

AGENDA
REGULAR BOARD MEETING - TOWN OF BOSTON
February 7, 2024 - 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 January 17, 2024
2. Consideration of all Fund Bills

ITEM NO. III CORRESPONDENCE

1. NYSEG Completes State's Future Grid Challenge Press Release
2. 2024 Annual DCO/ACO Conference Information
3. Dog Control Officer Report for January 2024
4. Letter from Buffalo Niagara Partnership & 2024 Advocacy Agenda
5. Association of Towns presentation of 2024-2025 Executive Budget
6. Code Enforcement Office Monthly Reports for 2023
7. Letter from Erie County Department of Environment and Planning - Erie County Community Climate Action Plan (CCAP)
8. Draft minutes from NEST January 2024 meeting
9. Erie County Sewer District No. 3, Board of Managers meeting minutes January 31, 2024

ITEM NO. IV NEW BUSINESS

1. Requests from the Floor (3-minute time limit per person)
2. Public Hearing, Local Law No. 1. A Local Law to Amend the Boston Town Code to Add Chapter 94 "Short-Term Rentals" to require Owners of Short-Term Rentals to obtain a Short-Term Rental Permit

3. Resolution 2024-19 Adoption by the Boston Town Board of Town of Boston, 2024 Local Law No. 1, Amend the Boston Town Code to Add Chapter 94 "Short-Term Rentals" to require Owners of Short-Term Rentals to obtain a Short-Term Rental Permit
4. Public Hearing for Special Permit, Live Entertainment License for Foxhole Farm Winery, 8325 Cole Road
5. Resolution 2024-20 Authorizing Payment and Budget Amendment for Replacement of East Hill Pumping Station Variable Frequency Drives
6. Approval for new member of North Boston Volunteer Fire Company – Erik Filkorn
7. Approve Applications for Annual Refuse Licenses, MRC Disposal Inc., Modern Disposal Services, Inc, and Waste Management of NY, LLC
8. Application for Use of Facility – Boston Democratic Social Club
9. Application for Use of Facility – Conservation Advisory Council – Snowshoe and Snowmen Event

ITEM NO. V OLD BUSINESS

1. Appoint Part-Time Assessment Clerk

ITEM NO. VI REPORTS AND PRESENTATIONS

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

ITEM NO. VII ADJOURNMENT OF MEETING

1. Adjournment of Meeting

DRAFT

Motion Con't:

five (5) Yes Carried

A motion was made by Councilman Cartechine and was seconded by Councilwoman Martin to approve new members of Patchin Volunteer Fire Company, Dylan C. Hart, Garrett S. Disarno, and Joseph T. Patterson.

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 Councilwoman Lucachik and was seconded by Councilwoman Selby,

RESOLUTION 2024-03

ATTORNEY FOR THE TOWN

WHEREAS, Sean W. Costello, Esq., with assistance from his affiliated law firm, Rupp Pfalzgraf LLC, and Joseph Burns, Esq., has served as Attorney for the Town from 2018 through 2023 pursuant to the terms of a retainer agreement dated January 3, 2018 as extended; and by way of a letter proposal dated January 11, 2024, Sean W. Costello and Rupp Pfalzgraf LLC have offered a further extension of the retainer agreement to serve as Attorney for the Town on a month-to-month basis, with rates held firm through December 31, 2025. The Town Supervisor hereby is authorized, on behalf of the Town of Boston, to extend the Town's contract with Sean W. Costello, Esq., and Rupp Pfalzgraf LLC on a month-to-month basis with rates held firm through December 31, 2025 by executing the January 11, 2024 proposal, and that Sean W. Costello shall continue to be the duly-designated attorney for the Town of Boston, and shall, in addition to any other contractually specified duties, perform those specific tasks and duties as are required of the Town Attorney pursuant to the Town of Boston Code.

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 Supervisor Keding,

RESOLUTION 2024-16

**AWARDING BID FOR TOWN HALL
ENTRY IMPROVEMENTS**

WHEREAS, sealed bids were solicited for the necessary work; and a total of five bids were received, and Double A Services LLC submitted the low bid for the required work, with a total base bid of \$46,525; and after reviewing Double A

Motion Con't;

Services LLC's qualifications and references, CPL recommends that the Town award the bid to that contractor; the Town Board of the Town of Boston hereby accepts the bid received from Double A Services, LLC, in the amount of \$46,525 and awards the contract for construction of the Town Hall Entry Improvements project to that firm.

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

five (5) Yes Carried

Reports and Presentations:

Highway Superintendent Telaak reported on the following:

For the last week it has been busy around here in the Highway Department with the windstorm last Wednesday and all the snow from the weekend. The guys did a great job. There is going to be plenty of brush to pick up this Spring with all the trees down in people's yards. Windstorms bring trees down and power lines come down. All in all things went smoothly.

Councilwoman Selby reported on the following:

Nothing to report.

Councilman Cartechine reported on the following:

Expressed appreciation and thank you to the Highway Superintendent and the Town of Boston Highway Department for quickly removing downed trees in the roads last week. I received quite a few calls about that, I am happy to report that those trees were removed, and the roadway cleared rather quickly.

A Note to Residents: I received a call last week from a gentleman that experienced an extended amount of time with power loss as a result of fallen trees. I would like to remind all residents that the trees that are on your property, if they are in jeopardy of falling on a power line it is your responsibility to trim them or remove them if they are diseased and dead. With what happened last week on one street, a tree went down on a power line that fed that entire neighborhood. They experienced an extended amount of time of power loss. I know firsthand that it is expensive to remove trees. Thanked the Town Clerk and her staff, as well as Supervisor Keding and his staff for accelerating the addition to the agenda tonight of the Patchin volunteer firemen that are going to begin service. As we all know, volunteerism is at an all-time low. There was an issue with the e-mail and we didn't get proper notification in time. All of you worked to get that on the agenda. I just wanted to take a moment to express my appreciation.

Councilwoman Lucachik reported on the following:

Planning Board is scheduled to have its next monthly meeting on February 13th. Travel safely, follow the driving bans.

Councilwoman Martin reported on the following:

Apologized to the Town Board for missing the last extensive reorganization meeting. I picked up Covid over the New Year holiday and that put me down and out for a week.

Town Clerk Quinlan reported on the following:

Read letter from the Association of Towns regarding the 2024 Training School and Annual Meeting February 18-21, 2024.

Waste Management did send out the updated 2024 program guide with calendar, schedule, info, so we should be receiving this shortly at our homes. We also have copies available on the table in the foyer.

Supervisor Keding reported on the following:

We don't have a good way to communicate to the public regarding solid waste collection changes due to the weather. The Town's Clerk's office and my office have spent a lot of time on the phone. Councilwoman Selby has been copied on quite a few of the e-mails as well. There has been hours' worth of work to try to logistically plan for restructuring the solid waste. I understand that people are upset about the change in normal service. The original plan was that everything would be pushed out one day; if your collection was on Monday, it was pushed out to Tuesday and so forth throughout the week. Mother Nature decided to throw us another curveball, another storm and travel bans remain in place, route 219 is still closed under the DOT authority. As we have it right now, the solid waste update that was posted to social media and the Town's website. I wish I had a better way to communicate this with all residents in the Town. The biggest change is for Wednesday's residential customers. If your regular collection is on a Wednesday, sadly it will not be picked up this week. It will be extended one whole week until next Wednesday. It will be solid waste and recycling next week. Plan on seeing the old solid waste trucks not the ones with a mechanical arm. It is going to be a two-team crew. Because we anticipate additional solid waste not fitting in the carts, Wednesday residential customers if you have an extra bag or more, neatly tie them up and keep them out of the snowbank, put them alongside the trash can and they will be collected as well as recycling. Monday's collection that was pushed to Tuesday, 200 parcels were missed due to snow on the roads, those parcels that were missed on Tuesday will be collected tomorrow, Thursday. Regular Tuesday collection will also be tomorrow. Regular Thursday service is going to be moved to Friday. I made some phone calls to Waste Management to see if we could get a Friday or Saturday collection.

There are areas that remain under travel bans, while they are trying to remove 5 to 6 or more feet of snow. Another foot or two of snow in these intense bands is expected tonight. Schools are closed tomorrow. If there are any other updates, I will share the information on the Town's social media and the Town's website. As of 5:00 P.M., County Executive Poloncarz Facebook page, North Tonawanda, Cheektowaga, Lancaster, Lackawanna, West Seneca, Hamburg, and Orchard Park all have travel bans. They have a sizeable amount of snow; those folks were getting hit hard. Our Town attorney is not here tonight, because of 219 being shut down. During a travel ban only tier one essential workers as defined by United States Homeland Security are permitted on roads. They are police, fire, EMS, Public works which is your highway crews, utility workers and those required for healthcare facility operations. It is illegal for an employer to require their employees to show up for work. I wish it was easier for all of us but sometimes you just must adapt and persevere through these situations. I did receive a call from a resident who was quite upset because I was allegedly enforcing the ban. I don't enforce the bans. I am a governing body not an authority body. These travel bans are to help our public works to help keep the roads clear. It is also to help our first responders whether it is fire, EMS, or police, to respond to calls.

Ready Erie App is a great tool for keeping up to date with road closures, travel bans or updates, they are county wide state of emergency declaration. It is free, you can download it to your tablet or your phone. There is a lot of information that comes across that App.

For the Town, we haven't had it yet, but we were made aware that First amendment audits were rolling through the area. First amendment individual would come into a public building and try to access office spaces. They are looking to see if somebody loses their cool and doesn't allow them in areas. They know the Constitution and the Town laws etc. They are looking to identify one person that slips up because then it gets pushed out to YouTube and then becomes clickbait, getting enough clicks makes money. Our error becomes money in their pocket. That is a First amendment audit. Communication was sent out to the staff, we are probably looking at doing training on it as well.

The comprehensive plan update meeting was moved from Martin Luther King day to next Monday here at the Town Hall if anyone is interested. I did receive a call regarding warming shelters. Unfortunately, the Town does not have an area that could be deemed as a warming shelter. There are very strict FEMA and Red Cross guidelines to adhere to and meet the criteria to open the Town hall or Community room is a warming shelter. An area would need to be provided that can be kept safe, secure, and warm. We are in the process of getting a municipal generator for the Town hall, that is one of the first steps.

REGULAR BOARD MEETING
JANUARY 17, 2024

DRAFT

TOWN HALL
7:30 P.M.

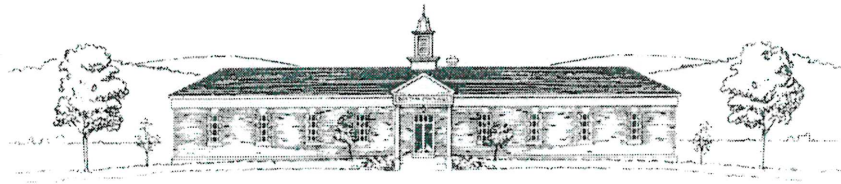
A motion was made by Supervisor Keding and was seconded by Councilwoman Lucachik to adjourn the meeting at 8:02 p.m.

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

five (5) Yes

Carried

SANDRA L. QUINLAN, BOSTON TOWN CLERK



TOWN OF BOSTON

Town Board Meeting: February 7, 2024

Abstract #1 – 2023 Payables	Journal #PA-4164	\$ 150,696.18
A Fund - Credit	Amazon	- \$ 151.40
		\$ 150,544.78

Abstract #2 – 2023 Escrow Payables	Journal #PA-4165	\$ 1,255.00
---	------------------	--------------------

Abstract #3 – 2024 Payables	Journal #AP-4166	\$ 63,645.01
------------------------------------	------------------	---------------------

Total Payables Due		\$ 215,444.79
---------------------------	--	----------------------

Breakout by Fund:	2023	2024	Total
General (A) Fund:	\$ 72,294.41	\$ 24,139.81	\$ 96,434.22
Highway (DB) Fund:	\$ 3,828.75	\$ 38,870.19	\$ 42,698.94
Lighting (L30) Fund:	\$ -	\$ -	\$ -
Fire (SF) Fund:	\$ -	\$ -	\$ -
Ambulance (SM) Fund:	\$ 251.98	\$ 635.01	\$ 886.99
Refuse & Garbage (SG) Fund:	\$ -	\$ -	\$ -
Water Funds:	\$ 73,924.64	\$ -	\$ 73,924.64
Trust & Agency (TA):	\$ -	\$ -	\$ -
Capital Projects (H):	\$ 1,500.00	\$ -	\$ 1,500.00

Total expenses submitted for approval:	\$ 151,799.78	\$ 63,645.01	\$ 215,444.79
---	----------------------	---------------------	----------------------

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

The Town of Boston is an equal opportunity provider and employer.

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

February 7, 2024 - A B S T R A C T – 2023 Payables

Town of Boston Journal Proof Report Fiscal Year: 2023

Created By: epericak

Journal Number: PA - 4164	Journal Desc: AP Batch 42		Journal Date: 12/31/2023		Account Period: 13 - Post Closing		Status: Currently Active	
Account#	Account Description	Trans Description	Date	Reference	Debit	Credit	ENCLIQ	Seq #
A00-0600-0000-0000	ACCOUNTS PAYABLE	Fund A00 Prior AP Account	12/31/2023	Fund A00 Prior AP Account	\$0.00	\$71,039.41	\$0.00	49
A00-1320-0402-0000	SPECIAL AUDITS	Drescher & Malecki LLP 2401025 Accounting Services 12/1/23 - 12/31/23 (9.5 hr Audit of AUD Procedures)	12/31/2023	Vendor#: 1747	\$1,162.50	\$0.00	\$0.00	1
A00-1410-0200-0000	TOWN CLERK- EQUIP	Staples 3555945614 Martin Yale P7500 Automatic Paper Folder	12/31/2023	Vendor#: 2081	\$645.79	\$0.00	\$0.00	6
A00-1460-0401-0000	RECORDS MGT- CONTR	Lincoln Archives, Inc. 0082545 Purge 1.2 Cubic Ft. Offsite - 39 Boxes from Vault	12/31/2023	Vendor#: 2055	\$273.00	\$0.00	\$0.00	8
A00-1620-0400-0000	BUILDINGS- CONTR	VERIZON WIRELESS 9953116294 Cell Phones for Town - December 2023	12/31/2023	Vendor#: 53	\$31.24	\$0.00	\$0.00	11
A00-1620-0400-0000	BUILDINGS- CONTR	ERIE COUNTY WATER AUTHORITY Q4 2023 - Acct. #12810500-5 Acct. #12810500-5 - Town Hall (October - December 2023)	12/31/2023	Vendor#: 96	\$64.54	\$0.00	\$0.00	19
A00-1620-0402-0000	BUILDING- CONTR-REC CENTER	ERIE COUNTY WATER AUTHORITY Q4 2023 - Acct. #60550160-9 Acct. #60550160-9 - Boys & Girls Club (October - December 2023)	12/31/2023	Vendor#: 96	\$64.54	\$0.00	\$0.00	16
A00-3510-0400-0000	DOG CONTROL- CONTR	VERIZON WIRELESS 9953116294 Cell Phones for Town - December 2023	12/31/2023	Vendor#: 53	\$31.24	\$0.00	\$0.00	10
A00-3620-0400-0000	SAFETY INSPECT- CONTR	VERIZON WIRELESS 9953116294 Cell Phones for Town - December 2023	12/31/2023	Vendor#: 53	\$31.24	\$0.00	\$0.00	9
A00-3620-0400-0000	SAFETY INSPECT- CONTR	Thomas Murphy 2023 Mileage 2023 Mileage Reimbursement - 2,741.9 Miles x \$0.655	12/31/2023	Vendor#: 2028	\$147.77	\$0.00	\$0.00	20
A00-3620-0400-0000	SAFETY INSPECT- CONTR	Thomas Murphy 2023 Mileage 2023 Mileage Reimbursement - 2,741.9 Miles x \$0.655	12/31/2023	Vendor#: 2028	\$134.60	\$0.00	\$0.00	21
A00-3620-0400-0000	SAFETY INSPECT- CONTR	Thomas Murphy 2023 Mileage 2023 Mileage Reimbursement - 2,741.9 Miles x \$0.655	12/31/2023	Vendor#: 2028	\$112.01	\$0.00	\$0.00	22
A00-3620-0400-0000	SAFETY INSPECT- CONTR	Thomas Murphy 2023 Mileage 2023 Mileage Reimbursement - 2,741.9 Miles x \$0.655	12/31/2023	Vendor#: 2028	\$27.05	\$0.00	\$0.00	23
A00-3620-0400-0000	SAFETY INSPECT- CONTR	Thomas Murphy 2023 Mileage 2023 Mileage Reimbursement - 2,741.9 Miles x \$0.655	12/31/2023	Vendor#: 2028	\$93.60	\$0.00	\$0.00	24
A00-3620-0400-0000	SAFETY INSPECT- CONTR	Thomas Murphy 2023 Mileage 2023 Mileage Reimbursement - 2,741.9 Miles x \$0.655	12/31/2023	Vendor#: 2028	\$237.70	\$0.00	\$0.00	25
A00-3620-0400-0000	SAFETY INSPECT- CONTR	Thomas Murphy 2023 Mileage 2023 Mileage Reimbursement - 2,741.9 Miles x \$0.655	12/31/2023	Vendor#: 2028	\$214.71	\$0.00	\$0.00	26

