

AGENDA
REGULAR BOARD MEETING - TOWN OF BOSTON
August 2, 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 July 19, 2023
2. Consideration of all Fund Bills

ITEM NO. III CORRESPONDENCE

1. Letter from Scott & Debra Kubiszyn regarding 7115 Boston State Road
2. Letter from Amy & Greg Campbell regarding 7115 Boston State Road
3. Erie County Dept. of Public Works Division of Highways – Back Creek Road – Reconstruction /Slope Stabilization, Minutes: Progress Report Meeting #3
4. Senior Agreement 2023 - Boston Seniors
5. Senior Agreement 2023 - Young at Heart
6. Deanna Drive Summary
7. NYS Agriculture & Markets Municipal Shelter Inspection Report
8. NYS Agriculture & Markets Dog Control Officer Inspection Report
9. Application for Use of Meeting Facility– Comprehensive Plan

ITEM NO. IV NEW BUSINESS

1. Requests from the Floor (3-minute time limit per person)
2. Continuation of Public Hearing for Special Permit, Live Entertainment License – Rick Hayden - Couzins
3. Resolution 2023-71 Escrow Agreement for Developer Payment of Professional Fees Services for Evaluation of Large-Scale Solar Project
4. Resolution 2023-72 Professional Services for Evaluation of Large-Scale Solar Project

5. Resolution 2023-73 Easement Agreement for Water Tank Operation, Maintenance, Piping, Conduit, and Wiring
6. Application for Use of Facility – Boston Patriots Football

ITEM NO. V OLD BUSINESS

1. Application for Renewal of Live Entertainment License – Rick Hayden – Cousins

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

Motion Con't:

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

five (5) Yes Carried

Supervisor Keding read the public hearing notice:

NOTICE OF PUBLIC HEARING
TOWN OF BOSTON

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston, in the County of Erie, State of New York, will meet at the Town Hall, 8500 Boston State Road, Boston, New York, on July 19, 2023, at 7:35 o'clock P.M. (Prevailing Time), for the purpose of conducting a public hearing in relation to the proposed increase and improvement of facilities of Water District Nos. 1 and 2 (the "Districts"), as described in the Map, Plan and Report for the Town of Boston Water System Improvements to Water Districts No. 1 and 2, dated August 2020 and updated in October 2021 and June 2023, for the increase and improvement of facilities of the Districts consisting of (i) Water Main Replacement and Pump Station Improvements serving properties located within Water District No. 1 at the estimated maximum cost of \$13,774,000 and (ii) Water Main Replacement Improvements serving properties located within Water District No. 2 at the estimated maximum cost of \$1,882,000 (collectively, the "Projects"). The current approved total estimated maximum cost of the Projects is \$15,656,000, which is proposed to be financed through issuance of bonds by the Town of Boston on behalf of the Districts, payable by (i) the application of any grant monies received by the Town from the United States of America or the State of New York with respect to the Projects and (ii) levy and collections of assessments on real property in the Districts. Therefore, the Projects' cost burden is expected to be borne by the Districts' property owners throughout the expected term of the bonds. However, the bonds to be issued shall be general obligation bonds of the Town of Boston and in the event the amount of assessments collected within the Districts is insufficient to pay the cost of the Projects and/or the debt service related to the Projects, such costs and/or debt

service shall be paid from the general Town taxes. Each of the Districts are provided water by the Erie County Water Authority (ECWA) and the water system is lease managed by the ECWA through agreement with the Town.

Further details concerning such proposed increase and improvement of facilities and the estimated costs thereof are set forth in the above-mentioned map, plan and report which is available for online review at <https://townofboston.com/water-project/>.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF BOSTON
Dated: June 21, 2023
Boston, New York
Sandra Quinlan, Town Clerk

A motion was made by Supervisor Keding and was seconded by Councilman Cartechine to open the Public Hearing.

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

five (5) Yes Carried

There were no comments from the public.

A motion was made by Supervisor Keding and was seconded by Councilwoman Selby to close the Public Hearing.

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 Councilman Cartechine upon review by the Town Board, that fund bills in the amount of \$471,041.69 be paid.

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

five (5) Yes Carried

Supervisor Keding stated the following has been received and filed under correspondence:

Dog Control Officer's Report June 2023

REGULAR BOARD MEETING
JULY 19, 2023

DRAFT

TOWN HALL
7:30 P.M.

Town Clerk's Report June 2023

Erie County Sewer District No. 3 - June 7, 2023 Minutes

Erie County Sewer District No. 3.- June 14, 2023 Minutes

Erie County Dept. of Public Works Division of Highways - Back Creek Road -
Reconstruction/Slope Stabilization, Minutes: Progress Report Meeting #2

RG & E Key Projects and Programs

NYSEG Key Projects and Programs

NYSEG - RG & E Rate Case Fact Sheet

NYSEG & RG&E, with Multiple Parties, File Proposed Rate Case Settlement with
NY Public Service Commission

Bread of Life - June Newsletter

North Boston Town Park Restroom & Pavilion - June 21, 2023 Minutes

Architects Field Report- North Boston Town Park Restroom & Pavilion - Report 23

Dispatch Call Summary Reports - February, April, May, 2023 - Boston EMS,
Boston Fire Co, North Boston Fire Co, Patchin Fire Co

Resignation Letter from Richard Hawkins, Deputy Supervisor

Letter from Eden Vet Clinic

NYSERDA Energy Benchmarking Report for 2022

Energy Use Charts as of June 30, 2023

2024 Budget Schedule

May and June 2023 Income Statements

May and June 2023 Cash Balances

New business:

Supervisor Keding stated the floor is open for public comment.

The following person was heard:

Mark Wolfling, New York Citizens Audit

Supervisor Keding stated the floor is closed.

A motion was made by Councilwoman Martin and was seconded by Supervisor
Keding,

RESOLUTION 2023-64

**RESOLUTION OF THE TOWN BOARD OF
THE TOWN OF BOSTON, ERIE COUNTY, NEW YORK (THE "TOWN")
PURSUANT TO SECTION 202-b OF THE TOWN LAW DETERMINING THAT IT**

IS IN THE PUBLIC INTEREST TO UNDERTAKE CERTAIN IMPROVEMENTS TO THE TOWN OF BOSTON WATER DISTRICT NOS. 1 AND 2 FACILITIES

WHEREAS, the Town Board (the “Town Board”) of the Town of Boston, Erie County, New York (the “Town”) previously caused CPL Engineers, engineers duly licensed by the State of New York (the “Engineer”) and in accordance with a lease agreement between the Erie County Water Authority (“ECWA”) and the Town to prepare a Map, Plan and Report for the Town of Boston Water System Improvements to Water Districts No. 1 and 2 (collectively, the “Districts”), dated August 2020 and updated October 2021, for the increase and improvement of facilities of the Districts consisting of (i) Water Main Replacement and Pump Station Improvements serving properties located within Water District No. 1, at the estimated maximum cost of \$9,738,000; and (ii) Water Main Replacement Improvements serving properties located within Water District No. 2, at the estimated maximum cost of \$1,320,000 (collectively, the “Projects”); and

WHEREAS, pursuant to the direction of the Town, the Engineer completed and filed with the Town Board such preliminary map, plan and report and has estimated the total maximum cost of such improvements to be \$11,058,000, which is proposed to be financed through issuance of bonds by the Town on behalf of the Districts; and

WHEREAS, each of the Districts are provided water by the ECWA and the water system is lease managed by the ECWA through agreement with the Town (the “Lease Agreement”); and

WHEREAS, by Resolution No. 2021-59, dated October 10, 2021, the Town Board, as lead agency, having given due consideration to the impact that the project described herein may have on the environment, determined that the project is a “Type II” action and requires no further review pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617.5; and

WHEREAS, by Resolution No. 2021-63, dated November 3, 2021, the Town Board adopted an order determining that it was in the Town’s public interest to increase and improve the facilities of the Districts as set forth and described in the Map, Plan and Report for the Town of Boston Water System Improvements to Water Districts No. 1 and 2 as prepared by the Engineer and on file in the office of the Town Clerk, at the total estimated maximum cost of \$11,058,000, all in accordance with Section 202-b of Town Law and in accordance with the Lease Agreement with ECWA; and

WHEREAS, by Resolution No. 2021-64, dated November 3, 2021, the Town Board adopted a bond resolution authorizing the issuance of up to \$11,053,000 in serial bonds of the Town to finance the Projects; and

WHEREAS, the Town has learned that, due to increases in certain project and construction related costs, as further described in the Map, Plan and Report for

the Town of Boston Water System Improvements to Water Districts No. 1 and 2, dated August 2020 and updated in October 2021 and June 2023, for the increase and improvement of facilities of the Districts consisting of (i) Water Main Replacement and Pump Station Improvements serving properties located within Water District No. 1 at the estimated maximum cost of \$13,774,000 and (ii) Water Main Replacement Improvements serving properties located within Water District No. 2 at the estimated maximum cost of \$1,882,000 (collectively, the "Projects"). The current approved total estimated maximum cost of the Projects is \$15,656,000, which is proposed to be financed through issuance of bonds by the Town of Boston on behalf of the Districts, payable by (i) the application of any grant monies received by the Town from the United States of America or the State of New York with respect to the Projects and (ii) levy and collections of assessments on real property in the Districts. Therefore, the Projects' cost burden is expected to be borne by the Districts' property owners throughout the expected term of the bonds. However, the bonds to be issued shall be general obligation bonds of the Town of Boston and in the event the amount of assessments collected within the Districts is insufficient to pay the cost of the Projects and/or the debt service related to the Projects, such costs and/or debt service shall be paid from the general Town taxes. Each of the Districts are provided water by the Erie County Water Authority (ECWA) and the water system is lease managed by the ECWA through agreement with the Town; and

WHEREAS, at a regular meeting of the Town Board held on June 21, 2023, the Town Board motioned and voted that a public hearing be held to hear all interested parties on whether it is in the public interest to undertake and authorize the increased cost of the Projects, on July 19, 2023 at 7:35 p.m. at the Town of Boston Town Hall, 8500 Boston State Road, Boston, New York 14025; and

WHEREAS, notice of said public hearing certified by the Town Clerk was duly published and posted as required by law, to wit: a copy thereof was published in *Hamburg Sun*, the official newspaper of the Town, on July 7, 2023 and a copy of such notice was posted on the signboard maintained by the Town Clerk on July 7th, 2023, and on the Town's website, pursuant to Town Law Section 193; and

WHEREAS, said public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard.

NOW THEREFORE, THE TOWN BOARD OF THE TOWN OF BOSTON, ERIE COUNTY, NEW YORK HEREBY RESOLVES, AS FOLLOWS:

Section 1.01 Based in part upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to undertake the Project as hereinabove described at the estimated maximum cost of \$15,656,000. The Town is hereby authorized to undertake the Project at such estimated maximum cost.

Section 1.02 The Town Clerk is hereby authorized and directed to cause a certified copy of this resolution to be duly recorded in the office of the County Clerk, County of Erie, New York within ten (10) days after the adoption hereof, in accordance with Section 195 of the Town Law.

Section 1.03 This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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 Martin,

RESOLUTION 2023-65 AMENDATORY BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BOSTON, ERIE COUNTY, NEW YORK (THE "TOWN"), AMENDING AND RESTATING THE BOND RESOLUTION DATED NOVEMBER 3, 2021, AUTHORIZING THE ISSUANCE OF UP TO \$15,656,000 IN SERIAL BONDS OF THE TOWN TO FINANCE CERTAIN IMPROVEMENTS TO THE TOWN OF BOSTON WATER DISTRICT NOS. 1 AND 2 FACILITIES

WHEREAS, on November 3, 2021, the Town Board of the Town of Boston, Erie County, New York (the "Town"), adopted an order which determined that it was in the Town's public interest to authorize certain improvements to the facilities serving Town of Boston Water District Nos. 1 and 2, as set forth and described in a Map, Plan and Report for the Town of Boston Water System Improvements to Water Districts No. 1 and 2, dated August 2020 and updated in October 2021 (the "Map, Plan and Report"), as prepared by CPL Engineers (the "Engineer"), engineers duly licensed by the State of New York (the "Projects"), prepared at the direction of the Town Board by the Engineer, all in accordance with Section 202-b of the Town Law; and

WHEREAS, by Resolution No. 2021-59, dated October 20, 2021, at a regular meeting of the Town Board held on such date, the Town Board determined that the Projects are a Type II action and require no further review pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617.5; and

WHEREAS, by Resolution 2021-64, dated November 3, 2021, at a regular meeting of the Town Board held on such date, the Town Board adopted a bond resolution authorizing the issuance of \$11,053,000 in serial bonds of the Town to finance the cost of the Projects with a maximum cost not to exceed \$11,053,000 (the "Original Resolution"); and

WHEREAS, Water District Nos. 1 and 2 (collectively, the “Districts”) are provided water by the Erie County Water Authority (“ECWA”) and the water system is lease managed by the ECWA through agreement with the Town; and

