared to the personnel on-duty at the fire station during the receipt of an alarm.

The number of Public Safety Officers who are positioned in emergency vehicles within the jurisdiction boundaries may be credited based on availability to respond to first alarm structure fires. In recognition of this increased response capability the number of responding Public Safety Officers is divided by 2.

The average number of firefighters and company officers responding with those companies credited as Automatic Aid under Items 513 and 549 are considered for either on-duty or on-call company personnel as is appropriate. The actual number is calculated as the average number of company personnel responding multiplied by the value of AA Plan determined in Item 512.D.

The maximum creditable response of on-duty and on-call firefighters is 12, including company officers, for each existing engine and ladder company and 6 for each existing service company.

Chief Officers are not creditable except when more than one chief officer responds to alarms; then extra chief officers may be credited as firefighters if they perform company duties.

The FSRs recognizes **0.00 on-duty personnel** and an average of **6.00 on-call personnel** responding on first alarm structure fires.

Item 571 “Credit for Company Personnel (CCP)” = 11.48 points

Item 581 – Credit for Training (9 points)

Training	Earned Credit	Credit Available
<p>A. Facilities, and Use</p> <p>For maximum credit, each firefighter should receive 18 hours per year in structure fire related subjects as outlined in NFPA 1001.</p>	11.90	35
<p>B. Company Training</p> <p>For maximum credit, each firefighter should receive 16 hours per month in structure fire related subjects as outlined in NFPA 1001.</p>	1.52	25
<p>C. Classes for Officers</p> <p>For maximum credit, each officer should be certified in accordance with the general criteria of NFPA 1021. Additionally, each officer should receive 12 hours of continuing education on or off site.</p>	0.00	12
<p>D. New Driver and Operator Training</p> <p>For maximum credit, each new driver and operator should receive 60 hours of driver/operator training per year in accordance with NFPA 1002 and NFPA 1451.</p>	5.00	5
<p>E. Existing Driver and Operator Training</p> <p>For maximum credit, each existing driver and operator should receive 12 hours of driver/operator training per year in accordance with NFPA 1002 and NFPA 1451.</p>	1.19	5
<p>F. Training on Hazardous Materials</p> <p>For maximum credit, each firefighter should receive 6 hours of training for incidents involving hazardous materials in accordance with NFPA 472.</p>	0.00	1
<p>G. Recruit Training</p> <p>For maximum credit, each firefighter should receive 240 hours of structure fire related training in accordance with NFPA 1001 within the first year of employment or tenure.</p>	2.17	5
<p>H. Pre-Fire Planning Inspections</p> <p>For maximum credit, pre-fire planning inspections of each commercial, industrial, institutional, and other similar type building (all buildings except 1-4 family dwellings) should be made annually by company members. Records of inspections should include up-to date notes and sketches.</p>	0.00	12

Item 580 “Credit for Training (CT)” = 1.96 points

Item 730 – Operational Considerations (2 points)

Item 730 “Credit for Operational Considerations (COC)” evaluates fire department standard operating procedures and incident management systems for emergency operations involving structure fires.

Operational Considerations	Earned Credit	Credit Available
Standard Operating Procedures The department should have established SOPs for fire department general emergency operations	50	50
Incident Management Systems The department should use an established incident management system (IMS)	50	50
Operational Considerations total:	100	100

Item 730 “Credit for Operational Considerations (COC)” = 2.00 points

Water Supply

Forty percent of a community's overall score is based on the adequacy of the water supply system. The ISO field representative evaluated:

- the capability of the water distribution system to meet the Needed Fire Flows at selected locations up to 3,500 gpm.
- size, type and installation of fire hydrants.
- inspection and flow testing of fire hydrants.

	Earned Credit	Credit Available
616. Credit for Supply System	29.68	30
621. Credit for Hydrants	3.00	3
631. Credit for Inspection and Flow Testing	5.60	7
Item 640. Credit for Water Supply:	38.28	40

Item 616 – Credit for Supply System (30 points)

The first item reviewed is Item 616 “Credit for Supply System (CSS)”. This item reviews the rate of flow that can be credited at each of the Needed Fire Flow test locations considering the supply works capacity, the main capacity and the hydrant distribution. The lowest flow rate of these items is credited for each representative location. A water system capable of delivering 250 gpm or more for a period of two hours plus consumption at the maximum daily rate at the fire location is considered minimum in the ISO review.

Where there are 2 or more systems or services distributing water at the same location, credit is given on the basis of the joint protection provided by all systems and services available.

The supply works capacity is calculated for each representative Needed Fire Flow test location, considering a variety of water supply sources. These include public water supplies, emergency supplies (usually accessed from neighboring water systems), suction supplies (usually evidenced by dry hydrant installations near a river, lake or other body of water), and supplies developed by a fire department using large diameter hose or vehicles to shuttle water from a source of supply to a fire site. The result is expressed in gallons per minute (gpm).

The normal ability of the distribution system to deliver Needed Fire Flows at the selected building locations is reviewed. The results of a flow test at a representative test location will indicate the ability of the water mains (or fire department in the case of fire department supplies) to carry water to that location.

The hydrant distribution is reviewed within 1,000 feet of representative test locations measured as hose can be laid by apparatus.

For maximum credit, the Needed Fire Flows should be available at each location in the district. Needed Fire Flows of 2,500 gpm or less should be available for 2 hours; and Needed Fire Flows of 3,000 and 3,500 gpm should be obtainable for 3 hours.

Item 616 “Credit for Supply System (CSS)” = 29.68 points

Item 621 – Credit for Hydrants (3 points)

The second item reviewed is Item 621 “Credit for Hydrants (CH)”. This item reviews the number of fire hydrants of each type compared with the total number of hydrants.

There are a total of 165 hydrants in the graded area.

620. Hydrants, - Size, Type and Installation	Number of Hydrants
A. With a 6 -inch or larger branch and a pumper outlet with or without 2½ -inch outlets	165
B. With a 6 -inch or larger branch and no pumper outlet but two or more 2½ -inch outlets, or with a small foot valve, or with a small barrel	0
C./D. With only a 2½ -inch outlet or with less than a 6 -inch branch	0
E./F. Flush Type, Cistern, or Suction Point	0

Item 621 “Credit for Hydrants (CH)” = 3.00 points

Item 630 – Credit for Inspection and Flow Testing (7 points)

The third item reviewed is Item 630 “Credit for Inspection and Flow Testing (CIT)”. This item reviews the fire hydrant inspection frequency, and the completeness of the inspections. Inspection of hydrants should be in accordance with AWWA M-17, *Installation, Field Testing and Maintenance of Fire Hydrants*.

Frequency of Inspection (FI): Average interval between the 3 most recent inspections.

Frequency	Points
1 year	30
2 years	20
3 years	10
4 years	5
5 years or more	No Credit

Note: The points for inspection frequency are reduced by 10 points if the inspections are incomplete or do not include a flushing program. An additional reduction of 10 points are made if hydrants are not subjected to full system pressure during inspections. If the inspection of cisterns or suction points does not include actual drafting with a pumper, or back-flushing for dry hydrants, 20 points are deducted.

Total points for Inspections = 3.20 points

Frequency of Fire Flow Testing (FF): Average interval between the 3 most recent inspections.

Frequency	Points
5 years	40
6 years	30
7 years	20
8 years	10
9 years	5
10 years or more	No Credit

Total points for Fire Flow Testing = 2.40 points

Item 631 “Credit for Inspection and Fire Flow Testing (CIT)” = 5.60 points

Divergence = -8.94

The Divergence factor mathematically reduces the score based upon the relative difference between the fire department and water supply scores. The factor is introduced in the final equation.

Community Risk Reduction

	Earned Credit	Credit Available
1025. Credit for Fire Prevention and Code Enforcement (CPCE)	1.39	2.2
1033. Credit for Public Fire Safety Education (CFSE)	1.13	2.2
1044. Credit for Fire Investigation Programs (CIP)	1.03	1.1
Item 1050. Credit for Community Risk Reduction	3.55	5.50

Item 1025 – Credit for Fire Prevention Code Adoption and Enforcement (2.2 points)	Earned Credit	Credit Available
Fire Prevention Code Regulations (PCR) Evaluation of fire prevention code regulations in effect.	10.00	10
Fire Prevention Staffing (PS) Evaluation of staffing for fire prevention activities.	0.00	8
Fire Prevention Certification and Training (PCT) Evaluation of the certification and training of fire prevention code enforcement personnel.	3.00	6
Fire Prevention Programs (PCP) Evaluation of fire prevention programs.	12.20	16
Review of Fire Prevention Code and Enforcement (CPCE) subtotal:	25.20	40

Item 1033 – Credit for Public Fire Safety Education (2.2 points)	Earned Credit	Credit Available
Public Fire Safety Educators Qualifications and Training (FSQT) Evaluation of public fire safety education personnel training and qualification as specified by the authority having jurisdiction.	5.00	10
Public Fire Safety Education Programs (FSP) Evaluation of programs for public fire safety education.	15.50	30
Review of Public Safety Education Programs (CFSE) subtotal:	20.50	40

Item 1044 – Credit for Fire Investigation Programs (1.1 points)	Earned Credit	Credit Available
Fire Investigation Organization and Staffing (IOS) Evaluation of organization and staffing for fire investigations.	8.00	8
Fire Investigator Certification and Training (IQT) Evaluation of fire investigator certification and training.	4.80	6
Use of National Fire Incident Reporting System (IRS) Evaluation of the use of the National Fire Incident Reporting System (NFIRS) for the 3 years before the evaluation.	6.00	6
Review of Fire Investigation Programs (CIP) subtotal:	18.80	20

Summary of PPC Review
for
Patchin FPSA

FSRS Item	Earned Credit	Credit Available
Emergency Communications		
414. Credit for Emergency Reporting	2.10	3
422. Credit for Telecommunicators	3.19	4
432. Credit for Dispatch Circuits	1.80	3
440. Credit for Emergency Communications	7.09	10
Fire Department		
513. Credit for Engine Companies	3.31	6
523. Credit for Reserve Pumpers	0.00	0.5
532. Credit for Pumper Capacity	3.00	3
549. Credit for Ladder Service	1.07	4
553. Credit for Reserve Ladder and Service Trucks	0.00	0.5
561. Credit for Deployment Analysis	2.69	10
571. Credit for Company Personnel	11.48	15
581. Credit for Training	1.96	9
730. Credit for Operational Considerations	2.00	2
590. Credit for Fire Department	25.51	50
Water Supply		
616. Credit for Supply System	29.68	30
621. Credit for Hydrants	3.00	3
631. Credit for Inspection and Flow Testing	5.60	7
640. Credit for Water Supply	38.28	40
Divergence	-8.94	--
1050. Community Risk Reduction	3.55	5.50
Total Credit	65.49	105.5

Final Community Classification = 04/4X

INSURANCE SERVICES OFFICE, INC.
HYDRANT FLOW DATA SUMMARY

Community Patchin Fpsa

County New York (Upstate)(Erie), State New York (Upstate) (61)

Witnessed by: Insurance Services Office

Survey Date: February 28, 2022

TEST NO.	TYPE DIST.*	TEST LOCATION	SERVICE	FLOW - GPM $Q=(29.83(C(d^2)p^{0.5}))$				PRESSURE PSI		FLOW -AT 20 PSI		REMARKS***	MODEL TYPE	FLOW TEST DATE
				INDIVIDUAL HYDRANTS			TOTAL	STATIC	RESID.	NEEDED **	AVAIL.			
1.0		Zimmerman Rd 1st Hyd s/o Polish Hill Road	Erie County Water Authority, Main Zone	960	0	0	960	35	30	500	1700		FTPC	09/14/2005
2.0		Keller Rd. 3rd W/O S. Feddick	Erie County Water Authority, Main Zone	860	0	0	860	70	35	750	1000		FTPC	08/25/1993
3.0		Rte. 391 at Omphalius Rd.	Erie County Water Authority, Main Zone	1460	1460	0	2920	122	92	3000	5700		FTPC	07/02/2013
4.0		Boston State Road N/O Patchin Rd.	Erie County Water Authority, Main Zone	860	860	0	1720	74	35	2000	2100		FTPC	08/25/1993
5.0		Boston State Road N/O Holiday Rd.	Erie County Water Authority, Main Zone	840	840	0	1680	72	30	1500	1900		FTPC	08/25/1993
6.0		Feddick Rd 1st hyd N/O Shero RD	Erie County Water Authority, Main Zone	1060	0	0	1060	112	56	1500	1400		FTPC	06/18/2013

THE ABOVE LISTED NEEDED FIRE FLOWS ARE FOR PROPERTY INSURANCE PREMIUM CALCULATIONS ONLY AND ARE NOT INTENDED TO PREDICT THE MAXIMUM AMOUNT OF WATER REQUIRED FOR A LARGE SCALE FIRE CONDITION.

THE AVAILABLE FLOWS ONLY INDICATE THE CONDITIONS THAT EXISTED AT THE TIME AND AT THE LOCATION WHERE TESTS WERE WITNESSED.

*Comm = Commercial; Res = Residential.

**Needed is the rate of flow for a specific duration for a full credit condition. Needed Fire Flows greater than 3,500 gpm are not considered in determining the classification of the city when using the Fire Suppression Rating Schedule.

*** (A)-Limited by available hydrants to gpm shown. Available facilities limit flow to gpm shown plus consumption for the needed duration of (B)-2 hours, (C)-3 hours or (D)-4 hours.

NOTICE OF PUBLIC HEARING

A public hearing shall be held by the Town Board of the Town of Boston on **January 4, 2023**, at **7:30 p.m.**, at Boston Town Hall, 8500 Boston State Road, Boston, New York, to hear any and all persons either for or against 2022 Local Law Intro. No. 3, entitled: “A LOCAL LAW Updating the Town of Boston’s standards and procedures for administration and enforcement of the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code.” This Local Law makes changes to the Town’s Code Enforcement program required by recent changes in governing State law and regulations.

Copies of the proposed law, sponsored by Supervisor Keding, are on file in the Town Clerk’s Office, Monday through Friday, from 9:00 a.m. to 4:00 p.m.

**LOCAL LAW TO BE ENACTED BY
THE BOSTON TOWN BOARD
TOWN OF BOSTON, NEW YORK**

**2022 LOCAL LAW INTRO. NO. 3
2023 LOCAL LAW NO. ___**

A LOCAL LAW Updating the Town of Boston’s standards and procedures for administration and enforcement of the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF BOSTON AS FOLLOWS:

Section 1. Legislative Intent.

This local law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in the Town of Boston. Executive Law § 381 requires local governments to administer and enforce the Uniform Code and Energy Law § 11-107 requires that the Energy Code be administered and enforced in a manner consistent with the standards and procedures adopted pursuant to § 381 of Executive Law. Department of State regulations establish minimum standards for administration and enforcement of the Uniform Code and Energy Code. This local law is intended to meet new requirements resulting from amendments to the Uniform Code, Energy Code, and Department of State regulations. Except as otherwise provided in the Uniform Code, the Energy Code, other state law, or other section of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions this local law.

Section 2. Amend Chapter 57 of the Boston Town Code, Fire Prevention and Building Code Administration.

2.1 The following sections of Chapter 57 are hereby repealed:

§§ 57-1 Enforcement Officer, 57-2 Building permits, 57-3 Certificates of occupancy, 57-4 Inspections; records, 57-5 Fees, and 57-6 Penalties for offenses.

2.2 The following sections are hereby added to Chapter 57:

§ 57-1 Purpose and intent.

This Chapter provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in The Town of Boston.

LL Intro. No. 2022-3

Underlined material is to be added.

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Except as otherwise provided in the Uniform Code, the Energy Code, other state law, or other section of this Chapter, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions this Chapter.

§ 57-2 Definitions.

As used in this Chapter, the following terms are defined as follows:

ASSEMBLY AREA

An area in any building, or in any portion of a building, that is primarily used or intended to be used for gathering fifty or more persons for uses including, but not limited to, amusement, athletic, entertainment, social, or other recreational functions; patriotic, political, civic, educational, or religious functions; food or drink consumption; awaiting transportation; or similar purposes.

BUILDING PERMIT

A building permit, construction permit, demolition permit, or other permit that authorizes the performance of work. The term “Building Permit” shall also include a Building Permit which is renewed, amended, or extended pursuant to any provision of this Chapter.

CERTIFICATE OF COMPLIANCE

A document issued by the Town of Boston stating that work was done in compliance with approved construction documents and the Codes.

CERTIFICATE OF OCCUPANCY

A document issued by the Town of Boston certifying that the building or structure, or portion thereof, complies with the approved construction documents that have been submitted to, and approved by the Town, and indicating that the building or structure, or portion thereof, is in a condition suitable for occupancy.

CODE ENFORCEMENT OFFICER

The Code Enforcement Officer appointed pursuant to subdivision (b) of section 57-3 of this Chapter.

CODE ENFORCEMENT PERSONNEL

The Code Enforcement Officer and all Inspectors.

CODES

The Uniform Code and Energy Code.

ENERGY CODE

The New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law.

FCNYS

The 2020 Fire Code of New York State or any successor Fire Code of New York State adopted pursuant to State statute that is currently incorporated by reference in 19 NYCRR Part 1225.

FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTION

An inspection performed to determine compliance with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference.

HAZARDOUS PRODUCTION MATERIALS

A solid, liquid, or gas associated with semiconductor manufacturing that has a degree-of-hazard rating in health, flammability, or instability of Class 3 or 4, as ranked by NFPA 704 (Standard Systems for Identification of the Hazards of Materials for Emergency Response), and which is used directly in research, laboratory, or production processes which have, as their end product, materials that are not hazardous.

INSPECTOR

An inspector appointed pursuant to subdivision (d) of section 57-3 of this Chapter.

MOBILE FOOD PREPARATION VEHICLES

Vehicles that contain cooking equipment that produces smoke or grease-laden vapors for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles.

OPERATING PERMIT

A permit issued pursuant to section 57-10 of this Chapter. The term "Operating Permit" shall also include an Operating Permit which is renewed, amended, or extended pursuant to any provision of this Chapter.

ORDER TO REMEDY

An order issued by the Code Enforcement Officer pursuant to subdivision (a) of section 57-17 of this Chapter.

PERMIT HOLDER

The Person to whom a Building Permit has been issued.

PERSON

An individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

PMCNYS

The 2020 Property Maintenance Code of New York State or any successor Property Maintenance Code adopted pursuant to State statute that is currently incorporated by reference in 19 NYCRR Part 1226.

RCNYS

The 2020 Residential Code of New York State or any successor Residential Code adopted pursuant to State statute that is currently incorporated by reference in 19 NYCRR Part 1220.

REPAIR

The reconstruction, replacement, or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.

STOP WORK ORDER

An order issued pursuant to section 6 of this Chapter.

SUGARHOUSE

A building used, in whole or in part, for the collection, storage, or processing of maple sap into maple syrup and/or maple sugar.

TEMPORARY CERTIFICATE OF OCCUPANCY

A certificate issued pursuant to subdivision (d) of section 7 of this Chapter.

TOWN

The Town of Boston.

UNIFORM CODE

The New York State Uniform Fire Prevention and Building Code, Subchapter A of Chapter XXXIII of Title 19 of the NYCRR, adopted pursuant to Article 18 of the Executive Law.

§ 57-3 Code Enforcement Officer and Inspectors.

- (a) The Office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code, and this Chapter. The Code Enforcement Officer shall have the following powers and duties:

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- (1) to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits, and the plans, specifications, and construction documents submitted with such applications;
 - (2) upon approval of such applications, to issue Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits, and to include in terms and conditions as the Code Enforcement Officer may determine to be appropriate Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits;
 - (3) to conduct construction inspections; inspections to be made prior to the issuance of Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits; fire safety and property maintenance inspections; inspections incidental to the investigation of complaints; and all other inspections required or permitted under any provision of this Chapter;
 - (4) to issue Stop Work Orders;
 - (5) to review and investigate complaints;
 - (6) to issue orders pursuant to subdivision (a) of section 57-17 (Violations) of this Chapter;
 - (7) to maintain records;
 - (8) to collect fees as set by the Town Board of the Town of Boston;
 - (9) to pursue administrative enforcement actions and proceedings;
 - (10) in consultation with this Town's attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code, and this Chapter, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code, or this Chapter; and
 - (11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this Chapter.
- (b) The Code Enforcement Officer shall be appointed by the Town Board of the Town of Boston. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel.

and the Code Enforcement Officer shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

- (c) In the event that the Code Enforcement Officer is unable to serve as such for any reason, another individual shall be appointed by the Town Supervisor to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of their appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this Chapter.
- (d) One or more Inspectors may be appointed by the Town Board to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this Chapter. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.
- (e) The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the Town Board of the Town of Boston.