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

Created By: epericak

Journal Number: PA - 4164

Journal Desc: AP Batch 42

Journal Date: 12/31/2023

Account Period: 13 - Post Closing

Status: Currently Active

Account#	Account Description	Trans Description	Date	Reference	Debit	Credit	ENCLIQ	Seq #
A00-3620-0400-0000	SAFETY INSPECT- CONTR	Thomas Murphy 2023 Mileage 2023 Mileage Reimbursement - 2,741.9 Miles x \$0.655	12/31/2023	Vendor#: 2028	\$93.99	\$0.00	\$0.00	27
A00-3620-0400-0000	SAFETY INSPECT- CONTR	Thomas Murphy 2023 Mileage 2023 Mileage Reimbursement - 2,741.9 Miles x \$0.655	12/31/2023	Vendor#: 2028	\$337.26	\$0.00	\$0.00	28
A00-3620-0400-0000	SAFETY INSPECT- CONTR	Thomas Murphy 2023 Mileage 2023 Mileage Reimbursement - 2,741.9 Miles x \$0.655	12/31/2023	Vendor#: 2028	\$150.00	\$0.00	\$0.00	29
A00-3620-0400-0000	SAFETY INSPECT- CONTR	Thomas Murphy 2023 Mileage 2023 Mileage Reimbursement - 2,741.9 Miles x \$0.655	12/31/2023	Vendor#: 2028	\$126.28	\$0.00	\$0.00	30
A00-3620-0400-0000	SAFETY INSPECT- CONTR	Thomas Murphy 2023 Mileage 2023 Mileage Reimbursement - 2,741.9 Miles x \$0.655	12/31/2023	Vendor#: 2028	\$120.98	\$0.00	\$0.00	31
A00-5010-0400-0000	HIGHWAY SUPT-CONTR	VERIZON WIRELESS 9953116294 Cell Phones for Town - December 2023	12/31/2023	Vendor#: 53	\$31.24	\$0.00	\$0.00	12
A00-5132-0400-0000	GARAGE-CONTR	ERIE COUNTY WATER AUTHORITY Q4 2023 - Acct. #70542520-4 Acct. #70542520-4 - Highway Barn (October - December 2023)	12/31/2023	Vendor#: 96	\$405.48	\$0.00	\$0.00	17
A00-7110-0400-0000	PARKS- CONTR	PIONEER MANUFACTURING COMPANY INV910838 Account #T09469 - Field Drag Mat & Game Day Premium Stiper	12/31/2023	Vendor#: 1358	\$537.53	\$0.00	\$0.00	2
A00-7110-0400-0000	PARKS- CONTR	RUCKER LUMBER INC. Parks Dept - Dec. 2023 Parks Acct. #1480 - Invoice # 181761	12/31/2023	Vendor#: 24	\$88.91	\$0.00	\$0.00	32
A00-7110-0400-0000	PARKS- CONTR	WNY Auto Supply Dec. 2023 Stmt. - Parks Parks Dept. Acct. #142 - Invoice # 207902	12/31/2023	Vendor#: 2078	\$5.33	\$0.00	\$0.00	41
A00-7620-0402-0000	ADULT REC- BOS YOUNG @ HEART	BOSTON YOUNG AT HEART Oct. - Dec. 2023 Reimbursements Oct - Dec 2023 - remaining budgeted amount	12/31/2023	Vendor#: 45	\$1,022.28	\$0.00	\$0.00	3
A00-8710-0400-0000	CONSERVATION- CONTR	Amazon Capital Services 1G1N-FJ74-G6FX CAC CREDIT - Return of Event Prizes bought on Invoice #17RF-DM7W-M4YF	12/31/2023	Vendor#: 2003	\$0.00	\$151.40	\$0.00	33
A00-8989-0400-0000	OTHER HOME/COM SVC- CONTR	BOSTON HIGHWAY DEPT. 2023 Brush & Leaf 2023 Brush & Leaf Pickup by Highway Department	12/31/2023	Vendor#: 90	\$65,000.00	\$0.00	\$0.00	5
DB0-0600-0000-0000	ACCOUNTS PAYABLE	Fund DB0 Prior AP Account	12/31/2023	Fund DB0 Prior AP Account	\$0.00	\$3,828.75	\$0.00	50
DB0-5130-0400-0000	MACHINERY- CONTRACTUAL	WNY Auto Supply Dec. 2023 Stmt. - HWY Highway Dept. Acct. #140 - Invoice #'s 206785, 206789, 206827, 207443, 208092, 208188, 208292	12/31/2023	Vendor#: 2078	\$17.96	\$0.00	\$0.00	42

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

Created By: epericak

Journal Number: PA - 4164

Journal Desc: AP Batch 42

Journal Date: 12/31/2023

Account Period: 13 - Post Closing

Status: Currently Active

Account#	Account Description	Trans Description	Date	Reference	Debit	Credit	ENCLIQ	Seq #
DB0-5130-0400-0000	MACHINERY- CONTRACTUAL	WNY Auto Supply Dec. 2023 Stmt. - HWY Highway Dept. Acct. #140 - Invoice #'s 206785, 206789, 206827, 207443, 208092, 208188, 208292	12/31/2023	Vendor#: 2078	\$17.96	\$0.00	\$0.00	43
DB0-5130-0400-0000	MACHINERY- CONTRACTUAL	WNY Auto Supply Dec. 2023 Stmt. - HWY Highway Dept. Acct. #140 - Invoice #'s 206785, 206789, 206827, 207443, 208092, 208188, 208292	12/31/2023	Vendor#: 2078	\$72.88	\$0.00	\$0.00	44
DB0-5130-0400-0000	MACHINERY- CONTRACTUAL	WNY Auto Supply Dec. 2023 Stmt. - HWY Highway Dept. Acct. #140 - Invoice #'s 206785, 206789, 206827, 207443, 208092, 208188, 208292	12/31/2023	Vendor#: 2078	\$10.19	\$0.00	\$0.00	45
DB0-5130-0400-0000	MACHINERY- CONTRACTUAL	WNY Auto Supply Dec. 2023 Stmt. - HWY Highway Dept. Acct. #140 - Invoice #'s 206785, 206789, 206827, 207443, 208092, 208188, 208292	12/31/2023	Vendor#: 2078	\$62.37	\$0.00	\$0.00	46
DB0-5130-0400-0000	MACHINERY- CONTRACTUAL	WNY Auto Supply Dec. 2023 Stmt. - HWY Highway Dept. Acct. #140 - Invoice #'s 206785, 206789, 206827, 207443, 208092, 208188, 208292	12/31/2023	Vendor#: 2078	\$150.91	\$0.00	\$0.00	47
DB0-5130-0400-0000	MACHINERY- CONTRACTUAL	WNY Auto Supply Dec. 2023 Stmt. - HWY Highway Dept. Acct. #140 - Invoice #'s 206785, 206789, 206827, 207443, 208092, 208188, 208292	12/31/2023	Vendor#: 2078	\$7.57	\$0.00	\$0.00	48
DB0-5130-0400-0000	MACHINERY- CONTRACTUAL	PREISCHEL BROS. SERVICE, INC. 75897 (2) Galaxy Garden Pro Tires for John Deere + Mount/Dismount + (2) Valves + scrap old tires	12/31/2023	Vendor#: 13	\$2,741.80	\$0.00	\$0.00	4
DB0-5130-0400-0000	MACHINERY- CONTRACTUAL	SHARE CORP. 255672 3x Citra-Sol at \$155.60; Freight \$21.78	12/31/2023	Vendor#: 236	\$488.58	\$0.00	\$0.00	7
DB0-5130-0400-0000	MACHINERY- CONTRACTUAL	RUCKER LUMBER INC. HWY - Dec. 2023 HWY Acct. #1470 - Invoice #'s 181649, 181661, 181766, 181833, 181842, 181856	12/31/2023	Vendor#: 24	\$22.99	\$0.00	\$0.00	34
DB0-5130-0400-0000	MACHINERY- CONTRACTUAL	RUCKER LUMBER INC. HWY - Dec. 2023 HWY Acct. #1470 - Invoice #'s 181649, 181661, 181766, 181833, 181842, 181856	12/31/2023	Vendor#: 24	\$13.16	\$0.00	\$0.00	35
DB0-5130-0400-0000	MACHINERY- CONTRACTUAL	RUCKER LUMBER INC. HWY - Dec. 2023 HWY Acct. #1470 - Invoice #'s 181649, 181661, 181766, 181833, 181842, 181856	12/31/2023	Vendor#: 24	\$37.54	\$0.00	\$0.00	36
DB0-5130-0400-0000	MACHINERY- CONTRACTUAL	RUCKER LUMBER INC. HWY - Dec. 2023 HWY Acct. #1470 - Invoice #'s 181649, 181661, 181766, 181833, 181842, 181856	12/31/2023	Vendor#: 24	\$70.23	\$0.00	\$0.00	37

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

Created By: epericak

Journal Number: PA - 4164		Journal Desc: AP Batch 42		Journal Date: 12/31/2023	Account Period: 13 - Post Closing	Status: Currently Active		
Account#	Account Description	Trans Description	Date	Reference	Debit	Credit	ENCLIQ	Seq #
DB0-5130-0400-0000	MACHINERY- CONTRACTUAL	RUCKER LUMBER INC. HWY - Dec. 2023 HWY Acct. #1470 - Invoice #'s 181649, 181661, 181766, 181833, 181842, 181856	12/31/2023	Vendor#: 24	\$41.81	\$0.00	\$0.00	38
DB0-5130-0400-0000	MACHINERY- CONTRACTUAL	RUCKER LUMBER INC. HWY - Dec. 2023 HWY Acct. #1470 - Invoice #'s 181649, 181661, 181766, 181833, 181842, 181856	12/31/2023	Vendor#: 24	\$57.36	\$0.00	\$0.00	39
DB0-5130-0400-0000	MACHINERY- CONTRACTUAL	Guis Ace Hardware 27014/7 Rust Preventive Paint (RSTP IE OB) - Quart	12/31/2023	Vendor#: 2008	\$15.44	\$0.00	\$0.00	40
H07-0600-0000-0000	ACCOUNTS PAYABLE	Fund H07 Prior AP Account	12/31/2023	Fund H07 Prior AP Account	\$0.00	\$1,500.00	\$0.00	51
H07-1620-0200-0000	TOWN HALL ENTRYWAY	Clark Patterson Lee (CPL) 96740 Project #R23.01423.00 - T.H. Entry Improvements - Services Ending 12/29/23	12/31/2023	Vendor#: 1918	\$1,500.00	\$0.00	\$0.00	13
HC0-0600-0000-0000	ACCOUNTS PAYABLE	Fund HC0 Prior AP Account	12/31/2023	Fund HC0 Prior AP Account	\$0.00	\$70,575.70	\$0.00	52
HC0-8340-0400-0000	CONTRACTUAL	ERIE COUNTY WATER AUTHORITY 061843 East Hill Pump Station (Cole Rd.) Repair/Upgrade of Variable Frequency Drives (Resolution 2024-20)	12/31/2023	Vendor#: 96	\$70,575.70	\$0.00	\$0.00	14
HF0-0600-0000-0000	ACCOUNTS PAYABLE	Fund HF0 Prior AP Account	12/31/2023	Fund HF0 Prior AP Account	\$0.00	\$3,348.94	\$0.00	53
HF0-8340-0400-0000	CONTRACTUAL	ERIE COUNTY WATER AUTHORITY 061843 East Hill Pump Station (Cole Rd.) Repair/Upgrade of Variable Frequency Drives (Resolution 2024-20)	12/31/2023	Vendor#: 96	\$3,348.94	\$0.00	\$0.00	15
SM0-0600-0000-0000	ACCOUNTS PAYABLE	Fund SM0 Prior AP Account	12/31/2023	Fund SM0 Prior AP Account	\$0.00	\$251.98	\$0.00	54
SM0-4540-0400-0000	CONTRACTUAL	ERIE COUNTY WATER AUTHORITY Q4 2023 - Acct. #12810600-7 Acct. #12810600-7 - Boston EMS (October - December 2023)	12/31/2023	Vendor#: 96	\$251.98	\$0.00	\$0.00	18
Total Number of 54 Transactions			No Errors		\$150,696.18	\$150,696.18	\$0.00	

PA - 4164 Summary By Fund Number

Fund	Debit	Credit	ENCLIQ
A00	\$71,190.81	\$71,190.81	\$0.00
DB0	\$3,828.75	\$3,828.75	\$0.00
H07	\$1,500.00	\$1,500.00	\$0.00

February 7, 2024 - A B S T R A C T - 2023 Payables

Town of Boston
Journal Proof Report
Fiscal Year: 2023

Created By: epericak

Journal Number: PA - 4164

Journal Desc: AP Batch 42

Journal Date: 12/31/2023

Account Period: 13 - Post Closing

Status: Currently Active

Account#	Account Description	Trans Description	Date	Reference	Debit	Credit	ENCLIQ	Seq #
HCO	\$70,575.70	\$70,575.70	\$0.00					
HF0	\$3,348.94	\$3,348.94	\$0.00					
SMD	\$251.98	\$251.98	\$0.00					
Total	\$150,696.18	\$150,696.18	\$0.00					

February 7, 2024 - A B S T R A C T – 2023 Escrow Payables

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

Created By: epericak

Journal Number: PA - 4165		Journal Desc: AP Batch 3		Journal Date: 12/31/2023	Account Period: 13 - Post Closing		Status: Currently Active	
Account#	Account Description	Trans Description	Date	Reference	Debit	Credit	ENCLIQ	Seq #
A00-0600-0000-0000	ACCOUNTS PAYABLE	Fund A00 Prior AP Account	12/31/2023	Fund A00 Prior AP Account	\$0.00	\$1,255.00	\$0.00	2
A00-1420-0402-0000	ATTORNEY - ESCROW ACCT CONTR	Knauf Shaw LLP 6735 Delaware Solar Project Review - (October 2023 - December 2023)	12/31/2023	Vendor#: 2083	\$1,255.00	\$0.00	\$0.00	1
Total Number of 2 Transactions			No Errors		<u>\$1,255.00</u>	<u>\$1,255.00</u>	<u>\$0.00</u>	

PA - 4165 Summary By Fund Number

Fund	Debit	Credit	ENCLIQ
A00	\$1,255.00	\$1,255.00	\$0.00
Total	<u>\$1,255.00</u>	<u>\$1,255.00</u>	<u>\$0.00</u>

February 7, 2024 - A B S T R A C T – 2024 Payables

Town of Boston Journal Proof Report Fiscal Year: 2024

Created By: epericak

Journal Number: AP - 4166

Journal Desc: AP Batch 2

Journal Date: 2/7/2024

Account Period: 2 - Feb

Status: Currently Active

Account#	Account Description	Trans Description	Date	Reference	Debit	Credit	ENCLIQ	Seq #
A00-0600-0000-0000	ACCOUNTS PAYABLE	Fund A00 AP Account	2/7/2024	Fund A00 AP Account	\$0.00	\$24,139.81	\$0.00	86
A00-1110-4000-0000	TOWN JUSTICE-CONTR	NYS Magistrates Association 2024 Dues 2024 Membership Dues - Judge Bender & Judge Calabrese	2/7/2024	Vendor#: 107	\$280.00	\$0.00	\$0.00	81
A00-1110-4000-0000	TOWN JUSTICE-CONTR	Erie County Magistrates Association 2024 Dues 2024 Membership Dues - Bender & Calabrese	2/7/2024	Vendor#: 826	\$100.00	\$0.00	\$0.00	8
A00-1110-4000-0000	TOWN JUSTICE-CONTR	ECTVCCA 2024 Membership (x2) Erie County Town & Village Court Clerk's Association - 2024 Membership Dues - Miller & Neudeck	2/7/2024	Vendor#: 592	\$60.00	\$0.00	\$0.00	9
A00-1220-0400-0000	SUPERVISOR- CONTR	Jason Keding 2024 AOT (2) 2024 Association of Towns NYC Conference - Transportation	2/7/2024	Vendor#: 1568	\$81.00	\$0.00	\$0.00	7
A00-1220-0400-0000	SUPERVISOR- CONTR	Jason Keding 1/25/24 Reimb, Association of Erie County Gov't Meeting - 1/25/24	2/7/2024	Vendor#: 1568	\$60.00	\$0.00	\$0.00	23
A00-1410-0401-0000	TOWN CLERK- CONTR	SANDRA L. QUINLAN 1/29/24 ECTCTCA's Monthly Meeting - 1/29/24 + Mileage (35 miles x \$0.67)	2/7/2024	Vendor#: 1437	\$33.45	\$0.00	\$0.00	56
A00-1620-0400-0000	BUILDINGS- CONTR	Charter Communications 141759701012124 Acct. #141759701 - Town Hall - Fax/Internet/Alarms (1/29/24 - 2/28/24)	2/7/2024	Vendor#: 1242	\$479.95	\$0.00	\$0.00	40
A00-1620-0400-0000	BUILDINGS- CONTR	Shawn Vanderdoes Jan 2024 Mileage January 2024 - Mileage Reimbursement (148 miles x \$0.67)	2/7/2024	Vendor#: 1926	\$99.16	\$0.00	\$0.00	72
A00-1620-0400-0000	BUILDINGS- CONTR	SHANOR ELECTRIC SUPPLY, INC. 3043638 Buildings - Lighting Timer & Batteries	2/7/2024	Vendor#: 29	\$105.74	\$0.00	\$0.00	73
A00-1620-0400-0000	BUILDINGS- CONTR	Cintas 4181705675 Town Hall - Floor Cleaner, Wet Mop, Air Freshener, Soap	2/7/2024	Vendor#: 1758	\$41.23	\$0.00	\$0.00	24
A00-1620-0400-0000	BUILDINGS- CONTR	Cintas 4181705590 Town Hall/Highway - (12) Town Hall Mats, (6) Highway Mats, Cleaning Supplies, & Toilet Paper	2/7/2024	Vendor#: 1758	\$176.85	\$0.00	\$0.00	25
A00-1620-0400-0000	BUILDINGS- CONTR	Cintas 4181705590 Town Hall/Highway - (12) Town Hall Mats, (6) Highway Mats, Cleaning Supplies, & Toilet Paper	2/7/2024	Vendor#: 1758	\$18.48	\$0.00	\$0.00	26
A00-1620-0400-0000	BUILDINGS- CONTR	Cintas 4181705590 Town Hall/Highway - (12) Town Hall Mats, (6) Highway Mats, Cleaning Supplies, & Toilet Paper	2/7/2024	Vendor#: 1758	\$40.86	\$0.00	\$0.00	27