WHEREAS, the Engineer has informed the Town that due to a significant rise in the costs of materials and labor, the estimated maximum cost of the Projects shall need to be increased, along with the amount of any serial bonds authorized to be issued in connection therewith, by \$4,603,000 to a total of \$15,656,000 (Water Main Replacement and Pump Station Improvements Project serving properties located within Water District No. 1 has increased from \$9,738,000 to \$13,774,000 and Water Main Replacement Improvements Project serving properties located within Water District No. 2 has increased from \$1,320,000 to \$1,882,000), all as is more particularly described in the Map, Plan and Report as defined above and on file with the Town Clerk’s office; and

WHEREAS, on July 19, 2023, after a duly called public hearing held prior thereto, the Town adopted an order which determined that it was in the Town’s public interest to undertake the Projects at a maximum cost of \$15,656,000; and

WHEREAS, the Town Board of the Town now wishes to amend and restate (in its entirety) the Original Resolution, for the reasons identified above, and to make other modifications to the Original Resolution, as may be consistent with law; and

NOW THEREFORE, THE TOWN BOARD OF THE TOWN OF BOSTON, ERIE COUNTY, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), TO AMEND AND RESTATE THE ORIGINAL BOND RESOLUTION, IN ITS ENTIRETY TO READ AS FOLLOWS:

BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BOSTON, ERIE COUNTY, NEW YORK (THE “TOWN”), AUTHORIZING THE ISSUANCE OF UP TO \$15,656,000 IN SERIAL BONDS OF THE TOWN TO FINANCE CERTAIN IMPROVEMENTS TO THE TOWN OF BOSTON WATER DISTRICT NOS. 1 AND 2 FACILITIES

WHEREAS, pursuant to proceedings undertaken by the Town Board (the “Town Board”) of the Town of Boston, Erie County, New York (the “Town”) under Section 202-b of the Town Law, including in particular a resolution adopted on July 19, 2023 immediately prior to the consideration of this resolution (the “Approval Resolution”), the Town Board (a) determined, in accordance with a lease agreement between the ECWA and the Town, it was in the public interest to undertake certain improvements to the facilities serving the Town of Boston Water District Nos. 1 and 2, consisting of (i) Water Main Replacement and Pump Station Improvements serving properties located within Water District No. 1 at the estimated maximum cost of \$13,774,000 and (ii) Water Main Replacement Improvements serving properties located within Water District No. 2 at the estimated maximum cost of \$1,882,000, as set forth and described in the Map, Plan and Report for the Town of Boston Water System Improvements to Water

Districts No. 1 and 2, dated August 2020 and updated in October 2021 and June 2023, as prepared by CPL Engineers, engineers duly licensed by the State of New York (the “Projects”), and on file in the office of the Town Clerk; and, at an estimated maximum cost of \$15,656,000 and (b) authorized the Town to undertake the Projects at such estimated maximum cost; and

WHEREAS, the Projects constitute a “Type II” action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (collectively, “SEQRA” and therefore no further action under SEQRA with respect to the Projects need be taken by the Board; and

WHEREAS, the Town Board now wishes to authorize the issuance of the Town’s serial Bonds and bond anticipation notes in anticipation thereof in order to finance the Projects.

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF BOSTON, ERIE COUNTY, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

SECTION 1. The Town is hereby authorized to issue up to \$15,656,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law of the State of New York, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the “Law”) to finance the Projects in accordance with a lease agreement between the Erie County Water Authority and the Town, as hereinabove described.

SECTION 2. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$15,656,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$15,656,000 in serial bonds of the Town authorized to be issued pursuant to Section 1 of this resolution, or bond anticipation notes issued in anticipation of such serial bonds, (ii) the application of any grant monies received by the Town from the United States of America or the State of New York with respect to the Projects, (iii) the assessment, levy and collection of assessments upon the benefited properties within Water District Nos. 1 and 2; and, to the extent necessary, and (iv) the levy and collection of taxes on all taxable real property of the Town to pay the principal of such bonds or notes and the interest thereon as the same become due and payable.

SECTION 3. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is forty (40) years, pursuant to subdivision 4. of paragraph a. of Section 11.00 of the Law.

SECTION 4. The final maturity of the bonds herein authorized to be issued pursuant to Section 1 of this resolution shall be in excess of five (5) years

measured from the date of issuance of the first serial bond or bond anticipation note issued.

SECTION 5. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. The Town shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by Section 1 of this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 6. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and, to the extent not paid from other sources, provisions shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year. Such cost shall be annually apportioned and assessed upon the lots and parcels of land within the Districts in the manner provided by law in an amount sufficient to pay the principal and interest on the bonds, or notes issued in anticipation of the sale of said bonds, as the same become due.

SECTION 7. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00 and Sections 62.10 and 63.00 of the Law, the powers and duties of the Town Board relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters relating thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor of the Town, the chief fiscal officer of the Town (the "Supervisor"). Further, in connection with bonds and bond anticipation notes issued under the authority of Section 1 hereof, the power to contract with and sell bonds and bond anticipation notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Law and

to approve the terms, form and content of such bonds and bond anticipation notes, consistent with the provisions of the Law, is hereby delegated to the Town Supervisor. Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for the object or purpose authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other resolutions of this Town Board, then the power of the Town Board to determine the “weighted average period of probable usefulness” (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Supervisor, as the chief fiscal officer of the Town.

SECTION 8. The Town Supervisor is hereby further authorized, at his sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a serial bond, and, or a bond anticipation note issue in the event of the sale of same to the New York State Environmental Facilities Corporation.

SECTION 9. The Supervisor of the Town is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”) and to designate the bonds authorized by this resolution and any notes issued in anticipating thereof, if applicable, as “qualified tax-exempt obligations” in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Supervisor is further authorized to enter into continuing disclosure undertakings with or for the benefit of the initial purchaser of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The intent of this resolution is to give the Supervisor sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this Town Board.

SECTION 12. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.

SECTION 13. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published in full, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the Town for such purpose.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

five (5) Yes Carried

A motion was made by Supervisor Keding and was seconded by Councilman Cartechine,

**RESOLUTION 2023-66 NYS WATER INFRASTRUCTURE IMPROVEMENT
ACT - 2023 NYS WATER GRANT**

WHEREAS, the Town of Boston, after thorough consideration of the various aspects of the existing conditions, problems and review of available data for the Boston water system, has hereby determined that certain work, as described in the Town of Boston Water System Improvements Phase 2 & 3 map, plan and report, is required to address the repair and maintenance of the Boston water system’s water main and pump station infrastructure in Water Districts 1 & 2. The Town of Boston Water System Improvements Phase 2 & 3, herein called the “Project”, is desirable, is in the public interest, and is required in order to implement the Project and address said compliance requirements; and

WHEREAS, the NYS Environmental Facilities Corporation (EFC) authorizes State assistance to municipalities for drinking water quality improvement projects by means of a contract, and the Town of Boston deems it to be in the public interest and benefit under this law to enter into a contract therewith.

NOW, THEREFORE, BE IT RESOLVED

1. Supervisor Jason Keding, or his representative or successor in office, is the representative authorized to act on behalf of the Boston Town Board in all matters related to State assistance under the New York State Environmental Facilities Corporation (EFC) and/or any applicable State grant provisions.
2. The Supervisor, or his representative, is authorized to submit a 2023 NYS WIIA grant application in the amount of \$10,090,000 of which the Town is requesting \$5,000,000 in grant funding;
3. The Town of Boston Town Board agrees to fund its portion of the cost of the Project by way of a General Obligation Bond or a series of Bond Anticipation Notes, and that funds will be made available to initiate the Project efforts within 12 months of written approval of its application by the NYS Department of Health and the New York State Environmental Facilities Corporation authority;
4. The one certified copy of this Resolution be prepared and submitted with the electronic WIIA grant application to the NYS Environmental Facilities Corporation; and

This Resolution takes effect immediately.

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 Lucachik,

RESOLUTION 2023-67 AMENDING BUDGET TO PROPERLY ACCOUNT FOR INSURANCE RECOVERY OF STREETLIGHT

The Town of Boston received unanticipated revenues from New York Municipal Insurance Reciprocal (NYMIR) in the amount of \$4,656.45 regarding the vehicular damage caused to a town-owned streetlight; and

The Town of Boston Budget hereby is amended effective immediately:

- 1) Increase Appropriations:
Account No. A00-5812-0400 Street Lighting - Contractual \$4,657
- 2) Increase Revenues:
Account No. A00-2680-0000 Insurance Recoveries \$4,657

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

DRAFT

Motion Con't:

five (5) Yes

Carried

A motion was made by Supervisor Keding and was seconded by Councilwoman Lucachik,

RESOLUTION 2023-68 TOWN BOARD REQUIRES HIGHWAY SUPERINTENDENT TO DISPLAY TOWN OF BOSTON SEALS ON ALL TOWN VEHICLES, INCLUDING HIGHWAY SUPERINTENDENT VEHICLE

WHEREAS, A Town Board may require all town vehicles, including those used by a superintendent of highways, to display decals identifying the vehicle as town property as described in HIGHWAY LAW 142(2); TOWN LAW 32(1), 64(3) ; and

WHEREAS, The New York State Comptroller opinion 91-3 supports the authority of a Town Board in regard to a Town Board has "custody and control of all property of the town; and

WHEREAS, at a Town of Boston town board at a meeting on June 4, 2003, a motion was made by Supervisor Eagan and seconded by Councilman Mead to place permanent Town of Boston seals on all town vehicles, including highway and park vehicles, tractors and heavy equipment,; and

WHEREAS, the motion by Supervisor Eagan passed as per town record of the board meeting minutes;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Boston hereby directs the Highway Superintendent to immediately place permanent Town of Boston seals on the town truck used by the Town Highway Superintendent procured by resolution 2022-75; and

IT IS FURTHER RESOLVED, that the Town Board expects compliance with the law and is prepared to take further action for noncompliance.

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 Councilwoman Lucachik,

RESOLUTION 2023-69 NEPOTISM POLICY

WHEREAS, The Town of Boston is committed to promoting a fair and unbiased work environment. In recognition that nepotism can undermine the principles of meritocracy, equality, and fairness in the workplace, this policy establishes guidelines around the appointment and supervision of relatives within the

organization. This policy applies to all employees of the Town of Boston including elected officials, full-time and part-time employees, contractors, and volunteers.

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 Supervisor Keding,

RESOLUTION 2023-70

APPOINT TOWN ASSESSOR

WHEREAS, the Town of Boston received notice of resignation on June 15th 2023 by the current Town Assessor; and the Town Assessor’s last day of work was June 27th 2023; and

WHEREAS, The Town received a resume from a qualified candidate, Thelma Hornberger;

NOW THEREFORE BE IT RESOLVED, that this Town Board does hereby approve the Appointment of Thelma Hornberger as Town Assessor pursuant to SA-3, Paragraph (D) of the Town Law, to fulfill the remaining term of Town Assessor Suzanna Fitzner, effective July 19th, 2023 which expires on September 30, 2025;

IT IS FURTHER RESOLVED, that the position will be compensated at an hourly rate of \$29.58 as determined by dividing out the salary set at the January 4, 2023 re-organizational meeting.

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

five (5) Yes Carried

A motion was made by Supervisor Keding and was seconded by Councilman Cartechine to table the appointment of Assessment Clerk.

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 Lucachik and was seconded by Councilwoman Selby to approve the Western Southern Tier Building Officials Association Conference attendance request from Code Enforcement Officer Thomas Murphy from September 13-15, 2023. Approval includes the cost of the conference, hotel and travel expenses, no reimbursement for tax and alcohol.

Motion Con't:

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

five (5) Yes Carried

Councilman Cartechine read and presented a Proclamation to honor Randy Seufert, a remarkable individual who has dedicated an impressive fifty years of his life to serving the North Boston Volunteer Fire Company, an integral part of our town's safety and well-being.

A motion was made by Councilwoman Martin and was seconded by Councilwoman Lucachik to approve the Use of Facility application for St. Martin's Lutheran Church, August 13, 2023, 9:00 am - 2:00 pm, Lions Shelter and bathroom facilities.

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 Supervisor Keding to approve the Use of Town Meeting Facility application from Bookkeeper and Budget Director Pericak, Budget Presentation, October 11, 2023, 7:00 pm, Town Hall community room.

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

five (5) Yes Carried

Old business:

A motion was made by Supervisor Keding and was seconded by Councilman Cartechine to table the Special Use Permit, Live Entertainment License for Couzins, pending the feedback and what we see resolved through code enforcement.

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

five (5) Yes Carried

Reports and Presentations:

Councilwoman Selby reported on the following:

Congratulations and thank you Randy Seufert for your years of service. We need more dedicated people like you. The North Boston Fire Company is truly very fortunate to have you and it shows by the support you have here tonight. From the bottom of my heart, we thank you so much for service and your work over the years. I would like to publicly thank Rich Hawkins, Deputy Supervisor, for his years of service to the Town of Boston. I've known Rich before 2009, when he was Supervisor, I worked under him. He has always been a caring and respectful person and always had the resident's interest at the forefront. I wish him well, best going forward, we will truly miss him here. Excited to have Thelma Hornberger as our Town Assessor. She worked several years ago as our Assessor, she did a fantastic job and pleased she was able and willing to come back to work for us.