§ 57-4 Building permits.

- (a) Building Permits Required. Except as otherwise provided in subdivision (b) of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation, or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney, or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Town.
- (b) Exemptions. No Building Permit shall be required for work in any of the following categories:
 - (1) construction of temporary sets and scenery associated with motion picture, television, and theater uses;
 - (2) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
 - (3) installation of partitions or movable cases less than 5'-9" in height;

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- (4) painting, wallpapering, tiling, carpeting, or other similar finish work;
 - (5) installation of listed portable electrical, plumbing, heating, ventilation, or cooling equipment or appliances;
 - (6) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or
 - (7) repairs, provided that the work does not have an impact on fire and life safety, such as (i) any part of the structural system; (ii) the required means of egress; or (iii) the fire protection system or the removal from service of any part of the fire protection system for any period of time.
- (c) Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision (b) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.
- (d) Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:
- (1) a description of the location, nature, extent, and scope of the proposed work;
 - (2) the tax map number and the street address of any affected building or structure;
 - (3) the occupancy classification of any affected building or structure;
 - (4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
 - (5) at least 2 sets of construction documents (drawings and/or specifications) which (i) describe the location, nature, extent, and scope of the proposed work; (ii) show that the proposed work will conform to the applicable provisions of the Codes; (iii) show the location, construction, size, and character of all portions of the means of egress; (iv) show a representation of the building thermal envelope; (v) show structural information including but not limited to braced wall designs, the size, section, and relative locations of structural members, design loads, and other pertinent structural information; (vi) show the proposed structural, electrical,

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plumbing, mechanical, fire-protection, and other service systems of the building; (vii) include a written statement indicating compliance with the Energy Code; (viii) include a site plan, drawn to scale and drawn in accordance with an accurate boundary survey, showing the size and location of new construction and existing structures and appurtenances on the site, distances from lot lines, the established street grades and the proposed finished grades, and, as applicable, flood hazard areas, floodways, and design flood elevations; and (ix) evidence that the documents were prepared by a licensed and registered architect in accordance with Article 147 of the New York State Education Law or a licensed and registered professional engineer in accordance with Article 145 of the New York State Education Law and practice guidelines, including but not limited to the design professional's seal which clearly and legibly shows both the design professional's name and license number and is signed by the design professional whose name appears on the seal in such a manner that neither the name nor the number is obscured in any way, the design professional's registration expiration date, the design professional's firm name (if not a sole practitioner), and, if the documents are submitted by a professional engineering firm and not a sole practitioner professional engineer, the firm's Certificate of Authorization number.

- (e) Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (d) of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp, or in the case of electronic media, an electronic marking. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.

- (f) Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.
- (g) Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible from the highway until the authorized work has been completed.
- (h) Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.
- (i) Time limits. Building Permits shall become invalid unless the authorized work is commenced within 180 days following the date of issuance. Building Permits shall expire one calendar year after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.
- (j) Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate, or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

- (k) Fee. The fee specified in or determined in accordance with the provisions set forth in section 57-18 (Fees) of this Chapter must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

§ 57-5 Construction inspections.

- (a) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (b) of this section is ready for inspection.
- (b) Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:
- (1) work site prior to the issuance of a Building Permit;
 - (2) footing and foundation;
 - (3) preparation for concrete slab;
 - (4) framing;
 - (5) structural, electrical, plumbing, mechanical, fire-protection, and other similar service systems of the building;
 - (6) fire resistant construction;
 - (7) fire resistant penetrations;
 - (8) solid fuel burning heating appliances, chimneys, flues, or gas vents;
 - (9) inspections required to demonstrate Energy Code compliance, including but not limited to insulation, fenestration, air leakage, system controls, mechanical equipment size, and, where required, minimum fan efficiencies, programmable thermostats, energy recovery, whole-house ventilation, plumbing heat traps, and high-performance lighting and controls;
 - (10) installation, connection, and assembly of factory manufactured buildings and manufactured homes; and

- (11) a final inspection after all work authorized by the Building Permit has been completed.
- (c) Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform construction inspections, a remote inspection may be performed in lieu of an in-person inspection when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or by such authorized Inspector that the elements of the construction process conform with the applicable requirements of the Uniform Code and Energy Code. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.
- (d) Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to the manner in which the work fails to comply with the Uniform Code or Energy Code, including a citation to the specific code provision or provisions that have not been met. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.
- (e) Fee. The fee specified in or determined in accordance with the provisions set forth in section 57-18 (Fees) of this Chapter must be paid prior to or at the time of each inspection performed pursuant to this section.

§ 57-6 Stop work orders.

- (a) Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:
- (1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
- (2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

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- (3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.
- (b) Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.
- (c) Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.
- (d) Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder, and any other Person performing, taking part in, or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order, other than work expressly authorized by the Code Enforcement Officer to correct the reason for issuing the Stop Work Order.
- (e) Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under section 57-17 (Violations) of this Chapter or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

§ 57-7 Certificates of Occupancy and Certificates of Compliance.

- (a) Certificates of Occupancy and Certificates of Compliance required. A Certificate of Occupancy or Certificate of Compliance shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy or Certificate of Compliance.

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(b) Issuance of Certificates of Occupancy and Certificates of Compliance. The Code Enforcement Officer shall issue a Certificate of Occupancy or Certificate of Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building, or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure, or work prior to the issuance of a Certificate of Occupancy or Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy or Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy or Certificate of Compliance:

- (1) a written statement of structural observations and/or a final report of special inspections,
- (2) flood hazard certifications,
- (3) a written statement of the results of tests performed to show compliance with the Energy Code, and
- (4) where applicable, the affixation of the appropriate seals, insignias, and manufacturer's data plates as required for factory manufactured buildings and/or manufactured homes.

(c) Contents of Certificates of Occupancy and Certificates of Compliance. A Certificate of Occupancy or Certificate of Compliance shall contain the following information:

- (1) the Building Permit number, if any;
- (2) the date of issuance of the Building Permit, if any;
- (3) the name (if any), address, and tax map number of the property;
- (4) if the Certificate of Occupancy or Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy or Certificate of Compliance is issued;
- (5) the use and occupancy classification of the structure;
- (6) the type of construction of the structure;

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- (7) the occupant load of the assembly areas in the structure, if any;
- (8) any special conditions imposed in connection with the issuance of the Building Permit; and
- (9) the signature of the Code Enforcement Officer issuing the Certificate of Occupancy or Certificate of Compliance and the date of issuance.
- (d) Temporary Certificate of Occupancy. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate of Occupancy allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate of Occupancy unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate of Occupancy, may be occupied safely, (2) that any required fire and life safety components, such as fire protection equipment and fire, smoke, carbon monoxide, and heat detectors and alarms are installed and operational, and (3) that all required means of egress from the structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate of Occupancy such terms and conditions as he or she deems necessary or appropriate to ensure the health and safety of the persons occupying and using the building or structure and/or performing further construction work in the building or structure. A Temporary Certificate of Occupancy shall be effective for a period of time, not to exceed six months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate of Occupancy. During the specified period of effectiveness of the Temporary Certificate of Occupancy, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.
- (e) Revocation or suspension of certificates. If the Code Enforcement Officer determines that a Certificate of Occupancy, Certification of Compliance, or a Temporary Certificate of Occupancy was issued in error or on the basis of incorrect information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.
- (f) Fee. The fee specified in or determined in accordance with the provisions set forth in section 57-18 (Fees) of this Chapter must be paid at the time of submission of an application for a Certificate of Occupancy, Certificate of Compliance, or for a Temporary Certificate of Occupancy.

§ 57-8 Notification regarding fire or explosion.

The chief of any fire company providing firefighting services for a property within this Town shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel burning appliance, chimney, or gas vent.

§ 57-9 Unsafe buildings, structures, and equipment and conditions of imminent danger.

Unsafe buildings, structures, and equipment and conditions of imminent danger in this Town shall be identified and addressed in accordance with the procedures established by Chapter 47, Unsafe Buildings.

§ 57-10 Operating permits.

- (a) Operation Permits required. Operating Permits shall be required for conducting any process or activity or for operating any type of building, structure, or facility listed below:
- (1) manufacturing, storing, or handling hazardous materials in quantities exceeding those listed in the applicable Maximum Allowable Quantity tables found in Chapter 50 of the FCNYS;
 - (2) buildings, structures, facilities, processes, and/or activities that are within the scope and/or permit requirements of the chapter or section title of the FCNYS as follows:
 - (i) Chapter 22, “Combustible Dust-Producing Operations.” Facilities where the operation produces combustible dust;
 - (ii) Chapter 24, “Flammable Finishes.” Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24 of the FCNYS;
 - (iii) Chapter 25, “Fruit and Crop Ripening.” Operating a fruit- or crop-ripening facility or conducting a fruit-ripening process using ethylene gas;
 - (iv) Chapter 26, “Fumigation and Insecticidal Fogging.” Conducting fumigation or insecticidal fogging operations in buildings, structures, and spaces, except for fumigation or insecticidal fogging performed by the occupant of a detached one-family dwelling;

- (v) Chapter 31, “Tents, Temporary Special Event Structures, and Other Membrane Structures.” Operating an air-supported temporary membrane structure, a temporary special event structure, or a tent where approval is required pursuant to Chapter 31 of the FCNYS;
 - (vi) Chapter 32, “High-Piled Combustible Storage.” High-piled combustible storage facilities with more than 500 square feet (including aisles) of high-piled storage;
 - (vii) Chapter 34, “Tire Rebuilding and Tire Storage.” Operating a facility that stores in excess of 2,500 cubic feet of scrap tires or tire byproducts or operating a tire rebuilding plant;
 - (viii) Chapter 35, “Welding and Other Hot Work.” Performing public exhibitions and demonstrations where hot work is conducted, use of hot work, welding, or cutting equipment, inside or on a structure, except an operating permit is not required where work is conducted under the authorization of a building permit or where performed by the occupant of a detached one- or two-family dwelling;
 - (ix) Chapter 40, “Sugarhouse Alternative Activity Provisions.” Conducting an alternative activity at a sugarhouse;
 - (x) Chapter 56, “Explosives and Fireworks.” Possessing, manufacturing, storing, handling, selling, or using, explosives, fireworks, or other pyrotechnic special effects materials except the outdoor use of sparkling devices as defined by Penal Law section 270;
 - (xi) Section 307, “Open Burning, Recreational Fires and Portable Outdoor Fireplaces.” Conducting open burning, not including recreational fires and portable outdoor fireplaces;
 - (xii) Section 308, “Open Flames.” Removing paint with a torch, or using open flames, fire, and burning in connection with assembly areas or educational occupancies; and
 - (xiii) Section 319, “Mobile Food Preparation Vehicles.” Operating a mobile food preparation vehicle, which shall further require compliance with such additional requirements as may be imposed by local law.
- (3) energy storage systems, where the system exceeds the values shown in Table 1206.1 of the FCNYS or exceeds the permitted aggregate ratings in section R327.5 of the RCNYS.

- (4) buildings containing one or more assembly areas;
- (5) outdoor events where the planned attendance exceeds 1,000 persons;
- (6) facilities that store, handle, or use hazardous production materials;
- (7) parking garages as defined in subdivision (a) of section 57-13 of this Chapter;
- (8) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Town Board of this Town; and
- (9) other processes or activities or for operating any type of building, structure, or facility as determined by resolution adopted by the Town Board.

Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision (a) shall be required to obtain an Operating Permit prior to commencing such activity or operation.

- (b) Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.
- (c) Exemptions. Operating permits shall not be required for processes or activities, or the buildings, structures, or facilities listed in paragraphs (1) through (7) of subdivision (a) of this section, provided that the use is expressly authorized by a certificate of occupancy or certificate of compliance, fire safety and property maintenance inspections are performed in accordance with section 57-11 (Fire Safety and Property Maintenance Inspections) of this Chapter, and condition assessments are performed in compliance with section 57-13 (Condition Assessments of Parking Garages) of this Chapter, as applicable.
- (c) Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit. Such inspections shall be performed either in-person or remotely. Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer, the remote inspection can be performed to the

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same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or Inspector authorized by the Code Enforcement Officer that the premises conform with the applicable requirements of the Uniform Code and the code enforcement program. Should a remote inspection not afford the Town sufficient information to make a determination, an in-person inspection shall be performed. After inspection, the premises shall be noted as satisfactory and the operating permit shall be issued, or the operating permit holder shall be notified as to the manner in which the premises fail to comply with either or both of the Uniform Code and the code enforcement program, including a citation to the specific provision or provisions that have not been met.

- (d) Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this section is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in their discretion, issue a single Operating Permit to apply to all such activities.
- (e) Duration of Operating Permits. Operating permits shall be issued for a specified period of time consistent with local conditions, but in no event to exceed as follows:
 - (1) 180 days for tents, special event structures, and other membrane structures;
 - (2) 60 days for alternative activities at a sugarhouse;
 - (3) Three years for the activities, structures, and operations determined per paragraph (9) of subdivision (a) of this section, and
 - (4) One year for all other activities, structures, and operations identified in subdivision (a) of this section.

The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

- (f) Revocation or suspension of Operating Permits. If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permits shall be revoked or suspended.
- (g) Fee. The fee specified in or determined in accordance with the provisions set forth in section 57-18 (Fees) of this Chapter must be paid at the time submission of an

application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

§ 57-11 Fire safety and property maintenance inspections.

- (a) Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:
- (1) at least once every 12 months for buildings which contain an assembly area;
 - (2) at least once every 12 months for public and private schools and colleges, including any buildings of such schools or colleges containing classrooms, dormitories, fraternities, sororities, laboratories, physical education, dining, or recreational facilities; and
 - (3) at least once every 36 months for multiple dwellings and all nonresidential occupancies.
- (b) Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform fire safety and property maintenance inspections, a remote inspection may be performed in lieu of in-person inspections when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or such authorized Inspector that the premises conform with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.
- (c) Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector authorized to perform fire safety and property maintenance inspections at any time upon:
- (1) the request of the owner of the property to be inspected or an authorized agent of such owner;

- (2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or
- (3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist; provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.
- (d) OFPC Inspections. Nothing in this section or in any other provision of this Chapter shall supersede, limit, or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control (“OFPC”) and the New York State Fire Administrator or other authorized entity under Executive Law section 156-e and Education Law section 807-b. Notwithstanding any other provision of this section to the contrary, the Code Enforcement Officer may accept an inspection performed by the Office of Fire Prevention and Control or other authorized entity pursuant to sections 807-a and 807-b of the Education Law and/or section 156-e of the Executive Law, in lieu of a fire safety and property maintenance inspection performed by the Code Enforcement Officer or by an Inspector, provided that:
- (1) the Code Enforcement Officer is satisfied that the individual performing such inspection satisfies the requirements set forth in 19 NYCRR section 1203.2(e);
- (2) the Code Enforcement Officer is satisfied that such inspection covers all elements required to be covered by a fire safety and property maintenance inspection;
- (3) such inspections are performed no less frequently than once a year;
- (4) a true and complete copy of the report of each such inspection is provided to the Code Enforcement Officer; and
- (5) upon receipt of each such report, the Code Enforcement Officer takes the appropriate action prescribed by section 57-17 (Violations) of this Chapter.
- (e) Fee. The fee specified in or determined in accordance with the provisions set forth in section 57-18 (Fees) of this Chapter must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

§ 57-12 Complaints.

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this Chapter, or any other local law or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

- (a) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
- (b) if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in section 57-17 (Violations) of this Chapter;
- (c) if appropriate, issuing a Stop Work Order;
- (d) if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

§ 57-13 Condition assessments of parking garages.

- (a) Definitions. For the purposes of this section:
 - (1) the term “condition assessment” means an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure;
 - (2) the term “deterioration” means the weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component;
 - (3) the term “parking garage” means any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:

- (i) buildings in which the only level used for parking or storage of motor vehicles is on grade;
 - (ii) an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and
 - (iii) a townhouse unit with attached parking exclusively for such unit;
- (4) the term “professional engineer” means an individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations;
- (5) the term “responsible professional engineer” means the professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report. The use of the term “responsible professional engineer” shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.
- (6) the term “unsafe condition” includes the conditions identified as “unsafe” in section 304.1.1, section 305.1.1, and section 306.1.1 of the PMCNYS; and
- (7) the term “unsafe structure” means a structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.
- (b) Condition Assessments – general requirements. The owner operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in subdivision (c) of this section, periodic condition assessments as described in subdivision (d) of this section, and such additional condition assessments as may be required under subdivision (e) of this section. Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment shall be prepared, and provided to the Town, in accordance with the requirements of subdivision (f) of this section. Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.
- (c) Initial Condition Assessment. Each parking garage shall undergo an initial condition assessment as follows:

- (1) Parking garages constructed on or after the effective date of this Chapter shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure.
 - (2) Parking garages constructed prior to the effective date of this Chapter shall undergo an initial condition assessment prior to May 1, 2023.
- (d) Periodic Condition Assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed three years.
- (e) Additional Condition Assessments.
- (1) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.
 - (2) If the Town becomes aware of any new or increased deterioration which, in the judgment of the Town, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the Town to be appropriate.
- (f) Condition Assessment Reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the Town within 30 days. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:
- (1) an evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;

- (2) an evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;
 - (3) an evaluation and description of the unsafe conditions;
 - (4) an evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;
 - (5) an evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;
 - (6) an evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;
 - (7) the responsible professional engineer's recommendation regarding preventative maintenance;
 - (8) except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report; and
 - (9) the responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in their professional judgment.
- (g) Review Condition Assessment Reports. The Town shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the Town shall, by Order to Remedy or such other means of enforcement as the Town may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause

deterioration, and all unsafe conditions identified in such condition assessment report pursuant to paragraphs (2) and (3) of subdivision (f). All repairs and remedies shall comply with the applicable provisions of the Uniform Code. This section shall not limit or impair the right of the Town to take any other enforcement action, including but not limited to suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.

- (h) The Town shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides the Town with a written statement attesting to the fact that he or she has been so engaged, Town shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The Town shall be permitted to require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.
- (i) This section shall not limit or impair the right or the obligation of the Town:
 - (1) to perform such construction inspections as are required by section 57-5 (Construction Inspections) of this Chapter;
 - (2) to perform such periodic fire safety and property maintenance inspections as are required by section 57-11 (Fire Safety and Property Maintenance Inspections) of this Chapter; and/or
 - (3) to take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the Town by means of its own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.

§ 57-14 Climatic and geographic design criteria.

- (a) The Code Enforcement Officer shall determine the climatic and geographic design criteria for buildings and structures constructed within this Town as required by the Uniform Code. Such determinations shall be made in the manner specified in the Uniform Code using, where applicable, the maps, charts, and other information provided in the Uniform Code. The criteria to be so determined shall include but shall not necessarily be limited to, the following:
 - (1) design criteria to include ground snow load; wind design loads; seismic category; potential damage from weathering, frost, and termite; winter design

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temperature; whether ice barrier underlayment is required; the air freezing index; and the mean annual temperature;

(2) heating and cooling equipment design criteria for structures within the scope of the RCNYS. The design criteria shall include the data identified in the Design Criteria Table found in Chapter 3 of the RCNYS; and

(3) flood hazard areas, flood hazard maps, and supporting data. The flood hazard map shall include, at a minimum, special flood hazard areas as identified by the Federal Emergency Management Agency in the Flood Insurance Study for the community, as amended or revised with:

(i) the accompanying Flood Insurance Rate Map (FIRM);

(ii) Flood Boundary and Floodway Map (FBFM); and

(iii) related supporting data along with any revisions thereto.

(b) The Code Enforcement Officer shall prepare a written record of the climatic and geographic design criteria determined pursuant to subdivision (a) of this section, shall maintain such record within the office of the Code Enforcement Officer, and shall make such record readily available to the public.

§ 57-15 Record keeping.

(a) The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:

(1) all applications received, reviewed and approved or denied;

(2) all plans, specifications and construction documents approved;

(3) all Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;

(4) all inspections and tests performed;

(5) all statements and reports issued;

(6) all complaints received;

- (7) all investigations conducted;
 - (8) all condition assessment reports received;
 - (9) all fees charged and collected; and
 - (10) all other features and activities specified in or contemplated by sections 57-4 through 57-14, inclusive, of this Chapter.
- (b) All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

§ 57-16 Program review and reporting.

- (a) The Code Enforcement Officer shall annually submit to the Town Board a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in section 57-14 (Record Keeping) of this Chapter and a report and summary of all appeals or litigation pending or concluded.
- (b) The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of the Town, on a form prescribed by the Secretary of State, a report of the activities of this Town relative to administration and enforcement of the Uniform Code.
- (c) The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, true and complete copies of the records and related materials this Town is required to maintain; true and complete copies of such portion of such records and related materials as may be requested by the Department of State; and/or such excerpts, summaries, tabulations, statistics, and other information and accounts of its activities in connection with administration and enforcement of the Uniform Code and/or Energy Code as may be requested by the Department of State.