**Town of Boston
Journal Proof Report
Fiscal Year: 2024**

Created By: epericak

Journal Number: AP - 4166

Journal Desc: AP Batch 2

Journal Date: 2/7/2024

Account Period: 2 - Feb

Status: Currently Active

Account#	Account Description	Trans Description	Date	Reference	Debit	Credit	ENCLIQ	Seq #
A00-1620-0400-0000	BUILDINGS- CONTR	NYSEG 1/24 - Acct. #1001-0312-469 Acct. #1001-0312-469 - Town Hall (11760 kwh)	2/7/2024	Vendor#: 37	\$1,606.83	\$0.00	\$0.00	21
A00-1620-0400-0000	BUILDINGS- CONTR	Cintas 4180261533 Town Hall - Sig Hardwound White Large (6)	2/7/2024	Vendor#: 1758	\$57.00	\$0.00	\$0.00	31
A00-1620-0400-0000	BUILDINGS- CONTR	Cintas 4180261509 Town Hall/Highway - (12) Town Hall Mats, (6) Highway Mats	2/7/2024	Vendor#: 1758	\$176.85	\$0.00	\$0.00	33
A00-1620-0400-0000	BUILDINGS- CONTR	Charter Communications 142054301011424 Acct. #142054301 - Elevator Phone (1/15/24 - 2/14/24)	2/7/2024	Vendor#: 1242	\$39.99	\$0.00	\$0.00	14
A00-1620-0400-0000	BUILDINGS- CONTR	Amherst Alarm, Inc. 4333851 10 Access Card Key Fobs	2/7/2024	Vendor#: 1892	\$52.00	\$0.00	\$0.00	15
A00-1620-0400-0000	BUILDINGS- CONTR	Amazon Capital Services 13KV-DCXW-667T Buildings - (2) Space Heaters, Cup Dispenser for Wall, "First Aid" Sign	2/7/2024	Vendor#: 2003	\$126.18	\$0.00	\$0.00	10
A00-1620-0400-0000	BUILDINGS- CONTR	A Village Locksmith 15340 (3) Cabinet Keys for Kitchen	2/7/2024	Vendor#: 1617	\$12.00	\$0.00	\$0.00	11
A00-1620-0400-0000	BUILDINGS- CONTR	Amazon Capital Services 1MKR-F9KT-1PNY Buildings - (1) Space Heater	2/7/2024	Vendor#: 2003	\$39.99	\$0.00	\$0.00	12
A00-1620-0400-0000	BUILDINGS- CONTR	Visa 2622 - Jan. 2024 Jan. 2024 Visa Bill - iDrive Overuse Charge, Business Cards, Certified Mailing	2/7/2024	Vendor#: 1863	\$43.98	\$0.00	\$0.00	78
A00-1620-0402-0000	BUILDING- CONTR-REC CENTER	NYSEG 1/24 - Acct. #1003-3567-107 Acct. #1003-3567-107 - Boys & Girls Club (4392 kwh)	2/7/2024	Vendor#: 37	\$698.36	\$0.00	\$0.00	16
A00-1620-0404-0000	BUILDING- CONTR- TROOPER BARRACKS	Cintas 4181705538 Trooper Barracks - (16) Mats	2/7/2024	Vendor#: 1758	\$119.60	\$0.00	\$0.00	32
A00-1620-0404-0000	BUILDING- CONTR- TROOPER BARRACKS	Penn Power Group 4569171 Remove & Replace Batteries & Coolant on Generator @ Trooper Barracks	2/7/2024	Vendor#: 1756	\$1,268.40	\$0.00	\$0.00	64
A00-1650-0400-0000	CENT COMMUNICATIONS- CONTR	Vaspian, LLC INV-011762 Feb. 2024 Billing - VOIP Phone Systems (20 Extensions)	2/7/2024	Vendor#: 1947	\$408.00	\$0.00	\$0.00	74
A00-1650-0400-0000	CENT COMMUNICATIONS- CONTR	LOGICS 24-IN2350 Annual Hosting Fee for Logics (1/1/24 - 12/31/24)	2/7/2024	Vendor#: 1549	\$3,114.72	\$0.00	\$0.00	66
A00-1650-0400-0000	CENT COMMUNICATIONS- CONTR	TSL CO. INC. 642 2024 Tax Software and Web Page Maintenance; Web Data Hosting	2/7/2024	Vendor#: 70	\$650.00	\$0.00	\$0.00	41
A00-1650-0400-0000	CENT COMMUNICATIONS- CONTR	WILLIAMSON LAW BOOK CO. 199781 WLB Town Clerk Plus Support Contract 2/1/24 - 1/31/25	2/7/2024	Vendor#: 106	\$957.00	\$0.00	\$0.00	3
A00-1650-0400-0000	CENT COMMUNICATIONS- CONTR	Visa 2622 - Jan. 2024 Jan. 2024 Visa Bill - iDrive Overuse Charge, Business Cards, Certified Mailing	2/7/2024	Vendor#: 1863	\$7.39	\$0.00	\$0.00	77
A00-1670-0403-0000	CENT PRINT/MAIL- CONTR	Visa 2622 - Jan. 2024 Jan. 2024 Visa Bill - iDrive Overuse Charge, Business Cards, Certified Mailing	2/7/2024	Vendor#: 1863	\$9.68	\$0.00	\$0.00	79

**Town of Boston
Journal Proof Report
Fiscal Year: 2024**

Created By: epericak

Journal Number: AP - 4166		Journal Desc: AP Batch 2		Journal Date: 2/7/2024	Account Period: 2 - Feb	Status: Currently Active		
Account#	Account Description	Trans Description	Date	Reference	Debit	Credit	ENCLIQ	Seq #
A00-1670-0403-0000	CENT PRINT/MAIL- CONTR	GreatAmerica Financial Svcs. 35736465 Agreement #018- 1753664-000 - Lease for Kyocera TASKalfa 4054ci Copier	2/7/2024	Vendor#: 2039	\$163.99	\$0.00	\$0.00	43
A00-1670-0403-0000	CENT PRINT/MAIL- CONTR	WNY IMAGING SYSTEMS 307702 Kyocera/TASKalfa 358ci (Supervisor's Office Printer)- Q1 Contract Charge and Q4 Overage	2/7/2024	Vendor#: 1239	\$94.06	\$0.00	\$0.00	67
A00-1989-0400-0000	OTHER GENERAL GOV'T SUPPORT	Rotella Grant Management 2024018 February 2024 - Grant Writing Services	2/7/2024	Vendor#: 2056	\$1,800.00	\$0.00	\$0.00	44
A00-3310-0400-0000	TRAFFIC CONTROL-CONTR	NYSEG 1/24 - Acct. #1001-9308- 690 Acct. #1001-9308-690 - Boston Cross Signal (264 kwh)	2/7/2024	Vendor# 37	\$67.63	\$0.00	\$0.00	17
A00-3310-0400-0000	TRAFFIC CONTROL-CONTR	NYSEG 1/24 - Acct. #1001-9309- 037 Acct. #1001-9309-037 - Boston State Signal (50 kwh)	2/7/2024	Vendor# 37	\$30.63	\$0.00	\$0.00	19
A00-3310-0400-0000	TRAFFIC CONTROL-CONTR	NYSEG 1/24 - Acct. #1001-9307- 296 Acct. #1001-9307-296 - Boston Colden Signal (11 kwh)	2/7/2024	Vendor# 37	\$23.90	\$0.00	\$0.00	20
A00-5010-0400-0000	HIGHWAY SUPT-CONTR	On Site Employee Testing 8018 2024 Annual Program Fee Per Employee (7 x \$40)	2/7/2024	Vendor#: 1629	\$280.00	\$0.00	\$0.00	2
A00-5010-0400-0000	HIGHWAY SUPT-CONTR	Amazon Capital Services 1R1M- HJG4-191F Highway - (2) Toner Cartridges	2/7/2024	Vendor#: 2003	\$144.77	\$0.00	\$0.00	52
A00-5132-0400-0000	GARAGE-CONTR	Cintas 4180468719 Highway - Uniforms	2/7/2024	Vendor#: 1758	\$63.04	\$0.00	\$0.00	48
A00-5132-0400-0000	GARAGE-CONTR	Cintas 4181274983 Highway - Uniforms	2/7/2024	Vendor#: 1758	\$63.04	\$0.00	\$0.00	49
A00-5132-0400-0000	GARAGE-CONTR	Charter Communications 144899501012124 Acct. #144899501 - HWY - Fax/Alarm/Cable (1/29/24 - 2/28/24)	2/7/2024	Vendor#: 1242	\$96.91	\$0.00	\$0.00	42
A00-5132-0400-0000	GARAGE-CONTR	NYSEG 1/24 - Acct. #1001-0312- 477 Acct. #1001-0312-477 - Highway Barn (4020 kwh)	2/7/2024	Vendor# 37	\$588.64	\$0.00	\$0.00	22
A00-5132-0400-0000	GARAGE-CONTR	Cintas 4180261509 Town Hall/Highway - (12) Town Hall Mats, (6) Highway Mats	2/7/2024	Vendor#: 1758	\$86.53	\$0.00	\$0.00	34
A00-5132-0400-0000	GARAGE-CONTR	Cintas 4181705612 Highway - (1) Mats, (660) Shop Towels	2/7/2024	Vendor#: 1758	\$4.54	\$0.00	\$0.00	35
A00-5132-0400-0000	GARAGE-CONTR	Cintas 4181705612 Highway - (1) Mats, (660) Shop Towels	2/7/2024	Vendor#: 1758	\$102.90	\$0.00	\$0.00	36
A00-5132-0400-0000	GARAGE-CONTR	Cintas 4181705590 Town Hall/Highway - (12) Town Hall Mats, (6) Highway Mats, Cleaning Supplies, & Toilet Paper	2/7/2024	Vendor#: 1758	\$86.53	\$0.00	\$0.00	28
A00-5132-0400-0000	GARAGE-CONTR	Cintas 4180261511 Highway - (1) Mats, (660) Shop Towels	2/7/2024	Vendor#: 1758	\$4.54	\$0.00	\$0.00	29
A00-5132-0400-0000	GARAGE-CONTR	Cintas 4180261511 Highway - (1) Mats, (660) Shop Towels	2/7/2024	Vendor#: 1758	\$102.90	\$0.00	\$0.00	30

**Town of Boston
Journal Proof Report
Fiscal Year: 2024**

Created By: epericak

Journal Number: AP - 4166		Journal Desc: AP Batch 2		Journal Date: 2/7/2024	Account Period: 2 - Feb	Status: Currently Active		
Account#	Account Description	Trans Description	Date	Reference	Debit	Credit	ENCLIQ	Seq #
A00-7110-0400-0000	PARKS- CONTR	Amazon Capital Services 1YKT-KPWP-HW47 Parks - Re-order of Traffic Cones that were previously cancelled	2/7/2024	Vendor#: 2003	\$148.00	\$0.00	\$0.00	13
A00-7110-0400-0000	PARKS- CONTR	NYSEG 1/24 - Acct. #1001-6047-333 Acct. #1001-6047-333 - Town Park (945 kwh)	2/7/2024	Vendor#: 37	\$165.62	\$0.00	\$0.00	18
A00-7110-0400-0000	PARKS- CONTR	NYSEG 1/24 - Acct. #1009-1678-366 Acct. #1009-1678-366 - N. Boston Park (380 kwh)	2/7/2024	Vendor#: 37	\$87.83	\$0.00	\$0.00	55
A00-7620-0400-0000	ADULT REC- BOSTON SRS.	BEDORE TOURS 37773 Boston Seniors - Trip to Sprague's Maple Farm & Cuba Cheese Company (3/4/24)	2/7/2024	Vendor#: 1383	\$1,195.00	\$0.00	\$0.00	80
A00-7620-0400-0000	ADULT REC- BOSTON SRS.	BEDORE TOURS 37729 Boston Seniors - Trip to Batavia Casino (2/19/24)	2/7/2024	Vendor#: 1383	\$1,095.00	\$0.00	\$0.00	6
A00-9040-0800-0000	WORKERS' COMPENSATION	NYS Municipal Workers' Compensation Alliance 2024 Assessment Workers Comp 2024 Estimated Annual Assessment	2/7/2024	Vendor#: 2048	\$1,560.01	\$0.00	\$0.00	4
A00-9060-0800-0000	HOSPITAL AND MEDICAL INSURANCE	Highmark BCBSWNY 240119077246 Health Insurance Premiums - February 2024	2/7/2024	Vendor#: 1378	\$4,746.82	\$0.00	\$0.00	38
A00-9060-0800-0000	HOSPITAL AND MEDICAL INSURANCE	Aflac 352693 Employee Funded Supplemental Health Ins. - January 2024	2/7/2024	Vendor#: 1887	\$315.72	\$0.00	\$0.00	68
A00-9060-0800-0000	HOSPITAL AND MEDICAL INSURANCE	Lifetime Benefits Solutions, Inc. A045971-IN HRA Admin Fee - January 2024	2/7/2024	Vendor#: 2054	\$56.57	\$0.00	\$0.00	75
DB0-0600-0000-0000	ACCOUNTS PAYABLE	Fund DB0 AP Account	2/7/2024	Fund DB0 AP Account	\$0.00	\$38,870.19	\$0.00	85
DB0-5130-0400-0000	MACHINERY- CONTRACTUAL	VALLEY FAB & EQUIP, INC. 136034 3/16" Steel Plate	2/7/2024	Vendor#: 134	\$56.40	\$0.00	\$0.00	65
DB0-5130-0400-0000	MACHINERY- CONTRACTUAL	Fastenal Company NYORC89955 Hex Cap Screw	2/7/2024	Vendor#: 1598	\$86.23	\$0.00	\$0.00	70
DB0-5130-0400-0000	MACHINERY- CONTRACTUAL	D&W Diesel, Inc. BF6468 Reman Fuel Pump (ordered June 2023)	2/7/2024	Vendor#: 2082	\$1,016.78	\$0.00	\$0.00	71
DB0-5130-0400-0000	MACHINERY- CONTRACTUAL	Linde Gas & Equipment Inc. 40490166 Acetylene Tank	2/7/2024	Vendor#: 2009	\$136.87	\$0.00	\$0.00	58
DB0-5130-0400-0000	MACHINERY- CONTRACTUAL	Fastenal Company NYORC89817 Lock Nut, Washers, Hex Screws	2/7/2024	Vendor#: 1598	\$108.77	\$0.00	\$0.00	45
DB0-5130-0400-0000	MACHINERY- CONTRACTUAL	Amazon Capital Services 1XVH-44YC-KCL4 Highway - File Handles, Air Filters, Chainsaw Sharpening Files	2/7/2024	Vendor#: 2003	\$122.61	\$0.00	\$0.00	46
DB0-5130-0400-0000	MACHINERY- CONTRACTUAL	FLEET PRIDE 114031539 Relay Valve for '02 Oshkosh	2/7/2024	Vendor#: 177	\$263.17	\$0.00	\$0.00	53
DB0-5130-0400-0000	MACHINERY- CONTRACTUAL	Linde Gas & Equipment Inc. 40627354 Acetylene & Oxygen Cylinder Rental (12/20/23 - 1/20/24)	2/7/2024	Vendor#: 2009	\$159.13	\$0.00	\$0.00	54

**Town of Boston
Journal Proof Report
Fiscal Year: 2024**

Created By: epericak

Journal Number: AP - 4166

Journal Desc: AP Batch 2

Journal Date: 2/7/2024

Account Period: 2 - Feb

Status: Currently Active

Account#	Account Description	Trans Description	Date	Reference	Debit	Credit	ENCLIQ	Seq #
DB0-5130-0400-0000	MACHINERY- CONTRACTUAL	Amazon Capital Services 1TR3-LL1F-4M6N Highway - Sharpies, Husqvarna Bar & Chain Oil, Cutting Wheel, Engine Oil Filter Cap, Grinding Wheels	2/7/2024	Vendor#: 2003	\$95.81	\$0.00	\$0.00	1
DB0-5142-0400-0000	SNOW REMOVAL- CONTRACTUAL	AMERICAN ROCK SALT CO LLC 0752322 Salt (39.97 Tons) - Ticket 50122981	2/7/2024	Vendor#: 135	\$1,811.44	\$0.00	\$0.00	57
DB0-5142-0400-0000	SNOW REMOVAL- CONTRACTUAL	AMERICAN ROCK SALT CO LLC 0754932 Salt (40.2 Tons) - Ticket 1143623	2/7/2024	Vendor#: 135	\$1,821.86	\$0.00	\$0.00	50
DB0-5142-0400-0000	SNOW REMOVAL- CONTRACTUAL	AMERICAN ROCK SALT CO LLC 0756162 Salt (40 Tons) - Ticket 1145016	2/7/2024	Vendor#: 135	\$1,812.80	\$0.00	\$0.00	51
DB0-5142-0400-0000	SNOW REMOVAL- CONTRACTUAL	INNOVATIVE MUNICIPAL PROD. INC PS-INV002678 2008 Gallons Magic Minus Zero Liquid De-icer	2/7/2024	Vendor#: 152	\$3,895.52	\$0.00	\$0.00	47
DB0-5142-0400-0000	SNOW REMOVAL- CONTRACTUAL	AMERICAN ROCK SALT CO LLC 0756828 Salt (40.35 Tons) - Ticket #1145717	2/7/2024	Vendor#: 135	\$1,828.66	\$0.00	\$0.00	59
DB0-5142-0400-0000	SNOW REMOVAL- CONTRACTUAL	AMERICAN ROCK SALT CO LLC 0757420 Salt (40.3 Tons) - Ticket 1146286	2/7/2024	Vendor#: 135	\$1,826.39	\$0.00	\$0.00	60
DB0-5142-0400-0000	SNOW REMOVAL- CONTRACTUAL	AMERICAN ROCK SALT CO LLC 0757974 Salt (186.74 Tons) - Tickets 1146618, 1146627, 1146859, 1146876, 1146887	2/7/2024	Vendor#: 135	\$8,463.06	\$0.00	\$0.00	61
DB0-5142-0400-0000	SNOW REMOVAL- CONTRACTUAL	AMERICAN ROCK SALT CO LLC 0758441 Salt (35.83 Tons) - Ticket 1147121	2/7/2024	Vendor#: 135	\$1,623.82	\$0.00	\$0.00	62
DB0-5142-0400-0000	SNOW REMOVAL- CONTRACTUAL	AMERICAN ROCK SALT CO LLC 0758886 Salt (40.53 Tons) - Ticket 1147583	2/7/2024	Vendor#: 135	\$1,836.82	\$0.00	\$0.00	63
DB0-5142-0400-0000	SNOW REMOVAL- CONTRACTUAL	AMERICAN ROCK SALT CO LLC 0756052 Salt (40.05 Tons) - Ticket 1144289	2/7/2024	Vendor#: 135	\$1,815.07	\$0.00	\$0.00	82
DB0-5142-0400-0000	SNOW REMOVAL- CONTRACTUAL	AMERICAN ROCK SALT CO LLC 0752050 Salt (40.17 Tons) - Ticket 50122939	2/7/2024	Vendor#: 135	\$1,820.50	\$0.00	\$0.00	83
DB0-5142-0400-0000	SNOW REMOVAL- CONTRACTUAL	AMERICAN ROCK SALT CO LLC 0752622 Salt (40.07 Tons) - Ticket 50123027	2/7/2024	Vendor#: 135	\$1,815.97	\$0.00	\$0.00	84
DB0-9040-0800-0000	WORKERS' COMPENSATION	NYS Municipal Workers' Compensation Alliance 2024 Assessment Workers Comp 2024 Estimated Annual Assessment	2/7/2024	Vendor#: 2048	\$670.92	\$0.00	\$0.00	5
DB0-9060-0800-0000	HOSPITAL AND MEDICAL INSURANCE	Highmark BCBSWNY 240119077246 Health Insurance Premiums - February 2024	2/7/2024	Vendor#: 1378	\$5,279.58	\$0.00	\$0.00	37
DB0-9060-0800-0000	HOSPITAL AND MEDICAL INSURANCE	Aflac 352693 Employee Funded Supplemental Health Ins. - January 2024	2/7/2024	Vendor#: 1887	\$459.58	\$0.00	\$0.00	69

February 7, 2024 - A B S T R A C T – 2024 Payables

Town of Boston Journal Proof Report Fiscal Year: 2024

Created By: epericak

Journal Number: AP - 4166	Journal Desc: AP Batch 2			Journal Date: 2/7/2024	Account Period: 2 - Feb	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. A045971-IN HRA Admin Fee - January 2024	2/7/2024	Vendor#: 2054	\$42.43	\$0.00	\$0.00 76
SM0-0600-0000-0000	ACCOUNTS PAYABLE	Fund SM0 AP Account	2/7/2024	Fund SM0 AP Account	\$0.00	\$635.01	\$0.00 87
SM0-4540-0400-0000	CONTRACTUAL	NYSEG 1/24 - Acct. #1001-6047-341 Acct. #1001-6047-341 - Boston EMS Building (3588 kwh)	2/7/2024	Vendor#: 37	\$635.01	\$0.00	\$0.00 39
Total Number of 87 Transactions			No Errors		<u>\$63,645.01</u>	<u>\$63,645.01</u>	<u>\$0.00</u>

AP - 4166 Summary By Fund Number

Fund	Debit	Credit	ENCLIQ
A00	\$24,139.81	\$24,139.81	\$0.00
DB0	\$38,870.19	\$38,870.19	\$0.00
SM0	\$635.01	\$635.01	\$0.00
Total	<u>\$63,645.01</u>	<u>\$63,645.01</u>	<u>\$0.00</u>

FOR IMMEDIATE RELEASE

January 18, 2024



NYSEG Completes State's Future Grid Challenge

NYSEG employs innovative solutions to assess distribution network to enhance readiness for future energy demands

Challenge seeks to modernize electric grid to meet State's climate objectives

BINGHAMTON, N.Y. — January 18, 2024 — New York State Electric & Gas (NYSEG) recently completed the New York State Energy Research and Development Authority's (NYSERDA) Future Grid Challenge, assessing the distribution network of its electrical grid to enhance load forecasting and planning for the energy demands to come. The assessment was awarded in Round 1 of the program, which fosters innovative technologies to enhance resiliency, enable and advance energy infrastructure for the performance needed to achieve the Climate Act goals and ensure reliability of the transmission and distribution system, while reducing cost, and allowing for faster integration of renewables.