Councilman Cartechine reported on the following:

I would like to recognize the North Boston Fire Company, Patchin Fire Company, Boston Fire Company, and the Emergency Squad for being on site on location for our Fourth of July holiday festivities. Welcomed Thelma Hornberger, look forward to meeting with her. I understand her tenure here was quite good. Thanked Randy Seufert for his service. I have greatly enjoyed working with you, we have worked together on several things. It is just remarkable for your 50 years of service and you are still going and are still very active in the company. I know how much time and care you put into it. Thanked Rich Hawkins for his service to the Town, he is very active in the Town as the Deputy Supervisor, he has a lot of good input. Also, a lifelong resident, to my understanding. I would also like to give a warm welcome to our new Deputy Supervisor, Miss Allison Koczur. I know you have done a great job with the concert series and pretty much anything you do. We are happy to have you and look forward to seeing you run a meeting.

Councilwoman Lucachik reported on the following:

Thanked Rich Hawkins for his service, it was a pleasure working with you, you will be missed. Rich was always forthcoming with his knowledge, expertise, opinions, and he never held back. Honestly, that is what we need, someone with a heart and to be able to express themselves freely. Good luck Allison and congratulations, looking forward to working with you. Mr. Seufert, Congratulations on your many years of service, it is something to be commended on. All that you have accomplished as well as your family, that means a lot in this world today.

I'm so glad that your friends and family have done the proclamation for you.

Councilwoman Lucachik reported on the following for Councilwoman Martin:

Councilwoman Martin had to step out, she had an emergency. She did want to say, thank you to Rich Hawkins. Congratulations Mr. Seufert on your proclamation.

Town Clerk Quinlan reported on the following:

Another successful blood drive. Blood donated had the possibility to save 72 lives of local patients. Next ConnectLife blood drive is Tuesday August 1st, 2-7 pm in the Community room. Boston Free Library will have their Summer Jamboree next Thursday July 27th from 5-8 pm. Prior Town resident, Sherrie Pluta, came to visit my office, she has written a book, "When Love Died", regarding the John Love murder. Book signing at the Erie County Fair in the Historical Building on August 17th and 20th.

Supervisor Keding reported on the following:

Randy congratulations on your 50 years of service, it is a great testament, it is a dedication. We never know when those tones got out, it could be two o'clock in the morning. We are there for each other and that is what makes a community, especially these volunteer organizations which are very special. We have that vested interest, we want to do better and serve, so thank you very much for your 50 years of service. Thank you to Deputy Supervisor Rich Hawkins. Some of you know Rich, and it is unfortunate that he has had some health concerns. Rich has been a great sounding board for all of us on the Town Board. When he needed to push back, he pushed back, and I respected that and truthfully that is one of the reasons I appointed him as my Deputy Supervisor, to have a different perspective and a different opinion on things. We are all thinking in the same direction, it is good to be challenged and have a different lens. I am going to miss him. I do look forward to working with Allison. She graciously stepped up. If someone calls my office and I am not here, Allison is at the helm of the ship. A lot of things that get done under this roof and for the community come from Allison. She works very closely with the Town Clerk's office and all the Departments here. She started out working for Code Enforcement, I saw that talent and made her my assistant in the office. Allison, congratulations on the appointment of Deputy Supervisor. Always looking forward to working with you. Thank you for your interest and your additional involvement. The Summer Concert Series is underway, Tuesday nights, it is a great event, brings the community together. We did take public feedback and the bands were changed a little bit this year. The Town has been awarded

the highest amount ever of the ASI, Arts Service Institute Cultural Grant. There was a press conference today at the North Boston Park. There is a new pavilion that went in. Funded by CDBG, Community Development Block Grant funds, remaining balance was paid by American Rescue Plan funds. This project was an expensive one, about \$500,000. County Executive coordinated the press conference with Commissioner from Environment and Planning, Environment and Planning Staff, Councilwoman Selby, Town Clerk Quinlan, Legislator John Mills on site. Plus, today being National Hot Dog Day, for those of you that may have seen the new metal roof on George's, that was part of the downtown store front revitalization money that is out there. They met all the criteria so that's how they got their new roof. There are opportunities for local businesses here in our community to take advantage of the funding opportunities. We do try to get that information as it comes out from the County out on the Town's website and or social media. It is a great opportunity for some businesses to make nice improvements. ErieNET.com is officially live. ErieNET is 400 miles of dark fiber. When people needed internet to work from home, or their kids needed internet to tie into school to do their homework. ErieNET is that middle mile solution. Boston is one of the towns, and I thank my Town Board members for supporting the resolution at the time. There is no commitment on the resolution, but we were an interested municipality to build out for fiber optic throughout the community. Right now, the plan which you can see on the ErieNET.com website, will go down Cole Road and dip either down Liebler or Omphalius and come to the Town Hall. The idea is that it would connect fire halls, ambulance organizations, town halls, village halls, library systems and then branch out. Looking for partners, UB, Hilbert College, and other educational institutions. There is a lot of good information there and hopefully the areas that do need an option above and beyond Spectrum. Western New York Scenic Byway photo contest, we put this out on social media. There is a large draw to this, and it is great to see. We decided to break it up into two different categories to keep the playing field level. There is a mobile device option or a professional photo option. We did have a couple of residents submit photos last year. If you are interested, wnyssb.org, full details are on that website. Submit your photos that you want to have judged. The deadline for the photos is November 30, 2023. As we had on our agenda tonight, budget season is close upon us. We are starting those early conversations. Collective Bargaining Agreement is currently going on in the Town with the Highway Union. From the County side of things, I did attend the Back Creek Reconstruction and Slope Stabilization Project meeting on Tuesday. So far everything remains on schedule for October 31, 2023 deadline. Hopefully the detours will go away at the end of October. A couple of the issues, there was a little bit of cracking near the

slope near the roadway. There were some concerns with potentially some of the estimates with the notifications of the payment and approvals is just essentially technicality. A workflow process from the vendor performing the work and the County system. By the end of the meeting that was cleared up, it was nice to see a quick resolve to that matter. Once that section of road is done with the slope stabilization, the Town will put out notice to residents in the Town, on the Town's website and on social media that there will be a time where the road does not exist, no passthrough while they fix it. The next regular Town Board meeting will be August 2nd. Since it is the summer schedule with respect of my fellow board members, we will be canceling the August 16th meeting to give us a little bit of summer break. With items pending like water projects and the bonding, we may need to schedule a special meeting. If that needs to happen, we will notify by the Town website and social media, and it will be posted out to the media outlets as required to do.

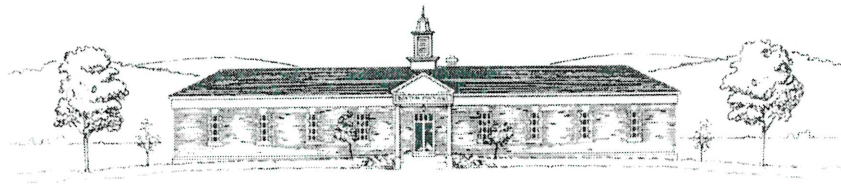
A motion was made by Supervisor Keding and was seconded by Councilwoman Lucachik to adjourn the meeting at 8:38 p.m.

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

four (4) Yes

Carried

SANDRA L. QUINLAN, BOSTON TOWN CLERK



TOWN OF BOSTON

Town Board Meeting: August 2, 2023

Abstract #1 – 2023 Payables

Journal #AP-3957

\$ 21,263.58

Total Payables Due

\$ 21,263.58

Breakout by Fund:

General (A) Fund:	\$ 14,649.34
Highway (DB) Fund:	\$ 6,030.49
Lighting (L30) Fund:	\$ -
Fire (SF) Fund:	\$ -
Ambulance (SM) Fund:	\$ 583.75
Refuse & Garbage (SG) Fund:	\$ -
Water Funds:	\$ -
Trust & Agency (TA):	\$ -
Capital Projects (H):	\$ -

Total expenses submitted for approval:

\$ 21,263.58

TOWN HALL, 8500 BOSTON STATE ROAD, BOSTON, NEW YORK 14025
PHONE: (716) 941-6113 FAX: (716) 941-6116 TDD: 1-800-662-1220

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

August 2, 2023 - A B S T R A C T

Town of Boston Journal Proof Report Fiscal Year: 2023

Created By: epericak

Journal Number: AP - 3957		Journal Desc: AP Batch 24		Journal Date: 8/2/2023	Account Period: 8 - Aug	Status: Currently Active		
Account#	Account Description	Trans Description	Date	Reference	Debit	Credit	ENC\LIQ	Seq #
A00-0600-0000-0000	ACCOUNTS PAYABLE	Fund A00 AP Account	8/2/2023	Fund A00 AP Account	\$0.00	\$14,649.34	\$0.00	52
A00-1010-4000-0000	TOWN BD-CONTR	The Buffalo News 152920 (Acct. #527182) AD ID #1739381 - Job Posting - Assessor	8/2/2023	Vendor#: 1671	\$42.00	\$0.00	\$0.00	11
A00-1010-4000-0000	TOWN BD-CONTR	The Buffalo News 152921 (Acct. #527182) AD ID #1739382 - Job Posting - Assessment Clerk	8/2/2023	Vendor#: 1671	\$40.00	\$0.00	\$0.00	12
A00-1010-4000-0000	TOWN BD-CONTR	The Buffalo News 152900 (Acct. #582586) AD ID #1739414 - Public Hearing Notice - Couzins Live Entertainment Permit	8/2/2023	Vendor#: 1671	\$68.00	\$0.00	\$0.00	13
A00-1010-4000-0000	TOWN BD-CONTR	The Buffalo News 152901 (Acct. #582586) AD ID #1739661 - Public Hearing Notice - Water Bond Resolution Amendment	8/2/2023	Vendor#: 1671	\$180.00	\$0.00	\$0.00	14
A00-1110-4000-0000	TOWN JUSTICE-CONTR	James Lembke 7/24/23 Substitute Court Officer (2 hrs @ \$30/hr)	8/2/2023	Vendor#: 1985	\$60.00	\$0.00	\$0.00	36
A00-1110-4000-0000	TOWN JUSTICE-CONTR	Amazon Capital Services 1LNV-6TJK-TY46 Court - Rubber Bands, Receipt Roll, Bic Pens	8/2/2023	Vendor#: 2003	\$39.73	\$0.00	\$0.00	39
A00-1355-0401-0000	ASSESSOR- CONTR	The Buffalo News 152899 (Acct. #586370) AD ID #1729247 - Legal Notice - Final Assessment Roll	8/2/2023	Vendor#: 1671	\$58.00	\$0.00	\$0.00	10
A00-1420-0401-0000	ATTORNEY- CONTR	Rupp Pfalzgraf LLC 343063 June 2023 - Attorney for the Town Retainer Agreement	8/2/2023	Vendor#: 1783	\$2,250.00	\$0.00	\$0.00	9
A00-1620-0400-0000	BUILDINGS- CONTR	Amazon Capital Services 1VNJ-MPND-C97X Buildings - Vacuum Bags; Floor Mops	8/2/2023	Vendor#: 2003	\$39.96	\$0.00	\$0.00	2
A00-1620-0400-0000	BUILDINGS- CONTR	Cintas 4161808633 Town Hall - (12) mats; Floor Cleaner; Wet Mop; Air Freshener; Soap	8/2/2023	Vendor#: 1758	\$70.76	\$0.00	\$0.00	19
A00-1620-0400-0000	BUILDINGS- CONTR	Cintas 4161808633 Town Hall - (12) mats; Floor Cleaner; Wet Mop; Air Freshener; Soap	8/2/2023	Vendor#: 1758	\$41.23	\$0.00	\$0.00	20
A00-1620-0400-0000	BUILDINGS- CONTR	Cintas 4161808533 Town Hall - Cleaning Supplies & Toilet Paper Refill	8/2/2023	Vendor#: 1758	\$18.48	\$0.00	\$0.00	21
A00-1620-0400-0000	BUILDINGS- CONTR	Cintas 4161808533 Town Hall - Cleaning Supplies & Toilet Paper Refill	8/2/2023	Vendor#: 1758	\$40.86	\$0.00	\$0.00	22
A00-1620-0400-0000	BUILDINGS- CONTR	Charter Communications 142054301071423 Acct. #142054301 - Elevator Phone (7/15/23 - 8/14/23)	8/2/2023	Vendor#: 1242	\$39.99	\$0.00	\$0.00	26
A00-1620-0400-0000	BUILDINGS- CONTR	ERIE COUNTY WATER AUTHORITY Q2 2023 - Acct. #12810500-5 Acct. #12810500-5 - Town Hall (April - June 2023)	8/2/2023	Vendor#: 96	\$63.78	\$0.00	\$0.00	27