§ 57-17 Violations.

- (a) Orders to Remedy. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this Chapter. An Order to Remedy shall be in writing; shall be dated and signed by the

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Code Enforcement Officer; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or this Chapter; shall specify the provision or provisions of the Uniform Code, the Energy Code, or this Chapter which is/are violated by the specified condition or activity; and shall include a statement substantially similar to the following:

“The person or entity served with this Order to Remedy must completely remedy each violation described in this Order to Remedy by [specify date], which is thirty (30) days after the date of this Order to Remedy.”

The Order to Remedy may include provisions ordering the person or entity served with such Order to Remedy (1) to begin to remedy the violations described in the Order to Remedy immediately, or within some other specified period of time which may be less than thirty (30) days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within thirty (30) days of the date of such Order to Remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this Chapter or by any other applicable statute, regulation, rule, local law, or ordinance, and which the Code Enforcement Officer may deem appropriate, during the period while such violations are being remedied. The Code Enforcement Officer shall cause the Order to Remedy, or a copy thereof, to be served on the owner of the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy. The Code Enforcement Officer shall be permitted, but not required, to cause the Order to Remedy, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

- (b) Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.
- (c) Penalties. In addition to such other penalties as may be prescribed by State law,
 - (1) any Person who violates any provision of this Chapter or any term, condition, or provision of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this Chapter, shall be punishable by a fine of not more than \$250 per day of violation, or imprisonment not exceeding 30 days, or both; and

- (2) any Person who violates any provision of the Uniform Code, the Energy Code or this Chapter, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this Chapter, shall be liable to pay a civil penalty of not more than \$250 for each day or part thereof during which such violation continues. The civil penalties provided by this paragraph shall be recoverable in an action instituted in the name of this Town.
- (d) Injunctive Relief. An action or proceeding may be instituted in the name of this Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this Chapter, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Order to Remedy, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this Chapter. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this Chapter, or any Stop Work Order, Order to Remedy or other order obtained under the Uniform Code, the Energy Code or this Chapter, an action or proceeding may be commenced in the name of this Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Town Board of this Town.
- (e) Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or penalty available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in section 57-6 (Stop Work Orders) of this Chapter, in any other section of this Chapter, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section 57-6 (Stop Work Orders) of this Chapter, in any other section of this Chapter, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 382 of the Executive Law.

§ 57-18 Fees.

A fee schedule shall be established by resolution of the Town Board of this Town. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this Chapter.

§ 57-19 Intermunicipal agreements.

The Town Board may, by resolution, authorize the Town Supervisor to enter into an agreement, in the name of the Town of Boston, with other governments to carry out the terms of this Chapter, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

2.3 The following section of Chapter 57 hereby is renumbered as follows, with all provisions of that section remaining otherwise unchanged:

§ ~~57-7~~ 57-20 *Advisory Committee established; membership; duties*

**Section 3. Amend Chapter 123 of the Boston Town Code, Zoning, Article XXIX:
Administration; Enforcement; Penalties for Offenses; Transitional Provisions**

3.1 § 123-154 *Building Permit Requirements*, is hereby amended as follows:

§ 123-154 *Building Permit Requirements*

A. Enforcement. This chapter shall be enforced by the Code Enforcement Officer. No building permit or certificate of occupancy shall be issued except in conformity with the provisions of this chapter.

B. Building permit.

(1) A building permit is required for the erection or placement of any structure or the alteration of an existing building or structure so as to change front, side or rear yards or

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building height or the number of dwelling units. Building permit applications for such improvements shall comply with the requirements of Chapter 57 and also ~~be made to the Town Clerk~~ and shall be accompanied by two copies of a sketch plot plan showing dimensions of the lot and the size and location of buildings on the lot, except that, in the case of an application to erect a structure on an unimproved lot or to erect a structure exceeding 600 square feet in a lot improved by another structure or to erect an addition to any structure situated on a lot, the application shall be accompanied by two copies of a survey prepared and stamped by a licensed surveyor showing the dimensions of the lot and the size and location of all structures located thereon. On all applications for which a survey is required, the Code Enforcement Officer shall receive a stamped, redated survey showing the actual location of the structure being erected prior to conducting any inspection other than of the foundation.

(2) Building permit applications for projects involving water supply and sewage disposal shall ~~be made on the form supplied by the Town Clerk~~ and shall not be granted until the applicant has secured an approved plan for construction and installation of water supply and sewage disposal system and has agreed to construct and locate the water supply and sewage disposal system so as to meet the standards, rules and regulations of the Erie County Health Department and that such systems will not be covered until a certificate of compliance has been issued by the sanitary inspector.

(3) ~~Such building permit must be publicly displayed at the building site continually during construction and until the issuance of a certificate of occupancy, as provided for herein, in such a manner as to be visible from the highway.~~

~~C. The building permit shall remain effective only if work commences within six months and is completed within one year of the date of issuance. Said permit may be extended by the Town Board upon written application and for good cause demonstrated by the applicant therefor.~~

DC. In addition to the requirements of Chapter 57, ~~No~~ permit for excavation or erection or alteration or repairs of any building shall be issued unless all the provisions of this chapter have been complied with.

ED. Certificates of occupancy. In addition to the requirements of Chapter 57, ~~where a~~ ~~Following completion of any new structure or building for which a building permit has been issued, or the completion of development of the entire site where the project is subject to site plan approval,~~ no certificate of occupancy shall be issued unless development of the entire site is complete including but not limited to all required paving, landscaping, and drainage, as depicted on the approved site plan, ~~in accordance with this chapter, the Code Enforcement Officer shall issue a certificate of occupancy, which shall certify that the construction of the building or structure is in accordance with all applicable state, County and local laws and regulations. No building or structure shall be occupied prior to the issuance of a certificate of occupancy by the Code Enforcement Officer or after the~~

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~~expiration of a temporary certificate of occupancy or the revocation of a certificate of occupancy or a certificate of zoning compliance.~~

~~FE.~~ No more than one building permit shall be pending with regard to any property unless approved by the Town Board.

3.2 § 123-157 *Temporary certificate of occupancy or zoning compliance*, is hereby amended as follows:

§ 123-157 *Temporary certificate of occupancy or zoning compliance*

- A. Provided all applicable requirements of Chapter 57 therefor have been met, ~~U~~pon receipt of an application ~~therefor~~, the Code Enforcement Officer may issue a temporary certificate of occupancy or a temporary certificate of zoning compliance to be effective in the discretion of the Code Enforcement Officer for a period not to exceed ~~90 days~~ six months from the date of issuance.
- B. After the expiration of the temporary certificate of occupancy or temporary certificate of zoning compliance, said certificate may be renewed only upon written application, for good cause shown, to the Town Board. Said renewal shall be for such period as the Town Board may, in its discretion, determine, but, in any event, shall not exceed 90 days from the date of issuance.
- C. No temporary certificate of occupancy or temporary certificate of zoning compliance shall be effective for a period of more than ~~270 days~~ nine months from the date said certificate was first issued by the Code Enforcement Officer.
- D. No temporary certificate of occupancy or temporary certificate of zoning compliance shall be issued unless the Code Enforcement Officer shall determine, and in the case of an application for renewal shall certify to the Town Board, that the structure is sufficiently complete to be put to the use which was set forth in the original building permit application, application for site plan approval or other application.

3.3 § 123-162, *Abbreviation of the duration of certain building permits*, is hereby repealed, and a new § 123-162 is added to read as follows:

§ 123-162 Reserved.

Section 4. Authority.

This Local Law is enacted pursuant to Article 16 of the Town Law of the State of New York and Section 10 of the Municipal Home Rule Law.

Section 5. Severability.

A. This Local Law shall be deemed to supersede and repeal any other Local Laws to the extent therein inconsistent herewith.

B. If any part of this Local Law shall be judicially declared invalid, void, unconstitutional, or unenforceable, all unaffected provisions hereof shall survive such declaration and this Local Law shall remain in full force and effect as if the invalidated portion had not been enacted.

C. Nothing herein shall be deemed to be a waiver or restriction upon any rights and powers available to the Town of Boston to further regulate the subject matter of this Local Law.

Section 6. Effective Date.

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

Sponsor: Supervisor Keding

TOWN OF BOSTON

<u>2023 APPOINTMENT</u>	<u>TITLE</u>	<u>TERM</u>
Karen Miller	Court Clerk, FT	12/31/23
Rebecca Neudeck	Court Clerk, PT	12/31/23
John Sibenik	Court Officer, PT	12/31/23
Daniel Mulé	Court Officer, PT	12/31/23
TBD	Prosecutor, PT	12/31/23
Ashley Karmazyn	Assessment Clerk, PT	12/31/23
Margaret Derk	Deputy Town Clerk, FT	12/31/23
Constance Berwaldt	Deputy Town Clerk, PT	12/31/23
Thomas Murphy	Code Enforcement Officer, FT	12/31/23
TBD	Assistant Code Enforcement, PT	12/31/23
Jennifer Cavarello	Board Clerk, PT	12/31/23
Maryann Cumming-Robel	Highway Clerk, PT	12/31/23
Linda Sherry	Dog Control Officer, PT	12/31/23
Sharon Bulger	Nutrition Prog. Director, PT	12/31/23
Lori Valentine	Asst. Nutrition Director, PT	12/31/23
Patricia Hice	Asst. Nutrition Director, PT	12/31/23
Donna Lenau	Sub Asst. Nutrition Director, PT	12/31/23
Shawn Vanderdoes	Town Hall Laborer, PT	12/31/23
TBD	Cleaner, PT	12/31/23
Robert Telaak	Parks Superintendent	12/31/23
Scott Fellows	Parks Laborer, FT	12/31/23
Barry Decker	Parks Laborer, FT	12/31/23
Amanda Jensen	Parks Laborer, FT	12/31/23
Matthew Whiting	Emergency Manager	12/31/23
Allison Koczur	Event Coordinator	12/31/23
Jacob Karb, III	Liaison - Cobblehill Cemetery	12/31/23
Sandra Quinlan	Marriage Officer	12/31/23
Sandra Quinlan	Records Management Officer	12/31/23
Sandra Quinlan	Registrar of Vital Statistics	12/31/23
Margaret Derk	Deputy Registrar of Vital Statistics	12/31/23
Sarah DesJardins	Town Planner	12/31/23

Supervisor Keding made the following appointments:

Allison Koczur	Assistant to Supervisor, FT	12/31/23
Ellie Pericak	Bookkeeper/Budget Director, FT	12/31/23
Richard Hawkins	Deputy Supervisor	12/31/23
Frank Gamel	Town Historian, PT	12/31/23

2023 COMMITTEE APPOINTMENTS

AUDIT COMMITTEE

Town Board Members & Drescher Malecki

TRAFFIC SAFETY & ROADWAYS

Chairman - Councilwoman Selby

INSURANCE

Chairman - Councilwoman Lucachik, Attorney for the Town Costello, Town Clerk Quinlan

I.T. COMMITTEE

Chairman - Councilwoman Martin, Confidential Secretary Koczur

INVESTMENT ADVISORY

Chairman - Councilman Cartechine, Attorney for the Town Costello, Town Board, Designated Representatives from Boston, N. Boston, & Patchin Fire Companies

SOLID WASTE & REFUSE

Chairman-Councilwoman Selby, Town Clerk Quinlan

INSPECTION

Chairman- Code Enforcement Officer, Town Board

CABLE TV

Chairman-Councilwoman Lucachik, Attorney for the Town Costello

DRAINAGE

Chairman-Councilwoman Selby, Hwy Supt. Telaak, Town Engineer

ZONING REVIEW

Chairman- Town Prosecutor, Councilwoman Martin, Code Enforcement Officer, Zoning Chairwoman Rood

SAFETY

Chairwoman-Town Clerk Quinlan, Hwy Supt. Telaak, Councilwoman Lucachik, Councilman Cartechine

RECREATION

Chairman- Councilman Cartechine, Hwy Supt. Telaak, Councilwoman Martin

RECORDS MAAGEMENT

Chairwoman-Town Clerk Quinlan

DEFERRED COMPENSATION

Chairwoman- Bookkeeper Pericak, Supervisor Keding, Town Clerk Quinlan, Councilman Cartechine

CAPITAL IMPROVEMENT

Chairman- Supervisor Keding, Town Grant Writer, Attorney for the Town Costello, Town Engineer, Councilwoman Selby

OFFICE OF EMERGENCY MGMT

Director- Matthew Whiting, Supervisor Keding, Councilwoman Martin, Councilman Cartechine

CHRISTMAS LIGHTING

Councilman Cartechine, Parks Superintendent Telaak,

GRANT WRITER LIAISON

Councilwoman Lucachik

2022 Liaison Assignments:

Jennifer Lucachik

Planning Board, Boston Community Foundation, Haz-Mat, Insurance, Parks and Recreation, Cable TV, Safety Committee

Michael Cartechine

Fire Departments, Fire Benefit Program, Christmas Lighting, Recreation, Chamber of Commerce

Kathy Selby

Drainage, Streets and Lighting, Traffic and Highway Safety, Historical Society, Solid Waste, Water Districts

Kelly Martin

Boston Emergency Squad, Senior Citizens, Nutrition, Conservation Advisory Council, Zoning Board

2023 SALARY SCHEDULE

<u>Position</u>	<u>Salary</u>
Assistant to the Supervisor, FT	43,259/Yr.
Bookkeeper, FT	55,010/Yr.
Deputy Supervisor	1,136/Yr.
Budget Director	3,786/Yr.
Event Coordinator	2,704/Yr.
Court Clerk, FT	49,174/Yr.
Court Clerk, PT	18.97/Hr.
Court Officer, PT (2)	6,377/Yr.
Prosecutor	17,527/Yr.
Assessor, FT	53,841/Yr.
Assessment Clerk, PT	18.97/Hr.
Deputy Town Clerk, FT	39,473/Yr.
Deputy Town Clerk, PT	18.97/Hr.
Code Enforcement Officer, FT	31.20/Hr.
Assistant Code Enforcement, PT	TBD (18.97 – 24.50/Hr.)
Board Clerk, PT	18.97/Hr.
Hwy Clerk/Secretary, PT	18.97/Hr.
Dog Control Officer, PT	14,255/Yr.
Nutrition Program Director	14.89/Hr.
Asst. Nutrition Program Director (2)	14.89/Hr.
Laborer, PT - Town Hall	18.97/Hr.
Cleaner, PT	18.97/Hr.
Parks Superintendent	9,532/Yr.
Parks Laborer, FT	20.89/Hr.
Parks Laborer, FT (2)	18.97/Hr.
Cobblehill Cemetery Liaison	300/Yr.
Town Historian	3,840/Yr.

Highway Department

Per Collective Bargaining Agreement

Elected Officials

Supervisor	\$43,026/Yr.
Councilmen (4)	\$9,100/Yr.
Highway Superintendent	\$75,327/Yr.
Town Clerk	\$52,670/Yr.
Town Justices (2)	\$21,075/Yr.

Set Payment of Salaries:

Bi-weekly to the Town Clerk, Deputy Town Clerks, Supervisor, Assistant to Supervisor, Bookkeeper, Court Clerks, Assessor, Assessment Clerk, Board Clerk, Code Enforcement, Nutrition Directors, Town Hall Laborer, Town Hall Cleaner, Parks Laborers, Highway Superintendent, Highway Clerk, M.E.O.'s, Truck Drivers, and Highway Laborers. All other positions are paid on a monthly basis.

Designation of Depositories:

North Boston Branch of the Evans National Bank for the Supervisor, Town Clerk, Tax Collector, and Town Justices.

Participation in New York Cooperative Liquid Assets Security System (NYCLASS) for the Supervisor, Town Clerk and Tax Collector

Schedule Dates and Times for Regular Monthly Meetings and Agenda Review:

Town Board Meeting: First and third Wednesday of the month at 7:30 pm

Agenda Review: First and third Wednesday of the month at 6:00 pm

Designate Official Newspaper:

The Hamburg Sun

Appointment to NEST Solid Waste Management Board:

Supervisor Jason Keding

Refuse Collectors Annual Licenses:

Direct Town Clerk to send letters to refuse collectors that annual licenses are due.

Authorization of Surplus Monies:

Authorize the Supervisor and the Tax Collector to invest surplus monies. This authorization includes participation in New York Cooperative Liquid Assets Security System (NYCLASS).

Investment Policy:

Investment policy previously adopted by the Town Board where idle town monies may be invested, subject to any further regulation from the State Comptroller pursuant to Section 39 of the General Municipal Law is as follows:

1. Obligations of Federal Government - Treasury Notes, Treasury Bills, etc.
2. Obligations of Federal Agencies Guaranteed by the Government.
3. Obligations of the State of New York
4. Certificates of Deposit in Commercial Banks, which are FDIC insured.
5. Regular Savings Accounts, Money Market Accounts in Commercial Banks if proper securities are provided for all monies invested in excess of the amount secured by FDIC.
6. Tax Anticipation Note and Revenue Anticipation Notes of another municipality, district, corporation or school district, any other investments not listed will require prior approval by the Town Board and be in conformance of all state statutes.

The Town Supervisor will keep a record of all such investments and provide a report to all Town Board Members monthly.

Signature Stamp for the Supervisor:

Authorize the use of.

Rate Per Mile:

Set at the 2022 updated IRS rate of _____ cents per mile. not yet released
12/29/22

Lending Funds:

Authorize the Supervisor to lend funds from one account to another.

Workdays & Retirement Reporting (Part Time):

Assign the following to be reported for New York State Retirement purposes for elected and appointed Town Personnel with six (6) hours being designated as a workday:

Town Justices	Councilman
Supervisor	Deputy Supervisor
Assistant Code Enforcement, PT	Deputy Town Clerk, PT
Prosecutor	Board Clerk, PT
Assessment Clerk	Court Officer
Highway Clerk	Court Clerk, PT
Town Hall Laborer	Dog Control Officer
Nutrition Program Director	Historian

Work Days & Retirement Reporting (Full Time):

Assign the following work days to be reported for New York State Retirement purposes for elected and appointed Town Personnel as full time based on a seven (7) hour workday for New York State Retirement purposes:

Town Clerk	Deputy Town Clerk, FT
Bookkeeper	Assistant to Town Supervisor
Superintendent of Highways	Court Clerk, FT
Assessor	

Assign the following work days to be reported for New York State Retirement purposes for elected and appointed Town Personnel as full time based on an eight (8) hour workday for New York State Retirement purposes:

Parks Laborer
Highway M.E.O.'s, Truck Drivers, and Laborers

Petty Cash Funds:

Town Clerk	\$300
Town Justice	\$300

Agreement to Spend Highway Funds (284 Agreement) – [Received 12/21/22](#)

TOWN OF BOSTON

2023 EMPLOYEE HOLIDAYS

MARTIN LUTHER KING JR. DAY	JANUARY 16	MONDAY
PRESIDENT'S DAY	FEBRUARY 20	MONDAY
GOOD FRIDAY	APRIL 7	FRIDAY
MEMORIAL DAY	MAY 29	MONDAY
JUNETEENTH	JUNE 19	MONDAY
INDEPENDENCE DAY	JULY 4	TUESDAY
LABOR DAY	SEPTEMBER 4	MONDAY
COLUMBUS DAY / INDIGENOUS PEOPLES' DAY	OCTOBER 9	MONDAY
ELECTION DAY	NOVEMBER 7	TUESDAY
VETERAN'S DAY - OBSERVED	NOVEMBER 10	FRIDAY
THANKSGIVING DAY	NOVEMBER 23	THURSDAY
DAY AFTER THANKSGIVING	NOVEMBER 24	FRIDAY
CHRISTMAS DAY	DECEMBER 25	MONDAY
NEW YEAR'S DAY	JANUARY 1, 2024	MONDAY

**THIS HOLIDAY SCHEDULE DOES NOT APPLY TO HIGHWAY EMPLOYEES.
PLEASE REFER TO THE COLLECTIVE BARGAINING AGREEMENT.

AGREEMENT TO SPEND TOWN HIGHWAY FUNDS

YEAR 2023

TOWN of Boston
COUNTY OF ERIE

Pursuant to the provisions of Section 284 of the Highway Law, we agree that monies levied and collected for the repair and improvement of highways, and received from New York State for the repair and improvement of highways, shall be expended as follows:

1. **GENERAL REPAIRS**

The sum of \$203,647.00 _____ may be expended for general repairs upon 37.98 _____ miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewal thereof.