"We created electric vehicle (EV), heat pump, and solar adoption forecasts, which allowed us to assess impacts on our electrical load," said Rita King, senior director for Smart Grids Innovation at Avangrid, NYSEG's parent company. "These exercises helped us understand the need for upgrades to handle these demands over the next decade."

NYSEG's Binghamton and Ithaca divisions were the focus for the project, and the Company worked with outside firms ProsumerGrid and Siemens PTI to complete the challenge over an 18-month period.

The results of the analysis showed NYSEG can expect peak demand to shift from summer to winter, due to heating electrification. These findings reaffirm the benefits of existing planned upgrades for the Ithaca area and provide foundational data to help inform, design, and plan additional upgrades.

Doreen M. Harris, President and CEO, NYSERDA said, "With the completion of this Challenge, Avangrid and its partners ProsumerGrid and Siemens PTI now have critical data on the potential impacts of increasing electrification in the Southern Tier area that will inform grid future planning and decision-making. Together, these innovative technologies will increase our understanding of integrating distributed energy resources into the electric grid as we modernize the transmission and distribution systems bringing clean energy to New Yorkers."

Through the challenge, NYSEG now has a better understanding of potential opportunities to better predict capacity needs, how to work with customers on managing their charging needs, and identify the investments needed to replace aging infrastructure. Forecasting is essential to enable the adoption of EVs and heating electrification of buildings, which are cornerstones of meeting the electrification goals of New York's Climate Leadership and Community Protection Act (Climate Act).

2024

12TH ANNUAL DCO/ACO CONFERENCE

PRESENTED BY:
THE GUILDERLAND ANIMAL
CONTROL UNIT
&
THE NYS DEPARTMENT OF
AGRICULTURE AND MARKETS

REGISTRATION

(received by October 1, 2024)

\$125

EARLY REGISTRATION

(received by April 30, 2024)

\$100

REGISTRATION INCLUDES:

Breakfast, snacks, morning
coffee/tea and complimentary
lunch for both days

*Space is limited. Register
early!



FOR MORE
INFORMATION
PLEASE CONTACT:

Bob Meyers, ACO or Kathy Foley, ACO
(518) 861-6855
guilderlandshelter@gpdny.org

Elizabeth Holmes, LVT/AHI 2
(518) 321-5002
Elizabeth.holmes@agriculture.ny.gov

Western Turnpike Golf Course

2350 Western Ave.
Guilderland, NY 12084

NOV. | 6 & 7 th | 2024

###

About NYSEG: New York State Electric & Gas Corporation (NYSEG) is a subsidiary of Avangrid, Inc. Established in 1852, NYSEG operates approximately 35,000 miles of electric distribution lines and 4,500 miles of electric transmission lines across more than 40% of upstate New York. It also operates more than 8,150 miles of natural gas distribution pipelines and 20 miles of gas transmission pipelines. It serves approximately 894,000 electricity customers and 266,000 natural gas customers. For more information, visit www.nyseg.com.

About Avangrid: Avangrid, Inc. (NYSE: AGR) aspires to be the leading sustainable energy company in the United States. Headquartered in Orange, CT with approximately \$41 billion in assets and operations in 24 U.S. states, Avangrid has two primary lines of business: networks and renewables. Through its networks business, Avangrid owns and operates eight electric and natural gas utilities, serving more than 3.3 million customers in New York and New England. Through its renewables business, Avangrid owns and operates a portfolio of renewable energy generation facilities across the United States. Avangrid employs more than 7,500 people and has been recognized by JUST Capital in 2021, 2022 and 2023 as one of the JUST 100 companies – a ranking of America’s best corporate citizens. In 2023, Avangrid ranked first within the utility sector for its commitment to the environment. The company supports the U.N.’s Sustainable Development Goals and was named among the World’s Most Ethical Companies in 2023 for the fifth consecutive year by the Ethisphere Institute. Avangrid is a member of the group of companies controlled by Iberdrola, S.A. For more information, visit www.avangrid.com.



Media Contact:
Shelby Cohen
Shelby.cohen@avangrid.com
607-788-6785

TOWN OF BOSTON DOG CONTROL OFFICER REPORT

2024 JAN 31 PM 12:01

MONTH OF: January 2024

<u>Dates of Month</u>	1st Week 1st-7th	2nd Week 8th- 14th	3rd Week 15th- 21st	4th Week 22nd- 31st	TOTALS
Phone Calls Received	3	2	0	1	6
Phone Calls Returned	3	2	0	1	6
Personal Calls Made	0	0	0	0	0
# Miles Patrolled	-	-	-	-	0
# of Gallon gas used	-	-	-	-	0
# of alive dogs Picked up	0	0	0	0	0
# of dead dogs Picked up	0	0	0	0	0
# of dogs Released to owner	0	0	0	0	0
***Fines Collected					
# of dogs euthenized	0	0	0	0	0
# of dogs adopted	0	0	0	0	0
# of dogs impounded	0	0	0	0	0

Signature of Dog Control Officer 

Date Submitted: 1-31-24

***Total Fines Collected for Month : _____

Submitted Fines to Bookkeeper: _____

Date: _____

Receipt# _____



JAN 19 2024 AM 10:25

January 11, 2024

Hon. Jason Keding
Town of Boston
8500 Boston State Rd
Boston, NY 14025-9648

Dear Supervisor Keding,

The Buffalo Niagara Partnership is releasing our 2024 Advocacy Agenda at an important moment in our region's history. Meeting the moment and seizing its opportunities will take effective collaboration between employers and government leaders. In that spirit, I am pleased to share our 2024 Advocacy Agenda.

As the regional chamber of commerce and leading employer organization in Western New York, the BNP's Advocacy Agenda details policy priorities at the federal, state, and local levels. The Agenda serves as a roadmap for policymakers seeking to strengthen the Buffalo Niagara economy – by achieving key legislative goals, making critical investments, and avoiding harmful policy.

Included on the back cover is a list of Regional Priority Projects with both direct and sustainable economic development impact. This list was developed in collaboration with leaders of our largest municipalities.

Enclosed, please find a copy of the Partnership's 2024 Advocacy Agenda. I welcome your feedback and look forward to working closely with you to tackle as many of these priorities as possible to build a more vibrant, sustainable, and inclusive regional economy.

Sincerely,

A handwritten signature in black ink, appearing to read "Dottie Gallagher", is written over a faint, circular watermark or stamp.

Dottie Gallagher
President & CEO

2024 ADVOCACY AGENDA



BNP BUFFALO
NIAGARA
PARTNERSHIP

Good things are happening in Buffalo Niagara.

The signs of progress are apparent, and others are taking notice. Just a few months ago, our region, along with the Rochester and Syracuse metros, was designated a federal Technology Hub by the Department of Commerce.

But every win in Buffalo Niagara is hard-earned.

That's because our economic climate has a deserved reputation as being one of the most highly taxed and overly regulated in the country. The Tax Foundation has again ranked New York as having the second worst business tax climate in the United States.

Course correction is possible, especially if government – at all levels – works with employers to make our region more competitive, leverage our distinct assets, and meet our biggest challenges head on.

To that end, the Buffalo Niagara Partnership offers our 2024 Advocacy Agenda, a set of policy priorities designed to move our regional economy forward. We look forward to collaborating with you in this effort.

Sincerely,



Dottie Gallagher,
President and CEO



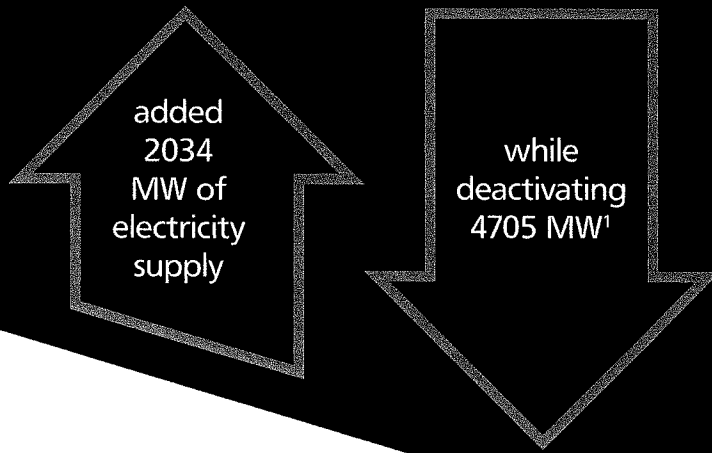
Grant Loomis,
Senior Vice President

Citations

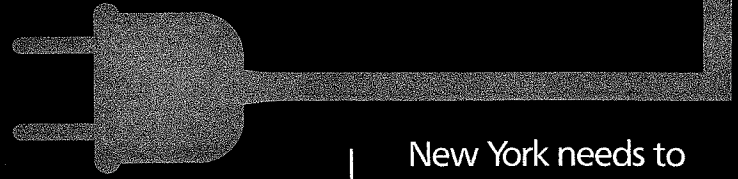
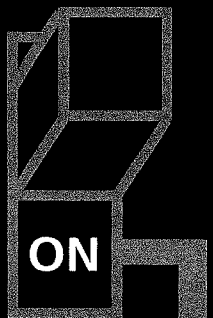
1. NY Independent System Operator
2. U.S. Energy Information Administration
3. NY Independent System Operator
4. The Buffalo News
5. CBRE
6. NYS Dept. of Labor
7. S&P
8. S&P
9. S.305/A.4454 of 2023.
10. The White House
11. Buffalo & Fort Erie Public Bridge Authority
12. National Federation of Independent Business
13. BNP/Federal Reserve Bank of Atlanta

KEEP ENERGY AFFORDABLE AND RELIABLE

Since passing the CLCPA, New York has only:



Keeping the lights



79%

of New York's electricity comes from natural gas and nuclear²

New York needs to **triple** its electric generating capacity by 2040 to meet CLCPA goals and peak demands³

Natural Gas Bans

- Reject proposals to ban natural gas in existing buildings.
- Repeal the misguided ban on natural gas hookups and equipment in new construction.
- Reject the NY HEAT Act, which would decommission the natural gas distribution system in NYS.
- Allow the regulatory process to proceed without legislative interference.

All-of-the-Above Sourcing

- Adopt an all-of-the-above energy sourcing approach that leverages our state's natural resources, creates reliable renewable energy, utilizes alternative fuels, and avoids unnecessary cost increases.

Leverage Existing Infrastructure

- Utilize the state's extensive and reliable natural gas infrastructure to transport alternative, low-and no-carbon fuels.

Build Renewable Capacity

- Consistently demonstrate that the state's electric grid can meet consumer demand, with no loss in reliability or resiliency, as a necessary prerequisite to electrification mandates.
- Support development of renewable energy generation and transmission infrastructure to meet the state's 70% by 2030 goal while insulating consumers from associated costs.
- Coordinate the planning and construction of necessary electric infrastructure to support the charging needs of passenger, medium-, and heavy-duty vehicles.

Rate Impact Transparency

- Study the impact that new energy-related regulations would have on utility rates and publish those findings before enacting them.
- Ensure that climate-related costs borne by consumers are fully disclosed and indicated on utility bills.

Cap-and-Invest

- Develop New York Cap & Invest (NYCI) program to ensure:
- Off-ramps tied to affordability and reliability
 - Practical emissions caps that acknowledge industry realities
 - Revenue distribution to financially assist employers and support business attraction and retention efforts
 - Linkage with emissions cap programs in other jurisdictions

Climate Superfund

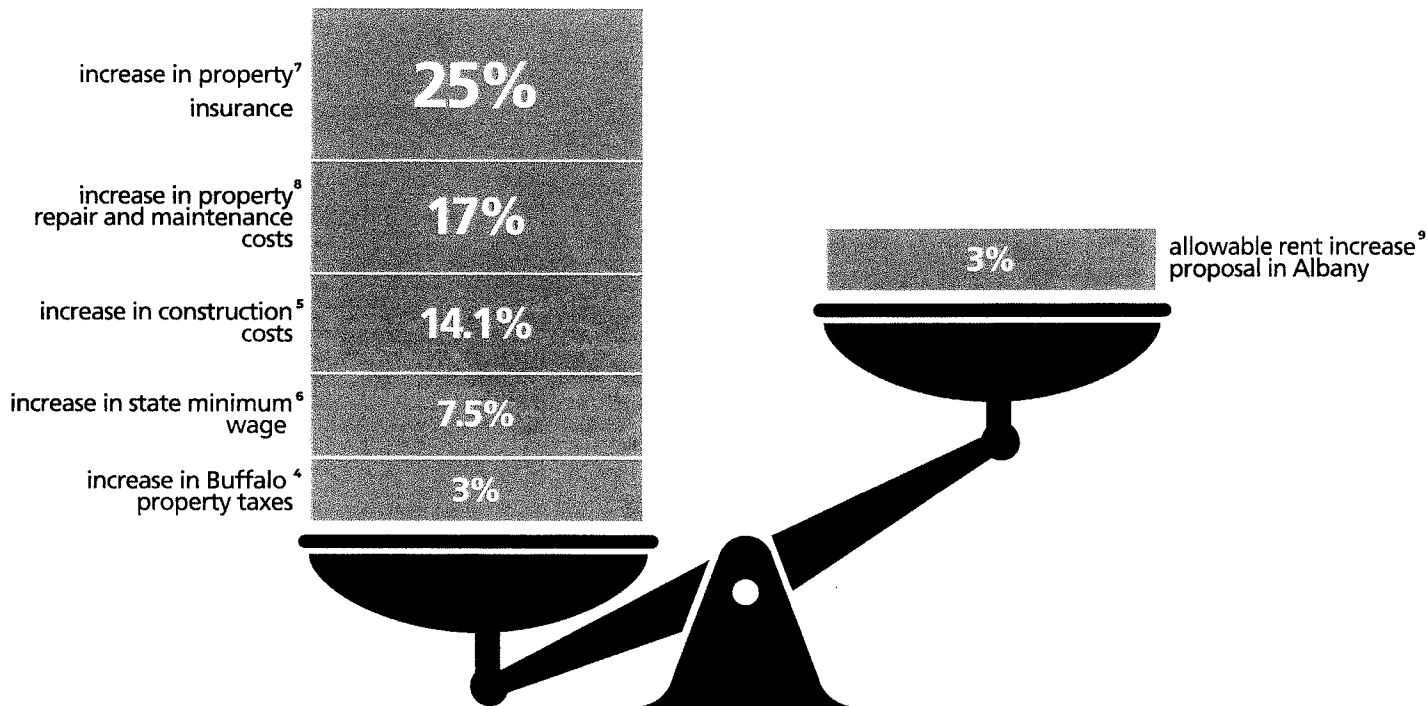
- Reject legislation that would increase energy costs by adding ex post facto penalties onto energy producers that powered our economy under strict regulatory scrutiny for decades.

GHG Accounting

- Adopt a greenhouse gas accounting methodology consistent with federal standards.

GROW STRONG NEIGHBORHOODS

Buffalo Niagara Real Estate Market



Develop Affordable Housing

- Expand affordable housing options through targeted incentives and sensible zoning.
- Reject economically impractical “inclusionary zoning” and support development of mixed-income neighborhoods.
- Expediate process of obtaining Low-Income Housing Tax Credits through NYSHCR.

Rent Control

- Encourage quality housing development and maintenance by allowing the market to determine rents, not government.

Redevelop Underutilized Sites

- Incentivize transition of vacant office space into residential units to expand housing options in urban cores.
- Protect and strengthen the role IDAs play in advancing economic development, investment, and tax generation in Buffalo Niagara and beyond.

Improve Community Mobility & Infrastructure

- Ensure rapid and efficient distribution of federal and state infrastructure funds to areas with the most need.
- Support increased operating assistance for public transit allowing NFTA to work with employers to address workforce transportation needs.
- Support annual appropriation for light rail maintenance.
- Support policies encouraging continued broadband network deployment and investment to expand high-speed connectivity.

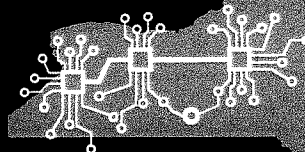
Address Violations Quickly

- Help both property owners and tenants by expanding the capacity of housing courts to ensure that code and contract violations are adjudicated promptly.

BOOST INNOVATION, ENTREPRENEURSHIP & INVESTMENT

Only **2%**
of memory chips are
currently produced in
the U.S.¹⁰

NYSMART
I-CORRIDOR



Regional Technology Hub

- Champion the federally-designated NY SMART-I Corridor technology hub and its application for federal funding to make the larger Buffalo, Rochester, and Syracuse region a leader in semiconductor manufacturing.

SUNY Flagship

- Provide the University at Buffalo with the tools it needs to realize the full economic impact of a SUNY flagship university.

Encourage Innovation Investment

- Support tax incentives for employers who invest in research and development.

MWBE Reforms

- Stop decertification of legitimate MWBE businesses based on unsubstantiated claims.
- Right-size MWBE utilization mandates by designing them in the context of our local supply of eligible MWBE firms.
- Streamline MWBE certification process so underrepresented employers can realize the program's benefits in a timely fashion.

Shovel-Ready Sites

- Reauthorize funding for the FAST-NY program to increase our regional supply of available, shovel-ready industrial space.

LEVERAGING NATURAL ASSETS

Great Lakes Regional Authority

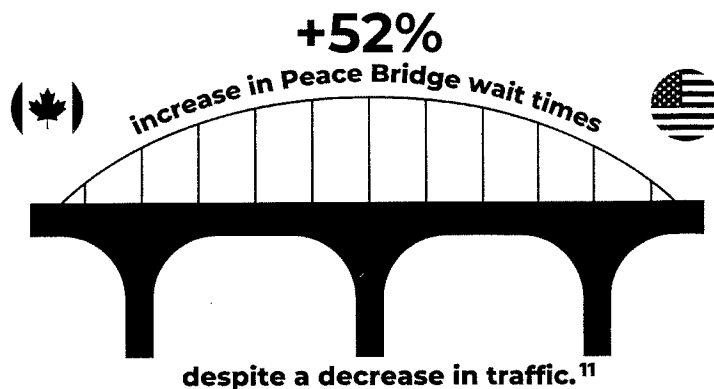
- Fully fund the Great Lakes Regional Authority to advance the restoration and protection of Great Lakes waters, strengthen and expand America's manufacturing base, foster innovation and commercialization opportunities, and work with Canada on cross-border challenges.