**Town of Boston
Journal Proof Report
Fiscal Year: 2023**

Created By: epericak

Journal Number: AP - 3957

Journal Desc: AP Batch 24

Journal Date: 8/2/2023

Account Period: 8 - Aug

Status: Currently Active

Account#	Account Description	Trans Description	Date	Reference	Debit	Credit	ENCLIQ	Seq #
A00-1620-0400-0000	BUILDINGS- CONTR	Charter Communications 141759701072123 Acct. #141759701 - Town Hall - Fax/Internet/Alarms (7/29/23 - 8/28/23)	8/2/2023	Vendor#: 1242	\$329.98	\$0.00	\$0.00	45
A00-1620-0400-0000	BUILDINGS- CONTR	Charter Communications 141759701072123 Acct. #141759701 - Town Hall - Fax/Internet/Alarms (7/29/23 - 8/28/23)	8/2/2023	Vendor#: 1242	\$149.97	\$0.00	\$0.00	46
A00-1620-0400-0000	BUILDINGS- CONTR	McAllister Plumbing Heating 22086063023 Annual Backflow Testing - Town Hall Boiler Room	8/2/2023	Vendor#: 1573	\$175.00	\$0.00	\$0.00	51
A00-1620-0402-0000	BUILDING- CONTR-REC CENTER	ERIE COUNTY WATER AUTHORITY Q2 2023 - Acct. #60550160-9 Acct. #60550160-9 - Boys & Girls Club (April - June 2023)	8/2/2023	Vendor#: 96	\$63.78	\$0.00	\$0.00	30
A00-1620-0402-0000	BUILDING- CONTR-REC CENTER	NYSEG 7/23 - Acct. #1003-3567- 107 Acct. #1003-3567-107 - Boys & Girls Club (2304 kwh)	8/2/2023	Vendor#: 37	\$444.78	\$0.00	\$0.00	8
A00-1620-0403-0000	BUILDING- CONTR- HIGHWAY	McAllister Plumbing Heating 22083063023 Annual Backflow Testing - Highway Meter Pit	8/2/2023	Vendor#: 1573	\$124.00	\$0.00	\$0.00	24
A00-1620-0403-0000	BUILDING- CONTR- HIGHWAY	McAllister Plumbing Heating 22084063023 Annual Backflow Testing - Highway Locker Room	8/2/2023	Vendor#: 1573	\$124.00	\$0.00	\$0.00	49
A00-1620-0404-0000	BUILDING- CONTR- TROOPER BARRACKS	McAllister Plumbing Heating 22085063023 Annual Backflow Testing - Police Barracks Hot Rock	8/2/2023	Vendor#: 1573	\$124.00	\$0.00	\$0.00	50
A00-1620-0404-0000	BUILDING- CONTR- TROOPER BARRACKS	Cintas 4161808500 Trooper Barracks - (16) Mats	8/2/2023	Vendor#: 1758	\$119.60	\$0.00	\$0.00	23
A00-1670-0403-0000	CENT PRINT/MAIL- CONTR	WNY IMAGING SYSTEMS 295275 Kyocera/TASKalfa 358ci (Supervisor's Office Printer)- Q3 Contract Charge and Q2 Overage	8/2/2023	Vendor#: 1239	\$180.57	\$0.00	\$0.00	1
A00-1670-0403-0000	CENT PRINT/MAIL- CONTR	GreatAmerica Financial Svcs. 34483910 Agreement #018- 1753664-000 - Lease for Kyocera TASKalfa 4054ci Copier; Late Fee	8/2/2023	Vendor#: 2039	\$163.99	\$0.00	\$0.00	32
A00-1670-0403-0000	CENT PRINT/MAIL- CONTR	GreatAmerica Financial Svcs. 34483910 Agreement #018- 1753664-000 - Lease for Kyocera TASKalfa 4054ci Copier; Late Fee	8/2/2023	Vendor#: 2039	\$26.00	\$0.00	\$0.00	33
A00-1989-0400-0000	OTHER GENERAL GOV'T SUPPORT	Rotella Grant Management 2023097 August 2023 - Grant Writing Services	8/2/2023	Vendor#: 2056	\$1,800.00	\$0.00	\$0.00	25
A00-3310-0400-0000	TRAFFIC CONTROL-CONTR	NYSEG 7/23 - Acct. #1001-9307- 296 Acct. #1001-9307-296 - Boston Colden Signal (11 kwh)	8/2/2023	Vendor#: 37	\$21.58	\$0.00	\$0.00	5
A00-3310-0400-0000	TRAFFIC CONTROL-CONTR	NYSEG 7/23 - Acct. #1001-9308- 690 Acct. #1001-9308-690 - Boston Cross Signal (93 kwh)	8/2/2023	Vendor#: 37	\$34.77	\$0.00	\$0.00	6

**Town of Boston
Journal Proof Report
Fiscal Year: 2023**

Created By: epericak

Journal Number: AP - 3957

Journal Desc: AP Batch 24

Journal Date: 8/2/2023

Account Period: 8 - Aug

Status: Currently Active

Account#	Account Description	Trans Description	Date	Reference	Debit	Credit	ENC\LIQ	Seq #
A00-3310-0400-0000	TRAFFIC CONTROL-CONTR	NYSEG 7/23 - Acct. #1001-9309-037 Acct. #1001-9309-037 - Boston State Signal (52 kwh)	8/2/2023	Vendor#: 37	\$28.15	\$0.00	\$0.00	7
A00-5132-0400-0000	GARAGE-CONTR	Cintas 4161317210 Highway - Uniforms	8/2/2023	Vendor#: 1758	\$63.04	\$0.00	\$0.00	16
A00-5132-0400-0000	GARAGE-CONTR	Cintas 4161808545 Highway - (7) Mats, (660) Shop Towels	8/2/2023	Vendor#: 1758	\$36.84	\$0.00	\$0.00	17
A00-5132-0400-0000	GARAGE-CONTR	Cintas 4161808545 Highway - (7) Mats, (660) Shop Towels	8/2/2023	Vendor#: 1758	\$102.90	\$0.00	\$0.00	18
A00-5132-0400-0000	GARAGE-CONTR	ERIE COUNTY WATER AUTHORITY Q2 2023 - Acct. #70542520-4 Acct. #70542520-4 - Highway Barn (April - June 2023)	8/2/2023	Vendor#: 96	\$400.68	\$0.00	\$0.00	29
A00-5132-0400-0000	GARAGE-CONTR	Charter Communications 144899501072123 Acct. #144899501 - HWY - Fax/Alarm/Cable (7/29/23 - 8/28/23)	8/2/2023	Vendor#: 1242	\$94.53	\$0.00	\$0.00	47
A00-6772-0400-0000	PROGRAMS FOR AGING-CONTR	McCullagh Coffee 96650 Coffee For Nutrition Program	8/2/2023	Vendor#: 1768	\$93.90	\$0.00	\$0.00	15
A00-7110-0400-0000	PARKS- CONTR	NYSEG 7/23 - Acct. #1001-6047-333 Acct. #1001-6047-333 - Town Park (539 kwh)	8/2/2023	Vendor#: 37	\$106.52	\$0.00	\$0.00	3
A00-7110-0400-0000	PARKS- CONTR	Sunbelt Rentals 139295697-0001 Rental of Double Drum Ride-on Roller for Parks	8/2/2023	Vendor#: 2063	\$385.93	\$0.00	\$0.00	38
A00-7110-0400-0000	PARKS- CONTR	ERIE COUNTY WATER AUTHORITY Q2 2023 - Acct. #60678077-5 Acct. #60678077-5 - Town Hall Park (April - June 2023) *Seasonal Acct*	8/2/2023	Vendor#: 96	\$95.31	\$0.00	\$0.00	31
A00-7110-0400-0000	PARKS- CONTR	Seasonal Lawncare 757550 2023 Lawn Application 4 - Fertilizer and Weed Control	8/2/2023	Vendor#: 1792	\$174.05	\$0.00	\$0.00	48
A00-7620-0400-0000	ADULT REC- BOSTON SRS.	BEDORE TOURS 36988 Boston Seniors - Trip to Desiderios Dinner Theater (10/8/23)	8/2/2023	Vendor#: 1383	\$995.00	\$0.00	\$0.00	37
A00-9050-0800-0000	UNEMPLOYMENT INSURANCE	NYS UNEMPLOYMENT INSURANCE 2023 Q2 Employer Reg No. 04-60383 6 - For Q2 2023 - Unemployment Benefit Reimbursement	8/2/2023	Vendor#: 213	\$379.00	\$0.00	\$0.00	44
A00-9060-0800-0000	HOSPITAL AND MEDICAL INSURANCE	Aflac 241467 Employee Funded Supplemental Health Ins. - July 2023	8/2/2023	Vendor#: 1887	\$217.32	\$0.00	\$0.00	40
A00-9060-0800-0000	HOSPITAL AND MEDICAL INSURANCE	Lifetime Benefits Solutions, Inc. A012252-IN HRA Admin Fee - July 2023	8/2/2023	Vendor#: 2054	\$52.80	\$0.00	\$0.00	42
A00-9060-0800-0000	HOSPITAL AND MEDICAL INSURANCE	Highmark BCBSWNY 230720271596 Health Insurance Premiums - August 2023	8/2/2023	Vendor#: 1378	\$4,488.56	\$0.00	\$0.00	34
DB0-0600-0000-0000	ACCOUNTS PAYABLE	Fund DB0 AP Account	8/2/2023	Fund DB0 AP Account	\$0.00	\$6,030.49	\$0.00	54

August 2, 2023 - ABSTRACT

Town of Boston Journal Proof Report Fiscal Year: 2023

Created By: epericak

Journal Number: AP - 3957	Journal Desc: AP Batch 24				Journal Date: 8/2/2023	Account Period: 8 - Aug	Status: Currently Active	
Account#	Account Description	Trans Description	Date	Reference	Debit	Credit	ENCLIQ	Seq #
DB0-9060-0800-0000	HOSPITAL AND MEDICAL INSURANCE	Lifetime Benefits Solutions, Inc. A012252-IN HRA Admin Fee - July 2023	8/2/2023	Vendor#: 2054	\$46.20	\$0.00	\$0.00	43
DB0-9060-0800-0000	HOSPITAL AND MEDICAL INSURANCE	Aflac 241467 Employee Funded Supplemental Health Ins. - July 2023	8/2/2023	Vendor#: 1887	\$459.58	\$0.00	\$0.00	41
DB0-9060-0800-0000	HOSPITAL AND MEDICAL INSURANCE	Highmark BCBSWNY 230720271596 Health Insurance Premiums - August 2023	8/2/2023	Vendor#: 1378	\$5,524.71	\$0.00	\$0.00	35
SM0-0600-0000-0000	ACCOUNTS PAYABLE	Fund SM0 AP Account	8/2/2023	Fund SM0 AP Account	\$0.00	\$583.75	\$0.00	53
SM0-4540-0400-0000	CONTRACTUAL	ERIE COUNTY WATER AUTHORITY Q2 2023 - Acct. #12810600-7 Acct. #12810600-7 - Boston EMS (April - June 2023)	8/2/2023	Vendor#: 96	\$249.00	\$0.00	\$0.00	28
SM0-4540-0400-0000	CONTRACTUAL	NYSEG 7/23 - Acct. #1001-6047-341 Acct. #1001-6047-341 - Boston EMS Building (1680 kwh)	8/2/2023	Vendor#: 37	\$334.75	\$0.00	\$0.00	4
Total Number of 54 Transactions			No Errors		<u>\$21,263.58</u>	<u>\$21,263.58</u>	<u>\$0.00</u>	

AP - 3957 Summary By Fund Number

Fund	Debit	Credit	ENCLIQ
A00	\$14,649.34	\$14,649.34	\$0.00
DB0	\$6,030.49	\$6,030.49	\$0.00
SM0	\$583.75	\$583.75	\$0.00
Total	<u>\$21,263.58</u>	<u>\$21,263.58</u>	<u>\$0.00</u>

RECEIVED
BOSTON TOWN CLERK

2023 JUL 19 PM 3: 50

July 12, 2023

Dear Members of the Boston Town Board,

This letter is to express our opposition to the proposed Special Permit for Live Entertainment at 7115 Boston State Road.

We have lived at our current address for 27 years. We chose North Boston for its scenic beauty, proximity to the 219 and, at the time, relative quiet. We realize that progress is inevitable and have accepted the increased population and associated traffic on our road. However, we have had problems in the past (with Couzin's) when live music has been permitted; problems that we feel are not associated with progress nor increased population. These problems include:

- Loud music clearly heard within our home, late into the early morning hours
- Our home vibrates, windows shake, etc. due to the music
- Motorcycles and cars revving their engines upon leaving the bar
- Occasionally, cars parked on our front lawn with drunk, noisy people returning to their cars late at night, often leaving garbage on our lawn

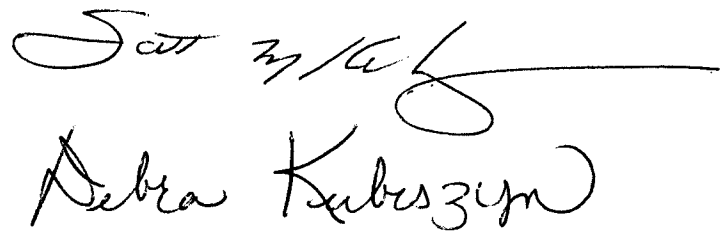
In this increasingly chaotic world, our home in North Boston has always been a haven for us. We appreciate the small town feeling with all of the amenities our town offers. We

are glad to have restaurants, hair and nail salons, a liquor store, a Post Office, retail and even our very own grocery store. It's also nice to have a bar, like Couzin's, to grab a drink, watch the game and have a bite to eat. However, live music is better suited to an establishment without such close proximity to residential dwellings.