2. **IMPROVEMENTS** - The following sum shall be set aside to be expended for the improvement of town highways:

(a) On Shero Road _____, starting at Feddick Road _____ and ending at Zimmerman Road _____, a distance of 1.26 miles, there shall be expended not over the sum of \$30,000 _____.
Type Top: _____ Width of traveled surface: 20 _____ feet
Thickness Top: _____ inches Thickness binder: _____ inches
Other Oil & Stone _____

(a) On Shero Road _____, starting at Zimmerman Road _____ and ending at Back Creek Road _____, a distance of .94 miles, there shall be expended not over the sum of \$24,000 _____.
Type Top: _____ Width of traveled surface: 20 _____ feet
Thickness Top: _____ inches Thickness binder: _____ inches
Other Oil & Stone _____

(b) On Keller Road _____, starting at Zimmerman Road _____ and ending at Town Line _____, a distance of 1.80 miles, there shall be expended not over the sum of \$44,000 _____.
Type Top: _____ Width of traveled surface: 20 _____ feet
Thickness Top: _____ inches Thickness binder: _____ inches
Other Oil & Stone _____



_____ Supervisor	_____ Date	_____ Councilmember	_____ Date
_____ Councilmember	_____ Date	_____ Councilmember	_____ Date
_____ Councilmember	_____ Date	_____ Councilmember	_____ Date
_____ Councilmember	_____ Date	<i>Robert Toland</i> Highway Superintendent	<i>12-21-22</i> Date

NOTE: This Agreement must be signed by a majority of the members of the Town Board and by the Town Highway Superintendent. One copy must be filed in the Town Clerk's Office

AGREEMENT TO SPEND TOWN HIGHWAY FUNDS

YEAR 2023

TOWN of Boston
COUNTY OF ERIE

Pursuant to the provisions of Section 284 of the Highway Law, we agree that monies levied and collected for the repair and improvement of highways, and received from New York State for the repair and improvement of highways, shall be expended as follows:

1. **GENERAL REPAIRS**

The sum of \$203,647.00 _____ may be expended for general repairs upon 37.98 _____ miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewal thereof.

2. **IMPROVEMENTS** - The following sum shall be set aside to be expended for the improvement of town highways:

(a) On Emerling Road _____, starting at Concord Town Line _____ and Ending at Dead End _____, a distance of .36 miles, there shall be expended not over the sum of \$7,500 _____.
Type Top: _____ Width of traveled surface: 15 _____ feet
Thickness Top: _____ inches Thickness binder: _____ inches
Other Oil & Stone _____

(a) On West Hill Road _____, starting at West Tillen _____ and ending at Pfarner Road _____, a distance of .58 miles, there shall be expended not over the sum of \$15,500 _____.
Type Top: _____ Width of traveled surface: 20 _____ feet
Thickness Top: _____ inches Thickness binder: _____ inches
Other Oil & Stone _____

(b) On Rockwood Road _____, starting at Rice Road _____ and ending at Shero Road _____, a distance of 1.53 miles, there shall be expended not over the sum of \$37,000 _____.
Type Top: _____ Width of traveled surface: 20 _____ feet
Thickness Top: _____ inches Thickness binder: _____ inches
Other Oil & Stone _____



_____ Supervisor	_____ Date	_____ Councilmember	_____ Date
_____ Councilmember	_____ Date	_____ Councilmember	_____ Date
_____ Councilmember	_____ Date	_____ Councilmember	_____ Date
_____ Councilmember	_____ Date	<i>Robert Teland</i> Highway Superintendent	<u>12-21-22</u> Date

NOTE: This Agreement must be signed by a majority of the members of the Town Board and by the Town Highway Superintendent. One copy must be filed in the Town Clerk's Office

AGREEMENT TO SPEND TOWN HIGHWAY FUNDS

YEAR 2023

TOWN of Boston
COUNTY OF ERIE _____

Pursuant to the provisions of Section 284 of the Highway Law, we agree that monies levied and collected for the repair and improvement of highways, and received from New York State for the repair and improvement of highways, shall be expended as follows:

1. **GENERAL REPAIRS**

The sum of \$203,647.00 _____ may be expended for general repairs upon 37.98 _____ miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewal thereof.

2. **IMPROVEMENTS** - The following sum shall be set aside to be expended for the improvement of town highways:

(a) On Polish Hill _____, starting at Zimmerman Road _____ and ending at Dead End _____, a distance of .89 _____ miles, there shall be expended not over the sum of \$22,000 _____.
Type Top: _____ Width of traveled surface: 20 _____ feet
Thickness Top: _____ inches Thickness binder: _____ inches
Other Oil & Stone _____

(a) On Eiss Hill Road _____, starting at Zimmerman Road _____ and ending at Dead End _____, a distance of .43 _____ miles, there shall be expended not over the sum of \$10,000 _____.
Type Top: _____ Width of traveled surface: 16 _____ feet
Thickness Top: _____ inches Thickness binder: _____ inches
Other Oil & Stone _____

(b) On Maple Grove _____, starting at Zimmerman Road _____ and ending at Dead End _____, a distance of .13 _____ miles, there shall be expended not over the sum of \$3,000 _____.
Type Top: _____ Width of traveled surface: 18 _____ feet
Thickness Top: _____ inches Thickness binder: _____ inches
Other Oil & Stone _____



_____ Supervisor	_____ Date	_____ Councilmember	_____ Date
_____ Councilmember	_____ Date	_____ Councilmember	_____ Date
_____ Councilmember	_____ Date	_____ Councilmember	_____ Date
_____ Councilmember	_____ Date	<i>Robert Klack</i> Highway Superintendent	<i>12-21-22</i> Date

NOTE: This Agreement must be signed by a majority of the members of the Town Board and by the Town Highway Superintendent. One copy must be filed in the Town Clerk's Office

AGREEMENT TO SPEND TOWN HIGHWAY FUNDS

YEAR 2023

**TOWN of Boston
COUNTY OF ERIE**

Pursuant to the provisions of Section 284 of the Highway Law, we agree that monies levied and collected for the repair and improvement of highways, and received from New York State for the repair and improvement of highways, shall be expended as follows:

1. GENERAL REPAIRS

The sum of \$203,647.00 may be expended for general repairs upon 37.98 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewal thereof.

2. IMPROVEMENTS - The following sum shall be set aside to be expended for the improvement of town highways:

(a) On Belcher Road, starting at Feddick Road and ending at Town Line, a distance of .22 miles, there shall be expended not over the sum of \$
Type Top: _____ Width of traveled surface: 18 feet
Thickness Top: _____ inches Thickness binder: _____ inches
Other Oil & Stone _____

(a) On Enser Road, starting at Feddick Road and ending at Haag Road, a distance of .93 miles, there shall be expended not over the sum of \$
Type Top: _____ Width of traveled surface: 16 feet
Thickness Top: _____ inches Thickness binder: _____ inches
Other Oil & Stone _____

(b) On Old Pfarmer Road, starting at Zimmerman Road and ending at Dead End, a distance of .46 miles, there shall be expended not over the sum of \$
Type Top: _____ Width of traveled surface: 20 feet
Thickness Top: _____ inches Thickness binder: _____ inches
Other Oil & Stone _____



_____ Supervisor	_____ Date	_____ Councilmember	_____ Date
_____ Councilmember	_____ Date	_____ Councilmember	_____ Date
_____ Councilmember	_____ Date	_____ Councilmember	_____ Date
_____ Councilmember	_____ Date	<i>Robert Telad</i> Highway Superintendent	<i>12-21-22</i> Date

NOTE: This Agreement must be signed by a majority of the members of the Town Board and by the Town Highway Superintendent. One copy must be filed in the Town Clerk's Office

AGREEMENT TO SPEND TOWN HIGHWAY FUNDS

YEAR 2023

TOWN OF Boston
COUNTY OF Erie

Pursuant to the provisions of Section 284 of the Highway Law, we agree that monies levied and collected for the repair and improvement of highways, and received from New York State for the repair and improvement of highways, shall be expended as follows:

1. **GENERAL REPAIRS**

The sum of \$203,647.00 _____ may be expended for general repairs upon 37.98 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewal thereof.

2. **IMPROVEMENTS** - The following sum shall be set aside to be expended for the improvement of town highways:

(a) On repairs on all town roads _____, starting at _____ and ending at _____, a distance of 37.98 miles, there shall be expended not over the sum of \$10,647.00.
Type Top: 7F Width of traveled surface: 20 feet
Thickness Top: _____ inches Thickness binder: _____ inches
Other black top pot hole repairs

g at _____ and ending at _____, a distance of _____ miles, there shall be expended not over the sum of \$ _____.
Type Top: _____ Width of traveled surface: _____ feet
Thickness Top: _____ inches Thickness binder: _____ inches
Other _____

(b) On _____, starting at _____ and ending at _____, a distance of _____ miles, there shall be expended not over the sum of \$ _____.
Type Top: _____ Width of traveled surface: _____ feet
Thickness Top: _____ inches Thickness binder: _____ inches
Other _____



_____ Supervisor	_____ Date	_____ Councilmember	_____ Date
_____ Councilmember	_____ Date	_____ Councilmember	_____ Date
_____ Councilmember	_____ Date	_____ Councilmember	_____ Date
_____ Councilmember	_____ Date	<u>Robert Talaak</u> Highway Superintendent	<u>12-21-22</u> Date

NOTE: This Agreement must be signed by a majority of the members of the Town Board and by the Town Highway Superintendent. One copy must be filed in the Town Clerk's Office

TOWN OF BOSTON – RESOLUTION NO. 2023-01

PROCUREMENT POLICY

At a Regular Meeting of the Boston Town Board Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 4th day of January, 2023 at 7:30 pm Eastern Prevailing Time there were:

Present: Supervisor Jason A. Keding, Councilman Michael Cartechine, Councilwoman Jennifer Lucachik, Councilwoman Kelly Martin and Councilwoman Kathleen Selby

NOW THEREFORE BE IT RESOLVED, that the Town of Boston does hereby adopt the following procurement policies and procedures for this year:

Guideline 1. Every prospective purchase of goods or services shall be evaluated to determine the applicability of General Municipal Law, Sec. 103. Every Town officer, board, department head or other personnel with the requisite purchasing authority (hereinafter "Purchaser") shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of other Town departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file documentation supporting the purchase activity.

Guideline 2. All purchases of (a) supplies or equipment which will exceed \$20,000 in the fiscal year; or (b) public works contracts over \$35,000 shall be formally bid pursuant to GML, Sec. 103.

Guideline 3.

- 1) All estimated purchases of supplies or equipment of less than \$20,000 but greater than \$10,000 require a written request for a proposal (RFP) and written/fax quotes from three vendors; less than \$10,000 but greater than \$5,000 require an oral request/fax quotes from at least two vendors; less than \$5,000 but greater than \$1,500 require an oral request for the goods and oral/fax quotes from 3 vendors if possible; less than \$1,500 are left to the discretion of the Purchaser.
- 2) All estimated public works contracts of less than \$35,000 but greater than \$20,000 require a written request for proposal (RFP) and fax/proposals from 3 contractors; less than \$20,000 but greater than \$10,000 require a written request for proposal and fax/proposals from at least two contractors; \$10,000 but greater than \$3,000 require a written request for proposal (RFP) and fax/proposals from 2 contractors; less than \$3,000 are left to the discretion of the Purchaser.

- 3) Any written RFP shall describe the desired goods, quantity and the particulars of delivery. The Purchaser shall compile a list of all vendors from whom written/fax/oral quotes have been requested and offered.
- 4) All information gathered in complying with the procedures of this Guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

Guideline 4.

4.1 Purpose

The Town Board of the Town of Boston seeks to exercise the local option set forth in § 103, Subdivision 1, of the New York General Municipal Law, as amended by Chapter 608 of the Laws of 2011 and Chapter 2 of the Laws of 2012, which amendment authorizes the Town to award purchase contracts and contracts for services subject to competitive bidding under General Municipal Law § 103 on the basis of either lowest responsible bidder or "best value" as defined in § 163 of the New York State Finance Law. The "best value" option may be used if it is more cost efficient over time to award the good or service to other than the lowest responsible bidder if factors such as lower cost of maintenance, durability, higher quality and longer product life are germane.

4.2 Award based on low bid or best value.

The Town Board of the Town of Boston may award purchase contracts and service contracts that have been procured pursuant to competitive bidding under the General Municipal Law § 103 by either lowest responsible bidder or best value.

4.3 Applicability

The provisions of this chapter apply to Town purchase contracts or contracts for services involving an expenditure of more than \$10,000, but exclude purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the State Labor Law and exclude any other contract that may in the future be excluded under state law from the best value option.

4.4 Standards for best value

Goods and services procured and awarded on the basis of best value are those that the Town Board of the Town of Boston determines will be of the highest quality while being the most efficient. The determination of quality and cost efficiency shall be based on objectively quantified and clearly described and documented criteria which may include, but shall not be limited to, any or all of the following: cost of maintenance; proximity to the end user if distance or response time is a significant term; durability; availability of replacement parts or maintenance contractors; longer product life; product performance criteria; and quality of craftsmanship.

4.5 Documentation.

Whenever any contract is awarded on the basis of best value instead of lowest responsible bidder, the basis for determining best value shall be thoroughly and accurately documented.

4.6 Procurement policy superseded where inconsistent.

Any inconsistent provision of the Town's Procurement Policy, as adopted prior to the effective date of this chapter by resolution of the Town Board of the Town of Boston, or as amended thereafter, shall be deemed superseded by the provisions of this chapter.

Guideline 5. A good-faith effort shall be made to obtain the required number of proposals or quotations. If the Purchaser is unable to obtain the required number of proposals or quotations, the Purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

Guideline 6. Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following circumstances:

- (a) Acquisition of professional services;
- (b) Emergencies;
- (c) Sole source situations;
- (d) Goods purchased from agencies for the blind or severely handicapped;
- (e) Goods purchased from correctional facilities;
- (f) Goods purchased from another Governmental agency;
- (g) Goods purchased at auction;
- (h) Goods purchased for less than \$1,500;
- (i) Public works contracts for less than \$1,500.
- (j) Purchases pursuant to State or county bid, or local or federal bid.

Guideline 7. Any Town official designated by resolution as responsible for purchasing can approve purchases up to \$1500. Purchases \$1500 to \$5000 require written approval by the Supervisor. Purchases over \$5000 must be approved by the Town Board. Purchases over \$300 require a P.O. as specified in the Capital Asset Policy.

Guideline 8. Overnight travel in any amount must be approved at a Town Board Meeting.

Guideline 9. All vouchers shall contain information which properly and clearly identify the job, project, vehicle or equipment for which the parts, repair, and/or replacement pertain to. Expense reimbursement will be submitted on a quarterly basis. Full year vouchers accumulated will not be honored.

Guideline 10. This policy shall be reviewed annually by the Town Board at its organizational meeting shall or as soon thereafter as is reasonably practicable.

Guideline 11. The following Town Officials are designated as responsible for purchasing:

Town Supervisor	Town Clerk
Court Clerk	Board Clerk
Town Assessor	Cobble Hill Cemetery Liaison
Code Enforcement Officer	Dog Control Officer
Highway Superintendent	Nutrition Site Coordinator
Parks Superintendent	Town Hall Laborer
Town Historian	Prosecutor
Zoning Board Chairman	Planning Board Chairman
CAC Chairman	

On January 4, 2023, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
Councilmember Cartechine	[]	[]	[]	[]
Councilmember Lucachik	[]	[]	[]	[]
Councilmember Martin	[]	[]	[]	[]
Councilmember Selby	[]	[]	[]	[]
Supervisor Keding	[]	[]	[]	[]

Sandra L. Quinlan, Town Clerk

TOWN OF BOSTON - RESOLUTION 2023-02

ADOPT SCHEDULE OF FEES

At a Regular Meeting of the Boston Town Board Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 4th day of January, 2023 at 7:30 pm Eastern Prevailing Time there were:

Present: Supervisor Jason A. Keding, Councilman Michael Cartechine, Councilwoman Jennifer Lucachik, Councilwoman Kelly Martin and Councilwoman Kathleen Selby

NOW THEREFORE BE IT RESOLVED, that the Schedule of Fees for the Town of Boston, as attached hereto, be adopted, and to continue thereafter unless otherwise amended; and

BE IT FURTHER RESOLVED, that the Schedule of Fees, attached hereto, shall supercede the existing Schedule of Fees to the extent that it expressly alters the same.

On January 4, 2023, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
Councilmember Cartechine	[]	[]	[]	[]
Councilmember Lucachik	[]	[]	[]	[]
Councilmember Martin	[]	[]	[]	[]
Councilmember Selby	[]	[]	[]	[]
Supervisor Keding	[]	[]	[]	[]

Sandra L. Quinlan, Town Clerk

**UPDATED SCHEDULE OF FEES WILL BE PROVIDED
NEXT WEEK**

TOWN OF BOSTON – RESOLUTION NO. 2023-03

CLARKE PATTERSON LEE TO SERVE AS PRIMARY TOWN ENGINEER

WHEREAS, pursuant to Town Law § 20(2)(b), the Town of Boston may contract with an engineering services firm to give it such professional service and advice as it may require; and

WHEREAS, Clarke Patterson Lee has presented a proposal to provide municipal engineering services to the Town; and

WHEREAS, Clarke Patterson Lee has the experience, resources, and qualifications to handle the specific municipal engineering needs of the Town of Boston;

NOW THEREFORE BE IT

RESOLVED, that the Supervisor hereby is authorized, on behalf of the Town of Boston, to engage Clarke Patterson Lee for Town engineering needs, at the rates set forth in that firm’s proposal, and

IT IS FURTHER RESOLVED, that Clarke Patterson Lee shall be the duly-designated Engineer for the Town of Boston through December 31, 2023 or until further Resolution of the Town Board, and shall perform those specific tasks and duties as are required of the Town Engineer pursuant to the Town of Boston Code.

On January 4, 2023, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
Councilmember Cartechine	[]	[]	[]	[]
Councilmember Lucachik	[]	[]	[]	[]
Councilmember Martin	[]	[]	[]	[]
Councilmember Selby	[]	[]	[]	[]
Supervisor Keding	[]	[]	[]	[]

Sandra L. Quinlan, Town Clerk

TOWN OF BOSTON – RESOLUTION NO. 2023-04

LABELLA ASSOCIATES TO SERVE AS TOWN ENGINEER

WHEREAS, pursuant to Town Law § 20(2)(b), the Town of Boston may contract with an engineering services firm to give it such professional service and advice as it may require; and

WHEREAS, LaBella Associates has presented a proposal to provide municipal engineering services to the Town; and

WHEREAS, LaBella Associates has the experience, resources, and qualifications to handle the specific municipal engineering needs of the Town of Boston;

NOW THEREFORE BE IT

RESOLVED, that the Supervisor hereby is authorized, on behalf of the Town of Boston, to engage LaBella Associates for Town engineering needs, at the rates set forth in that firm’s proposal, and

IT IS FURTHER RESOLVED, that LaBella Associates shall be the duly-designated Engineer for the Town of Boston through December 31, 2023 or until further Resolution of the Town Board, and shall perform those specific tasks and duties as are required of the Town Engineer pursuant to the Town of Boston Code.

On January 4, 2023, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
Councilmember Cartechine	[]	[]	[]	[]
Councilmember Lucachik	[]	[]	[]	[]
Councilmember Martin	[]	[]	[]	[]
Councilmember Selby	[]	[]	[]	[]
Supervisor Keding	[]	[]	[]	[]

Sandra L. Quinlan, Town Clerk

TOWN OF BOSTON – RESOLUTION NO. 2023-05

CONNIE D. MINER & CO. GRANT CONSULTANT TO SERVE AS GRANT WRITER

WHEREAS, the Town of Boston may contract with a Grant Writer to give it such professional service and advice as it may require; and

WHEREAS, Connie D. Miner & Co. Grant Consultants has presented a proposal to provide municipal grant writing services to the Town totaling \$17,700 per year, payable everymonth at \$1,475.00; and

WHEREAS, Connie D. Miner & Co. Grant Consultants has the experience, resources, and qualifications to handle the specific municipal grant needs of the Town of Boston;

NOW THEREFORE BE IT

RESOLVED, that the Supervisor hereby is authorized, on behalf of the Town of Boston, to engage Connie D. Miner & Co. Grant Consultants for Town grant needs, at the rates set forth in that firm's proposal, and

IT IS FURTHER RESOLVED, that Connie D. Miner & Co. Grant Consultants shall be the duly-designated grant writer for the Town of Boston through December 31, 2023 or until further Resolution of the Town Board, and shall perform those specific tasks and duties as are required of the Grant Writer.