Restoring the Great Lakes

- Invest in the Great Lakes Restoration Initiative to protect the Lakes from pollution, invasive species, and harm to keep them healthy for generations to come.

Border Efficiency

- Increase Customs and Border Patrol staffing at ports of entry to reduce wait times and promote cross-border commerce.



MAKE NEW YORK COMPETITIVE



COVID Sick Leave

- End the outdated policy of requiring employers to provide extraneous COVID-specific sick days in addition to traditional sick days.

Unemployment Insurance

- Allocate state funds to pay down UI Trust Fund debt to prevent ongoing employer surcharges and further rate increases.

Recycling Reform

- Design sensible, realistic solutions to address packaging waste by collaborating with regulated stakeholders.

Payroll Policy

- Stop frivolous lawsuits by clarifying the legal pay schedule for manual workers.

Wrongful Death

- Block legislation that will dramatically increase insurance and healthcare costs.

Employee Liens

- Oppose legislation allowing employees to claim liens against employers due to unsubstantiated allegations.

Single Payer Healthcare

- Oppose creation of a single payer healthcare system in NYS.

Workers' Compensation

- Oppose proposals that will increase workers' compensation costs.

Tax Burden

- Improve tax climate to make New York competitive with other states.
- Reduce corporate tax rate for small businesses.
- Expand 0% corporate franchise tax to small manufacturers not currently covered under exemption.

TACKLE TALENT NEEDS

Benefits Cliff Reality

A mother of 2 receiving a raise from \$18/hour to \$25/hour.¹³

would earn \$10,795 more

but lose \$16,954 in social supports

\$6,159
decline in net financial position.

Encourage Economic Mobility

- Bridge the benefits cliff by phasing out income-based benefits gradually to best assist workers advancing into higher paying positions that eventually lead to economic self-sufficiency and family-supporting wages.
- Pass the JOBS Act to expand Pell Grant eligibility to students enrolled in quality, short-term education and training programs leading to employment in high-demand industry sectors or careers.

Child Care Investment Act

- Incentivize employers to help their workforce access affordable, reliable, high-quality childcare.

Higher Education Access

- Increase operational support for the region's SUNY institutions.
- Increase Pell Grants and Bundy Aid to make college more affordable for low and moderate-income students.
- Increase Tuition Assistance Program awards and income eligibility for students and families.

Work Opportunity Tax Credit

- Create a refundable state tax credit to incentivize the hiring of people facing systemic barriers to employment and amplify existing federal WOTC.

Immigration Reform

- Support comprehensive H-1B visa reform that increases the number of high-skilled visas issued and allows Buffalo Niagara to compete for top talent.
- Create a place-based visa program allowing holders to compete on the open labor market in designated low-growth regions of the country – like Buffalo Niagara – to infuse skilled immigrants to help reverse demographic decline and revitalize local economies.
- Support refugee resettlement in Buffalo Niagara.
- Reduce the waiting period for asylum seekers to obtain work permits from 180 days to 30 while addressing the chronic backlog of asylum applications.

Digital Divide

- Bridge the digital divide in a way that provides maximum coverage, affordability, and quality in partnership with the private sector to eliminate broadband inequalities.

2024 Regional Priority Projects

The Buffalo Niagara Partnership supports the following projects advanced by the city of Buffalo, and the counties of Erie and Niagara. These projects represent opportunities to invest in initiatives aimed at stimulating our economy, putting people to work, and strengthening the region's tax base.

Erie County | Renaissance Commerce Park Rail Relocation

Erie County has secured funding to relocate a railyard at the Renaissance Commerce Park (RCP) which will allow the County to acquire 35 additional acres formerly associated with Bethlehem Steel, for redevelopment. Additional funding will be required to acquire the property, extend roads, water, sewer and related infrastructure, and also for marketing 35 acres for redevelopment. The County is also pursuing funds to extend the Shoreline Trail and eventually connect to a passive recreation park at the south shore of RCP and Woodlawn Beach, providing Lake Erie connectivity to Lackawanna for the first time in history.

City of Buffalo | Public Works Campus

To help improve city operations and make valuable properties available for redevelopment, the City of Buffalo intends to centralize its Department of Public Works operations into a single, newly constructed, campus that can house its waste management, road repair, and snow removal fleets, communications systems, repair shops, and related supplies and equipment. Land acquisition will likely cost the city between \$5-6 million, and construction would likely cost an additional \$55-60 million.

Niagara County | Niagara County Business Park

To address a lack of shovel-ready development sites and attract new investment and jobs, Niagara County continues in its effort to construct a 60-acre business park on county-owned land in the Town of Cambria. A Master Site Development Plan has been completed. Funding is needed to make the necessary investments in utility infrastructure to prepare the site for private sector development including data centers, warehousing and logistics, food processing and advanced manufacturing operations.



Legislation at Lunch:
2024-2025 Executive Budget
January 24, 2024

Presented by Sarah Brancatella
Legislative Director and Counsel

So much to cover, so little time...

- Saving questions until the end
- Executive Budget out 1/16
- 30 Day Amendments out in February
- One House Budgets out in March
- Final Budget adopted early April (ideally)
- Budget divided into
 - Appropriations
 - Article VII Legislation (TED, ELFA, PPGG etc)



AIM

Funding stays the same at \$715 million...



Funding Program	Executive Budget Proposal	5yr DOT Capital Plan	2024 State Budget	2023 State Budget
CHIPS	\$538.1 mil	\$538.1 mil	\$598 mil	\$538.1 mil
Marchiselli	\$39.7 mil	\$39.7 mil	\$39.7 mil	\$39.7 mil
PAVE-NY	\$150 mil	\$150 mil	\$150 mil	\$150 mil
POP	\$100 mil	\$100 mil	\$100 mil	
EWR	\$100 mil	\$100 mil	\$100 mil	\$100 mil

Local Government Grant Funding

CWSSI - \$9 million (increase of 2 million)

- EB also sunsets matching grant program

Citizens Empowerment Tax Credits and Grants – 6.4 million (+.8 million)

- funding up to \$100,000 for planning and implementing reorganization activities, such as consolidations and dissolutions
-

Local Government Efficiency Grants – 5.1 million (+2 million)

- Increases planning grant maximum to \$20,000 per municipality and \$120,000 total per grant. Implementation grant maximums would increase from \$200,000 per municipality and \$1 million total per grant to \$250,000 per municipality and \$1.25 million total per grant.

Local Government Grant Funding

Clean Water Infrastructure Funding

- Adds \$500 million in clean water infrastructure funding, over two years. Brings state's total clean water investment to \$5.5 billion since 2017

Environmental Protection Fund (EPF)

- Adds \$400 million for critical projects that mitigate effects of climate change, improve agricultural resources, protect water sources, advance conservation efforts, and provide recreational opportunities.

Local Government Grant Funding

Regional Economic Development Councils (REDC)

- Core funding of \$225 million in grants (\$150 million) and tax credits (\$75 million) to fund high-value regional priority projects.

Downtown Revitalization Initiative (DRI)

- \$100 million available. Communities nominated 10 REDCs based on the downtown's potential for transformation. Funding used to develop downtown strategic investment plan and implement key revitalization projects

Local Government Grant Funding

NY Forward

- \$100 million for rural and smaller communities' development and revitalization. Like the DRI program, NY Forward communities selected in partnership with REDCs

Restore NY

- Restore New York Communities program supports municipal efforts to demolish, deconstruct, rehabilitate, or reconstruct vacant, abandoned, condemned, or surplus properties. The Executive Budget includes \$50 million for the program.

Cannabis (PPGG Part G)

- Expands authority of OCM to do regulatory inspections of storage facilities
- County, town, city, or village body may adopt local law on unlicensed selling of cannabis or engaging in indirect retail sale.
 - Can't have overlapping local laws.
 - Law law must
 - Establish a local registry of all registered organization, licensees, or permittees in jurisdiction
 - Establish civil penalties
 - Create a process for adjudicating any hearings required in connection with the issuance of penalties
 - Establish a process on how to seize and destroy products
 - Designate a local official to be the liason between the municipality and OCM
 - Must send month reports to OCM on enforcement activity

TED Highlights!

Climate Smart Communities Grant Program (Part S)

- Allows DEC to increase grants for Climate Smart Communities program to 80% of project costs for applicants meeting financial hardship criteria or that are a disadvantaged community

DASNY Omnibus State & Municipal Authorization for Certain Projects (Part U)

- Allow DASNY to provide services to municipalities receiving grants or loans under any of the following programs
 - New York State Environmental Bond Act of 2022;
 - American Rescue Plan Act of 2021;
 - Infrastructure Investment and Jobs Act of 2021, and
 - Inflation Reduction Act of 2022;
 - Downtown Revitalization Program;
 - NY Forward grant program.

TED Highlights!

Extend Videoconference Authority (Part KK)

- Extends the authority to use Extraordinary Circumstances Videoconferencing under Public Officers Law § 103-a until July 1, 2026.

RAPID ACT (TED PART O)

- “Renewable Action through Project Interconnection and Deployment (RAPID) Act.”
- Moves ORES from DOS to DPS, renames it Office of Renewable Energy Siting and Electric Transmission
- Transfers authority to site certain Major Electric Transmission Facilities (METF) from the PSC to ORES
- Creates uniform standards and conditions for siting



TED Highlights!

What's a Major Electric Transmission Facilities (METF)

- Electric Transmission Line with a design capacity of 125 Kilovolts or more extending for at least 1 mile OR
- an Electric Transmission Line with a design capacity between 100-125 kilovolts extending at least 10 miles, including associated equipment. (Proposed PSL, Article 8, § 137 (3))

What about municipalities?

- Municipal permits and conditions preempted (already were)

TED Highlights!

Municipality Compliance Statement

- Notified municipality required to file statement with ORES indicating whether METF project designed to be “sited, constructed and operated in compliance with applicable local laws and regulations, if any, concerning the environment, or public health and safety”.
- Muni may apply for intervenor funds to prepare statement
- ORES may hold a public or adjudicatory hearing when municipality says proposed METF doesn't comply with local laws and regulations.
- ORES may exempt the METF applicant from compliance with municipal requirements upon a determination that requirements are “unreasonably burdensome in view of the CLCPA targets, the environmental benefits” and “the public need for the proposed project.

Ambulance Service Reform (HMH Part V)

Emergency Medical Services Essential Services Act proposal

- Classifies emergency services as essential services
- Counties (outside NYC) must ensure necessary resources, trained personnel and operational capabilities within county to provide medical emergency response
 - Can work individually or with other munis to do this
- Must create & implement Medical Emergency Response Plan
- Counties authorized to create special districts for emergency medical service or general ambulance service.
 - Can do individually or w/ other munis



Tax Issues

Vacation Rental Industry Tax (Rev Part K)

- Adds vacation tax to hotels, motels and bed & breakfasts
- Requires marketplace providers that facilitate transactions, such as Airbnb and VRBO, to collect taxes on the transactions that occur on their platform
- Basically, a way to get a hotel tax on short-term rentals

Clarify Telecommunications Assessment Ceiling Program (Rev Part M)

- Amends definition of real property so only property “primarily or exclusively” used in transmitting radio, television or cable television signals is excluded from definition of real property.
- This prohibits telecommunications providers from avoiding taxation by asserting that all property is used in transmission and including equipment that is not primarily or exclusively used for transmission

In Rem Tax Foreclosure (Rev Part N)

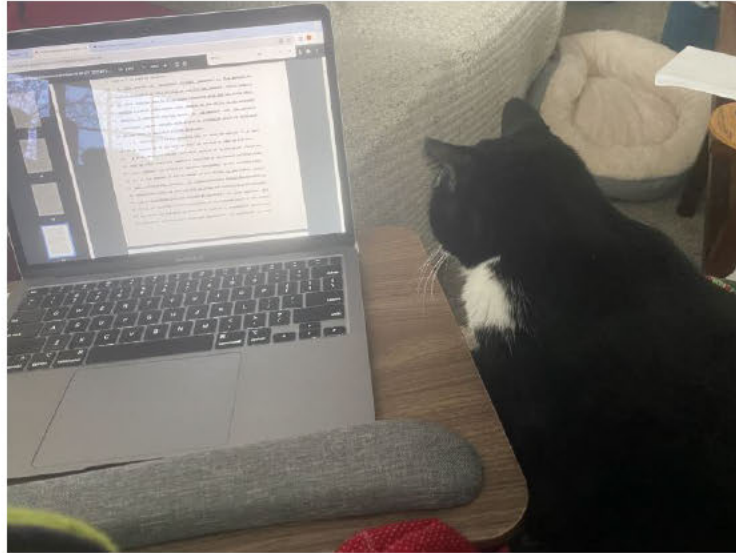
- Requires any surplus proceeds from tax foreclosure sales to be distributed to former owners and any lienors of the subject properties.
- Costs associated with enforcing delinquent tax sales NOT included in definition of surplus proceeds
- If enacted, 6 months to pay any surplus associated with delinquent tax sales that occurred between May 25, 2023 and the effective date.
- Other aggrieved property owners whose properties were foreclosed upon before May 25, 2023 must commence an Article 78 proceeding within 4 months of the sale in order to pursue any surplus funds.

Misc

- **Ensure Paid Breaks for Breast Milk Expression in the Workplace (ELFA Part J)**
 - Requires paid break time up to 20 minutes for breast milk expression
- **Sunset COVID-19 Sick Leave Law (ELFA Part M)**
 - Ends required sick leave and other benefits to employees subject to a mandatory or precautionary order of quarantine or isolation from COVID-10, effective July 31, 2024
- **Interest Rate on Judgments (PPGG Part R)**
 - Interest rates on court judgments or accrued claims against municipalities would change from a 9% fixed rate to a market rate equal to the weekly average one-year Treasury bill rate



Questions?
info@nytowns.org



Association of Towns
150 State St
Albany, NY
(518)465-7933

JAN 31 2024 PM 3:00



COUNTY OF ERIE
DEPARTMENT OF ENVIRONMENT AND PLANNING

DANIEL R. CASTLE, AICP
COMMISSIONER

BONNIE LAWRENCE
DEPUTY COMMISSIONER

January 26, 2024

Supervisor Jason A. Keding
Town of Boston
8500 Boston State Road
Boston, NY 14025

Dear Honorable Jason A. Keding:

We are excited to provide you with a copy of the newly released Erie County Community Climate Action Plan (CCAP), which outlines actions to reduce climate pollution and to increase our community's resilience to the impacts of climate change. A digital version can be found at www.erie.gov/ccap.

The impacts of a changing climate are not only being felt at the global and national scale, they are also being increasingly felt at regional and local levels. Erie County is not immune, and this is why it is important that you, as a municipal leader, are aware that there are things you can do to improve the resilience of your community.

To most effectively involve local governments and community stakeholders, the CCAP planning process was coordinated through the Erie County Environmental Management Council, which includes representatives from most municipalities. Several local government representatives were also active within individual chapter work groups. Presentations about the plan were given at the Association of Erie County Governments, Board of Supervisors, various public meetings, and more than 75 presentations to other groups including town boards.

Many of the strategies and actions in this plan build on existing initiatives and are best implemented in collaboration with local governments. These initiatives also align with unprecedented state and federal funding opportunities. We hope to work with your municipality to secure funding and address this important issue.

If you have any questions or if your municipality is interested in a presentation about the CCAP, please do not hesitate to reach out to Bonnie Lawrence at (716) 858-8560.

Sincerely,

Daniel R. Castle, Commissioner

DC/nb

Enclosure: Erie County Community Climate Action Plan

Cc: Sandra L. Quinlan, Town Clerk
Bonnie L. Lawrence, Deputy Commissioner

Jason Keding (Town of Boston), Acting Chair (Treasurer), called the meeting to order at 4:04 pm. Attendees representing the Towns of Boston, Clarence, Collins, Concord, Eden, Elma, Holland and West Seneca and Villages of Blasdell, Depew, Hamburg, North Collins and Springville were present. 13 municipalities were present and nine are needed for a quorum. Gary Carrel and Amy Arduino from EC and Marion Buckley and Emily Bandinelli from NYSDEC were also present along with a Town of Hamburg resident, Rich Clark who is involved in the garbage discussion with Town of Hamburg & Village of Blasdell.

Minutes from Nov 2, 2023 were approved a motion by Administrator Plarr (Blasdell) and seconded by Councilperson McLean (Collins). **Treasurer's Report** for Dec 2023 was approved on a motion by Councilperson Drake (Concord) and seconded by Councilperson Sion (Collins).

Acting Chair read a letter from President Shuttleworth. See attached.

Old Business:

Erie County Update on HW events and program costs for NEST events – County personnel are in the process of selecting sites. There will be two events hosted by Erie County. April 13th which needs a location in the southtowns and one the week after July 4th which will be in the City of Buffalo. Treasurer Keding will check with Hamburg Fairgrounds to see if they would be a possible southtowns site. The NEST sponsored event would be in Depew and cost about \$43-45 thousand.

2024 Budget was approved as presented on a motion by Administrator Plarr (Blasdell) and seconded by Clerk/Treasurer Ward (V. N Collins).

NEST to host a 2024 HHW event was approved on a motion by Councilperson Wilhelm (Eden) and seconded by Administrator Melock (Springville).

NEST to supplement composting bins cost – complete package with rodent screen and turner tool at a 50% subsidy (\$30 off a complete package) up to \$25,000 was approved on a motion by Administrator Plarr (Blasdell) and seconded by Councilperson Wilhelm (Eden).

Approval for a Greensheen paint only event with support staff for traffic control (Fire Police needed – about 10 of them) with the location to be determined (maybe Boston town hall) in the summer/fall of 2024 was approved on a motion by Supervisor Keding (Boston) and seconded by Councilperson Wilhelm (Eden).

The **resolution to fund a senior electronics program** was tabled on a motion by Supervisor Keding (Boston) and seconded by Councilperson Wilhelm (Eden).

Resolution to remove non-complaint members from NEST and notify DEC after the Secretary sends out a letter, invoice and summary from DEC on what the muni would then be required to do if removed was approved on a motion by Administrator Plarr (Blasdell) and seconded by Councilperson Wilhelm (Eden). Marion reminded members that solid waste landfills can't take waste from members not in a solid waste board. Removal will take place before the May meeting.

New Business:

Erie County Updates – Biannual report. Data collection. Expanded local board requirements. Town of Lancaster does not have all glass pickup on their recycling menu on their website. NYS wants NEST President to send a letter to the Town of Lancaster notifying them they have to change that. Waste Management is the hauler.

NYS DEC – NYS Solid Waste Management Plan is finalized. There is grant funds for electronic inputting of data that DEC is pursuing. Marion introduced Emily Bandinelli. Marion will email the Secretary the reasons why a municipality would not want to leave the NEST board so that information can go out in the unpaid dues letters and emailed to the members with these minutes.

Municipal Updates – Administrator Plarr introduced Rich Clark. He is a Town of Hamburg resident who is on the committee to review solid waste in the Town of Hamburg.

Next meeting is March 7, 2024 at Hamburg Volunteer Fire Dept at 301 Union St at 4 pm.

Adjournment – On a motion by Supervisor Keding (Boston) seconded by Administrator Plarr (Blasdell) meeting was adjourned at 5:30 pm.