Thank you for your attention to this matter.

Sincerely,

Scott and Debra Kubiszyn



Handwritten signatures of Scott and Debra Kubiszyn. The signature for Scott is written in cursive and includes a long horizontal flourish. The signature for Debra is also in cursive and is positioned directly below Scott's signature.

7-16-2023

Dear Board Members,
We are writing our concerns in regards for an application for a special permit for live entertainment at 7115 Boston State Road in the town of Boston N.Y. (Richard Hayden Jr.) DBA Cousins of WNY, LLC.

We are opposed to this permit, as we are a home owner in the close vicinity for over 25 years.

Over the years we have dealt with loud noise day and night, loud music, people yelling in the parking lot.

Along with dust blowing on to our property from cars peeling out.

No responsible homeowner
Should be exposed to the above
conditions infringing on our
right to have a peaceful
enjoyment of our home and
our neighborhood.

In another note, more barriers
need to be put up around
this property in general
for property owned in the
vicinity.

Thank you for your
time and listening
to our concerns.

Amy Campbell
056 CAMPBELL

ERIE COUNTY DEPARTMENT OF PUBLIC WORKS DIVISION OF HIGHWAYS

BACK CREEK ROAD (C.R. 438)

RECONSTRUCTION/SLOPE STABILIZATION

PROJECT NO. CAP-438-23

Date: 7/18/23

MINUTES OF MEETING: Project Progress Meeting #3

Resident Engineer: Dave Guetta
Consultant Engineer: Bergmann
Project Engineer: Karl Rohde (Erie County)

Field Office Location: 8965 Boston State Rd. Boston NY
Contractor: Union Concrete - UCC

Attendees: (See Attached Sign-In Sheet)

The following is a general outline of the meeting held for this project. Discussions were as follows:

01. MEETING CONVENED:

- The project Progress Meeting #3 convened at 09:00 am at the project field office and was attended by the individuals listed on the attached sheet.

02. CORRECTION TO LAST MEETING MINUTES:

- Previous meeting held on 6/27/23. There were no corrections or additions to the meeting minutes.

03. SCHEDULE:

- Project Completion Date – October 31, 2023. – UCC stated there is no problems meeting that date.

04. WORK PERFORMED LAST PERIOD:

- UCC
 - Installed stream diversion system.
 - Completed clearing and grubbing of site.
 - Installed monitoring hubs along the West side of roadway – Initial readings taken.
 - Installed additional erosion/sediment control devices.

05. WORK SCHEDULED THIS PERIOD:

- Begin slope work.

06. SUBMITTALS:

- The submittals are being reviewed as they are submitted. The following require review/submittal:
- Still require submittal on waterline poly wrap.
- Medium and light stone fill

07. JOB SITE AND TRAFFIC SAFETY:

- Tailgate Talks required. Please submit details and sign-in sheets for files
- Work zone traffic control is being reviewed daily.

08. SPECIAL/GENERAL ISSUES:

- Cracking of slope near roadway
- Quantities for rock and excavation –
- Glen Swartwood complaints re: guiderail, embankment slope and roadway for his access to creek
- Estimates – Notification of payment/Approvals

09. SUBCONTRACTOR APPLICATIONS/ISSUES:

10. SPEDES – EROSION & SEDIMENT CONTROL

- Weekly Inspections are being performed now that erosion control features in place.

11. AFFIRMATIVE ACTION:

- Wage rate interviews are being done on the prime and subcontractors as they come on board the project.

12. PROJECT FINANCIAL STATUS:

- Original Contract Value: \$1,099,740.01
- Current Contract Value: \$1,099,740.01
- Pay Voucher #1 Period Ending 3/31/23 – \$67,592.50.
- Pay Voucher #2 Period Ending 6/3/23 – \$54,513.88. (Submitted to County)

13. INSURANCE:

The contractor and consultant have submitted their insurance.

14. CLAIMS/DISPUTED WORK:

None to date.

15. NEXT MEETING:

The forgoing represents the writer's understanding of the major items of discussion. If this is not the understanding of all parties, please respond in writing within (48) hours of receipt of these minutes.

AGREEMENT

THIS AGREEMENT, to be effective as of January 1, 2023, is by and between the Town of Boston, New York (“the Town”), a municipal corporation organized and existing under the laws of the State of New York with offices at 8500 Boston State Road, Boston, New York, and [~~name of Senior Group~~] (the “Contractor”), with offices at [address]: Boston Seniors

WHEREAS, pursuant to General Municipal Law §95-a the Town is authorized to contract with private, nonprofit corporations, associations, institutions, or agencies for the operation and maintenance of programs devoted in whole or in part to the welfare of the aging; and

WHEREAS, the Contractor operates a program devoted to the welfare of the aging in the Town;

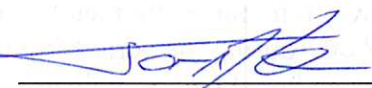
WITNESSETH, that the Town and the Contractor, for the consideration hereinafter named, agree as follows:

1. Contractor shall furnish a program open to all senior citizens within the Town of Boston that promotes the welfare of the aging through cultural, artistic, and/or social opportunities (the “Program”). Contractor may establish a minimum age for participation in the Program, but covenants not to discriminate against any Program participant on the basis of age, race, creed, color, national origin, sexual orientation, military status, sex, marital status, disability, or for any other reason.
2. The Town will reimburse contractor or pay directly on behalf of contractor an amount not to exceed \$14,000 during the period from January 1, 2023 to December 31, 2023 for Program expenses which benefit all participants in attendance at a Program offered by Contractor, such as entertainment, transportation, and material costs.
3. The Town’s funds are to be used to benefit Town residents who participate in Contractor’s Program and any benefit for non-residents should be incidental. The Town’s funds may be used for the purpose of providing awards and recognition to individual participants in Contractor’s programs, but the value or any such award or recognition purchased using the Town’s funds shall not exceed \$20 per individual, and the Town’s funds shall not otherwise be used to purchase gift cards or certificates or for payments, subsidies, grants, or other benefits provided to individual program participants.
4. Contractor shall maintain books and records reflecting its expenditure of Town funds for a period of six years, and shall provide these records for Town inspection upon request.
5. Contractor is an independent contractor, and shall not be considered an employee or agent for the Town.
6. Each party shall indemnify, defend, and hold the other party harmless from all liabilities, costs and expenses (including, without limitation, attorneys fees) that such party may suffer, sustain or become subject to as a result of the indemnifying party’s negligence or willful misconduct in performance of its obligations under this Agreement.

7. Contractor is prohibited from assigning or transferring this Agreement without the prior written consent of the Town.
8. Each and every provision of law and clause required by law to be inserted in this Agreement shall be deemed to have been inserted herein. If any such provision is not inserted, through mistake or otherwise, then upon the application of either party, this Agreement shall be physically amended forthwith to make such insertion.
9. No waiver of any breach of any condition of the Agreement shall be binding unless in writing and signed by the party waiving said breach. No such waiver shall in any way affect any other term or condition of this Agreement or constitute a cause or excuse for a repetition of such or any other breach unless the waiver shall include the same.
10. The individuals executing this Agreement personally warrant that they have full authority to execute this Agreement on behalf of the entity for whom they are acting herein.

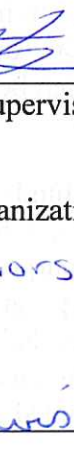
IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed effective the day and year first above written.

Town of Boston

By:  July 17th 2023
Jason A. Keding, Supervisor

Contractor [Name of Organization]

Boston Seniors

By: 
[Name], [Office]
President

AGREEMENT

THIS AGREEMENT, to be effective as of January 1, 2023, is by and between the Town of Boston, New York (“the Town”), a municipal corporation organized and existing under the laws of the State of New York with offices at 8500 Boston State Road, Boston, New York, and ~~[name of Senior Group]~~ (the “Contractor”), with offices at [address]:

Boston Young at Heart

WHEREAS, pursuant to General Municipal Law §95-a the Town is authorized to contract with private, nonprofit corporations, associations, institutions, or agencies for the operation and maintenance of programs devoted in whole or in part to the welfare of the aging; and

WHEREAS, the Contractor operates a program devoted to the welfare of the aging in the Town;

WITNESSETH, that the Town and the Contractor, for the consideration hereinafter named, agree as follows:

1. Contractor shall furnish a program open to all senior citizens within the Town of Boston that promotes the welfare of the aging through cultural, artistic, and/or social opportunities (the “Program”). Contractor may establish a minimum age for participation in the Program, but covenants not to discriminate against any Program participant on the basis of age, race, creed, color, national origin, sexual orientation, military status, sex, marital status, disability, or for any other reason.
2. The Town will reimburse contractor or pay directly on behalf of contractor an amount not to exceed \$ 14,000 during the period from January 1, 2023 to December 31, 2023 for Program expenses which benefit all participants in attendance at a Program offered by Contractor, such as entertainment, transportation, and material costs.
3. The Town’s funds are to be used to benefit Town residents who participate in Contractor’s Program and any benefit for non-residents should be incidental. The Town’s funds may be used for the purpose of providing awards and recognition to individual participants in Contractor’s programs, but the value or any such award or recognition purchased using the Town’s funds shall not exceed \$20 per individual, and the Town’s funds shall not otherwise be used to purchase gift cards or certificates or for payments, subsidies, grants, or other benefits provided to individual program participants.
4. Contractor shall maintain books and records reflecting its expenditure of Town funds for a period of six years, and shall provide these records for Town inspection upon request.
5. Contractor is an independent contractor, and shall not be considered an employee or agent for the Town.
6. Each party shall indemnify, defend, and hold the other party harmless from all liabilities, costs and expenses (including, without limitation, attorneys fees) that such party may suffer, sustain or become subject to as a result of the indemnifying party’s negligence or willful misconduct in performance of its obligations under this Agreement.

7. Contractor is prohibited from assigning or transferring this Agreement without the prior written consent of the Town.
8. Each and every provision of law and clause required by law to be inserted in this Agreement shall be deemed to have been inserted herein. If any such provision is not inserted, through mistake or otherwise, then upon the application of either party, this Agreement shall be physically amended forthwith to make such insertion.
9. No waiver of any breach of any condition of the Agreement shall be binding unless in writing and signed by the party waiving said breach. No such waiver shall in any way affect any other term or condition of this Agreement or constitute a cause or excuse for a repetition of such or any other breach unless the waiver shall include the same.
10. The individuals executing this Agreement personally warrant that they have full authority to execute this Agreement on behalf of the entity for whom they are acting herein.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed effective the day and year first above written.

Town of Boston

By:  Jason A. Keding
Jason A. Keding, Supervisor

Contractor [Name of Organization]

Young at Heart Seniors

By: 
[Name], [Office]
President

Town of Boston Supervisor

From: KNOSPE, CHRISTOPHER
Sent: Tuesday, July 11, 2023 2:24 PM
To: Thomas Murphy
Cc: Town of Boston Supervisor; PITIRRI, MICHAEL
Subject: Deanna Drive Summary

Dear Mr. Murphy,

Per our conversation, please find a timeline of events regarding the Deanna Drive issue we have been discussing. Please note, any reference to the term “developer” refers to either the developer itself or its contractor/subcontractors.

4/21/2023

- Inquiry Notification 10300978413 created with NYSEG

5/09/2023

- Developer contacted and informed that the easement could be removed, and they would need to call in a notification for the subdivision

6/15/2023

- Developer emailed NYSEG Field Planner Madison Timchack to expedite the removal of the easement (not the removal of the poles)

6/16/2023

- Developer removed NYSEG pole line off of Deanna Drive
 - NYSEG Line Crew arrived at the site to tell contractor to cease work

6/23/2023

- Developer was still removing NYSEG pole Line after being asked to cease work
 - NYSEG crew went back out to find a spilled transformer

6/26/2023

- NYSEG hired SUN Environmental Corp to properly clean up oil spill
- NYSEG Program Manager for Government & Community Relations Christopher Knospe contacted Boston Town Supervisor Jason Keding and subsequently spoke with Code Enforcement Office Tom Murphy regarding the situation.
 - Knospe sent Tom Murphy a formal request to issue a stop work order at the site so NYSEG could complete the necessary review of the situation

6/27/2023

- SUN Environmental Corp collected oil sample

6/29/2023

- NYSEG informed DEC of poles that were removed from by another party other than NYSEG

6/30/2023

- Madison Timchack was on site and took pictures of facilities down and saw contractor removing wood chips from the site
- Timchack confirmed number of poles that were originally on did not match up with what was witnessed onsite

- NYSEG Field Planning Supervisor Mike Pitirri spoke with Tom Murphy to advise on the status of the situation

7/06/2023

- SUN Environmental Corp transported and disposed of oil waste

Thanks for your cooperation in the matter. All of the work orders have been executed internally and I will advise you when our crew completes removal of the remaining NYSEG facilities on site.

Please let me know if you have any questions or need further information.