On January 4, 2023, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
Councilmember Cartechine	[]	[]	[]	[]
Councilmember Lucachik	[]	[]	[]	[]
Councilmember Martin	[]	[]	[]	[]
Councilmember Selby	[]	[]	[]	[]
Supervisor Keding	[]	[]	[]	[]

Sandra L. Quinlan, Town Clerk

CONNIE D. MINER & CO. GRANT CONSULTANTS

267 Troy-Del-Way

Williamsville, New York 14221

(716) 632-2397

THIS AGREEMENT, made this _____ day of **January, 2023** by and between **Connie Miner & Co. Grant Consultants** having its principal place of business at 267 Troy-Del-Way Williamsville, New York 14221, hereinafter referred to as "**THE CONSULTANT**" and the **TOWN OF BOSTON**, having its principal place of business at Boston Town Hall, 8500 Boston State Road, Boston, New York 14025, hereinafter referred to as "**THE ORGANIZATION**".

WITNESSETH:

WHEREAS, THE CONSULTANT is engaged in the business of grant consultation; and

WHEREAS, THE ORGANIZATION is desirous of retaining the professional services of THE CONSULTANT;

NOW, in consideration of the mutual promises and covenants contained herein, it is agreed between the parties hereto as follows:

1. That THE ORGANIZATION retains the professional services of THE CONSULTANT for a period of one (1) year commencing January 1, 2023 and ending December 31, 2023.
2. That THE ORGANIZATION agrees to pay THE CONSULTANT for professional services rendered hereunder, the sum of **Seventeen Thousand Seven Dollars (\$17,700)** per year, payable as follows: the sum of One Thousand Four Hundred Seventy-Five Dollars (\$1,475.00) every month upon receipt of invoice for professional services performed by THE CONSULTANT.

3. ORGANIZATION RESPONSIBILITIES: The Organization shall give due consideration to all reports, proposals, and other information provided by THE CONSULTANT and shall make any decisions which it is required to make in connection therewith within a reasonable time so as not to delay the work of THE CONSULTANT.

The Organization shall, at the request of THE CONSULTANT, provide THE CONSULTANT with information and documents related thereto that are within the knowledge or possession of the Organization within a reasonable time so as not to delay the work of THE CONSULTANT except insofar as THE CONSULTANT is expressly required to furnish the same under the terms hereof.

4. In consideration of the sums to be paid by THE ORGANIZATION, THE CONSULTANT agrees to:

- (a) Conduct a needs assessment of the ORGANIZATION, in order, to identify potentially fundable programs;
- (b) Conduct an on-going review of available funding sources that allows the ORGANIZATION immediate knowledge of multiple funding sources;
- (c) Prepare organizational background statements, and formal letters of intent to submit to granting agencies;
- (d) Develop COMPLETE proposals into written form consistent with grant guidelines;
- (e) Provide the ORGANIZATION with an electronic copy of the submitted application;
- (f) Follow up on all grant applications that have been submitted on behalf of the ORGANIZATION;
- (g) Attend meetings with the ORGANIZATION, ORGANIZATION staff, ORGANIZATION board members, government officials and;
- (h) Prepare periodic status reports that keep the ORGANIZATION informed as to the progress of their grant activities.

5. This Agreement may be terminated by THE ORGANIZATION or THE CONSULTANT provided that written notice is given by certified mail, return receipt requested, at the addresses above set forth, to either party thirty (30) days prior to the end of any month then in progress. In the event of early termination, THE CONSULTANT shall be paid for the month then in progress. If THE CONSULTANT does not receive thirty days' notice prior to the end of any month, THE CONSULTANT shall be paid for the next month.
6. If the ORGANIZATION requests the presence of THE CONSULTANT at an out of town meeting, travel is billable at the IRS rate or coach class air fare (which ever is less). Out of town travel would be outside of the Western New York Area, or 200 miles round trip from the office of THE CONSULTANT [267 Troy-Del-Way, Williamsville, New York 14221], situated at the addresses here and above set forth.

Date: December 29, 2022

BY *Connie D. Miner*
CONNIE D. MINER, PRESIDENT
CONNIE D. MINER & CO.
GRANT CONSULTANTS

Date: _____

BY _____
JASON KEDING
SUPERVISOR
TOWN OF BOSTON

TOWN OF BOSTON – RESOLUTION NO. 2023 - 06

AGREEMENT WITH THE BOSTON FREE LIBRARY ASSOCIATION

WHEREAS, the Boston Free Library Association owns a certain building known as the Boston Free Library, which has a room, available for public assembly or use by organizations, known as a "Community Room," and

WHEREAS, the Boston Free Library's Community Room is from time to time unused, and

WHEREAS, the Town of Boston owns a Town Hall that has rooms, available for public assembly or use by organizations, which are frequently in demand by more than one group, organization or town governmental entity; and

WHEREAS, the Town of Boston, from time to time, receives documents that are maintained in the Office of the Town Clerk to be available for public inspection; and

WHEREAS, the Office of the Town Clerk is generally open during normal business hours Monday through Friday; and

WHEREAS, the Boston Free Library has regular hours that include three weekday evenings and Saturdays; and

WHEREAS, the Town Board of the Town of Boston has determined that it is in the public interest to arrange to have an additional Community Room available for public assembly and for qualified private organizations and to have a Depository for documents filed for public inspection that is open to the public outside normal business hours; and

WHEREAS, Education Law§ 256 permits the Town to grant money for the support of the cost of maintaining the Library;

NOW THEREFORE BE IT

RESOLVED, that the Supervisor hereby is authorized, on behalf of the Town of Boston, to enter into an agreement with the Boston Free Library Association for the period commencing January 1, 2023 through December 31, 2023 for the Boston Free Library to permit Town use of its Community Room and to serve as an additional Depository for documents filed for public inspection; and

****CONTINUED ON NEXT**

IT IS **FURTHER RESOLVED**, that in consideration of the above and to support the maintenance of the Library to provide meeting space and depository services for the Town, the Town hereby is authorized to pay to the Boston Free Library the sum of \$1,000.

On January 4, 2023, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
Councilmember Cartechine	[]	[]	[]	[]
Councilmember Lucachik	[]	[]	[]	[]
Councilmember Martin	[]	[]	[]	[]
Councilmember Selby	[]	[]	[]	[]
Supervisor Keding	[]	[]	[]	[]

Sandra L. Quinlan, Town Clerk

LEASE AND DEPOSITORY AGREEMENT

THIS **LEASE AND DEPOSITORY AGREEMENT** made the 4th day of January, 2023 by and between the BOSTON FREE LIBRARY ASSOCIATION, an association chartered by the Board of Regents of the State of New York, with its principal office located at 9475 Boston State Road, Boston, New York (hereinafter called the "Lessor" or "Depository") and the TOWN OF BOSTON, an incorporated Town, located in Erie County, State of New York, having its address at 8500 Boston State Road, Boston, New York 14025 (hereinafter called the "Lessee").

WITNESSETH :

WHEREAS, the Boston Free Library Association owns a certain building known as the Boston Free Library, which has a room, available for public assembly or use by organizations, known as a "Community Room," and

WHEREAS, the Boston Free Library's Community Room is from time to time unused, and

WHEREAS, the Town of Boston owns a Town Hall that has rooms, available for public assembly or use by organizations, which are frequently in demand by more than one group, organization or town governmental entity; and

WHEREAS, the Town of Boston, from time to time, receives documents that are maintained in the Office of the Town Clerk to be available for public inspection; and

WHEREAS, the Office of the Town Clerk is generally open during normal business hours Monday through Friday; and

WHEREAS, the Boston Free Library has regular hours that include three weekday evenings and Saturdays; and

WHEREAS, the Town Board of the Town of Boston has determined that it is in the public interest to arrange to have an additional Community Room available for public assembly and for qualified private organizations and to have a Depository for documents filed for public inspection that is open to the public outside normal business hours.

NOW THEREFORE, for good and valuable consideration, as outlined below, the Boston Free Library Association agrees to lease to the Town of Boston the Boston Free Library's Community Room from time to time during the period commencing January 1, 2023 through December 31, 2023 and to serve as an additional Depository for documents filed for public inspection subject to the further terms and conditions of this agreement.

1. Premises: The Lessor, in consideration of the rents to be paid and covenants to be made by the Tenant hereinafter provided, leases to the Lessee a certain premises commonly known as the Community Room of the Boston Free Library, located

on Boston State Road, Boston, New York 14025, which area is hereinafter referred to as "Premises"; said lease to be non-exclusive and to be applied for use of the Community from time to time in accordance with the further terms and conditions contained herein.

2. Term: The overall term during which these lease rights may be exercised shall be for twelve (12) months. The term shall commence on January 1, 2023 and terminate on December 31, 2023.

3. Rent: The Lessee agrees to pay rent and a fee for use of the Library as a Depository in the amount of One Thousand Dollars (\$1,000.00) for the term of this Lease and Depository Agreement, said amount to be paid in a lump sum prior on or before July 1, 2023.

4. Insurance: The Lessee will at its own expense maintain at all times general public liability insurance against claims for personal injury, death or property damage occurring upon, in or about the premises and arising out of the use thereof by the Lessee.

5. Use of Premises: The Lessee agrees that the Premises shall be used as a meeting room during the ordinary operating hours of the Boston Free Library and subject to the availability of the room, it being understood that the Library shall have priority in using the room for Library functions.

6. Repairs and Alterations: The Lessee shall not be responsible for any repairs to the premises and the Landlord shall be responsible for keeping the premises in good repair.

7. No Waiver: No delay or omission by either party hereto in the exercise of any right or power occurring upon any noncompliance or default by the other party with respect to any of the terms of this lease shall impair any such right or power or be construed to be a waiver thereof. A waiver by either party hereto of any of the covenants, conditions or agreements hereof to be performed by the other party shall not be construed to be a waiver of any succeeding or continuing breach thereof or of any other covenant, condition or agreement contained herein.

8. Destruction of Premises: In case of damage by fire or other casualty to the premises, if the damage is so extensive as to amount practically to the total destruction of the leased property, this Lease and Depository Agreement may cease, at the option of the Lessee, and the rent shall be apportioned to the time of the damage. In all other cases where the buildings on the leased property are damaged by fire or other casualty, the Lessor shall repair the damage with reasonable dispatch and, if the damage has rendered the leased property untenable, in whole or in part, there shall be an abatement of the rent until the damage has been repaired. In determining what constitutes reasonable dispatch, consideration shall be given to delays caused by strikes, adjustments of insurance, and other causes beyond the Lessor's control.

9. Depository for Public Documents: It is agreed by and between the Lessor and the Lessee that in consideration of the rental herein required the Lessor shall act as a depository for Town of Boston documents that are available for public inspection. The Lessor shall act as such a Depository during the term of this lease.

10. Notices: All notices to be given to the Lessor shall be in writing, deposited in the United States mail, certified or registered, with postage prepaid, and addressed to the Lessee at 8500 Boston State Road, Boston, New York 14025. Notices by the Lessee to the Landlord shall be in writing, deposited in the United States mail, certified or registered, with postage prepaid and addressed to the Lessor at P.O. Box 200, Boston, New York 14025. Notices shall be deemed delivered when deposited in the United States mail, as above provided. Change of address by either party must be by notice given to the other in the same manner as above specified.

11. Subordination: This lease is subject to and subordinate to all mortgages which may now or hereafter affect the leased premises and to all renewals, modifications, consolidations, replacements and extensions thereof.

12. Miscellaneous: (a) The paragraphs captions in this lease are for convenience only and shall not in any way limit or be deemed to construe or interpret the terms and provisions hereof; and
(b) This lease shall be construed and enforced in accordance with the laws of the State of New York.

13. Successors: All the terms, covenants and conditions hereof shall be binding upon and inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties hereto.

14. Entire Agreement: This lease contains the entire agreement between the parties and shall not be modified in any manner except by an instrument in writing executed by the parties. If any term or provision of this lease or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of the lease, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby and each term and provision of this lease shall be valid and be enforced to the fullest extent permitted by law.

IN WITNESS WHEREOF, the **Boston Free Library Association** and the **Town of Boston** have executed this Lease the 4th day of January, 2023.

Boston Free Library Association
Suzanne Borowicz, President

Town of Boston, New York
Jason A. Keding, Supervisor

STATE OF NEW YORK }
COUNTY OF ERIE }
TOWN OF BOSTON }

On this _____ day of January, 2023, before me, the undersigned, personally appeared **Jason A. Keding**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to the within instrument and he/she/they acknowledged to me that he/she/they executed the same in his/her/their capacity and that by his/her/their signature on the instrument, the individual(s) or the person(s) upon behalf of which the individual(s) acted, executed the same.

Notary Public

STATE OF NEW YORK }
COUNTY OF ERIE }
TOWN OF BOSTON }

On this _____ day of January, 2023, before me, the undersigned, personally appeared **Suzanne Borowicz**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to the within instrument and he/she/they acknowledged to me that he/she/they executed the same in his/her/their capacity and that by his/her/their signature on the instrument, the individual(s) or the person(s) upon behalf of which the individual(s) acted, executed the same.

Notary Public

TOWN OF BOSTON – RESOLUTION NO. 2023-07

PAYMENT OF WORKERS COMPENSATION INSURANCE PREMIUM

WHEREAS, the Town of Boston has placed its Workers Compensation insurance coverages with Comp Alliance; and

WHEREAS, the Town has received a two year renewal insurance package for a policy term of January 1, 2023 to December 31, 2024 which enhances certain coverages and locks in a total two year premium plus fees of \$142,712;

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Boston hereby authorizes payment after receiving invoice of the January 2023 Comp Alliance policy premium plus fees in an annual amount of \$71,356 and the January 2024 Comp Alliance policy premium plus fees locked in at an annual rate of \$71,356.

On January 4, 2023 the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
Councilmember Cartechine	[]	[]	[]	[]
Councilmember Lucachik	[]	[]	[]	[]
Councilmember Martin	[]	[]	[]	[]
Councilmember Selby	[]	[]	[]	[]
Supervisor Keding	[]	[]	[]	[]

Sandra L. Quinlan, Town Clerk



Gerald K. Geist
Chairman

Michael E. Kenneally
Executive Director

December 15, 2022

Jason Keding
Supervisor
Town of Boston
8500 Boston State Road
Boston, NY 14025
Via Email: supervisorsoffice@townofboston.com; bookkeeper@townofboston.com

RE: Workers' Compensation Funding Contribution January 1, 2023 - December 31, 2024

Dear Mr. Keding:

A renewal funding contribution of \$142,712.00 has been developed for the Town of Boston funding year beginning on January 1, 2023 - December 31, 2024. A payroll breakdown by job classification used to determine your Comp Alliance funding contribution, along with your Certificate of Insurance, funding invoice and estimated assessment invoice have been included with this letter. Please note, Certificates of insurance can only be issued by our office. Please make this request via email to Renee Gates at bgates@wrightinsurance.com.

The funding contribution listed above does not include your estimated New York State assessment. Moving forward, we will be issuing the invoice for the estimated assessment with the renewal packet. The amount on this invoice is due for the 2023 year and any overpayments or underpayments will apply to the invoice distributed the following year. Please review and remit payment for the estimated assessment as directed on the invoice. Should you have any questions, please contact me directly.

The new law and accompanying rules established by the Workers' Compensation Board require that this assessment be calculated based on your actual payroll and remitted to the State on a quarterly basis along with a quarterly payroll report. They have also reserved the right to adjust the assessment rate during the fiscal year.

As a member of the Comp Alliance, you are responsible for submitting quarterly payroll reports to the Comp Alliance so that we may accurately report this information to the Workers' Compensation Board when assessment payments are remitted. The new regulations require that the payroll reported to the Comp Alliance for each quarter must be consistent with payroll reported to state or federal government agencies for other purposes. The amount of your estimated assessment may change based on your quarterly payroll or a change in rates by the Workers' Compensation Board. The 2023 assessment rate has been revised to 9.8%.

Also enclosed is your copy of the Participation Agreement which reflects the basic terms of membership in the Program. Please sign and email back to Tricia Murphy at pmurphy@wrightinsurance.com. If you have already returned your signed agreement, please disregard this request, and retain the copy for your records.

As a program designed exclusively for municipalities, we understand that local government resources are stretched. The Board of Trustees of the Comp Alliance, the Association of Towns of the State of New York, and the New York Conference of Mayors (the Plan Administrators) and Wright Risk Management (the Plan Manager) remain committed to keeping rates stable and the costs of the program as low as possible for all members.

We value our relationship with you, and it is our intention to continue to deliver a dynamic and fiscally sound workers' compensation program to all members of the Comp Alliance for many years to come.

Very truly yours,



Jennifer Weible
Director of Underwriting, Workers' Compensation Underwriting
516-944-2804
jweible@wrightinsurance.com

Enclosures

Cc: Mr. Randy Glenn, The Evans Agency LLC, Email: rglenn@evansagencyins.com;
cross@evansagencyins.com



Plan Manager: Wright Risk Management
900 Stewart Avenue, Suite 600, Garden City, NY 11530
Phone: 866-697-6922 Fax: 516-227-2352



STATE OF NEW YORK WORKERS' COMPENSATION BOARD

**CERTIFICATE OF PARTICIPATION IN WORKERS' COMPENSATION GROUP
SELF-INSURANCE**

1a. Legal Name and Address of Business Participating in Group Self-Insurance (Use Street Address Only) Town of Boston 8500 Boston State Road Boston, NY 14025	1d. Business Telephone Number of Business referenced in box "1a" 716-941-6113
1b. Effective Date of Membership in the Group <u>1/1/2013</u>	1e. NYS Unemployment Insurance Employer Registration Number of Business referenced in box "1a"
1c. The Proprietor, Partners or Executive Officers are <input type="checkbox"/> included (only check box if all partners/officers included) <input type="checkbox"/> all excluded or certain partners/officers excluded	1f. Federal Employer Identification Number of Business referenced in Box "1a"
2. Name and Address of the Entity Requesting Proof of Coverage (Entity Being Listed as Certificate Holder) <p style="text-align: center;">PROOF OF COVERAGE</p>	3. Name and Address of Group Self-Insurer NEW YORK STATE MUNICIPAL WORKERS' COMPENSATION ALLIANCE CLAIMS ADMINISTERED BY: WRIGHT RISK MANAGEMENT 900 STEWART AVENUE, SUITE 600 GARDEN CITY, NY 11530


This certifies that the business referenced above in box "1a" is complying with the mandatory coverage requirements of the New York State Workers' Compensation Law as a participating member of the Group Self-Insurer listed above in box "3" and participation in such group self-insurance is still in force. The Group Self-Insurer's Administrator will send this Certificate of Participation to the entity listed above as the certificate holder in box "2". The Group Self-Insurer's Administrator will notify the above certificate holder within 10 days IF the membership of the participant listed in box "1a" is terminated. (These notices may be sent by regular mail.) Otherwise, this Certificate is valid for a maximum of one year from the date certified by the group self-insurer.

If this certificate is no longer valid according to the above guidelines and the business referenced in box "1a" continues to be named on a permit, license or contract issued by the certificate holder, the business must provide the certificate holder either with a new certificate or other authorized proof the business is complying with the mandatory coverage requirements of the New York State Workers' Compensation Law.

Under penalty of perjury, I certify that I am an authorized representative of the Group Self-Insurer referenced above and that the business referenced in box "1a" has the coverage as depicted on this form.

Certified by: Eric Hartcorn January 1, 2023 - December 31, 2024

(Print name of authorized representative of the Group Self-Insurer) Date

Certified by: 
(Signature)

Title: PROGRAM MANAGER

Telephone Number 516-750-9409

WORKERS' COMPENSATION LAW

Section 57 Restriction on issue of permits and the entering into contracts unless compensation is secured.

1. The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, and notwithstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any compensation to any such employee if so employed.

2. The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter.

Please Note: This Certificate is valid only through the policy dates indicated above, OR a maximum of one year after this form is approved by the authorized representatives of the Group Self-Insurer. At the expiration of those dates, if the business continues to be named on a permit or contract issued by the above government entity, the business must provide that government entity with a new Certificate. The business must also provide a new Certificate upon notice of cancellation or change in status of the policy.