Northeast South Towns (Nest) Solid waste Management Board

January 4, 2024

Nest Board members;

Dear Fellow Board Members;

Happy new year everyone; Thank you for your participation today; unfortunately I am unable to be at today's meeting; I look forward to seeing everyone next time.

My report;

Composters Liz Melock and I sat in on a zoom call last month with Erie County's Environmental and planning staff and the supplier of the county bid composters. Based on the meeting and if the board members agrees I believe we should approve the purchase set forth in our proposed budget up to 25,000.00.

I will offer the Village of Hamburg logistical assistance in picking up the composters and delivering them to our member municipalities' when they are delivered.

I would suggest in determining the number to each composter allocated to each municipality be determined based on need/requests and or population of each member municipality if the board agrees.

✓ **Budget.-** I recommend the approval of the budget as it spends down fund balance and support the boards recycling objectives.

/ **2024 Nest supplemental events** – I recommend the board fund 1 additional event as we did last year.

Electronics pick up for seniors – My recommendation is to table this item.

Removal of non – Compliant members from Nest. – My recommendation is to approve a resolution removing said non-compliant members effective 6/30/2024.

Sincerely Submitted;

Marc Shuttleworth – Chairman.

Quorum = 9 muni's

2023 Rain Barrel & Compost Bin Sale

SYSTEMN™ Rain Barrel
55 gallon capacity



Earth Machine™ Compost Bin
80 gallon capacity



Rain Barrel \$ 50.00 + tax
Compost Bin \$ 38.00 + tax
Kitchen Collector \$ 3.75 + tax

Rodent Screen/Base for Composter \$ 10.00 + tax
Compost Aerator/Turner Tool \$ 13.00 + tax

Rain Barrel Subsidies at 75% off are available in targeted municipalities.

See webpage for details.

Purchase online: www.erie.rainbarrelsale.com/

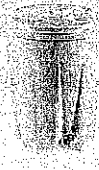


WNY Stormwater Coalition



2023 Rain Barrel & Compost Bin Sale

SYSTEMN™ Rain Barrel
55 gallon capacity



Earth Machine™ Compost Bin
80 gallon capacity



Rain Barrel \$ 50.00 + tax
Compost Bin \$ 38.00 + tax
Kitchen Collector \$ 3.75 + tax

Rodent Screen/Base for Composter \$ 10.00 + tax
Compost Aerator/Turner Tool \$ 13.00 + tax

Rain Barrel Subsidies at 75% off are available in targeted municipalities.

See webpage for details.

Purchase online: www.erie.rainbarrelsale.com/



WNY Stormwater Coalition



Liz Melock

From: Buckley, Marion L (DEC) <Marion.Buckley@dec.ny.gov>
Sent: Friday, January 5, 2024 11:37 AM
To: Liz Melock
Cc: Forgette, Efrat S (DEC); Grasso, Peter (DEC); Bandinelli, Emily M (DEC); Alduino, Amy (ERIE); Carrel, Gary (ERIE)
Subject: NEST
Attachments: DEC Releases Final New York State Solid Waste Management Plan

Liz,

As discussed last night at the NEST meeting, below is a summary of the major points as to why a municipality may not want to leave NEST:

1. If a municipality is not in a recognized planning unit such as NEST, then they must provide a Comprehensive Recycling Analysis (CRA) to DEC to be in compliance with regulations. The requirements of a CRA are the same as a Local Solid Waste Management Plan (LSWMP), except for the biennial update. Instead, a municipality that is not a part of a planning unit would be required to submit an annual report. The requirements of a CRA are under 6 NYCRR Part 360.11.
2. According to 6 NYCRR Part 360.19(c)(2), solid waste management facilities such as landfills and transfer stations are prohibited from accepting waste from a municipality that is not included in a DEC-approved LSWMP or approved CRA. This means that permitted landfills and transfer stations would not be able to receive waste from a municipality that leaves NEST and does not have approved CRA/LSWMP.
3. If a municipality leaves an approved planning unit, then they would not be eligible to receive any municipal recycling grant funding, nor could they participate in any HHW activities that are funded 50% by DEC through State Assistance Projects regulations (e.g. the Erie County Voucher HHW program or HHW collection events just to name a couple).

See Municipal Waste Reduction & Recycling, HHW Collection, and beverage container assistance capital project application requirements under Part 369-2.3(c):

A description of the consistency of the proposed project with the department-approved Comprehensive Recycling Analysis (CRA) or Local Solid Waste Management Plan (LSWMP) in effect for the municipality in which the project is located.

(1) If the project is not consistent with a department-approved CRA or LSWMP, the project will be considered ineligible for State assistance funding under this Part, with the following exceptions:

- (i) a project for state assistance located completely within the boundaries of a planning unit that has submitted a draft CRA or LSWMP to the department for review, where that planning unit is determined by the department to be making substantial progress towards completing the CRA or LSWMP;*
- (ii) an applicant that has, in the department's judgment, been prevented by unique circumstances from completing a CRA or LSWMP in a timely fashion; or*
- (iii) an applicant for a beverage container assistance project.*

If it does turn out that certain municipalities actually do want to leave the NEST planning unit (Towns of Aurora, Brant, and Lancaster were mentioned last night during the meeting) then please do send a notification letter to DEC addressed specifically to Peter Grasso who is Regional Materials Management Supervisor in Region 9. Peter is cc'd on this email so you have his email address.

Also, this is something to keep in mind as far as the NEST LSWMP goes and any changes in planning unit membership:

Part 366-1.2 General Criteria

(c) Any changes to planning unit membership must be approved by the department, including any increase or decrease in membership. The new LSWMP or biennial update must describe the effect of the change on all impacted planning units. Any planning unit member seeking to become a new planning unit or join an existing planning unit, must first obtain department approval. A LSWMP for the new planning unit must then be approved before the entity leaves its current planning unit. Membership changes may be approved as part of a new LSWMP or a biennial update.

As was mentioned last night, the latest State Solid Waste Management Plan was finalized and recently posted to the [DEC webpage](#) in case anyone wants to take a look.

Attached is a press release with an overview on the finalized plan.

Please let us know if you have any questions.

DEC is happy to help explain any of the regulations listed above to municipalities who have not paid their dues to NEST and may not understand the reason for NEST.

Marion Buckley, P.E.

she/her/hers

Professional Engineer 1, Materials Management

New York State Department of Environmental Conservation

700 Delaware Ave, Buffalo, NY 14209

P: (716) 851-7220 | F: (716) 851-7226



Department of
Environmental
Conservation



ERIE COUNTY SEWER DISTRICT NO. 3 (ECSD No. 3)
BOARD OF MANAGERS MEETING MINUTES
WEDNESDAY, JANUARY 31, 2024
SOUTHTOWNS AWTF CONFERENCE ROOM

MEMBERS PRESENT: Chairman David Kaczor, Jason Cozza, Michael Kasprzyk, Kenneth Kostowniak, David Millar, David Rood, Vincent Vacco, Emery Wittmeyer

MEMBERS ABSENT: Jason Keding

OTHERS PRESENT: Steve Canestrari, Joseph Fiegl, David Hojnacki, Carl Horne, Kevin Kaminski

ITEM NO. 1 – CALL MEETING TO ORDER

Chairman Kaczor called the meeting to order at 8:00 a.m.

a. Nomination for Board Officers

On a motion by Mr. Cozza, seconded by Mr. Rood, the Board voted to appoint Mr. Kaczor as Chairman, Mr. Kasprzyk as Vice Chairman, and Mr. Millar as Secretary of the ECSD No. 3 Board of Managers for the new term. The motion carried, 8 – 0.

b. Welcome New Board Members

The Board welcomed new members Kenneth Kostowniak (Town of Hamburg) and Vincent Vacco (Town of Eden) to the ECSD No. 3 Board of Managers.

ITEM NO. 2 – APPROVAL OF DECEMBER 6, 2023 MEETINGS MINUTES

On a motion by Mr. Kasprzyk, seconded by Mr. Cozza, the Board voted to approve the minutes from the December 6, 2023 meeting. The motion carried, 8 – 0.

ITEM NO. 3 – ITEMS FROM THE PUBLIC

None.

ITEM NO. 4 – OLD BUSINESS

a. Southtowns Facility Upgrades

Mr. Fiegl discussed the recent progress of the Southtowns Advanced Wastewater Treatment Facility (AWTF) Phase 1 and Phase 2 Expansion Project (Expansion Project). A project kickoff meeting was held on December 7, 2023 with Kandey Company, Inc. (Kandey) to commence construction of the Phase 1 improvements. Kandey has requested payment of bonds and insurance, is mobilizing equipment to the site, and has initiated preconstruction utility investigations and relocations. Mr. Fiegl stated that earlier this month the New York State Department of Environmental Conservation (NYSDEC) approved the Preliminary Engineering Report for Phase 2 of the Expansion Project that was submitted for review at the end of July 2023. An updated cost estimate was received last week from Arcadis for Phase 2 improvements. It was noted the estimate has increased roughly 15% to \$125 million, but as this is at the 60% design phase a range of \$106 - \$150 million is noted. Mr. Fiegl explained there is still the potential to receive additional grant monies for this project and added the Phase 2 cost estimate will be refined as the design progresses. Mr. Fiegl anticipates discussing funding strategy and ratepayer impacts at the April 17, 2024 meeting of the Board.

This is an informational item; no action is required by the Board.

i. Environmental Facilities Corporation Water Infrastructure Improvement Grant Award (Handout)

Mr. Fiegl informed the Board that a \$17 million Water Infrastructure Improvement Act (WIIA) grant was received to fund Phase 1 improvements. The Erie County Division of Sewerage Management (ECDSM) is compiling materials requested by the New York State Environmental Facilities Corporation (NYSEFC) necessary to execute a grant agreement. Mr. Fiegl noted the WIIA grant will fund up to 25% of the locally funded project costs and cautioned the Board the contract for Phase 1 construction is less than the grant application request amount and American Rescue Plan monies will be used to supplement local share of the project. As such, the actual WIIA grant amount realized for Phase 1 construction may be less than \$17 million. Mr. Fiegl added there is still the potential to receive an additional \$10 million for a NYSDEC Water Quality Improvement Project (WQIP) grant and another WIIA grant for up to 25% of Phase 2 project costs and stated the intent is to maximize the amount of grant funding for the Expansion Project. Chairman Kaczor inquired about additional grant sources to which Mr. Fiegl replied Erie County will be reaching out to the National Association of Counties to identify potential funding opportunities on the Federal level. Mr. Fiegl noted that, while some additions to the original project scope were made to address the capital needs of a 40+-year-old treatment facility and take advantage of economies of scale at this time, inflationary pressures are primarily driving cost increases for this project.

This is an informational item; no action is required by the Board.

ITEM NO. 5 – NEW BUSINESS

a. Payments (Handout)

The Board reviewed a copy of the payments on a handout for the month of January 2024.

On a motion by Mr. Millar, seconded by Mr. Kasprzyk, the Board voted to approve the January 2024 payments. The motion carried, 8 – 0.

b. Award of Southtowns Incinerator Heat Exchanger Replacement Project – Contract No. 71 (Handout)

The Board considered approval of a resolution to award Contract No. 71, in the amount of \$1,493,000.00, to Hohl Industrial Services, Inc. (Hohl) for construction work associated with replacement of the heat exchangers for the incinerators at the Southtowns AWTF. Replacement is a maintenance initiative necessary to ensure proper operation and improve efficiency of the incinerators. The contractor has successfully completed projects for the ECDSM in the past and the ECDSM recommends award of this contract. The funding source would be capital reserves.

On a motion by Mr. Wittmeyer, seconded by Mr. Kostowniak, the Board voted to approve a resolution to award Contract No. 71 to Hohl, in the amount of \$1,493,000.00. The motion carried, 8 – 0.

c. Sanitary Sewer Replacements Project – Contract No. 89 Closeout (Handout)

The Board considered a resolution for the closeout of Contract 89 with Kandey for construction work involved with the Various Sanitary Sewer Replacements Project. This was a multi-district project including work in ECSD Nos. 1 and 3. The final amount of the contract was \$930,930.36 which represents a decrease of \$117,489.14 to the original contract. The scope of work in ECSD No. 3 consisted of installation of 185 linear feet of 8-inch diameter sanitary sewer pipe on Hugo Place in the Village of Blasdell and 225-linear feet on Oakland Place in the Town of Hamburg. The value of work estimated in ECSD No. 3 was \$416,292.90 and the final amount was \$357,744.90, a decrease of \$58,548.00. All work for this project has been satisfactorily completed and the ECDSM recommends closeout of this contract.

On a motion by Mr. Rood, seconded by Mr. Wittmeyer, the Board voted to approve closeout of Contract 89. The motion carried, 8 – 0.

d. I/I Enforcement Hearing: Approval for Fine Stages (Handout)

The Board reviewed a package of hearing summaries from the Compliance Hearing held at the Southtowns AWTF on November 15, 2023. At that hearing, a Compliance Officer evaluated and recommended premium assessments to 11 property owners in the District for violating the “Rules and Regulations of Erie County Sewer Districts.” Property owners who do

not correct violations within 30 days of notification will receive a recommended premium assessment in the amount of \$100.00 per month (up to \$10,000.00).

A discussion took place concerning the merits of requiring ECDSM Inflow/Infiltration (I/I) house inspections as part of the home closing process. Chairman Kaczor suggested that Mr. Fiegl investigate feasibility, related costs, and procedures necessary to require house inspections across all Erie County Sewer Districts at the time of property transfer.

On a motion by Mr. Millar, seconded by Mr. Kasprzyk, the Board voted to approve recommended premium assessments for the listed properties. The motion carried, 8 – 0.

e. I/I Approval for Enforcement Hearing (Handout)

The Board reviewed copies of final notices from the ECDSM to several property owners in ECSD No. 3. Written requests were mailed to each property owner on several occasions, without response, to complete a house inspection as part of ECDSM's I/I inspection program. As a result, these property owners have been referred to the Board to be considered for a hearing with the ECDSM's hearing officer who will evaluate violations of the "Rules and Regulations" and recommend a follow-up action.

On a motion by Mr. Rood, seconded by Mr. Kasprzyk, the Board voted to approve the referral to an enforcement hearing. The motion carried, 8 – 0.

ITEM NO. 6 – MISCELLANEOUS & INFORMATIONAL ITEMS

a. Operational Report

Mr. Horne presented the following report for operations:

- *Southtowns AWTF Incinerator Project:* The base has been installed on the Y Incinerator scrubber and the top portion will be installed, today.
- *Southtowns AWTF Plant Expansion Project Phase 1:* Test bores and traffic plans are being developed by Kandey for this project.
- *Southtowns AWTF Laboratory:* The Environmental Laboratory Approval Program (ELAP), under the New York State Department of Health, conducted the second of a four (4) step audit of ECDSM's wastewater sampling program for the purpose of maintaining its New York State accreditation.

Mr. Hojnacki presented the following report for collections:

- *Town and Village of Holland:* Grinder preventative maintenance tasks are ongoing (completed 20).

- Grinder lid damaged by a plow was repaired (23 on N. Main Street).
- *Village of Orchard Park:* While replacing a grinder pump at 18 Green Meadow (Town) it was determined the tank wall flange required replacement.
- *Town of Hamburg:* Video inspections have resumed in the Town of Hamburg.
- *Village of Hamburg:*
 - Close circuit television inspections are ongoing in the Southwest portion of the Village.
 - One (1) emergency sanitary sewer spot repair was completed on Central Ave.
 - Five (5) manhole frames and covers were replaced due to plow damage.

Mr. Fiegl gave the new Board members a general overview of sewer service arrangement for Steuben Foods, Inc. (Steuben). Mr. Kaminski noted there have been recent issues with grease accumulating in the Elma Forcemain, the downstream gravity sewer on Milestrip Road in the Town of Orchard Park, and even at the Southtowns AWTF. Steuben has identified, and is addressing, mechanical problems involving the grease/oil trap located at its facility upstream of the Elma Pump Station. Mr. Fiegl informed the Board he has been in communication with the Erie County Industrial Development Agency and they will be reaching out to Steuben to discuss future expansion plans.

b. Construction Status Report

- Contract No. 68 (Southtowns Incinerator Scrubber Replacements and Jib Crane Installation) – Replacement of Incinerator X Scrubber is complete and operational, the JIB crane has been installed, and some concrete work completed. The replacement of Incinerator Y Scrubber is in progress. The completion date for this project was scheduled for February 9, 2024 but will likely need to be extended. This project uses ARP funding.
- Contract 71 (Southtowns Incinerators Heat Exchanger Replacement) – Included in the agenda for this meeting is the award of this project to Hohl Industrial Services, Inc.
- Contract 72 (Southtowns Influent Screw Pumps Replacement) – Contract Nos. 72-A, under Hohl Industrial Services, and 72-D, under CIR Electrical, are substantially complete and all three screw pumps are fully operational. The final walk through took place on January 29, 2024 with minor repair issues noted.
- Contract 73 (Southtowns Influent Screening Replacement) – Hohl Industrial Services, under Contract 73-A, has begun work in the Channel for Screen No. 1. CIR Electrical, under Contract 73-D, has begun running electrical conduits. The completion date for this project is October 24, 2024.

- Contract 74-P (Southtowns Expansion Procurement Contract) – This Contract was awarded to O’Connell Electric. This project has been assigned to Kandey Company, Inc. under Contract 74-C.
- Contract 74-C (Southtowns Expansion Phase 1) – Notice to Proceed was issued on December 18, 2024. Additional on-site work is expected to commence in February, weather permitting.
- Contract 75 (Southtowns Expansion Phase 2) – This project is currently in design with Arcadis. 90% design documents are expected in February 2024.
- Contract 86 – Sanitary Sewer Open Cut Repair Term Contract (Kandey Company) – Lawn restoration work for Work Order 19 (Bayview Rd.) will be completed in Spring 2024. This is one of the final punch list items remaining on this contract.
- Contract 89 (Various Sanitary Sewer Replacements (Kandey Company) – This project is a multi-district sanitary sewer replacement project which includes work in Erie County Sewer District Nos. 1 and 3. The scope of work in ECSD No. 3 included replacement of undersized mainline sewers on Hugo Place in the Village of Blasdell and Ockler Ave./Oakland Pl. in the Town of Hamburg. All work is now complete. Closeout was recommended earlier in this meeting.
- Contract 94 - Southtowns Roof and HVU Replacement – Roof restoration is nearly complete to be followed by a final walkthrough inspection. Heating/ventilation unit (HVU) work expected completion is 3-4 months. Sourcing sheet metal has resulted in unexpected delays.
- Contract 95 (CIPPL Term Contract) (USI/Kenyon Pipeline) – United Survey completed work on Work Order 1U including cured-in-place pipe (CIPP) lining of sewerlines on Abbott Road in the Towns of Hamburg and Orchard Park. Kenyon continued work on Work Order 1K including CIPP lining of sewerlines in the Town of Hamburg and the Village of Hamburg. It is anticipated that this work will be completed early this year.
- Contract 96 (multi-district) - Sanitary Sewer Open Cut Repair Term Contract (2024-2026) – Bids were received through Erie County’s Purchasing Department on January 12th for a term contract for open cut excavation spot repairs to be issued on a work order basis. The contract will be in place for two years. The bids are still being reviewed.