Best regards,
Chris

cc: [redacted]

Please consider the environment before printing this email.

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JUL 21 2023 PM2:58



July 17, 2023

Jason Keding
Town Supervisor - Town of Boston
8500 Boston State Rd
Boston, NY 14025

Enclosed is the **Municipal Shelter Inspection Report** completed on **07/10/2023**. This inspection relates to Agriculture and Markets Laws and Regulations which may be viewed on the website below.

As the report indicates, dog shelter services were rated "Satisfactory". Please make note of any comments listed on the report.

Municipal dog shelters are subject to inspection by this agency on a regular basis.

Please notify this office within 30 days of any changes in municipal shelter services.

If you have any questions regarding this inspection, please call me.

Sarah Mountain
Animal Health Inspector

MUNICIPAL SHELTER INSPECTION REPORT - DL-90

Rating: **Satisfactory365**

Purpose: **Inspection**

DATE/TOA: **7/10/23 12:30 pm**

**EDEN VETERINARY CLINIC, PLLC
8217 N MAIN STREET
EDEN NY 14057**

Inspector: **Sarah Mountain**

Inspector #: **074**

These are the findings of an inspection of your facility on the date(s) indicated above:

- | | |
|---|-----|
| 1. Shelter is structurally sound | Yes |
| 2. Housing area and equipment is sanitized regularly | Yes |
| 3. Repairs are done when necessary | Yes |
| 4. Dogs are handled safely | Yes |
| 5. Adequate space is available for all dogs | Yes |
| 6. Light is sufficient for observation | Yes |
| 7. Ventilation is adequate | Yes |
| 8. Drainage is adequate | Yes |
| 9. Temperature extremes are avoided | Yes |
| 10. Clean food and water is available and in ample amount | Yes |
| 11. Veterinary care is provided when necessary | Yes |
| 12. Dogs are euthanized humanely, by authorized personnel | Yes |
| 13. Complete intake and disposition records are maintained for all seized dogs | Yes |
| 14. Dogs transferred for purposes of adoption in compliance with Article 7 | Yes |
| 15. Redemption period is observed before adoption, euthanasia or transfer | Yes |
| 16. Owners of identified dogs are properly notified | Yes |
| 17. Redeemed dogs are licensed before release | Yes |
| 18. Proper impoundment fees paid before dogs are released | Yes |
| 19. Written contract or lease with municipality | Yes |



July 17, 2023

Jason Keding
Town Supervisor - Town of Boston
8500 Boston State Rd
Boston, NY 14025

Enclosed is the **Dog Control Officer Inspection Report** completed on **07/10/2023**. This inspection relates to Agriculture and Markets Laws and Regulations which may be viewed on the website below.

As the report indicates, DCO services were rated "Satisfactory". Please make note of any comments listed on the report.

Dog control officer services are subject to inspection by this agency on a regular basis.

Please notify this office within 30 days of any changes in DCO services.

If you have any questions regarding this inspection, please call me.

Sarah Mountain
Animal Health Inspector

DOG CONTROL OFFICER INSPECTION REPORT - DL-89Rating: **Satisfactory365**Purpose: **Inspection**DATE/TOA: **7/10/23 10:45 am****Linda Sherry
6910 Pin Oak Dr.
Boston NY 14025**Inspector: **Sarah Mountain** Inspector #: **074**

These are the findings of an inspection of your facility on the date(s) indicated above:

- | | |
|---|-----|
| 1. Equipment is available for proper capture and holding | Yes |
| 2. Dogs are held and transported safely | Yes |
| 3. Equipment maintained in clean and sanitary condition | Yes |
| 4. Veterinary care is provided when necessary | Yes |
| 5. Dogs are euthanized humanely | Yes |
| 6. Complete seizure and disposition records are maintained for all seized dogs | Yes |
| 7. Dogs transferred for purposes of adoption in compliance with Article 7 | Yes |
| 8. Redemption period is observed before adoption, euthanasia or transfer | Yes |
| 9. Owners of identified dogs are properly notified | Yes |
| 10. Redeemed dogs are licensed before release | Yes |
| 11. Proper impoundment fees paid before dogs are released | Yes |

**TOWN OF BOSTON
APPLICATION FOR
USE OF TOWN MEETING FACILITY**

Name/Organization Town of Boston Date 7 / 25 / 2023

Name of person responsible for facilities Town of Boston

Title Supervisors Office

Applicant Address 8500 Boston State Rd.

Applicant Daytime Phone # 716-941-6518 # Of Attendees: 40

Date(s) Requested* July 31, 2023 Time 6pm - 9pm Type of Event meeting for Comp. Plan.

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: A Koayn

Upon Completion, please submit to Town Clerk

APPROVED/DENIED : 7/25/2023 S. Quindon, Town Clerk
(date)

INSPECTION: _____
(date)

Continuation of Public Hearing
from July 19, 2023
for Special Permit, Live
Entertainment License – Rick
Hayden - Couzins

TOWN OF BOSTON – RESOLUTION NO. 2023-71

ESCROW AGREEMENT FOR DEVELOPER PAYMENT OF PROFESSIONAL FEES SERVICES FOR EVALUATION OF LARGE-SCALE SOLAR PROJECT

WHEREAS, the Town of Boston has received applications for zoning variances, a special use permit, and site plan review from NY Boston II, LLC, an entity associated with Delaware River Solar, related to the development of a 3.6-megawatt solar facility at 7832 Feddick Road, the first proposed large-scale solar development in the Town; and

WHEREAS, in 2019 the Town enacted a local law to regulate large-scale solar development, but solar development in New York State can be complex and multi-faceted, and to effectively apply applicable laws, rules, and regulations and to ensure that the community is protected from environmental, legal, and other possible issues the Town has determined that it would be appropriate to retain professionals with specific and extensive experience related to large-scale solar development to assist with reviewing the solar development; and

WHEREAS, the Town anticipates incurring engineering and legal professional services fees connected with the review of the proposed large-scale solar project;

WHEREAS, the Town has authority to impose on developers reasonable fees associated with reviewing projects as required by State and local law and regulations; and

WHEREAS, the Town has prepared a draft agreement for the payment of municipal engineering and legal expenses, which establishes a procedure for payment of these fees by the Town using an escrow agreement funded by the developer;

NOW THEREFORE BE IT

RESOLVED, that Town Board of the Town of Boston hereby authorizes the Town Supervisor to enter into an escrow agreement with NY Boston II, LLC, and/or Delaware River Solar LLC for the developer to pay professional services fees associated with the Town’s review of the proposed large-scale solar development at 7832 Feddick Road.

On August 2, 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

**AGREEMENT FOR THE PAYMENT OF MUNICIPAL
ENGINEERING AND LEGAL EXPENSES**

This Agreement dated _____, 20__ by and between the Town of Boston, a municipal corporation with its principal office located at 8500 Boston State Road, Boston, NY 14025 (the “Town”) and NY Boston II, LLC and Delaware River Solar, LLC, with its principal place of business located at 140 East 45th Street, Suite 32B-1, New York, New York 10017 (the “Applicant”)

WHEREAS, Applicant is the developer of a nominal 3.6 MW solar energy facility proposed to be located in the Town of Boston (the “Project”) and has applied for zoning variances, a special use permit, and site plan review for the Project (the “Application”); and

WHEREAS, pursuant to its authority under New York State law, the Town has authority to impose reasonable fees to carry out zoning and planning regulatory measures, so long as they are reasonably necessary to the accomplish the reviews required in the Town’s Zoning Law or pursuant to State Law; and

WHEREAS, the Town has retained special legal counsel and an engineering firm (collectively, the “Professionals”) to assist it in the review of the Application. The Professionals will be billing the Town on a time and material basis for such services; and

NOW THEREFORE, in consideration of the mutual promises herein, the Town and Applicant agree that the terms and conditions of this Agreement are the following:

1. Applicant shall reimburse the Town, in accordance with this Agreement, for all of its documented out-of-pocket engineering and legal fees reasonably incurred by the Professionals in connection with the Town’s review of the Application (the “Project Review Expenses”).
2. Within fifteen (15) business days of the execution of this Agreement, Applicant shall deposit the sum of Ten Thousand Dollars (\$10,000.00) with the Boston Town Clerk who shall hold the funds in escrow to be used to pay the Project Review Expenses incurred in reviewing the Application.
3. The invoices for Project Review Expenses will be submitted to the Town Clerk for approval by the Town Board. Upon approval by the Town Board, copies of all invoices shall be provided to Applicant, except for any privileged portions of legal billings. If Applicant makes no objection to the payment of the invoices within five (5) business days, the Town Clerk will thereafter be directed to disburse funds from the escrow account to pay the invoices.
4. In the event of an objection by Applicant to a claimed Project Review Expense, the parties will in good faith attempt to resolve the dispute in consultation with the relevant Professional. In the event a disputed claimed Project Review Expense cannot be resolved, Applicant may contest the claimed Project Review Expense upon application to the Zoning Board of Appeals.

5. Whenever the balance of the escrow fund falls below Five Hundred Dollars (\$500.00), the Town shall notify the Applicant in writing, through its attorney, of the balance of funds in the escrow account with an accounting of all monies expended since the last notification including the name of the payee, amount, invoice date and payment date. Within fifteen (15) business days of Applicant's receipt of such notification, the Applicant shall deposit an additional Three Thousand Dollars (\$3,000.00), or such other amount as the Applicant shall designate, into the account with the Town Clerk. In the event Applicant fails to replenish the escrow account within fifteen (15) business days of such Town written notification, the Town Board may direct the Professionals to cease all work on the Application until such additional funds are received from Applicant.
6. Upon completion of the review of the Application by the Professionals, any excess funds remaining in the escrow account shall be refunded by the Town Clerk to the Applicant within fifteen (15) business days of written request for refund of such funds by the Applicant.
7. The Professionals retained by the Town do not have any obligation or fiduciary relationship to the Applicant.
8. The parties hereto acknowledge that reimbursement by the Applicant of the Town's engineering and legal expenses associated with the Town's review of the Application is consistent with the authorization under New York State law for reimbursement for such expenses, and in no way commits the Town to a course of conduct or position in support or opposition to any aspect of the Project.

TOWN OF BOSTON

NY BOSTON II, LLC
 DELAWARE RIVER SOLAR, LLC

By: _____

By: _____

Print Name: Jason Keding

Print Name: _____

Title: Town Supervisor

Title: _____

TOWN OF BOSTON – RESOLUTION NO. 2023-72

**PROFESSIONAL SERVICES FOR EVALUATION
OF LARGE-SCALE SOLAR PROJECT**

WHEREAS, the Town of Boston has received applications for zoning variances, a special use permit, and site plan review from NY Boston II, LLC, an entity associated with Delaware River Solar, related to the development of a 3.6-megawatt solar facility at 7832 Feddick Road, the first proposed large-scale solar development in the Town; and

WHEREAS, in 2019 the Town enacted a local law to regulate large-scale solar development, but solar development in New York State can be complex and multi-faceted, and to effectively apply applicable laws, rules, and regulations and to ensure that the community is protected from environmental, legal, and other possible issues the Town Board has determined that it would be appropriate to retain professionals with specific and extensive experience related to large-scale solar development to assist with reviewing the solar development; and

WHEREAS, the Town has authority to impose on developers reasonable fees associated with reviewing projects as required by State and local law and regulations; and

WHEREAS, the Town intends to require the developer to pay the professional services fees associated with review of the large-scale solar project through an escrow agreement; and

WHEREAS, LaBella, the Town Engineer, has personnel with the specific expertise required to assist with the large-scale solar review; and

WHEREAS, the Town solicited proposals from several attorneys to act as special counsel to the Town to assist with the review of the large-scale solar project, and has received a proposal dated July 27, 2023, from Knauf Shaw, LLP, to provide the required services, with the explicit understanding that the fees connected with this engagement will be paid by the developer;

NOW THEREFORE BE IT

RESOLVED, that Town Board of the Town of Boston hereby authorizes the Town Supervisor to accept the July 27, 2023 proposal from Knauf Shaw, LLP, to act as special legal counsel to the Town for review of the large-scale solar development proposed by NY Boston II, LLC at 7832 Feddick Road, with the fees associated with that engagement to be paid by the developer through an escrow agreement.

On August 2, 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



2600 Innovation Square
100 South Clinton Avenue
Rochester, New York 14604
nyenvlaw.com

DWIGHT E. KANYUCK
ATTORNEY AT LAW

585.546.8430
dkanyuck@nyenvlaw.com

VIA ELECTRONIC MAIL

July 27, 2023

Jason A. Keding, C.T.O.
Town of Boston Supervisor
8500 Boston State Road
Boston, New York 14025
supervisorkeding@gmail.com

**Re: Town of Boston
Proposal for Solar Project Attorney**

Dear Supervisor Keding:

As we discussed, Knauf Shaw LLP is pleased to provide this proposal for municipal legal services to the Town of Boston (“Town”) for representation related to the application of Delaware River Solar for approval of a community solar energy project (the “Solar Project”) within the Town. Below is a description of our experience in assisting municipalities with the review of such projects as well as related fees.