GSI-105.2 (2-02) Reverse

Town of Boston

8500 Boston State Road
Boston NY, 14025

The Evans Agency

6460 Main Street, Suite 200
Williamsville, NY 14221

Coverage Period (1/1/2023 - 12/31/2024)

Workers' Compensation & Employer's Liability - Statutory

Class Code	Description	Annual Payroll	Annual Contribution
5506	Street or Road Construction	\$208,535	\$28,079
8810	Clerical Office Employees	\$513,942	\$522
8820	Attorney - All Emp & Clerical	\$16,852	\$17
8831	Hospitals - Veterinary	\$13,706	\$158
9026	Building Operation - Commercial	\$18,497	\$711
9063	YMCA - All Employees & Clerical	\$35,365	\$323
9102	Parks noc - All Employees & Drivers	\$170,377	\$4,457
9402	Street Cleaning & Drivers	\$183,763	\$8,384
9410	Municipal Township noc	\$143,418	\$9,844
	Totals	\$1,304,455	\$52,495

Volunteer Fire Fighters Exposure	Pop. Served 1501-2000	\$14,020
Volunteer Ambulance Exposure	Number of Ambulances - 2	\$4,841
Experience Modification Factor		1.33
Total Funding Contribution (1/1/2023 -12/31/2024)		\$142,712
Pro-rated Annual Funding Adjustment (1/1/2023)		\$71,356
Annual Funding Contribution		\$35,678
Annual NYS Assessment will be invoiced separately for the estimated amount		\$2,523
Total Annual Funding + Estimated Annual NYS Assessment		\$38,201

Please be advised that the payroll used in this quote was extracted from your most recent budget.



New York State
Municipal Workers'
Compensation Alliance

Member Participation Agreement

Member: **Town of Boston**

Agent: **The Evans Agency LLC**

Participation Period: **January 1, 2023 - December 31, 2024**

The New York State Municipal Workers' Compensation Alliance (Comp Alliance) is a group self-insurance program – a network of municipal employers that have joined together for the purpose of providing the workers' compensation and employers' liability coverages required by New York State Law. By participating in the Comp Alliance, you are pooling your resources with other municipalities in New York State to obtain workers' compensation coverage for your employees, leading to lower administrative costs, diligent claims management and loss control services specifically tailored to the unique risks faced by municipalities. As a member of the Comp Alliance, there are certain legal responsibilities that you must be aware of and which remain enforceable even in the event of withdrawal from the Comp Alliance. Please review this participation agreement carefully and contact the Comp Alliance with any questions.

How Group Self-Insurance Works: Each member of the Comp Alliance makes an annual funding contribution that is used to pay for claims incurred during the year over the lifetime of the claim. To help ensure that the funding contributions remain fair, they are designed to reflect each member's projected ultimate costs of claims based on their loss experience and payroll. Funds that are not used to pay claims during the year are placed in reserve to pay the future costs of the claims. These future funds are invested so that the interest received can help offset the future costs of the claims. In the event that there are surplus funds after all future liabilities are determined, the excess may be used to offset future rates or be paid back to the member. Conversely, in the event that the funds are not sufficient to pay future liabilities, members may be called upon to pay a supplemental assessment. To protect against this possibility, the Comp Alliance makes every effort to accurately determine the future liabilities of the program to ensure that its assets are sufficient to pay its total liabilities.

Joint and Several Liability

Each member shall be responsible, jointly and severally, for all liabilities of the Plan under the Workers' Compensation Law and all rules and regulations enacted pursuant thereto incurred during its respective period of membership in the Comp Alliance.

A supplemental assessment may be levied in the event that the Comp Alliance does not have sufficient assets to meet its anticipated liabilities. The Comp Alliance works diligently to protect against this possibility by ensuring the annual funding contribution collected from members is sufficient to meet its anticipated liabilities each year. It also strives to maintain a modest surplus that may be used to offset any assessment that is required. In the event that supplemental assessments shall ever be required for any given year, the assessments will be distributed equitably among members for that year in accordance with a plan adopted by the Board of Trustees. The proportionate share of the members funding contribution and ultimate loss for the year in question will be considered in distributing the assessment.

Executive Director: **Michael Kenneally**
518-465-0128

Claims: **Maria De Los Angeles Luciano**
516-357-4135

Member Services: **Aaron Reader**
866-697-7665

A. Coverages Provided by the Comp Alliance

Workers' Compensation Coverage: provides medical and indemnity (lost time) benefits to employees who are injured in the course of their employment with the municipality.

Employers' Liability Coverage: provides coverage for third party actions that are brought against the municipalities arising out of an injury to a municipal employee that occurred in course of his or her employment.

The Comp Alliance provides both Workers' Compensation Coverage and Employers' Liability Coverage pursuant to the New York State Workers' Compensation Law.

- The Comp Alliance will pay the medical and indemnity benefits required of its members by the Workers' Compensation Law for injuries to employees that arise out of the employment of its employees.
- The Comp Alliance will defend any claim or proceeding against its members for benefits payable under the Workers' Compensation Law.
- The Comp Alliance will pay amounts that its members are obligated to pay to third parties that arise from an injury to an employee caused by an event that occurred in the course of this agreement (Employer Liability payments).
- The Comp Alliance will not pay any amounts that the employer is not obligated to pay under the Workers' Compensation Law, or the rules and regulations adopted pursuant thereto. This includes any payments, or portion thereof, that a member may make that are covered by other insurance that the member may maintain, or that the employer may extend to its employees.
- The Comp Alliance will only make indemnity payments up to the amounts awarded by the Workers' Compensation Board. Any member who has in place a "full pay" or similar policy that grants a greater benefit to its employees will be solely liable for the difference between the amounts so paid and the amounts awarded by the Workers' Compensation Board.

B. Member Responsibilities

The responsibilities of each member are set forth in detail in the Plan Document. Each member is responsible for knowing its obligations to the Comp Alliance. As a member of the Comp Alliance, you agree to accept and be bound by the terms, conditions and provisions of the Plan Document and Bylaws of the Comp Alliance, and by the New York State Workers' Compensation Law and the regulations promulgated pursuant thereto.

Pursuant to the Plan Document, each member:

- agrees to cooperate with the plan and furnish information necessary for the administration of the plan.
- will timely pay all necessary funding contributions, supplemental assessments and NYS assessments.
- will keep accurate records of all workers' compensation and employers' liability claims.
- is responsible for the prompt reporting of the claims.
- will timely and accurately report its quarterly payroll to the Comp Alliance for NYS assessments.
- will assist the Comp Alliance with the reconciliation of payroll reported on form GA-4 each quarter.

Executive Director: Michael Kenneally
518-465-0128

Claims: Maria De Los Angeles Luciano

516-357-4135

Member Services: Aaron Reader

866-697-7665

C. Services Provided by the Comp Alliance

The Comp Alliance is a full service, workers' compensation program that provides not only for the payment of claims, but a host of other services to help its members understand the workers' compensation law, their responsibilities, and how to minimize losses in the workplace. Among the services provided by the Comp Alliance are:

Claims Administration:

- Assist members with the implementation of an internal claims reporting system and, as necessary, train members' personnel to ensure the ongoing effectiveness of the reporting system.
- Review and, as necessary, investigate all reported claims to determine compensability
- Prepare and distribute checks for appropriate payment of medical, lost time benefits and expenses.
- Monitor medical treatment and review all medical bills in an effort to minimize medical costs.
- Pursue subrogation whenever it is reasonably anticipated that the Plan may be reimbursed for payments made.
- Provide each member with loss run on quarterly basis, which shall include, at a minimum, the: file/claim number; date of accident; name and occupation of injured employee/claimant; description of accident; type of injury/body part; status of claim and classification/severity code; and total medical, indemnity and expense incurred, including payments plus outstanding reserves established by the Plan Manager.
- Represent municipality before the workers' compensation board

Loss Control Services

- Loss control inspections to all of members on a regular, recurring basis
- Distribution of information on the establishment and maintenance of safety committees
- Development and training on best practice policies and procedures

Member Services

- Educate members on the changes to Workers' Compensation Law
- Interactive Website with information and resources on Workers' Compensation Law, municipal risk management,
- Online claims portal to allow members access to their claims information (in development).

D. Purpose of Agreement:

The purpose of this Participation Agreement ("the Agreement") is to set forth the respective responsibilities of the Comp Alliance and its members for the efficient and economical evaluation, processing, administration, defense and payment of claims for workers' compensation payments and employers' liability payments through self-insurance and otherwise. The rights and responsibilities set forth in this agreement shall at all times be subject to, and read in conjunction with, the rights, duties and responsibilities of set forth in the Plan Document, the New York State Workers' Compensation Law and all applicable rules, regulations and procedures promulgated by the Workers' Compensation Board of the State of New York.

Executive Director: Michael Kenneally
518-465-0128

Claims: Maria De Los Angeles Luciano

516-357-4135

Member Services: Aaron Reader

866-697-7665



E. Assessments payable to the Workers' Compensation Board

All members are required to pay an assessment to the New York State Workers' Compensation Board to fund its administration and operations. Until such time as the Workers' Compensation Board implements a system of direct employer charges, the Comp Alliance is required to collect and pay this amount on behalf of its members.

The assessment is charged on a quarterly basis, and is based upon the member's reported payroll for each quarter. This charge is separate from your funding contribution to the Comp Alliance, and an estimated, annual assessment fee is collected from each member with its yearly funding contribution. The collection of an estimated amount up front is necessary to comply with the strict payment schedule set by the Workers' Compensation Board and to help protect members from costly penalties resulting from late reporting and payment.

The assessment that is charged by the Workers' Compensation Board each quarter is based upon the member's actual payroll for the quarter, as reported to the Comp Alliance on form GA-4. Since the actual payroll reported each quarter may deviate from the payroll used to estimate the member's annual assessment charge, the Comp Alliance will reconcile the assessment charges paid on your behalf with the amount that we have collected. The reconciliation will show whether the member's estimated assessment is adequate to cover the *actual* assessment. Where the amount collected (estimated assessment) is more than the actual amount paid out, the member will receive a credit towards the following year's estimated assessment. Where the amount collected is less than the actual amount paid out, the member will receive a debit on the following year's assessment.

The payroll submitted by each member on form GA-4 will be reconciled against the payroll it submits to the NYS Department of Taxation and Finance by the Workers' Compensation Board each quarter. The Comp Alliance will receive this reconciliation and members will be called upon to assist the Comp Alliance in clarifying any discrepancies. The Comp Alliance will then submit a reconciliation report to the Workers' Compensation Board explaining any discrepancies along with a payment, if necessary, for the difference owed to the Workers' Compensation Board from the particular member's assessment funds.

Members who withdraw from the Comp Alliance program remain responsible for any assessments due and owing to the Workers' Compensation Board for the period of time that they were a member. Members who withdraw from the Comp Alliance will receive any overpayments after the assessment for the last quarter of their membership has been paid.

In witness whereof, the parties have executed this participation agreement intending to fully bound by its terms and conditions.

Member: Town of Boston
Policy Period: January 1, 2023 - December 31, 2024

Date: _____
By: _____
Name: _____
Title: _____

Comp Alliance
Date: November 18, 2022
By: *Michael Kenneally*
Name: Michael Kenneally
Title: Executive Director

Executive Director: Michael Kenneally
518-465-0128

Claims: Maria De Los Angeles Luciano
516-357-4135

Member Services: Aaron Reader
866-697-7665

V E
T w n f B s t n
T B S

Attn: Mr. Keding
Town of Boston
500 Boston State Road
Boston, NY 14025

Funding Period: 01/01/2023 - 12/31/2024

W rkers' m pensati n Funding n tributi n	
General Municipal Employees	\$104,990
Volunteer Fire Fighters	\$28,040
Volunteer Ambulance Corps	\$9,682
Total Funding	\$142,712

Payment Type	ue ate	Am unt ue	Payment Am unt	Payment Date
First installment	January 01, 2023	\$71,356.00		
Second installment	January 01, 2024	\$71,356.00		

Please Make Check Payable to:
N.Y.S. Municipal Workers' Compensation Alliance

Please Mail Check with Remittance Copy to:
Association of Towns of the State of New York
150 State Street
Albany, NY 12207
Attn: Kim Splain

REMITTANCE COPY

Town of Boston

TBOS

Attn: Mr. Keding
Town of Boston
8500 Boston State Road
Boston, NY 14025

Funding Period: 01/01/2023 - 12/31/2024

Workers' Compensation Funding Contribution

General Municipal Employees	104,990
Volunteer Fire Fighters	\$28,040
Volunteer Ambulance Corps	9,682
Total Funding	\$142,712

Payment Type	Due Date	Amount Due	Payment Amount	Payment Date
First installment	January 01, 2023	\$71,356.00		
Second installment	January 01, 2024	\$71,356.00		

Please Make Check Payable to:
N.Y.S. Municipal Workers' Compensation Alliance

Please Mail Check with Remittance Copy to:
Association of Towns of the State of New York
150 State Street
Albany, NY 12207
Attn: Kim Splain

New York State Municipal Workers' Compensation Alliance

Estimated Annual Assessment Invoice

**Town of Boston
TBOS**

Funding Period: 1/1/2023-12/31/2023

Date: 12/5/2022

Workers Compensation Funding Contribution

Estimated Annual Assessment
January 1, 2023 - December 31, 2023

Payment Type	Date Due	Amount Due
2023 Estimated Annual Payment		\$ 2,523.00

Please Make Check Payable to:

Comp Alliance NYS Assessment Account

Please Mail Check with Remittance Copy to:

Association of Towns of the State of New York
150 State Street
Albany, NY 12207
Attention: Kim Splain

TOWN OF BOSTON – RESOLUTION NO. 2023-08

PAYMENT OF INSURANCE PREMIUM

WHEREAS, the Town of Boston has placed its various property and liability insurance coverages with the New York Municipal Insurance Reciprocal (“NYMIR”); and

WHEREAS, the Town has received a renewal insurance package for a policy term of January 1, 2023 to January 1, 2024 which enhances certain coverages for a total premium plus fees of \$77,745.73; and

WHEREAS, the Town has received a renewal on the fuel tank storage at a cost of \$2,136.25

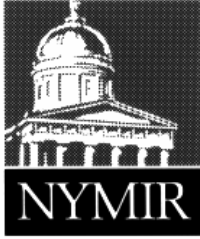
NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Boston hereby authorizes payment, upon receipt of invoice, of the January 1, 2023 to January 1, 2024 NYMIR policy premium plus fees of \$79,881.98.

On January 4, 2023 the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
Councilmember Cartechine	[]	[]	[]	[]
Councilmember Lucachik	[]	[]	[]	[]
Councilmember Martin	[]	[]	[]	[]
Councilmember Selby	[]	[]	[]	[]
Supervisor Keding	[]	[]	[]	[]

Sandra L. Quinlan, Town Clerk



NEW YORK MUNICIPAL INSURANCE RECIPROCAL
Insuring Our Own Future.

INSURANCE PROPOSAL

12/05/2022

PREPARED FOR:

TOWN OF BOSTON

NOTE: DESCRIPTIONS OF COVERAGE IN THIS DOCUMENT HAVE BEEN SIMPLIFIED AND ARE SUBJECT TO THE COVERAGE OFFERED AND THE COMPLETE INSURANCE POLICY TERMS AND CONDITIONS. IN THE EVENT OF A DISCREPANCY BETWEEN THIS PROPOSAL AND THE ACTUAL POLICY OF INSURANCE ISSUED INCLUDING SUBSEQUENT POLICY ENDORSEMENTS, THE COMPLETE INSURANCE POLICY SHALL BE THE GOVERNING DOCUMENT.

THIS QUOTE WILL EXPIRE 45 DAYS FROM THE DATE OF ISSUANCE OR ON THE PROPOSED EFFECTIVE DATE, WHICHEVER IS EARLIER.

Other Quotation Notes and Disclaimer

This quotation may vary from the coverage requested. You must review this proposal and all the related documents included with it carefully.

At the time of this proposal, NYMIR was rated by A.M. Best as "A-", Financial Class size VII. An "A-" rating is assigned to insurance companies that have, in the opinion of A.M. Best, an excellent ability to meet their ongoing insurance obligations.

Employee Benefits Liability, Cyber Breach and Liability Coverage provided under the General Liability section of the Municipal Package Policy and the Public Officials Liability policy are written on a claims-made basis. There is no coverage for claims arising out of incidents, occurrences or alleged wrongful act(s) which took place prior to the retroactive date stated in each policy. Each policy covers only claims actually made against the Insured and reported to the Company while the policy remains in effect. All coverage under each ceases upon the termination of the policy, except for the automatic basic extended reporting period coverage, unless the Insured purchases supplemental extended reporting period coverage. The length of the automatic basic extended reporting period is ninety (90) days.

Descriptions of coverage in this and other proposal documents have been simplified and are subject to the coverage offered and the complete policy terms and conditions. In the event of a discrepancy between this proposal and the actual policies of insurance issued including subsequent policy endorsements, the complete policy(ies) shall be the governing document. Policy forms are available upon request.

This quotation is valid for 45 days but not past the inception date of the proposed policy term.

A written request for binding any coverage quoted here must be sent to, and acknowledged and accepted by NYMIR, prior to the policy inception date.

The complete policy terms, conditions and exclusionary provisions, as well as the facts of any allegation that could lay raise to a claim under any policy would need to be evaluated in their entirety as respects any coverage determination in an actual claim situation. None of this material amends, or otherwise affects, any provisions or coverage of any insurance policy issued by the New York Municipal Insurance Reciprocal. Availability of coverage referenced in this document can depend on underwriting qualifications and state regulations.

NYMIR Coverage Summary

Policies and Coverage	Limit Per Occurrence	Aggregate Limit	Deductible
Municipal Property			
Building & Contents (TIV) **	\$12,103,167		\$2,500
Coinsurance Percentage	90%		
Loss of Income - Actual Loss You Sustain	ALS		
Extra Expense	\$250,000		
Ordinance or Law	\$500,000		
Valuable Papers	\$250,000		
Accounts Receivable	\$75,000		
Earthquake/Flood Coverage*	\$1,000,000	\$1,000,000	\$25,000
Municipal Boiler & Machinery			
Equipment Breakdown	\$12,103,167		\$2,500
Loss of Income/Extra Expense (Incl. in TIV)	\$5,000,000		\$2,500
Expediting Expense	Included		
Hazardous Substance	\$2,500,000		
Ordinance or Law	\$10,000,000		
Spoilage	\$2,500,000		\$2,500
Newly Acquired Locations	\$5,000,000		
Error in Description	Included		
Service Interruption Waiting Period	24 Hours		
Demolition	\$10,000,000		
Data Restoration	\$2,500,000		
Municipal General Liability			
Bodily Injury/Property Damage	\$1,000,000	\$3,000,000	\$0
Products Completed Operations	\$1,000,000	\$1,000,000	
Personal Injury & Advertising Injury	\$1,000,000	\$1,000,000	
Fire Damage Legal Liability	\$50,000	\$0	
Medical Expense - Per Person	\$5,000	\$10,000	
Employee Benefits Liability (Claims Made)	\$1,000,000	\$1,000,000	\$1,000
Limited Pollution Liability	Included		
Network Security Loss Annual Aggregate		\$250,000	\$1,000
Forensic Expense Sublimit	\$50,000		
Extortion Expense Sublimit	\$25,000		
Network & Information Security Liability Annual Agg		\$250,000	\$1,000
Breach Mitigation Expense Annual Aggregate		\$250,000	\$1,000
Breach Mitigation Expense Sublimit	\$50,000		
Maximum Policy Annual Aggregate		\$250,000	
Municipal Crime Coverage			
Employee Theft - Per Employee Coverage	\$200,000	\$0	\$1,000
Forgery or Alteration	\$25,000	\$0	\$1,000
Inside the Premises - Theft of Money and Securities	\$25,000	\$0	\$1,000

NYMIR Coverage Summary

Policies and Coverage	Limit Per Occurrence	Aggregate Limit	Deductible
Inside the Premises - Robbery or Safe Burglary	\$25,000	\$0	\$1,000
Outside the Premises	\$25,000	\$0	\$1,000
Computer Fraud	\$50,000	\$0	\$1,000
Funds Transfer Fraud	\$50,000	\$0	\$1,000
Money Orders and Counterfeit Money	\$25,000	\$0	\$1,000
Excess Positions:			
Deputy Tax Collector	\$400,000		
Second Deputy	\$400,000		
Tax Collector/Clerk	\$400,000		
Municipal Automobile Policy			
Combined Bodily Injury/ Property Damage Liability	\$1,000,000		\$0
Personal Injury Protection	\$150,000		\$0
OBEL	\$25,000		\$0
Medical Payments	\$5,000		\$0
Supplementary Uninsured Motorists	\$1,000,000		\$0
Non-ownership Liability	\$1,000,000		\$0
Hired Auto Liability	\$1,000,000		\$0
Mutual Aid	\$1,000,000		\$0
Comprehensive Coverage			Per Schedule
Collision Coverage			Per Schedule
Full Glass Coverage			Per Schedule
Rental Reimbursement (per day)	Per Schedule		
Towing (Per Disablement)	Per Schedule		Per Schedule
Hired Autos Physical Damage	\$35,000		\$500
Deductible Reimbursement for Officers & Directors	\$1,000		
Municipal Public Officials Policy	\$1,000,000	\$2,000,000	\$2,500
Employment Related Practices	Included	Included	Included
Land Use Liability	\$1,000,000	\$1,000,000	
Back Wages	Included	Included	
Municipal Law Enforcement	\$1,000,000	\$2,000,000	\$1,000
Municipal Inland Marine ***			
Miscellaneous Equipment	\$246,477		\$1,000
Auto Physical Damage	\$1,643,264		\$1,000
Contractor's Equipment	\$675,688		\$1,000
Other	\$153,500		\$1,000
EDP Equipment (Incl Software)	\$200,000		\$1,000
Municipal Owners & Contractors Protective Liability	\$1,000,000	\$2,000,000	\$0
Municipal Excess Catastrophe Liability Policy	\$3,000,000	\$6,000,000	
Public Officials	Included		

NYMIR Coverage Summary

Policies and Coverage	Limit Per Occurrence	Aggregate Limit	Deductible
Law Enforcement	Included		
Health Care General Liability			
Bodily Injury/Property Damage			
Products Completed Operations			
Personal Injury & Advertising Injury			
Fire Damage Legal Liability			
Medical Expense - Per Person			
Health Care Professional - Claims-made			

* Over any available NFIP if applicable

*** NYMIR will perform an appraisal on all buildings we determine are in excess of \$50,000 replacement cost. The appraisal is a free service for NYMIR subscribers. Please note: Appraisal figures can lead to adjustments in your property premium..