Upcoming Design/Evaluations

- A draft report was prepared by Erdman Anthony that included an alternatives analysis to address an exposed 18-inch diameter sanitary interceptor sewer within 18-Mile Creek in the Town of Boston. The report is being reviewed by the ECDSM and design and environmental permitting is anticipated to proceed later this winter.

- It is anticipated that an engineering work order will be issued later this year for the design of the replacement of a portion of the existing 12-inch diameter sewer along Milestrip Road in the Town of Hamburg.
 - i. Southtowns Influent Pump Replacement Contract 72D – Change Order No. 2 (Handout)

The Board reviewed a Change Order for the Southtowns Influent Pump Replacement Contract. This change order was needed to power lubrication pumps and was not included in the original design. This is a receive and file item.

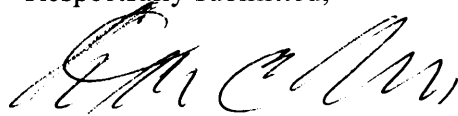
On a motion by Mr. Cozza, seconded by Mr. Wittmeyer, the Board voted to receive and file the informational items. The motion carried, 8 – 0.

ITEM NO. 7 – ADJOURNMENT & NEXT MEETING

On a motion by Mr. Rood, seconded by Mr. Kostowniak, the meeting was adjourned at 9:02 a.m. The motion carried, 8 – 0.

Next meeting of the Board is scheduled for 8:00 a.m., Wednesday, April 17, 2024.

Respectfully submitted,



David C. Millar, Secretary
ECSD No. 3 Board of Managers

Motion to Approve the January 31, 2024 Meeting Minutes

Moved by: _____

Seconded by: _____

App./Disapp.: _____

Date: _____

David C. Millar, Secretary
ECSD No. 3 Board of Managers

**TOWN OF BOSTON
NOTICE OF PUBLIC HEARING**

A public hearing shall be held by the Town Board of the Town of Boston on **February 7, 2024**, at **7:35 p.m.**, at Boston Town Hall, 8500 Boston State Road, Boston, New York, to hear any and all persons either for or against 2024 Local Law Intro. No. 1, entitled: “A LOCAL LAW To amend the Boston Town Code to add Chapter 94 “Short-Term Rentals” to require owners of Short-Term Rentals to obtain a Short-Term Rental permit.” This Local Law preserves and protects the health, character, safety and general welfare of the residential neighborhoods and rural areas where Short-Term Rentals are operated and to mitigate the adverse effects of Short-Term Rentals.

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

Town of Boston
Local Law No. 1 of the year 2024

A local law of the Town of Boston amending the Town Code of Town of Boston to add Chapter 94 entitled “Short-Term Rentals”.

Be it enacted by the Town Board of the Town of Boston as follows:

**A LOCAL LAW TO AMEND THE BOSTON TOWN CODE TO ADD CHAPTER 94
“SHORT-TERM RENTALS” TO REQUIRE OWNERS OF SHORT-TERM RENTALS TO
OBTAIN A SHORT-TERM RENTAL PERMIT.**

Section I. Title

This local law shall be known as and may be cited as Local Law No. 1-2024 to amend the Boston Town Code to add Chapter 94 “Short-Term Rentals” requiring owners to obtain a Short-Term Rental permit from the Town of Boston in order to continue or commence operation of a Short-Term Rental.

Section II. Authorization

The adoption of this Local Law is in accordance with Section 264 of New York Town Law and Chapter 10 of the New York Municipal Home Rule Law.

Section III. Legislative Intent and Purpose

The Town of Boston recognizes that it would be beneficial for the Town to control and regulate the use of Short-Term Rentals within the Town of Boston. The provisions of this section are intended to preserve and protect the health, character, safety and general welfare of the residential neighborhoods and rural areas where Short-Term Rentals are operated and to mitigate the adverse effects of Short-Term Rentals.

Section IV. Amendment

The Boston Town Code shall be amended to add Chapter 94 “Short-Term Rentals” as follows:

94.1. Definitions

As used in this chapter, the following term shall have the meaning indicated:

Short-Term Rental - Any portion of real property having the required frontage on a public street per Section 123-122 and rented for compensation in exchange for

lodging for a period of not more than 31 consecutive days. For the purpose of this Chapter, the term “Short-Term Rental” shall not include boarding/lodging houses, hotels, motels or ongoing month to month tenancies.

94.2 Presumption of Dwelling Unit as Short-Term Rental Property

- A. The presence of the following shall create a presumption that all or part of the property is being used as a Short-Term Rental.
 - (1) All or a part of the property is offered for lease on a short-term rental website, including but not limited to Airbnb, Home Away and VRBO, for a rental period of less than 31 days and/or
 - (2) All or a part of the property is offered for lease for a period of 31 days or less through any form of advertising.
 - (3) Any indication of frequent change of residents and/or type and number of vehicles observed from month to month
- B. The foregoing presumptions may be rebutted by evidence presented to the Code Enforcement Officer that the premises is not operated as a Short-Term Rental.

94.3. Required Permit

- A. Owners shall not use their property as a Short-Term Rental without obtaining a revocable Short-Term Rental permit.
- B. A Short-Term Rental permit shall be valid for two (2) years and must be renewed 30 days prior to expiration of the current permit if the premises is to continue to operate as a Short-Term Rental.
- C. A Short-Term Rental permit is not transferable to a new owner. The new owner of the premises subject to a Short-Term Rental must file a new permit application.
- D. Notwithstanding the foregoing, those properties with Short-Term Rental commitments existing on the date this section takes effect shall be permitted to honor such existing commitments and continue to make commitments for Short-Term Rentals but must apply for a permit within 90 days of the Local Law’s effective date for all future Short-Term Rental commitments. In the event such application is denied, all future commitments for rentals after the date the application is denied shall be cancelled.

94.4 Short-Term Rental Permit Application Requirements

A. Applications for a Short-Term Rental permit may be obtained at the Town of Boston Town Clerk's office. The Short-Term Rental permit shall be submitted to the Code Enforcement Officer, accompanied by payment of a nonrefundable permit fee to be determined from time to time by resolution of the Town Board.

The application shall include the following:

- (1) The signatures of all owners and their designated agents.
- (2) A statement authorizing the Code Enforcement Officer to inspect the property to ensure compliance with all requirements and standards contained within this chapter.
- (3) An acknowledgement of present and ongoing compliance with the Short-Term Rental standards as defined in this chapter including, but not limited to, the demonstration of adequate off-road parking spaces for the proposed Short-Term Rental.
- (4) A list of each property owner and the name of any manager or management agency managing the property including name, address, telephone number and email address of each.
- (5) The name, address, phone number and email address of the most local contact person who shall be responsible and authorized to act on the owner's behalf to promptly remedy any violation of the standards outlined in this section. The contact person may be an owner or an agent designated by the owner to serve as a contact person and shall respond to any communication from the Town Code Enforcement Officer within 24 hours.
- (6) An accurate suitable floor plan for each level of the dwelling that can be occupied measuring at least 8.5" X 11" drawn to scale and certified by the applicant. The floor plan does not need to be prepared by a professional, but must include the following:
 - a. The location of buildings and required parking (at least 350 sq.ft. per parking space is required)
 - b. The location of house utilities and all rooms including bedrooms, windows, exits and any heating/cooling units on each level of the dwelling that can be occupied.
 - c. If an attic is to be occupied, the entire dwelling must be sprinkled
- (7) A statement that none of the owners of the subject property has had a Short-Term Rental permit revoked within the previous year for any rental properties owned individually or together with others.

(8) County Health Department approval of the property's septic system, if appropriate.

(9) Certification that the property's well has been tested or inspected by the New York State Health Department.

94.5 Short-Term Rental Standards

A. Property Requirements

(1) Property must comply with and meet all current New York State Building Codes.

(2) There shall be one (1) working smoke detector in each sleeping room and one (1) additional smoke detector on each floor. Smoke detectors shall be interconnected. Carbon monoxide detectors shall be installed as required by the New York State Fire Prevention and Building Code.

(3) Evacuation procedures must be posted in each sleeping room to be followed in the event of a fire or smoke condition or upon activation of a fire or smoke-detecting or other alarm device.

(4) There shall be an ABC fire extinguisher on each floor and in the kitchen. Fire extinguishers shall be inspected prior to a renter occupying the property and no less than monthly by the permit holder to ensure each contains a full charge. A record of the date inspected initialed by the permit holder shall be maintained and made available to the Code Enforcement Officer upon request.

(5) The house number shall be located at the road and on the dwelling so that it is clearly visible from both the road and the driveway.

(6) Exterior doors shall be operational and all passageways to exterior doors shall be clear and unobstructed.

(7) Electrical systems shall be in good operating condition, labeled, unobstructed and visible for the Code Enforcement Officer during the permitting process. Any defects found shall be corrected prior to permit issuance.

(8) All fireplaces shall comply with all applicable laws and regulations.

(9) The property must have a minimum of one (1) off-street parking space for every bedroom shown on the floor plan included with the application. No parking on the street is permitted.

(10) Maximum occupancy for each Short-Term Rental unit shall not exceed two (2) people per bedroom shown on the floor plan included with

the application. The Maximum occupancy of the Short-Term Rental unit shall not exceed eight (8) people including permanent residents and renters.

(11) If the property has a septic system, the maximum occupancy shall be defined by the capabilities of the septic system but in no event shall overnight occupancy for a Short-Term Rental unit exceed eight (8) people total.

t

B. Insurance Standards

All applicants and permit holders must provide Evidence of Property insurance and a Certificate of Liability insurance indicating that the premises is rated as a Short-Term Rental and maintain such insurance throughout the term of the Short-Term Rental permit.

C. Rental Contract. All applicants and permit holders must have a rental contract that includes the following:

- (1) Maximum property occupancy
- (2) Maximum on-site parking provided
- (3) Good Neighbor Statement stating:
 - a. The Short-Term Rental is in a residential area in the Town of Boston and renters should be considerate of the residents in neighboring homes.
 - b. Quiet hours are between 11:00 PM and 8:00 AM.
 - c. All guests will be subject to New York Penal Law Section 240.20 or any successor statute regarding disorderly conduct.
 - d. Littering is illegal.

94.6 Procedure Upon Filing Application

A. Short-Term Rental permit applications shall be filed with the Town of Boston Code Enforcement Officer with all supporting documentation and the nonrefundable permit fee. Only completed application will be accepted. The Code Enforcement Officer may decline to accept an application for consideration for any of the following reasons:

- (1) The application or documentation required by this Section was not included or the full permit fee was not paid.

(2) A previously issued Short-Term Rental permit was revoked within the past year and defects and/or violations have not been corrected and inspected by the Code Enforcement Officer.

- B. Upon receipt of a completed Short-Term Rental permit application, property owners within 100 feet of all property lines of the subject parcel will be notified of the application by the Town of Boston and given the opportunity to comment.
- C. Upon the Code Enforcement Officer's acceptance of the completed permit application, all documents and information required by this Section and the permit fee, the Code Enforcement Officer shall have 30 days to conduct a property inspection to certify that all Short-Term Rental requirements have been met.
- D. Upon approval of the Short-Term Rental application by the Code Enforcement Officer, a Short-Term Rental permit will be issued. Short-Term Rental permits issued pursuant to this Section shall state the following:
 - (1) The name, address, phone number and email address of each person or entity that has an ownership interest in the Short-Term Rental property.
 - (2) The name, address, phone number and email address of the primary contact person who shall be available during the entire time the Short-Term Rental is being rented.
 - (3) The maximum occupancy and vehicle limits for the Short-Term Rental property.
 - (4) Identification of the number and location of available parking spaces.
 - (5) Any conditions imposed by the Board of Zoning Appeals and/or the Code Enforcement Official.

94.7 Conformity and Display of Permit

A. Short-Term Rental permits are subject to continued compliance with the requirement of these regulations.

(1) If the Code Enforcement Officer has probable cause to believe that the homeowner is not in compliance with the provisions of this Law, he may conduct an inspection of the Short-Term Rental property for purposes of ensuring compliance with this Section. If the property owner refuses to permit the Code Enforcement Officer to inspect the property, the permit will be revoked. If an inspection authorized herein is conducted, the Code Enforcement Officer shall use the results of such inspection in determining whether to revoke the permit.

(2) The Short-Term Rental permit, maximum occupancy limit, maximum parking, contact form and standards shall be prominently displayed inside and near the front entrance of the Short-Term Rental.

(3) The Short-Term Rental permit holder shall ensure that current and accurate information is provided to the Code Enforcement Officer and that he or she notifies the Code Enforcement Officer immediately of any change in the information displayed on the permit. If, based upon such changes, the Code Enforcement Officer issues an amended Short-Term Rental permit, the owner must immediately post the amended permit inside and near the front entrance of the Short-Term Rental.

(4) The Short-Term Rental permit holder must conspicuously display the Short-Term Rental permit number in all advertisements for the applicable Short-Term Rental.

94.8. Compliance and Penalties

A. Violations of this Section or of any Short-Term Rental permit issued pursuant to this Section shall be subject to enforcement and penalties prescribed in this Section.

B. If the Code Enforcement Officer either witnesses or receives a written complaint of an alleged violation of this Section or of any Short-Term Rental permit issued pursuant to this Section, the Code Enforcement Officer shall properly record such complaint and immediately investigate the report thereon. If the Code Enforcement Officer determines there is a violation of this Law, the owners and/or agent(s) shall be notified in writing of said violations and the Code Enforcement Officer may take any or all of the following actions:

(1) Attach conditions to the existing Short-Term Rental permit.

(2) Suspend the Short-Term Rental permit. The Notice of Suspension shall be provided to the property owner and a copy filed with the Town Clerk.

(3) Require corrective action that remedies the violation(s). The corrective action must be completed and approved within 30 days of notice from the Code Enforcement Officer or the owner risks revocation of the permit.

(4) Issue a court appearance ticket for violation of a Town law.

(5) Revoke the Short-Term Rental permit. In this event, the building shall be posted as such. Should a permit be revoked, all owners of the Short-Term Rental are prohibited from obtaining a Short-Term Rental permit on the property for one (1) year after the date of revocation. The Code

Enforcement Officer shall send the Notice of Revocation to the property owners and shall file a copy with the Town Clerk.

94.9 Application for Renewal of Permit. Renewal permits will be granted for an additional two-year term if the following conditions are met:

- A. Applications for renewal shall be made 30 days prior to expiration of the current permit and require payment of a renewal fee.
- B. At the time of application for renewal, the owner must present the previous permit for Short-Term Rental.
- C. The property must have undergone an inspection performed by the Code Enforcement Officer.
- D. Any violations must be remedied prior to renewal of a Short-Term Rental permit.
- E. If a Short-Term Rental permit holder fails to apply for renewal of the permit by the time it expires, a new Short-Term Rental permit must be obtained.

94.10. Grounds for Suspension or Revocation of Permit

- A. The Code Enforcement Officer may immediately suspend a Short-Term Rental permit based on any of the following grounds:
 - (1) Applicant has falsified or failed to provide information in the application for a permit or the application for permit renewal.
 - (2) Applicant failed to meet or comply with any of the requirements of this Chapter.
 - (3) Owner is in violation of any provisions of the Code of the Town of Boston.
 - (4) Owner has violated any provision of the Penal Code of the State of New York that occurred at or was related to the occupancy of the Short-Term Rental.
 - (5) Any conduct on the premises that disturbs the health, safety, peace or comfort of the neighborhood or that otherwise creates a public nuisance.

94.11. Appeals and Hearings

The property owner is entitled to appeal the Code Enforcement Officer's determination to the Town Board when his or her application for a Short-Term Rental permit or a Short-Term Rental permit renewal is denied or a Short-Term Rental permit is revoked. A Notice of Appeal shall be filed with the Town Clerk and the Town Board within 60 days of

the Code Enforcement Officer's filing of the denial or revocation with the Town Clerk. A public hearing shall be held by the Town Board not more than 45 days after the filing of the Notice of Appeal.

Section V. Validity and Severability

Should any word, section, clause, paragraph, sentence, part of provision of this Local Law be declared invalid by a Court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

Section VI. Repeal, Amendment and Supersession of Other Laws

All other ordinances or local laws of the Town of Boston that are in conflict with the provisions of this local law are hereby superceded or repealed to the extent necessary to give this local law force and effect during its effective period.

Section VII. Effective Date

This Local Law will take effect upon filing in the office of the New York State Secretary of State.

Town of Boston Planning Board



Town Hall
Phone: (716) 941-6113

8500 Boston State Road
Boston, New York 14025

January 28, 2024

TO: TOWN BOARD MEMBERS

At the meeting on January 16, 2024, the Planning Board resolved to recommend that the Town Board adopt the proposed short-term rental law that is the subject of the public hearing to be held on February 7, 2024.

Thank you,
Jennifer Cavarello/Board Clerk

TOWN OF BOSTON – RESOLUTION NO. 2024-19

**AUTHORIZING ADOPTION BY THE BOSTON TOWN BOARD
OF TOWN OF BOSTON OF 2024 LOCAL LAW NO. 1**

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Boston for a public hearing to be held by said Town Board on February 7, 2024 at 7:35 p.m. at Boston Town Hall, 8500 Boston State Road, Boston, New York, to hear all interested parties on a proposed Local Law entitled “A LOCAL LAW To amend the Boston Town Code to add Chapter 94, Short-Term Rentals, to require owners of Short-Term Rentals to obtain a Short-Term Rental permit;” and

WHEREAS, notice of said public hearing was duly advertised in the Springville Journal, the official newspaper of said Town, on January 18, 2024; and

WHEREAS, said public hearing was duly held on February 7, 2024 at 7:35 p.m. at Boston Town Hall, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, the Boston Town Board, after due deliberation, finds it in the best interest of the Town of Boston to adopt said Local Law;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Boston hereby adopts said 2024 Local Law No. 1 entitled “A LOCAL LAW To amend the Boston Town Code to add Chapter 94, Short-Term Rentals, to require owners of Short-Term Rentals to obtain a Short-Term Rental permit;” a copy of which is attached hereto and made a part of this resolution, and be it further

* CONTINUED ON NEXT PAGE *

RESOLVED, that the Town Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Boston, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

On February 7, 2024, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
Councilmember Cartechine	[]	[]	[]	[]
Councilmember Lucachik	[]	[]	[]	[]
Councilmember Martin	[]	[]	[]	[]
Councilmember Selby	[]	[]	[]	[]
Supervisor Keding	[]	[]	[]	[]

Sandra L. Quinlan, Town Clerk

**TOWN OF BOSTON
NOTICE OF PUBLIC HEARING**

Please take notice that the Boston Town Board has scheduled a Public Hearing for **February 7, 2024, at 7:40 p.m.** at Boston Town Hall, 8500 Boston State Road, Boston, NY, to consider the application from Todd Gallagher, Foxhole Farm Winery, for a Special Permit for Live Entertainment at 8325 Cole Rd., Town of Boston. All persons interested in the matter shall be heard for or against at such time and place or may file written comments or objections with the Town Clerk until 4:00 p.m. on February 7, 2024.