Knauf Shaw is a small law firm based in Rochester that guides municipalities, developers, citizens and other clients through New York’s review and approval processes for environmental, energy, and land use matters. Knauf Shaw is currently representing the Towns of Burns, Alfred, and Hume in Allegany County, the Towns of Dansville, Caledonia, York, Springwater, and Leicester in Livingston County, the Town of Barre in Orleans County, the Town of Elba in Genesee County, the Town of Rose in Wayne County, Town of Tyre in Seneca County, Town of Conquest in Cayuga County, and Town of German Flatts in Herkimer County in the review of community solar projects, such as the Solar Project, in addition to large scale projects under review by the NYS Office of Renewable Energy Siting pursuant to Executive Law 94-c. We are also the municipal attorneys for the Towns of Huron, Sodus, and Rose in Wayne County and Town of Burns in Allegany County and have assisted the Towns of Alfred, Burns, Caledonia, Elba, Rose, Huron, Tyre, and Sodus with creating or updating their solar energy or battery energy storage laws. More information about Knauf Shaw is available at www.nyenvlaw.com. I would be the lead Knauf Shaw attorney should the Town engage Knauf Shaw in this proceeding. My resume is enclosed.



Jason A. Keding, C.T.O., Town Supervisor
July 27, 2023
Page 2

Proposed Engagement

For this engagement for representing the Town as special counsel for the review of the Solar Project, it is assumed that the Town would require the developer to reimburse the Town for its legal and engineering costs incurred during the review. We have assisted the above referenced Towns with entering into escrow agreements with project developers for managing such costs and would anticipate doing so in this matter.

My rate for services for this engagement would be \$350 per hour and services by our firm's associate attorneys will be billed at hourly rates of \$225 per hour. However, any payments for services would be made solely from the escrow agreement made available with the developer for funding legal and engineering expenses. No legal expenses associated with the Solar Project review would be paid from general Town funds. A proposed engagement agreement can be provided.

We appreciate the opportunity to be of service and would be happy to discuss this proposal with you and the board. Please call me if you have any questions at the number above or email me at dkanyuck@nyenvlaw.com. Thank you.

Sincerely,

KNAUF SHAW LLP

A handwritten signature in black ink, appearing to read "Dwight E. Kanyuck", is written over the printed name.

DWIGHT E. KANYUCK

cc: Sean W. Costello, Esq. (costello@rupppfalzgraf.com)



DWIGHT E. KANYUCK, ESQ., Partner

LEGAL EXPERIENCE

Dwight Kanyuck is a partner of Knauf Shaw and combines his extensive legal experience in all aspects of environmental and energy law with over 20 years of experience as a chemical engineer, business manager and project manager with Eastman Kodak. Mr. Kanyuck focuses his practice on alternative energy project review and development, brownfield redevelopment and transactions, litigation, and regulatory review, interpretation, and compliance.

Mr. Kanyuck has represented municipalities and land owners before the New York State Office of Renewable Energy Siting (ORES) in Section 94-c proceedings and the New York State Public Service Commission for Article VII electric transmission and Article 10 major electric power generation siting matters; local land use boards for solar energy project siting; municipalities establishing solar energy and energy storage local laws; community solar developers in consumer protection compliance matters; New York and federal trial and appellate courts on matters related to RCRA, SEQRA, the New York Oil Spill Law, CERCLA, New York Real Property Law, NEPA, the Land and Water Conservation Act, Clean Water Act, National Historic Preservation Act, CPLR Article 78, and other statutory and common law claims; and arbitration proceedings for contract disputes related to remedial construction and alternative energy development. Mr. Kanyuck represents commercial pesticide applicators in compliance and enforcement matters. Mr. Kanyuck has presented webinar and instructed local boards on the Section 94-c and Article 10 electric power siting processes, SEQRA, solar energy, and energy storage development and regulation, instructed New York attorneys, business persons, and landowners on developments in New York State Oil and Gas Law, incentives and opportunities associated with energy efficiency, energy storage, and combined heat and power systems, and offshore wind energy development. Mr. Kanyuck is admitted in the federal district courts of New York State and the Second Circuit Court of Appeals.

CHEMICAL ENGINEERING AND BUSINESS EXPERIENCE

Mr. Kanyuck held a range of positions within the chemical manufacturing operations of Eastman Kodak in Rochester, New York. From 2004 to 2005, Mr. Kanyuck supervised 16 engineering professionals and technicians in a \$160M/year synthetic chemical manufacturing area in addition to acting as project manager for several multi-million dollar capital programs. From 2000 to 2004, Mr. Kanyuck was the manufacturing operations manager for a precious metals recovery operation with an \$11M operating budget and \$90M product bill. During this period, Mr. Kanyuck led an analysis of risks associated with outsourcing the precious metals recovery operations while implementing a cost reduction and business-refocusing strategy.

From 1997 to 2000, Mr. Kanyuck managed up to 29 skilled trades, technical, and engineering personnel with a \$4M operations budget and \$1-2M capital budget in a precious metals recovery operation. From 1985 through 1997, Mr. Kanyuck held various chemical process engineering positions supporting process and capital improvement programs in Kodak's photochemical manufacturing, solvent storage and recovery, and precious metals and film recovery areas.

EDUCATION

- State University of New York at Buffalo Law School *juris doctor, magna cum laude*, 2008.
- The Pennsylvania State University, Bachelor of Science, Chemical Engineering, 1984.

PROFESSIONAL ACTIVITIES:

Mr. Kanyuck is a member of the New York State Bar Association and its Environmental Law Section and is the co-chair of the environmental law committee of the Monroe County Bar Association. He frequently instructs municipal officials and attorneys regarding New York state renewable energy permitting laws and processes.

SELECT PUBLICATIONS AND PRESENTATIONS

Site Plan and Special Permit Review for Solar Energy Projects, Basic Legal Framework, October 19, 2021, United Solar Energy Supporters (webinar).

Section 94-c Renewable Energy Siting Regulations, How Municipalities Can Influence the Outcome, April 7, 2021, United Solar Energy Supporters (webinar).

State Environmental Quality Review Act (SEQRA) & Solar Energy Permitting, December 8, 2020, United Solar Energy Supporters (webinar).

Section 94-c Renewable Energy Siting Law, Key Takeaways for Municipalities, November 16, 2020, Genesee/Finger Lakes Regional Planning Council (webinar).

Overview of Renewable Energy Siting Laws: Municipal Perspective, May 2020, New York State Bar Association (Webinar).

Article 10 Projects: PILOTS and Other Local Issues, July 2019, Livingston County Board of Supervisors Workshop, Genesee, NY.

Major Electric Generating Facility Siting Law, NY Public Service Law Article 10, February 2019, New York Association of Towns Annual Meeting, New York, NY.

An Introduction to New York's Energy Storage Roadmap: The Impact, Benefits, and Challenges of Deploying Energy Storage on New York's Electric Grid, Dwight E. Kanyuck, *Environmental Law in New York*, Volume 29, No. 11 (November 2018).

Major Electric Generating Facility Siting Law, NY Public Service Law Article 10, October 2018, American Planning Association Conference, Ithaca, NY.

State and Federal Initiatives to Incentivize and Permit Commercial Combined Heat and Power Facilities, March 2018, Electric Power Conference, Nashville, TN.

Streamlining Permitting for CHP, April 2017, Electric Power Conference, Chicago, IL, Linda Shaw and Dwight Kanyuck

CHP: A Solution for State Power Plans, April 2016, Electric Power Conference, New Orleans, LA, Linda Shaw and Dwight Kanyuck

Overview of Oil and Gas Law in New York State, Lorman Education Services, May 15, 2014, Buffalo, New York.

New York Great Lakes Offshore Wind Development: Regulatory and Permitting Issues presentation to Pace University Energy and Climate Center Great Lakes Wind Energy Development in New York State Conference on April 13, 2011.

Great Lakes Offshore Wind Power: A New York Strategy for Energy and Economic Development, Dwight Kanyuck, Robert Berger, *Environmental Law in New York*, Volume 20, No. 8 (August 2009).

Creating a Public Plan for New York's Great Lakes Offshore Wind Power: A Strategy for Energy and Economic Development, Robert Berger, Dwight Kanyuck, Buffalo Legal Studies Research Paper 2008-13, (2008) available at SSRN: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1133562.

Establishing REDD Carbon Finance: Voluntary Carbon Markets as a Guide, Dwight Kanyuck (2008).
Standards for Voluntary Carbon Offset Projects, Dwight Kanyuck (2007)

Tidal, Ocean Current, and Wave Energy: Developing Additions to the Renewable Portfolio, Dwight Kanyuck (2006).

TOWN OF BOSTON – RESOLUTION NO. 2023-73

**EASEMENT AGREEMENT FOR WATER TANK
OPERATION, MAINTENANCE, PIPING, CONDUIT, AND WIRING**

WHEREAS, the Town of Boston (“Town”) and its Water District #2 are parties with the Erie County Water Authority (“ECWA”) to a Lease Management Agreement pursuant to which ECWA manages the Town’s water distribution system and sales and distribution of water to customers in Town water districts; and

WHEREAS, ECWA seeks to install a conduit and wiring to improve its ability for electronic communication with instrumentation in the Water District #2 water tank at 8971 Zimmerman Road, and has requested a permanent easement for its conduit and wiring and which further covers other operation and maintenance as well as ingress and egress; and

WHEREAS, a copy of the proposed easement is attached hereto and incorporated herein; and

WHEREAS, the Town Board, as lead agency, has given due consideration to the impact that the easement described herein may have on the environment and has determined that granting the easement, which involves installation of a communications wire conduit, is a Type II action and requires no further review pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617.5; and

WHEREAS, this Resolution shall be subject to a permissive referendum pursuant to Town Law Section 64(2);

NOW THEREFORE BE IT

RESOLVED, subject to a permissive referendum, the Town Board of the Town of Boston hereby authorizes the Town Supervisor to execute on behalf of the Town of Boston Water District #2 the attached Easement Agreement for Erie County Water Authority to perform certain work and install water tank related equipment at 9871 Zimmerman Road, and to execute any other or further documents as may be required to evidence or record that easement.

On August 2, 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

JUL 21 2023 PM2:58



Erie County Water Authority

295 Main Street • Room 350 • Buffalo, NY 14203-2494
716-849-8484 • Fax 716-849-8463

Legal Department

July 18, 2023

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

Re: Permanent Easement
Town of Boston Water District
8971 Zimmerman Road, Boston, NY

Dear Mr. Keding:

I have enclosed the Permanent Easement for the Town of Boston, Water District #2 located at 8971 Zimmerman Road. Please kindly execute and notarize this document and return it to the Erie County Water Authority, to my attention.

Very truly yours,

ERIE COUNTY WATER AUTHORITY

A handwritten signature in black ink, appearing to read "Mark S. Carney".

MARK S. CARNEY
General Counsel

MSC:mes

PERMANENT EASEMENT

THIS INDENTURE, made this _____ day of _____ 2023, by and between

TOWN OF BOSTON-WATER DISTRICT #2
Boston Town Hall
8500 Boston State Road
Boston, New York 14025

hereinafter referred to as the “Grantor(s)” and

ERIE COUNTY WATER AUTHORITY
295 Main Street
Buffalo, New York 14203

hereinafter referred to as the “Grantee”

WHEREAS, the Grantor is a duly constituted Town of Boston Water District, located at 8971 Zimmerman Road in the Town of Boston, and whereas, the Grantor has agreed to grant a Permanent Easement to the Grantee for the subject premises,

NOW, THEREFORE, the parties agree as follows:

1. **GRANTING OF PERMANENT EASEMENT**: The Grantor does hereby grant and release unto the Grantee, its successors and assigns, a permanent easement, extending from Zimmerman Road to the area of the existing water tank, for the purpose of operating and maintaining the existing water storage tank and appurtenances including but not limited to the any existing and required underground piping and conduit and wiring for communications, as well as any and all structures and personalty contained on the map attached hereto as Exhibit A. Exhibit A is the map of the Town of Boston Water District No.2 Ext. lease area. Described as follows:

All that Tract or Parcel of Land situate in the Town of Boston, County of Erie, State

of New York, being part of Lot 18, Township 8, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

Commencing at a point in the centerline of Zimmerman Road (49.5 feet wide), a distance of 1,971.37 feet southerly from the intersection of the centerline of Zimmerman Road with the centerline of Polish Hill Road, said point also being the southwest corner of lands conveyed to Western New York Educational Television Association, Inc., by deed as recorded in the Erie County Clerk's Office in Liber 8422 of Deeds at Page 219;

Thence northerly along the centerline of Zimmerman Road, a distance of 193.00 feet, to the Point of Beginning;

Thence easterly at right angles to the centerline of Zimmerman Road, a distance of 130.00 feet to a point;

Thence northerly, parallel to the centerline of Zimmerman Road, a distance of 150.00 feet to a point;

Thence westerly, at right angles to the last described course, a distance of 130.00 feet, to a point in the centerline of Zimmerman Road;

Thence southerly along the centerline of Zimmerman Road, a distance of 150.00 feet to the Point of Beginning. Containing 0.45 acres of land, more or less.