NYMIR Coverage Summary

Policies and Coverage	Limit Per Occurrence	Aggregate Limit	Deductible
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Policy Notes

For Inland Marine, we will not make payment for "Agreed Value" unless the insured has provided us with, upon each renewal, a covered property schedule, showing each item of property and its corresponding dollar value, If the insured has not provided an "Agreed value" schedule, and coverage otherwise exists under this policy, the most the insured will receive is the cost of replacing the damaged property with other property of similar age, quality and function.

For SIR (if any), Retention amount is listed in the deductible column.

NYMIR Premium Summary

Policies and Coverage	Effective Date	Expiration Date	Premium
Municipal Property and Liability Policy	01/01/2023	01/01/2024	
Municipal Property			\$18,172.00
Boiler & Machinery			\$2,581.70
Municipal General Liability			\$12,512.50
Municipal Crime	01/01/2023	01/01/2024	\$708.40
Municipal Network Security Loss and Liability	01/01/2023	01/01/2024	\$3,230.70
Municipal Inland Marine	01/01/2023	01/01/2024	\$14,865.40
Municipal Automobile	01/01/2023	01/01/2024	\$15,389.00
Municipal Owners/Contractors Protective Liability	01/01/2023	01/01/2024	\$275.00
Municipal Public Official			\$5,985.10
Municipal Law Enforcement Liability	01/01/2023	01/01/2024	\$574.20
Healthcare General Liability			\$0.00
Healthcare Professional Liability - Occurrence			\$0.00
Healthcare Professional Liability - Claims Made			\$0.00
Municipal Excess Catastrophe Liability	01/01/2023	01/01/2024	\$3,081.10
TOTAL NYMIR PREMIUM			\$77,375.10
Policy Fees			
Fire Fee			\$100.63
NYS Boiler Inspection Fee			\$0.00
MV Enforcement Fee			\$270.00
TOTAL SUBSCRIBER FEES			\$370.63
TOTAL SUBSCRIBER PREMIUM			\$77,375.10
TOTAL SUBSCRIBER PREMIUM + FEES			\$77,745.73

THIS IS NOT AN INVOICE

Town of Boston
8500 Boston State Rd
Boston, NY 14025

Policy Number: MIMTBOS002

Effective Date: 01/01/2023

Expiration Date: 01/01/2024

NYMIR SCHEDULE OF INLAND MARINE

Category	Item	Coverage Limit	Deductible	Written Premium
Auto Physical Damage				\$8,369
		\$1,643,264	\$1,000	
Contractor's Equipment				\$3,441
		\$675,688	\$1,000	
EDP Equipment (Incl Software)				\$1,019
		\$200,000	\$1,000	
Miscellaneous Equipment				\$1,255
	\$2,500 Max per item	\$246,477	\$1,000	
Other				\$782
	Emergency Equipment	\$153,500	\$1,000	
			Total Written Premium	\$14,865.40



NYMIR SCHEDULE OF VEHICLES

Seq.#	Vehicle Key	Class	Year	Make	Model	VIN	Full Glass	Cost New	Comp Ded.	Coll Ded.	Annual Premium
Garage Location: 1 8500 Boston State Rd											
1	1	07906	1976	Oshkosh	Snowblower	15387	No	\$90,000	FLTR	FLTR	\$178.20
2	4	68499	1993	Trail King	Trailer	1TKC02424PM074344	No	\$10,000	\$500	\$1,000	\$110.00
3	7	31479	1999	International	Dump	1HTGEAHR8XH210997	No	\$74,996	FLTR	FLTR	\$464.20
4	8	07906	2000	GMC	Sweeper	1GDP7C1C4YJ507747	No	\$130,000	FLTR	FLTR	\$178.20
5	9	01499	2003	Ford	P/U	1FDAF57P73ED42342	No	\$35,000	\$500	\$1,000	\$652.30
6	12	21479	2004	Oshkosh	Dump	10TBRAF3445080205	No	\$250,000	FLTR	FLTR	\$382.80
7	13	01499	2009	Ford	F550	1FDAF57R09EA35637	No	\$86,000	\$500	\$1,000	\$962.50
8	14	01499	2009	Ford	F550	1FDAF57R29EA35638	No	\$86,000	\$500	\$1,000	\$962.50
9	15	01499	2009	Dodge	P/U	3D6WD66L39G524393	No	\$50,000	\$500	\$1,000	\$812.90
10	16	01499	1997	Ford	F450	1FDLF47G7VEA72423	No	\$8,000	\$500	\$1,000	\$443.30
11	17	07906	1995	Champion	Grader 720A	X025422X	No	\$30,000	FLTR	FLTR	\$178.20
12	19	07906	2006	John Deere	Loader	DW444JZ604843	No	\$80,000	FLTR	FLTR	\$178.20
13	20	07906	2008	Gradall	Grader	SN0311312	No	\$120,000	FLTR	FLTR	\$178.20
14	21	01499	2011	Chevy	Silverado	1GC2KXCG8BZ195526	No	\$31,406	\$500	\$1,000	\$652.30
15	23	07906	2011	John Deere	Loader/Backhoe	1T0310JXJB0200935	No	\$68,400	FLTR	FLTR	\$178.20
16	24	40479	1996	International	Dump	2HTTEAER7TC045237	No	\$116,500	FLTR	FLTR	\$968.00
17	26	68499	2017	Betterbuilt	Trailer	4MNFB2028H1001403	No	\$3,345	\$500	\$1,000	\$68.20
18	27	07906	2018	John Deere	Tractor	1LV1025REHJ145667	No	\$25,000	FLTR	FLTR	\$178.20
19	28	07906	2018	John Deere	Tractor	1LV1025RPHJ146600	No	\$25,000	FLTR	FLTR	\$178.20
20	29	01499	2018	Chevy	Silverado	1GC2KVEG7JZ225485	No	\$54,000	\$500	\$1,000	\$812.90
21	30	40479	2002	Oshkosh	Dump	10TBRAF372S074086	No	\$250,000	FLTR	FLTR	\$968.00
22	31	40479	2020	Western Star	Dump	5KKDBBDV6LPLF9226	No	\$256,109	FLTR	FLTR	\$968.00
23	32	01499	2016	Ford	Van	NM0LE7E73G1289891	No	\$15,500	\$500	\$1,000	\$536.80
24	33	40479	2021	Western Star	Dump	5KKHAVDV0MPMN0360	No	\$168,659	FLTR	FLTR	\$968.00
25	34	07906	2020	John Deere	5100M	1LV5100MPLK404356	No	\$138,227	FLTR	FLTR	\$178.20
26	35	07906	2019	John Deere	3032E	1LV3032EPK127160	No	\$21,273	FLTR	FLTR	\$178.20
27	36	07906	2000	Vibromax	Roller	JKC789002	No	\$50,000	FLTR	FLTR	\$178.20
28	37	68499	2022	Towmaster	Trailer	4KNBT272XNL161911	No	\$10,202	\$500	\$1,000	\$162.80
29	38	40479	2022	Western Star	Dump	5KKAADV6NPNM4195	No	\$212,000	FLTR	FLTR	\$968.00

Town of Boston
8500 Boston State Rd
Boston, NY 14025



Policy Number: MCATBOS002

Effective Date: 01/01/2023

Expiration Date: 01/01/2024

NYMIR SCHEDULE OF VEHICLES

Seq.#	Vehicle Key Class	Year	Make	Model	VIN	Full Glass	Cost New	Comp Ded.	Coll Ded.	Annual Premium	
30	39	40479	1998	International	Dump	1HTGLAHT6WH516628	No	\$95,000	FLTR	FLTR	\$968.00

New York Municipal Insurance Reciprocal STATEMENT OF VALUES

Please sign and date the form.

Signature of Municipal Administrator: _____ Date: _____

Location	Building	Address	Building Value	Contents Value	
1	- 1	Town Hall	8500 Boston State Road Boston, NY 14025	\$2,738,064	\$273,073
1	- 2	Old State Police Office	8500 Boston State Road Boston, NY 14025	\$959,133	\$0
1	- 3	Emergency Squad/Parks Building	8500 Boston State Road Boston, NY 14025	\$555,980	\$154,286
1	- 4	Old Police Picnic Shelter	8500 Boston State Road Boston, NY 14025	\$50,211	\$0
2	- 1	Radio Antenna	8123 Cole Road Boston, NY 14025	\$17,722	\$0
3	- 1	Picnic Shelter	Rear of 8500 Boston State Road Boston, NY 14025	\$1,088,456	\$0
3	- 2	Picnic Shelter (small)	Rear of 8500 Boston State Road Boston, NY 14025	\$28,612	\$0
3	- 3	Concession Stand/Restrooms	Rear of 8500 Boston State Road Boston, NY 14025	\$274,279	\$16,384
4	- 1	Water Storage	Lower Crestwood Circle Boston, NY 14025	\$1,088,568	\$0
4	- 2	RTU Building	Lower Crestwood Circle Boston, NY 14025	\$67,923	\$0
5	- 1	Booster Station/Soccer Storage	Rear 9219 Boston State Road Boston, NY 14025	\$51,096	\$6,827
6	- 2	Builders Risk-Restroom & Concession Stan	5678 Meadow Drive Boston, NY 14025	\$450,500	\$0
7	- 1	Highway Garage	6401 Town Park Lane Boston, NY 14025	\$1,921,413	\$102,403
7	- 2	Salt Storage Garage	6401 Town Park Lane Boston, NY 14025	\$247,402	\$0
8	- 1	Picnic Shelter	6980 Boston Cross Road Boston, NY 14025	\$28,612	\$0
9	- 1	Pump Station #1	7815 Boston State Road Boston, NY 14025	\$436,890	\$0
10	- 1	Water Storage Tank	8471 Zimmerman Road Boston, NY 14025	\$520,669	\$0
10	- 2	Chlorination/RTU Building	8471 Zimmerman Road Boston, NY 14025	\$134,946	\$0
11	- 1	Pump Station #2	5007 Keller Road Boston, NY 14025	\$321,622	\$0
12	- 2	Chlorination/RTU Building	7731 Wohlhueter Road Boston, NY 14025	\$138,870	\$0
13	- 1	Pump Station #3 (1- Story)	7039 Cole Road Boston, NY 14025	\$488,956	\$0
14	- 1	Office (State Police)	8555 Boston State Road Boston, NY 14025	\$1,488,572	\$61,442
15	- 1	20 Hydrants	Throughout Town Boston, NY 14025	\$112,455	\$0
16	- 1	50 Light/ Light Poles	Throughout Town Boston, NY 14025	\$56,228	\$0
17	- 1	5 Traffic Signals	Throughout Town Boston, NY 14025	\$16,869	\$0

New York Municipal Insurance Reciprocal STATEMENT OF VALUES

Please sign and date the form.

Signature of Municipal Administrator: _____ Date: _____

Location	Building	Address	Building Value	Contents Value
		Totals	\$13,284,048	\$614,415
			TIV @ 90%	\$12,103,167

TOWN OF BOSTON – RESOLUTION NO. 2023-09

ADOPTION OF HARASSMENT AND DISCRIMINATION POLICY

At a Regular Meeting of the Boston Town Board Erie County, New York held at the Boston Town Hall, 8500 Boston State Road, New York on the 4th day of January, 2023 at 7:30 pm Eastern Prevailing Time there were:

Present: Supervisor Jason A. Keding, Councilman Michael Cartechine, Councilwoman Jennifer Lucachik, Councilwoman Kelly Martin and Councilwoman Kathleen Selby

NOW THEREFORE BE IT RESOLVED, that the Town of Boston does hereby adopt the attached Harassment & Discrimination policies and procedures for this year:

On January 4, 2023, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
Councilmember Cartechine	[]	[]	[]	[]
Councilmember Lucachik	[]	[]	[]	[]
Councilmember Martin	[]	[]	[]	[]
Councilmember Selby	[]	[]	[]	[]
Supervisor Keding	[]	[]	[]	[]

Sandra L. Quinlan, Town Clerk



Sexual Harassment Prevention Policy

Town of Boston (the Town) is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of the Town's commitment to a discrimination-free work environment. Sexual harassment is against the law¹ and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with the Town. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

Policy:

1. Town of Boston's policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with the Town. In the remainder of this document, the term "employees" refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The Town will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of the Town who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees² working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or the Supervisor's Office. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.
4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject the Town to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
5. Town of Boston will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. The Town will keep the investigation

¹ While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

² A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.



confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.

6. All employees are encouraged to report any harassment or behaviors that violate this policy. The Town will provide all employees a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the Supervisor's Office.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

What Is "Sexual Harassment"?

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.



Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of Sexual Harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, name-calling.

Who can be a target of Sexual Harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Where can Sexual Harassment occur?



Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

Retaliation

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

Reporting Sexual Harassment

Preventing sexual harassment is everyone's responsibility. The Town cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or the Supervisor's Office. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or the Supervisor's Office.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.



Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to the Supervisor's Office.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

Complaint and Investigation of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The Town will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, the Supervisor's Office will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.



- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - A list of all documents reviewed, along with a detailed summary of relevant documents;
 - A list of names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and
 - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by Town of Boston but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the Town, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within three years** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within six years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.



Complaining internally to the Town does not extend your time to file with DHR or in court. The three years or six years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

People experiencing sexual harassment in the workplace may also use the free and confidential hotline operated by the New York State Division of Human Rights to connect with pro-bono attorneys on sexual harassment issues or submit a complaint. New Yorkers may call 1-800-HARASS-3 (1-800-427-2773).

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.



Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.



RECEIPT FOR NYS SEXUAL HARASSMENT PREVENTION POLICY

I acknowledge that I have received a copy of Town of Boston's Sexual Harassment Policy. I agree to read it thoroughly and if there is any provision in the Policy that I do not understand, I will seek clarification from my manager or the Supervisor's Office.

Please sign and date this receipt and return it to the Supervisor's Office.

Date: _____

Signature: _____

Print Name: _____



COMPLAINT FORM FOR REPORTING SEXUAL HARASSMENT

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to your Supervisor, Manager, or the Supervisor's Office. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, your employer should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form. Additionally, you may contact the New York State Division of Human Rights hotline to submit a claim or connect with a pro-bono attorney on sexual harassment issues.

For additional resources visit:
ny.gov/programs/combating-sexual-harassment-workplace

COMPLAINANT INFORMATION

Name: _____ Title: _____

Work Location: _____ Phone: _____

Email Address: _____

Select Preferred Communication Method: Email Phone In Person

SUPERVISOR INFORMATION

Name: _____ Title: _____

Location: _____ Phone: _____

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made about:

Name: _____ Title: _____

Location: _____ Phone: _____

Relationship to you: Supervisor Direct Report Co-Worker Other _____

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.



3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing? Yes No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

The last question is optional, but may help the investigation.

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: _____ Date: _____



Instructions for Employers

If you receive a complaint about alleged sexual harassment, follow your sexual harassment prevention policy.

An investigation involves: • Speaking with the employee • Speaking with the alleged harasser • Interviewing witnesses • Collecting and reviewing any related documents

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible.

Document the findings of the investigation and basis for your decision along with any corrective actions taken and notify the employee and the individual(s) against whom the complaint was made. This may be done via email.

TOWN OF BOSTON – RESOLUTION NO. 2023-10

**AUTHORIZING ADOPTION BY THE BOSTON TOWN BOARD
OF TOWN OF BOSTON OF 2023 LOCAL LAW NO. 1**

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Boston for a public hearing to be held by said Town Board on January 4, 2023 at 7:30 p.m. at Boston Town Hall, 8500 Boston State Road, Boston, New York, to hear all interested parties on a proposed Local Law entitled “A LOCAL LAW Updating the Town of Boston’s standards and procedures for administration and enforcement of the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code;” and

WHEREAS, notice of said public hearing was duly advertised in Hamburg Sun, the official newspaper of said Town, on December 16, 2022; and

WHEREAS, said public hearing was duly held on January 4, 2023 at 7:30 p.m. at Boston Town Hall, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, the Boston Town Board, after due deliberation, finds it in the best interest of the Town of Boston to adopt said Local Law;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Boston hereby adopts said 2023 Local Law No. 1 entitled “A LOCAL LAW Updating the Town of Boston’s standards and procedures for administration and enforcement of the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code,” a copy of which is attached hereto and made a part of this resolution, and be it further

* CONTINUED ON NEXT PAGE *

RESOLVED, that the Town Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Boston, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

On January 4, 2023, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
Councilmember Cartechine	[]	[]	[]	[]
Councilmember Lucachik	[]	[]	[]	[]
Councilmember Martin	[]	[]	[]	[]
Councilmember Selby	[]	[]	[]	[]
Supervisor Keding	[]	[]	[]	[]

Sandra L. Quinlan, Town Clerk

TOWN OF BOSTON – RESOLUTION NO. 2023-11

**DECLARING 2006 JOHN DEERE 444J LOADER SURPLUS
AND AUTHORIZING DISPOSAL THROUGH AUCTION**

WHEREAS, the Town of Boston Highway Superintendent has advised the Town Board that the following equipment no longer meets the requirements of the Highway Department because of its age, condition, or changed needs: a 2006 John Deere 444J Loader, Serial Number DW444JZ604843, Asset Number 13176; and

WHEREAS, the Highway Superintendent recommends that this property be declared surplus and sold at auction, and the Town Board has determined that declaring the equipment to be surplus property to be sold at auction is in the best interests of the Town;

NOW THEREFORE BE IT

RESOLVED, that the following Town equipment hereby is declared surplus property: 2006 John Deere 444J Loader, Serial Number DW444JZ604843, Asset Number 13176; and

IT IS FURTHER RESOLVED, the Highway Superintendent shall oversee the sale of the property declared surplus by this Resolution at auction on behalf of the Town of Boston.

On January 4, 2023, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
Councilmember Cartechine	[]	[]	[]	[]
Councilmember Lucachik	[]	[]	[]	[]
Councilmember Martin	[]	[]	[]	[]
Councilmember Selby	[]	[]	[]	[]
Supervisor Keding	[]	[]	[]	[]

Sandra L. Quinlan, Town Clerk



BOSTON NEW YORK FIRE COMPANY

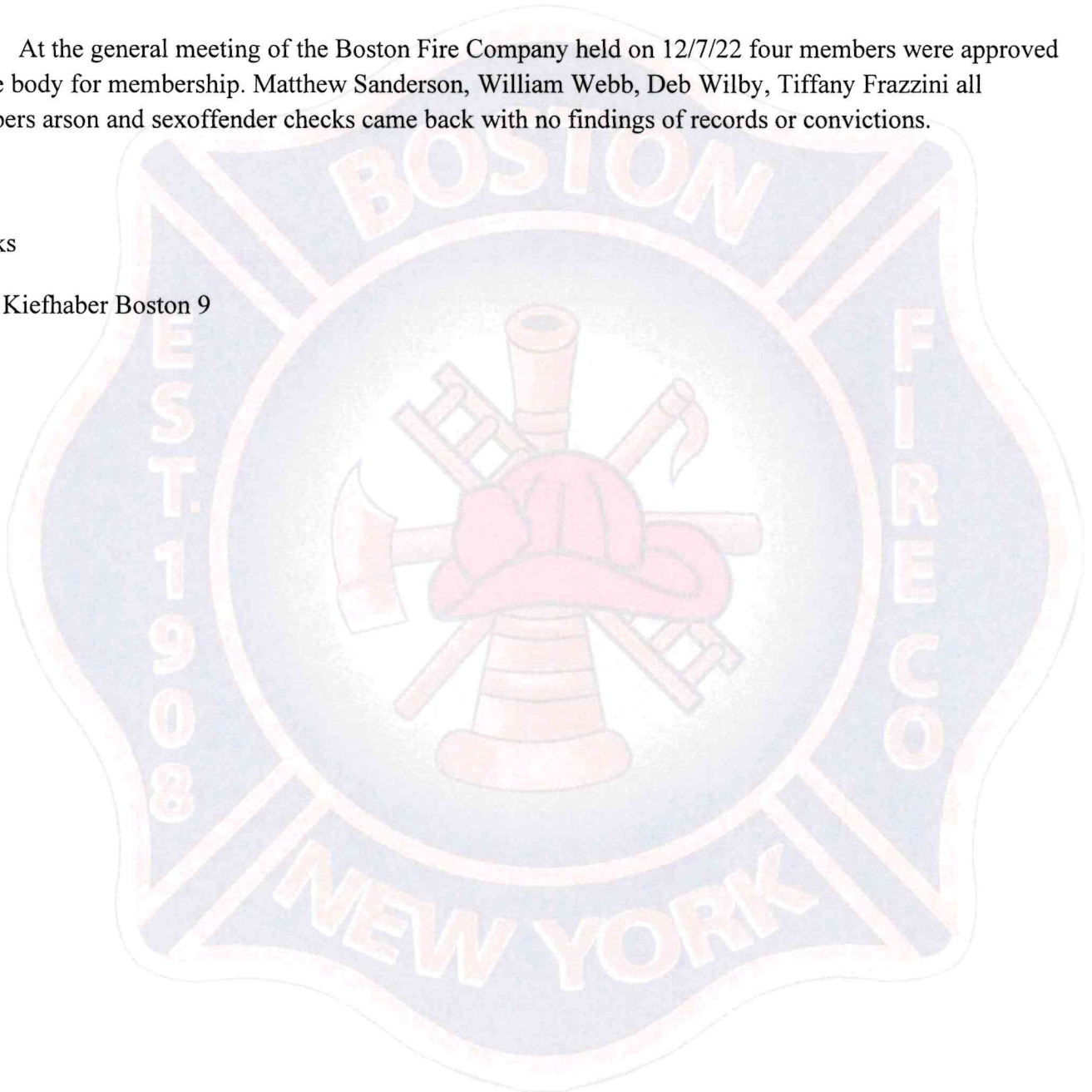
Boston Fire Company
PO Box 357 Boston NY,
14025

Town Of Boston

At the general meeting of the Boston Fire Company held on 12/7/22 four members were approved by the body for membership. Matthew Sanderson, William Webb, Deb Wilby, Tiffany Frazzini all members arson and sexoffender checks came back with no findings of records or convictions.

Thanks

Chris Kiefhaber Boston 9



TOWN OF BOSTON
APPLICATION FOR
USE OF TOWN MEETING FACILITY

RECEIVED
BOSTON TOWN CLERK
2022 DEC 28 PM 1:35

Name/Organization Thornwood Park HMO Date ¹² ~~12~~ / 28 / 2022

Name of person responsible for facilities Betty Kaiser

Title member of the association

Applicant Address _____

Applicant Daytime Phone # _____ # Of Attendees: 10

Date(s) Requested* Jan. 11, 2023 Time 4-7 pm Type of Event meeting

I, THE UNDERSIGNED, REQUEST PERMISSION TO USE THE FOLLOWING: (check all that apply)

Town Hall Community Room w/o Kitchen

Planning Board Room

Court Room

I agree that all facilities used will be properly cleaned to the best of my ability upon completion of the event and that I will be responsible for any damages caused to any of the facilities or grounds .

SIGNATURE OF APPLICANT: Betty Kaiser

Upon Completion, please submit to Town Clerk

APPROVED/DENIED : _____
(date)

INSPECTION: _____
(date)

TOWN OF BOSTON
APPLICATION FOR
USE OF TOWN MEETING FACILITY

RECEIVED
BOSTON TOWN CLERK
2022 DEC 16 AM 11:55

Name/Organization BOSTON SENIORS CLUB Date 12/16/2022

Name of person responsible for facilities WILLIAM A. DAVIS

Title CLUB PRESIDENT

Applicant Address _____

Applicant Daytime Phone # _____ # Of Attendees: 50+

Date(s) Requested* 1st + 3rd FRIDAYS Time MONTHLY Type of Event SOCIAL

I, THE UNDERSIGNED, REQUEST PERMISSION TO USE THE FOLLOWING: (check all that apply)

- Town Hall Community Room w/ Kitchen
- Planning Board Room
- Court Room

I agree that all facilities used will be properly cleaned to the best of my ability upon completion of the event and that I will be responsible for any damages caused to any of the facilities or grounds .

SIGNATURE OF APPLICANT: William A. Davis

Upon Completion, please submit to Town Clerk

APPROVED/DENIED : _____
(date)

INSPECTION: _____
(date)

TOWN OF BOSTON
APPLICATION FOR
USE OF TOWN MEETING FACILITY

RECEIVED
BOSTON TOWN CLERK

2022 DEC 16 AM 11:55

Name/Organization WEDNESDAY BILLIARDS Date 12/16/2022

Name of person responsible for facilities WILLIAM A. DAVIS

Title ORGANIZER

Applicant Address _____

Applicant Daytime Phone # _____ # Of Attendees: 8+

Date(s) Requested* WEDNESDAYS Time 1pm - 3pm Type of Event SOCIAL

I, THE UNDERSIGNED, REQUEST PERMISSION TO USE THE FOLLOWING: (check all that apply)

- Town Hall Community Room w/o Kitchen
- Planning Board Room
- Court Room

I agree that all facilities used will be properly cleaned to the best of my ability upon completion of the event and that I will be responsible for any damages caused to any of the facilities or grounds .

SIGNATURE OF APPLICANT: William A. Davis

Upon Completion, please submit to Town Clerk

APPROVED/DENIED : _____
(date)

INSPECTION: _____
(date)

**TOWN OF BOSTON
APPLICATION FOR USE OF FACILITY**

**This Application is subject to Approval by the Town Board
and MUST be received at least 1 week prior to Town Board meeting**

*****Application, fees, plans, layouts and any additional proof from other agencies must be completed and submitted at time of application. Must be a Boston Resident to request use.*****

Name/Organization Boston Conservation Advisory Council Date 12 / 28 / 2022

Name of person responsible for facilities Caitlin Tucker
Title Member, Conservation Advisory Council

Applicant Address _____

Applicant Daytime Phone # _____ # Of Attendees: 150

Date(s) Requested* 9/9/2023 Time 10:00am-2:00pm Type of Event CAC Public Outreach
Set Up 8:30 am begin set-up Take Down by 3:30pm

Sporting Leagues — Please attach Schedule

****Certificate of Insurance from your organization must be submitted at least 1 week before your 1st sporting event****

*****Please confirm that your dates do not conflict with any Sporting Leagues*****

Baseball—Josh Haeick	716-649-6170	Football—Nick Jagow	716-725-9680
Southtown Slammers/ Mike Bellagamba	716-225-7936	Soccer—Jessica Blesy	716-809-0121

I, THE UNDERSIGNED, REQUEST PERMISSION TO USE THE FOLLOWING: (check all that apply)

- | | |
|--|--|
| <input type="checkbox"/> South Boston Park Shelter | <input type="checkbox"/> Boston Town Park |
| <input checked="" type="checkbox"/> Town Hall Community Room w/ Kitchen
And Bathroom Facilities | <input checked="" type="checkbox"/> Lions Shelter
And Bathroom Facilities |
| <input type="checkbox"/> North Boston Park Fields | <input type="checkbox"/> Small Shelter |
| | <input type="checkbox"/> Town Fields |

WILL YOUR EVENT HAVE ANY OF THE FOLLOWING: (Check all that apply)

- Parade - Who will provide traffic control? _____
(Submit proof in writing from that agency at time of application)
- Parking (over 50) - Please submit parking Plan: _____ (This must be approved by Park's Superintendent before submittal to Town Clerk with application)
- Rides (Certificate of Insurance from your insurance company must be submitted 1 week before use begins)
- Fireworks (Certificate of Insurance from Firework Vendor must be submitted 1 week before your event)
-Who will provide Fire Stand By? _____
(Submit proof in writing from that agency at time of application)
- Vendors (over 5) - Please submit Layout _____ (This must be approved by Park's Superintendent before submittal to Town Clerk with application)

Alcoholic Beverages:
(IF SERVING ALCOHOL, CHECK ALL THAT APPLY)

Are you serving alcohol?
Are you having a Private Party?
Are you having a Public Special Event?

Yes No
 Yes No
 Yes No

PLEASE NOTE: ALL parties must submit a Certificate of Insurance 1 week before your event. Public Special Events serving alcohol must also submit a copy of your NYS Liquor License 1 week before your event.

Certificates of Insurance: You must list the Town of Boston as additionally insured and the dates of the event must be on the Certificate of Insurance. Your insurance agent can help you with this. The following is a list of Liability amounts needed:

Private Party (Host Liquor)	\$ 500,000
Public Special Event (Liquor Legal)	\$1,000,000
Ride Vendor	\$1,000,000
Fireworks	\$1,000,000
Sporting Leagues	\$1,000,000

FEES: A **\$75 Maintenance Fee** must be included with this application. These funds will be utilized to cover the cost of bathroom supplies, final clean up and administrative costs.

KEYS: Keys may be picked up on the business day before the scheduled event and should be returned the first business day immediately following.

TOWN OF BOSTON PROPERTIES ARE SMOKE FREE

COMMUNITY EVENTS SIGN: If your organization needs to use the Community Announcement sign near the Emergency Squad Bldg, the "Request to use Coming Events Sign" application must be completed and submitted to the Highway/Parks Dept. This form can be obtained from the Town Clerk's Office or at www.townofboston.com.

Requests may be submitted after September 1st the year before your event.

I agree that all facilities used will be properly cleaned to the best of my ability upon completion of the event and that I will be responsible for any damages caused to any of the facilities or grounds. I will submit to the Town Clerk all Certificates of Insurance and NYS Liquor License if necessary at least 1 week prior to my event. I have contacted the above mentioned sporting leagues and there are no conflicts with dates.

SIGNATURE OF APPLICANT: *Arthur Tucker*

Upon Completion, please submit to Town Clerk

FEE REC'D _____ APPROVED/DENIED : _____
(date) (date)

**TOWN OF BOSTON
APPLICATION FOR USE OF FACILITY**

**This Application is subject to Approval by the Town Board
and MUST be received at least 1 week prior to Town Board meeting**

*****Application, fees, plans, layouts and any additional proof from other agencies must be completed and submitted at time of application. Must be a Boston Resident to request use. *****

Name/Organization Conservation Advisory Council Date 12 / 21 / 2022

Name of person responsible for facilities Caitlin Tucker
Title Member, Conservation Advisory Council

Applicant Address _____

Applicant Daytime Phone # _____ # Of Attendees: 75

Date(s) Requested* 2/18/2023 Time 10:00 am - 2:00 pm Type of Event Public Outreach
Set Up 8:30am Take Down 3:00pm

Sporting Leagues — Please attach Schedule

****Certificate of Insurance from your organization must be submitted at least 1 week before your 1st sporting event****

*****Please confirm that your dates do not conflict with any Sporting Leagues*****

Baseball—Josh Haeick	716-649-6170	Football—Nick Jagow	716-725-9680
Southtown Slammers/ Mike Bellagamba	716-225-7936	Soccer—Jessica Blesy	716-809-0121

I, THE UNDERSIGNED, REQUEST PERMISSION TO USE THE FOLLOWING: (check all that apply)

- | | |
|--|---|
| <input type="checkbox"/> South Boston Park Shelter | <input type="checkbox"/> Boston Town Park |
| <input checked="" type="checkbox"/> Town Hall Community Room w/ Kitchen
And Bathroom Facilities | <input type="checkbox"/> Lions Shelter
And Bathroom Facilities |
| <input type="checkbox"/> North Boston Park Fields | <input type="checkbox"/> Small Shelter |
| | <input type="checkbox"/> Town Fields |

WILL YOUR EVENT HAVE ANY OF THE FOLLOWING: (Check all that apply)

- Parade - Who will provide traffic control? _____
(Submit proof in writing from that agency at time of application)
- Parking (over 50) - Please submit parking Plan: (This must be approved by Park's Superintendent before submittal to Town Clerk with application)
- Rides (Certificate of Insurance from your insurance company must be submitted 1 week before use begins)
- Fireworks (Certificate of Insurance from Firework Vendor must be submitted 1 week before your event)
-Who will provide Fire Stand By? _____
(Submit proof in writing from that agency at time of application)
- Vendors (over 5) - Please submit Layout (This must be approved by Park's Superintendent before submittal to Town Clerk with application)

Alcoholic Beverages:
(IF SERVING ALCOHOL, CHECK ALL
THAT APPLY)

Are you serving alcohol?
Are you having a Private Party?
Are you having a Public Special Event?

Yes No
 Yes No
 Yes No

PLEASE NOTE: ALL parties must submit a Certificate of Insurance 1 week before your event. Public Special Events serving alcohol must also submit a copy of your NYS Liquor License 1 week before your event.

Certificates of Insurance: You must list the Town of Boston as additionally insured and the dates of the event must be on the Certificate of Insurance. Your insurance agent can help you with this. The following is a list of Liability amounts needed:

Private Party (Host Liquor)	\$ 500,000
Public Special Event (Liquor Legal)	\$1,000,000
Ride Vendor	\$1,000,000
Fireworks	\$1,000,000
Sporting Leagues	\$1,000,000

FEE: A **\$75 Maintenance Fee** must be included with this application. These funds will be utilized to cover the cost of bathroom supplies, final clean up and administrative costs.

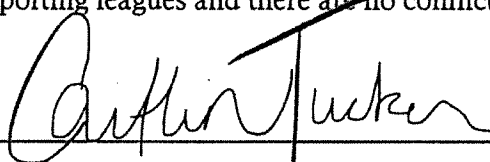
KEYS: Keys may be picked up on the business day before the scheduled event and should be returned the first business day immediately following.

TOWN OF BOSTON PROPERTIES ARE SMOKE FREE

COMMUNITY EVENTS SIGN: If your organization needs to use the Community Announcement sign near the Emergency Squad Bldg, the "Request to use Coming Events Sign" application must be completed and submitted to the Highway/Parks Dept. This form can be obtained from the Town Clerk's Office or at www.townofboston.com.

Requests may be submitted after September 1st the year before your event.

I agree that all facilities used will be properly cleaned to the best of my ability upon completion of the event and that I will be responsible for any damages caused to any of the facilities or grounds. I will submit to the Town Clerk all Certificates of Insurance and NYS Liquor License if necessary at least 1 week prior to my event. I have contacted the above mentioned sporting leagues and there are no conflicts with dates.

SIGNATURE OF APPLICANT: 

Upon Completion, please submit to Town Clerk

FEE REC'D _____ APPROVED/DENIED : _____
(date) (date)

COPY

TABLED

TOWN OF BOSTON – RESOLUTION NO. 2022-54

CLIMATE SMART COMMUNITIES PLEDGE

WHEREAS, the New York State Climate Smart Communities (“CSC”) program was created to provide local governments with guidance on how to improve environmental stewardship, save taxpayer dollars, and advance community goals for long term community health, safety, economic vitality, resiliency, and quality of life; and

WHEREAS, the State makes available grant funding for projects to increase natural resiliency to future risks like floods, improve emergency preparedness and response systems, and increase the resiliency of critical infrastructure through the Climate Smart Communities Grant program; and

WHEREAS, Climate Smart Communities receive an advantage over non-participating communities during the Climate Smart Grant scoring process; and

WHEREAS, CSC certification requires adopting a non-binding Resolution which includes the specific ten-point pledge developed by the State, and appointment of a Climate Smart Coordinator; and

WHEREAS, the Town Board of the Town of Boston believes it in the best interests of the Town to become a Certified Climate Smart Community and to adopt the CSC pledge; and

WHEREAS, adopting the CSC pledge does not obligate or bind the Town to take any specific action and participation in the CSC program is voluntary and without cost to the Town;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Boston, adopts the New York State Climate Smart Communities pledge, which comprises the following ten elements:

- 1) Build a climate-smart community.
- 2) Inventory emissions, set goals, and plan for climate action.
- 3) Decrease energy use.
- 4) Shift to clean, renewable energy.
- 5) Use climate-smart materials management.
- 6) Implement climate-smart land use.
- 7) Enhance community resilience to climate change.
- 8) Support a green innovation economy.
- 9) Inform and inspire the public.
- 10) Engage in an evolving process of climate action.

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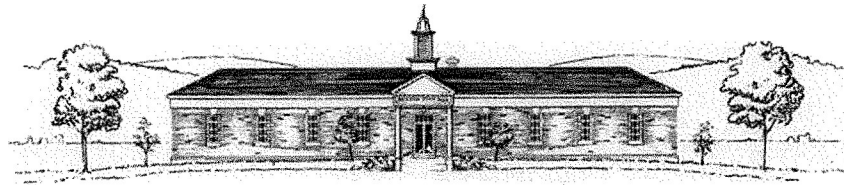
COPY

On December 7, 2022, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

On December 7, 2022, a motion was made by Supervisor Keding and seconded by Councilmember Cartechine to table Resolution 2022-54, CLIMATE SMART COMMUNITIES.

	Yes	No	Abstain	Absent
Councilmember Cartechine	[X]	[]	[]	[]
Councilmember Lucachik	[X]	[]	[]	[]
Councilmember Martin	[X]	[]	[]	[]
Councilmember Selby	[X]	[]	[]	[]
Supervisor Keding	[X]	[]	[]	[]


Sandra L. Quinlan
Sandra L. Quinlan, Town Clerk



CONSERVATION ADVISORY COUNCIL

Mitch Tucker
Chairman

Sharon Stuart
Caitlin Tucker
Pamela Zylinski
Councilmembers

Kelly Martin
Town Board Liaison

Town Hall
(716) 941-6113
Fax (716) 941-6116

Town Supervisor
(716) 941-6518
Fax (716) 941-9264

Town Court
(716) 941-6115
Fax (716) 941-5169

Highway Department
(716) 941-5869
Fax (716) 941-3677

Nutrition Program
(716) 941-5773

November 30th, 2022

To: Town Board Members

Dear Members of the Board,

The Conservation Advisory Council of the Town of Boston recommends that the Town Board approve the attached Resolution for the Town of Boston to join the Climate Smart Communities Program of the State of New York. The attached draft is an updated version that was first sent to you all on October 19th, 2022. Within that communication, I requested potential meetings or conversations with Board Members to discuss any and all concerns that The Board may have with the language. To this day, the Conservation Advisory Council has received no follow-up questions or concerns about the NYS Climate Smart Communities (CSC) Program, nor any specific comments about the draft resolution. Thus, it is our understanding that The Board has no reservations about language in the current draft.

As The Board considers this resolution, I would like to remind you all of a few key points:

- 1) Participation in the NYS CSC Program can provide the Town of Boston with:
 - a. **Direct funding** for some projects from NYS funds,
 - b. **Technical and clerical assistance** with meeting goals of not only the CSC Program, but goals of the CAC and the Town of Boston itself, saving Town staff time, energy, and money
 - c. **Competitive advantage** as we continue to apply for grants through various NYS programs,
- 2) Every part of participation in this CSC Program is **voluntary**, there is **no obligation** for The Town of Boston to complete any action items of the program, beyond two items that are already completed;

- 3) The Town Board will continue to have oversight of the program, having final authority over approval of action items that are recommended by the CAC;
- 4) The Town of Boston has already completed many actions through previous work, and thus participation in the CSC Program will allow the Town of Boston to be recognized by New York State for our prior accomplishments, including, but not limited to, the following resolutions:
 - a. 2019-22: Authorizing conversion of street lights to energy-efficient LED fixture;
 - b. 2020-42: Authorizing agreement with New York Municipal Energy Program (NYMEP);
 - c. 2021-12: LED Fixture upgrades for street lights;
 - d. 2021-27: Authorizing NYSEG energy saver program energy efficiency upgrades;
 - e. 2021-28: Establishing energy benchmarking requirements for certain municipal buildings;
 - f. 2021-29: Adopting standardized solar permit process;
 - g. 2022-44: NYMEP energy supply vendor change.

I look forward to having a discussion about the proposed resolution at our next board meeting, December 7th, 2022.

Thank you,

Dr. Mitch Tucker
Chair
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