2. **EXERCISE OF RIGHTS**: The Grantee shall have the right to construct, repair, maintain underground piping, conduits, wiring, water tank, valve housing, for the purpose of operating and maintaining the water tank, as well as any and all structures and personalty contained on Schedule A Map. Upon completion of the construction, maintenance and replacement, the Grantee will be responsible for returning the disturbed premises of the easement back to its former existing grade, as nearly as

possible to its original condition.

3. **ACCESS:** The Easement conveys to the grantee reasonable ingress and egress for the purpose of operating, maintaining and upgrading as necessary the existing water storage tank and appurtenances including underground piping, conduit and wiring as well as any and all structures and personalty contained on valve house along with any other work deemed necessary by the Erie County Water Authority to continue site operations.
2. **EASMENT MAP:** Attached hereto Exhibit A is the Easement Map identifying the easement granted herein.
3. **PROPERTY OF GRANTEE:** The underground conduit and wiring for communication shall be and remain the property of the Grantee, its successors and assigns forever.
4. **RESERVATION OF RIGHTS:** The Grantor will retain all rights not specifically conveyed by this Instrument, except not to construct a structure within the immediate limits of the easement once exercised by the Grantee.
5. **ASSUMPTION AND INDEMNIFICATION:** The Grantee assumes all risk of loss, damage or injury to persons or property occasioned by negligence or otherwise, and arising out of or in any way connected with the use of the easement rights.
6. **REPRESENTATION OF THE GRANTORS:** The Grantor covenants that the subject premises is leased and has the right and authority to convey the centerline easement herein granted.

IN WITNESS WHEREOF, the parties have caused this Instrument to be executed by the proper parties thereunto all as of the day and year first above written.

THE TOWN OF BOSTON

By _____
Jason Keding, Supervisor Town of Boston
Grantor

ERIE COUNTY WATER AUTHORITY

By _____
Jerome D. Schad, Chair
Grantee

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the ____ day of _____, in the year _____, before me, the undersigned, a Notary Public in and for the State, personally appeared _____, 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 acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person on behalf of which the individual(s) acted, executed the instrument.

Notary Public

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the _____ day of _____, in the year _____, before me, the undersigned, a Notary Public in and for the State, personally appeared **JEROME D. SCHAD**, Chairman of the Erie County Water Authority, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person on behalf of which the individual acted, executed the instrument.

Notary Public

CRIMING
NAME
239843

LEGEND
AC = ACRES
APPROX = APPROXIMATE
AVE = AVENUE

BIT = BITUMINOUS
CS = CATCH BASIN
CH = CHAIN
CONC = CONCRETE
COR = CORNER
C.T.V. = CABLE TV BOX

C = CENTERLINE
D = DEED
DIA = DIAMETER
DIST = DISTANCE
E = EAST
EJD = ELECTRICAL
JUNCTION BOX

ENC = ENCROACHMENT
ESMT = EASEMENT
EX = EXISTING
FNC = FENCE
GAR = GARAGE
IP = IRON PIPE

L = LIBER
MH = MANHOLE
MP = MAP
MS = MEASURED
N = NORTH
OH = OVERHEAD

OL = OIL LINE
PP = PORCH
PP = POWER POLE
P = PAGE
PL = PROPERTY LINE
PAVT = PAVEMENT

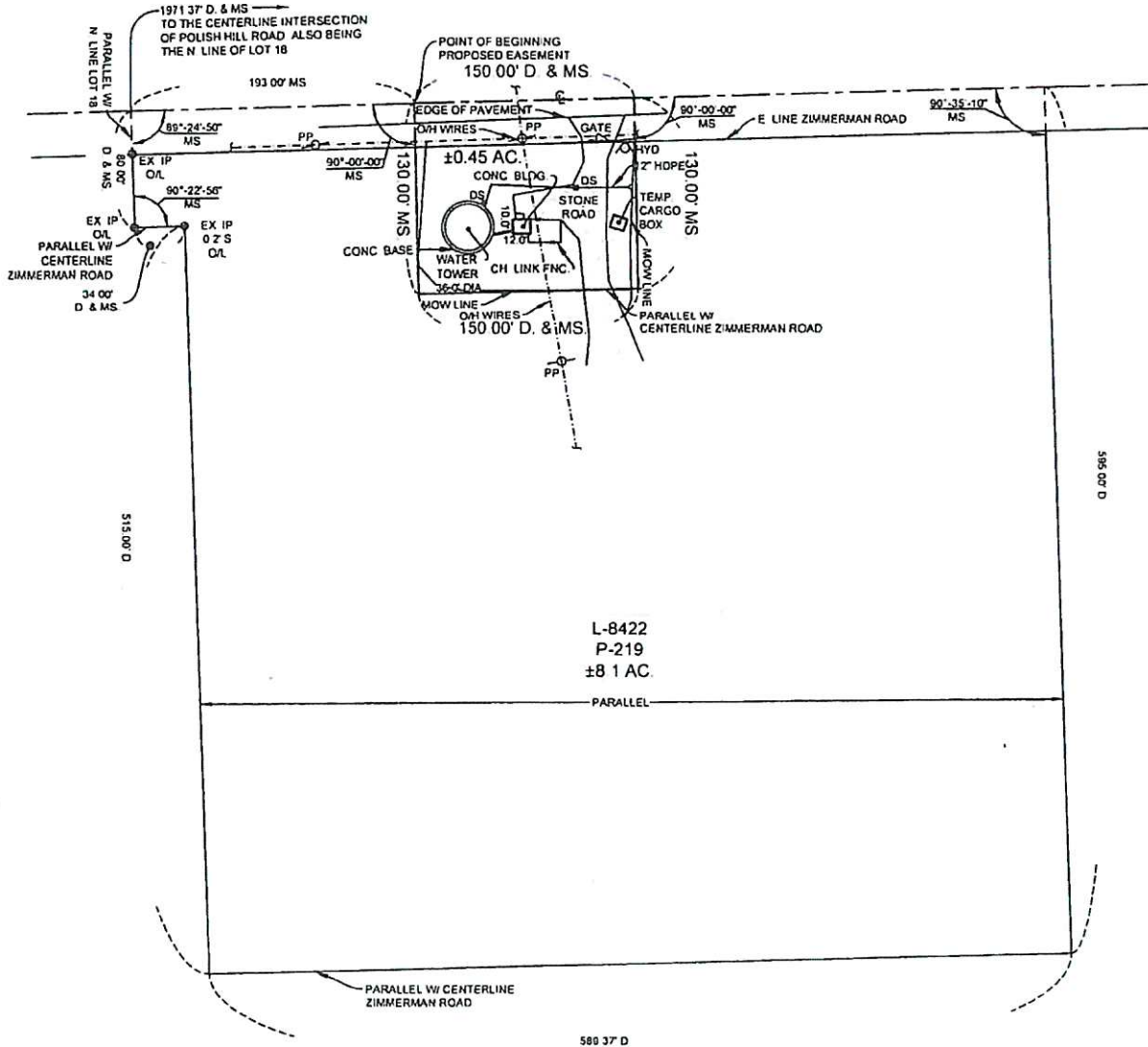
RD = ROAD
S = SOUTH
ST = STREET
STY = STORY
TJD = TELEPHONE
JUNCTION BOX

TYP = TYPICAL
W = WEST
WO = WOOD
WF = WOODFRAME

PROPOSED EASEMENT MAP



ZIMMERMAN ROAD (49.5')



TOWER AND ASSOCIATED BUILDINGS PURPOSELY OMITTED FOR CLARITY PURPOSES

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY CHANGES THAT AN EXAMINATION OF SUCH MAY REVEAL

NOTES

ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MAP MARKED WITH THE SIGNATURE AND AN ORIGINAL OF THE LAND SURVEYOR'S ENGRAVED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES

UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY MAP IS A VIOLATION OF SECTION 7209 PROVISION 2 OF THE NEW YORK STATE EDUCATION

FRONTAGE SURVEY ONLY
ANGLES AND ACREAGE ARE SUBJECT TO CHANGE BASED ON COMPLETION OF A FULL SURVEY



wendel
Centerspace Corporate Park • 315 Esplanade Road Suite 200
Williamsville, New York 14221
PHONE 716 689 0766 FAX 716 625 6825
WEBSITE www.wendelcompanies.com
Wendel WD Architecture, Engineering, Surveying and Landscape Architecture P.C.

PART OF LOT	18	REC	-	MAP	8	ENCL	7
OF THE HOLLAND LAND COMPANY'S SURVEY							
TOWN	BOSTON			PROJ. NO.	239843		
COUNTY	ERIE, NY			DATE	241 00-3-33		

SCALE 1"=80'

TOWN OF BOSTON
APPLICATION FOR USE OF FACILITY

RECEIVED
 CITY TOWN CLERK
 JUL 25 PM 2:54

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 PATRIOTS FOOTBALL Date 7 / 25 / 23

Name of person responsible for facilities BILL FRASCIELLA
 Title COMMISSIONER

Applicant Address _____

Applicant Daytime Phone # _____ # Of Attendees: 120

Date(s) Requested* 7-31-23-12/1/23 Time 6-8 PM Type of Event PRACTICE
 Set Up 6 PM Take Down 8:30 PM Monday-Friday

Sporting Leagues — Please attach Schedule Games-Saturdays 8/26-November

****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/	716-225-7936	Soccer—Jessica Blesy	716-809-0121
Mike Bellagamba			

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 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 checked="" 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? Yes No
Are you having a Private Party? Yes No
Are you having a Public Special Event? 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.

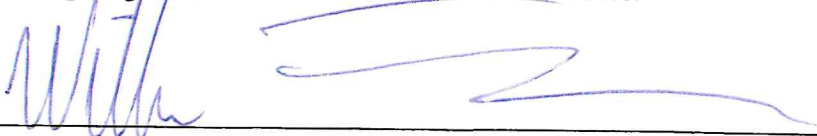
KEYS: Keys may be picked up on the business day before the scheduled event and should be returned the first business day immediately following.

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: 

Upon Completion, please submit to Town Clerk

FEE REC'D 7/25/2023 APPROVED/DENIED : _____
(date) (date)
ch# 5049

OATKA 2023 SEASON SCHEDULE REVISED 2nd Time

Red = Bye week

Yellow = Special request

Week	Date	Game 1	Game 2	Game 3	Game 4	Game 5
Week 1	8/26	6 @ 3	4 @ 8	XXX @ 10	7 @ 2	9 @ 5
Week 2	9/2	5 @ 10	2 @ XXX	3 @ 8	6 @ 4	7 @ 9
Week 3	9/9	3 @ 4	10 @ 7	8 @ 6	XXX @ 9	2 @ 5
Week 4	9/16	9 @ 6	4 @ 10	2 @ 3	5 @ 8	7 @ XXX
Week 5	9/23	10 @ 3	6 @ 2	4 @ 9	8 @ 7	XXX @ 5
Week 6	9/30	3 @ 9	8 @ XXX	2 @ 4	5 @ 7	10 @ 6
Week 7	10/07	7 @ 3	9 @ 10	4 @ 5	XXX @ 6	8 @ 2
Week 8	10/14	5 @ 6	9 @ 2	7 @ 4	3 @ XXX	10 @ 8
Week 9	10/21	2 @ 10	3 @ 5	XXX @ 4	8 @ 9	6 @ 7

Week 10	Friday	10/27	Pee Wee moving up game	TBD
Week 10	Saturday	10/28	Playoffs	TBD
Week 11		11/04	Championships	TBD
Week 12		TBD	Varsity All-Star Game	TBD

All Game times listed below, with the exceptions listed

10:30	12:30	2:30	4:30
-------	-------	------	------

Special Game time start list

Lake Shore	12:00	2:00	4:00	6:00
KAT				
South Buffalo				

- 1 XXXXXXX
- 2 Hamburg
- 3 Lackawanna
- 4 South Buffalo
- 5 NCAAA
- 6 Lakeshore
- 7 KAT
- 8 Niagara falls
- 9 West Seneca
- 10 Boston



RECEIVED
BOSTON TOWN CLERK

2023 JUN -9 PM 1:04

ch # 6569
Fee \$ \$25⁰⁰
Received 6/9/2023
(Date)

TOWN OF BOSTON

APPLICATION FOR LIVE ENTERTAINMENT LICENSE

Name of Applicant: RICK HAYDEN Phone# (716) 943-7262

Doing Business As: CAUZINS

Mailing Address: 7115 Boston St Rd

Address of Establishment Same Manager: same

Do you have a New York State liquor license? Yes No

If yes, what kind of license: Beer / wine / liquor

Are there any limitations on your liquor license? NO

What type of live entertainment? Bands / Karaoke

Days: Thur, Fri, Sat. Hours: 8:00 pm - 1:00 am

Is business to be conducted in connection with any other business at the same location? Yes No

If so, name of business: _____

I/we, the undersigned applicant(s) do hereby declare and swear that the foregoing statements are true to the best of my/our knowledge and belief; and if a license is granted pursuant to this application, that I/we will comply with the laws of the State of NY and Local Laws of the Town of Boston, governing such operations.

[Signature]
Signature of Applicant

6-9-2023
Date

APPROVED BY THE TOWN BOARD Tabled 6/21/2023 Date: _____

The following stipulations will apply: _____