Dated: January 3, 2024

Published: January 18, 2024

BY ORDER OF THE TOWN BOARD

Sandra L. Quinlan,

Town Clerk

An Equal Opportunity Provider & Employer



RECEIVED
BOSTON TOWN CLERK

2023 AUG 30 PM 12:14

ch 1036
Fee \$ 25.00
Received 8/30/2023
(Date)

TOWN OF BOSTON

APPLICATION FOR LIVE ENTERTAINMENT LICENSE

Name of Applicant: TODD GALLAGHER Phone # 716 913 1974

Doing Business As: FOXHOLE FARM WINERY

Mailing Address: 8325 COLE ROAD, BOSTON NY 14033

Address of Establishment SAME AS ABOVE Manager: TODD GALLAGHER

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

If yes, what kind of license: FARM WINERY

Are there any limitations on your liquor license? No

What type of live entertainment? Music, DJ for WEDDINGS, magician for family days

Days: Fri, Sat, Sun. Hours: ^{hours of operation} Friday 5-10, SAT & SUN Noon-10pm

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.

Todd M. Gallagher Signature of Applicant Date 30 Aug. 2023

APPROVED BY THE TOWN BOARD _____ Date: Tabled 9/6/2023

The following stipulations will apply: _____

I am requesting a live entertainment license for Foxhole Fram Winery, located at 8325 Cole Rd, Boston. I would like to have occasional live music during my seasonal days and hours.

I would stop any live music by 8pm and would have live music or performers during special events.

Possible live music hours are as follows.

Fri - 5-8pm

Sat - 12-8pm

Sun - 12-8pm

I would like to have live entertainment Apr 6-8 times thruout the Summer/Fall.

Thank you


TOWN OF BOSTON
NEW YORK

LOCAL LAW NO. 4

OF

THE YEAR 2002

*A LOCAL LAW, TO ESTABLISH A SPECIAL PERMIT REQUIREMENT FOR THE
EMPLOYMENT OF LIVE ENTERTAINMENT AT EATING OR DRINKING ESTABLISHMENTS*

**BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF BOSTON AS
FOLLOWS:**

SECTION 1. LEGISLATIVE INTENT

This Local allows the employment of live entertainment in eating and drinking establishments located in C-1 and C-2 Districts.

SECTION 2. THE FOLLOWING IS HEREBY ADOPTED:

That Local Law No. 6 for the Year 1990 be amended as follows:

A. In §123-71 B. by adding a new subsection (6) to read in its entirety as follows:

(6) Live performances of musical entertainment, stage shows, reviews or other live performances using sound amplification devices, at eating or drinking establishments authorized as a permitted use in this Section, subject to the following conditions:

(a) Term: No such permit shall be issued for a period to exceed two years. Unless otherwise provided the first such permit issued to any applicant shall expire on the 30th day of June of the first full calendar year following the issuance of the permit; additional permits shall expire on the 30th day of June of the second calendar year following the date of issuance.

(b) Renewal: Applications for renewal may, within the discretion of the Town Board, be subject to a public hearing.

(c) Revocability: The Town Board of the Town of Boston may revoke any such permit, after a public hearing held thereon. The grounds for such revocation shall be limited to the provisions of this sub-section or the failure of the permit holder to comply with such additional conditions imposed at the time of issuance of the permit.

(d) Criteria for Determination: In determining whether or not any such application shall be granted or existing permit revoked the Town Board shall consider the following criteria:

- [1] Proximity of adjacent residential structures.
- [2] Compliance with other provisions of the Town Code, including but not limited to those provisions relating to the generation of noise, vehicular and pedestrian traffic, odors, vapors or other noxious fumes.
- [3] Availability of parking.
- [4] Any other factors that the Town Board determines are relevant to a decision on the application.
- [5] Modification of the premises or alteration of site for which is the subject of the permit.

(e) Hours of Operation: Any such permit may limit, within the discretion of the Town Board, the hours of such performances.

(f) Continuation of existing performances: The Town Board of the Town of Boston hereby finds that certain business establishments may have entered into contracts for live performances in the future. As a result of such finding, no permit shall be required for any business establishment that currently provides for live entertainment until July 1, 2003 based on any contract entered into on or before the effective date of this provision. No exemption from the requirement of

obtaining a permit shall be obtained unless copies of qualifying contracts are filed in the office of the Town Clerk on or before the 1st day of October 2002.

(g) Conditions: The Town Board of the Town of Boston may impose appropriate conditions on the issuance of any permit pursuant to this section, based upon the proximity of residential development or any other relevant factors, including but not limited to:

- [1] Limitations on performances or the placing of any speakers broadcasting any performance outside of any structure.
- [2] Requirement that all windows and doors remain closed except for normal ingress and egress.
- [3] Limitation of the volume of any amplified sound generated during a live performance, measured at any or all speakers broadcasting such sound.
- [4] Limitation on the volume of all non-amplified sound at the point of origin.
- [5] Appropriate control of patrons at all times including, but not limited to, activities outside of the establishment where live entertainment is occurring.

(h) Inspection: As a condition of the issuance of this permit, the permit holder shall permit any duly appointed enforcement officer of the Town of Boston or any police officer to enter on to the premises for the purpose of verifying compliance with the conditions of this permit.

(i) Exceptions: The provisions of this sub-section shall not be applicable to any live performance on property owned by the Town of Boston or the Hamburg Central School District.

(j) Fees. The fee for such special permit and the renewal thereof shall be set forth in the Schedule of Fees, as adopted, by the Town Board of the Town of Boston.

B. In §123-78 A. (5) by adding the phrase, “provided however that no live entertainment shall be permitted except by special permit” after the word “establishments” and before the period in said subsection.

C. In §123-72 B. by adding a new subsection (3) to read in its entirety as follows:

(3) Live entertainment at eating and drinking establishments subject to the

provisions of §123-71 B (6) of this Code.

SECTION 3. MISCELLANEOUS

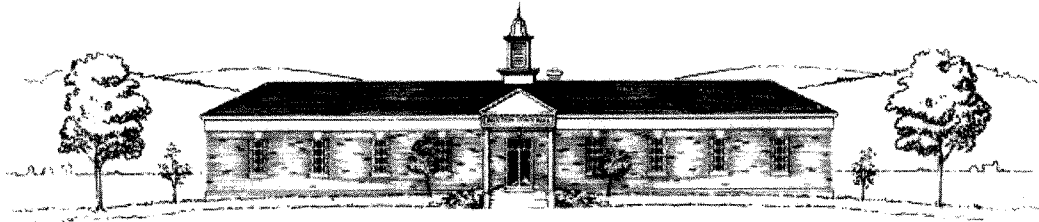
A. This Local Law shall be deemed to supersede and repeal any other Local Laws to the extent therein inconsistent herewith.

B. If any part of the Local Law shall be judicially declared to be invalid, void, unconstitutional or unenforceable, all unaffected provisions hereof shall survive such declaration and this Local Law shall remain in full force and effect as if the invalidated portion had not be enacted.

C. Nothing herein shall be deemed to be a waiver or restriction upon any rights and powers available to the Town of Boston to further regulate the subject matter of this Local Law.

SECTION 4: EFFECTIVE DATE

This Local Law shall become effective upon filing with Secretary of State of the State of New York, as required by the Municipal Home Rule Law



TOWN OF BOSTON

JASON A. KEDING
Supervisor

MICHAEL A. CARTECHINE
JENNIFER L. LUCACHIK
KELLY L. MARTIN
KATHLEEN SELBY
Town Board

SANDRA L. QUINLAN
Town Clerk - Tax Collector

ROBERT J. TELAAK
Highway Supt.

DEBRA K. BENDER
KYLE W. CALABRESE
Town Justice

SEAN W. COSTELLO
Town Attorney

LAURIE A. BAKER
Prosecutor

THELMA HORNBERGER
Assessor

THOMAS C. MURPHY
Code Enforcement Officer

TOWN HALL
(716) 941-6113
Fax (716) 941-6116

TOWN SUPERVISOR
(716) 941-6518

TOWN COURT
(716) 941-6115
Fax (716) 796-6170

HIGHWAY GARAGE
(716) 941-5869
Fax (716) 941-3677

NUTRITION PROGRAM
(716) 941-5773

MEMORANDUM

To: Restaurant and Bar Owners - Town of Boston
From: Boston Town Clerk
Re: Live Entertainment Permit Requirement

Please be advised that pursuant to Boston Town Code 123-71(6), effective 9/18/02, a Special Permit is required for live performances of musical entertainment, stage shows, reviews or other live performances using sound amplification devices.

The term of each permit shall not exceed two years. Unless otherwise provided, the first such permit issued to any applicant shall expire on the 30th day of June of the first full calendar year following the issuance of the permit; additional permits shall expire on the 30th day of June of the second calendar year following the date of issuance.

The fee for the Special Permit is twenty-five dollars (\$25.00). If you are planning on employing any live entertainment, including but not limited to live bands, you must apply for the permit prior to the intended performance date. An application can be obtained from the Boston Town Clerk at the Boston Town Hall, 8500 Boston State Road, Boston New York.

If there are questions pertaining to the issuance of the Live Entertainment Permit, please call the Boston Town Clerk at 941-6113. Thank you for your cooperation in this matter.

Enc: (2) Local Law No.4 of the Year 2002
Live Entertainment Application

8500 Boston State Road Boston, New York 14025-9848

The Town of Boston is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call 1-866-632-9992 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 or fax 202-690-7442 or e-mail at program.intake@usda.gov.



TOWN OF BOSTON

September 6, 2023

JASON A. KEDING
Supervisor

MICHAEL A. CARTECHINE
JENNIFER L. LUCACHIK
KELLY L. MARTIN
KATHLEEN SELBY
Town Board

SANDRA L. QUINLAN
Town Clerk - Tax Collector

ROBERT J. TELAAK
Highway Supt.

DEBRA K. BENDER
KYLE CALABRESE
Town Justice

SEAN W. COSTELLO
Town Attorney

LAURIE BAKER
Prosecutor

Thelma Hornberger
Assessor

THOMAS C. MURPHY
Code Enforcement Officer

Supervisor Keding,
Honorable Members of the Town Board,

RE: Todd Gallagher
8325 Cole Road
Foxhole Winery

I recently received a copy of a request for a live entertainment for the above establishment. I have some concerns. I will be brief.

- Mr. Gallagher has never been before the town's planning board.
- Mr. Gallagher has never been before the town's zoning board, even though his building exceeds the square footage allowed by town code.
- Mr. Gallagher continues to build on his parcel without a building permit nor the required area variance from the town zba.
- Mr. Gallagher was recently cited by the Erie County Health Department for overstepping the parameters imposed on him by NYS agriculture and markets limiting the food and drinks available at his winery (he was cooking and serving food). He is held to permitted caterers or food trucks serving foods that do not require utensils. He is not a food service establishment per Erie County Health Department standards and must install a grease interceptor as his septic system was approved for a wine tasting facility only. He was not supposed to install a kitchen and prepare meals.
- Foxhole winery is limited to selling only those items grown and manufactured on his farm or another NYS farm with a farm winery license. These include wine, cider and wine products, beer, honey, etc. Nothing is to come from out of state. It is a well known fact that you can acquire any type of alcohol commonly served at any other local bar or restaurant.
- He states on his entertainment permit application that he would like to hold weddings, birthday parties and similar events. These are not permitted uses in his RA zoning district, with or without a special use permit.

Sincerely,

Thomas C. Murphy
Town of Boston, New York
Code Enforcement Officer

TOWN HALL
(716) 941-6113
Fax (716) 941-6116

TOWN SUPERVISOR
(716) 941-6518
Fax (716) 941-9264

TOWN COURT
(716) 941-6115
Fax (716) 941-5169

HIGHWAY GARAGE
(716) 941-5869
Fax (716) 941-3677

NUTRITION PROGRAM
(716) 941-5773

8500 Boston State Road Boston, New York 14025-9848

The Town of Boston is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call 1-866-632-9992 to request the form. You may also write a letter containing all 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 or fax 202-690-7442 or e-mail at program.intake@usda.gov.



RECEIVED
BOSTON TOWN CLERK

2023 DEC 15 AM 9:53

check 1057
Fee \$ 25.00
Received 12/15/2023
(Date)
check 1059
\$100.00
12/29/23

TOWN OF BOSTON

APPLICATION FOR LIVE ENTERTAINMENT LICENSE

Name of Applicant: TODD GALLAGHER Phone # 7169131974

Doing Business As: FOXHOLE FARM WINERY

Mailing Address: 8325 COLE ROAD, BOSTON 14033

Address of Establishment SAME AS ABOVE Manager: TODD GALLAGHER

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

If yes, what kind of license: FARM WINERY, MANUFACTURING

Are there any limitations on your liquor license? NO

What type of live entertainment? BAND, EASTER bunny, Santa, DJ.

Any live ENTERTAINMENT that helps me sell my NYS Agricultural Products.

Days: Fri, SAT, SUN. Hours: 12 - 10 pm

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

If so, name of business: N/A

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.

Todd M. Gallagher
Signature of Applicant

15 DEC 2023
Date

APPROVED BY THE TOWN BOARD _____ Date: _____

The following stipulations will apply: _____

**NYS DEPARTMENT OF AGRICULTURE AND MARKETS
DIVISION OF FOOD SAFETY AND INSPECTION
10B AIRLINE DRIVE, ALBANY, NEW YORK 12235**

REPORT OF INVESTIGATION

INVESTIGATION FOLLOW-UP INVESTIGATION

DATE: 09/22/2023

COUNTY CODE – EST. NO.: 1 4 - 7 5 a a a a

OWNER: Foxhole Farm Winery

TRADE NAME: Foxhole Farm Winery

STREET: 8325 Cole Rd	CITY: Colden	COUNTY: Erie	ZIP 14033
--------------------------------	------------------------	------------------------	---------------------

INTERVIEWED: Todd Gallagher	TITLE: Owner	TIME IN: 2:00 PM	TIME OUT: 2:15 PM
---------------------------------------	------------------------	----------------------------	-----------------------------

NATURE OF INVESTIGATION:

LICENSING MISC. INVEST. COMPLIANCE/ LEGAL VISIT LIMITED INSPECTION

LABEL REVIEW: _____

PHOTOS

SAMPLE: **FL#:** _____ **FL#:** _____ **FL#:** _____

RECALL

SEIZURE/WAIVER:

SEIZURE/ WAIVER #:	PRODUCT DESTROYED:	UNITS:
	LBS.:	

Update 09/22/23 – A follow up visit was attempted at the above firm. Upon arrival at the firm, no one was present to talk to and the closed sign was blinking in the window of the winery. Inspector went to residence behind winery, and knocks on the door went unanswered. Inspectors business card with cell phone number was left on door with note requesting a phone call. If inspector does not receive a call from the firm, another attempt will be made to visit the firm in the next few weeks, or sooner if the inspector is passing the area.

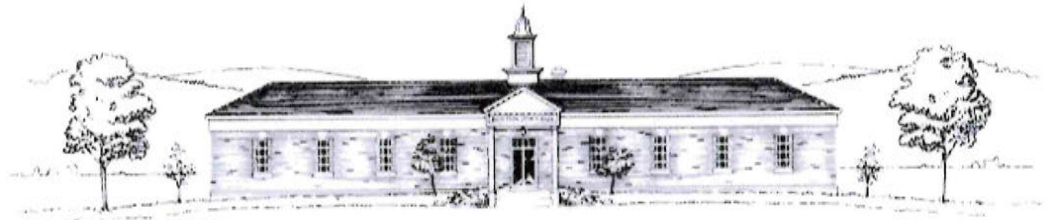
A return call was received from owner Todd Gallagher, who stated that he was under the impression that serving foods fell under the farm winery guidelines. Inspector informed owner that the foods offered need to be incidentals that do not require preparation. Owner stated that he'd like to offer already sliced cheeses and meats as incidentals. Inspector will visit and inspect firm on September 28, 2023.

07/31/23 - A field visit was made to the establishment per directive of Supervising Inspector Dagonese. Supervising inspector received an email from ECHD stating that the firm was conducting food preparation onsite, and it was unclear which departments jurisdiction it would fall under. The firm is not on the inspectors establishment list, so a visit was attempted to determine jurisdiction and place the firm under inspection.

Upon arrival at the firm, no one was present to talk to. A phone call was placed using the number provided on the firms Facebook site, but the call went unanswered and it did not offer the option to leave a voicemail.

Inspector will attempt to visit firm again in early August and will attempt to contact by phone before next visit.

INSPECTOR: Michael Prusakowski	ID NO.: 811
SUPERVISOR REMARKS:	
REVIEWED BY: J. Dagonese	



TOWN OF BOSTON

January 16, 2024

JASON A. KEDING
Supervisor

MICHAEL A. CARTECHINE
JENNIFER L. LUCACHIK
KELLY L. MARTIN
KATHLEEN SELBY
Town Board

SANDRA L. QUINLAN
Town Clerk -Tax Collector

ROBERT J. TELAAK
Highway Supt.

DEBRA K. BENDER
KYLE CALABRESE
Town Justice

SEAN W. COSTELLO
Town Attorney

LAURIE BAKER
Prosecutor

Thelma Hornberger
Assessor

THOMAS C. MURPHY
Code Enforcement Officer

TOWN HALL
(716) 941-6113
Fax (716) 941-6116

TOWN SUPERVISOR
(716) 941-6518
Fax (716) 941-9264

TOWN COURT
(716) 941-6115
Fax (716) 941-5169

HIGHWAY GARAGE
(716) 941-5869
Fax (716) 941-3677

NUTRITION PROGRAM
(716) 941-5773

Hon. Supervisor Keding,
Esteemed Members of the Town Board of Boston,

RE: 8325 Cole Road Foxhole Winery/Todd Gallagher

Dear colleagues,

Mr. Todd Gallagher wishes to obtain a live entertainment permit for his facility on Cole Road. This is first permitted in a C-1 zoning district after obtaining a special permit from your town board [123-71 B.(6)]. Mr. Gallagher's property, an 11-acre parcel of land on the east side of Cole Road, is zoned Residential Agricultural. No such permit is available in this zoning district. I believe a use variance would be necessary.

Also of note:

- The use of this parcel as a commercial winery is in question. This is not a permitted use in his residential agricultural (RA) zoning district. The closest use found would be a picnic grove under 123-48 B. (4), requiring a special use permit.
- The pole barn erected in 2018 under building permit B-18-53 which houses his farm winery required two area variances which he was never directed to obtain. At 5400 square feet in area and 27 feet in height, it is over the maximum permitted 2500 square feet and 25-foot height maximum [123-136 B. (4)]. When the two detached garages on the property are included, the total aggregate accessory square footage on this parcel totals 7008. This is 4508 square feet over the maximum permitted without a variance.
- In August of 2023 he requested a building permit for erection of a 720 square foot timber frame pavilion. This was required, he stated, so that he could prepare food to serve at his establishment without installing the required grease trap as directed by the Erie County Department of Health. This department denied the request. He built the pavilion anyway.
- His farm winery license was issued by the New York State Liquor Authority. This license is not under the jurisdiction of NYS Agriculture and Markets and as such, his operation is not afforded the protections that come with being a farm in New York State.

8500 Boston State Road Boston, New York 14025-9848

The Town of Boston is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call 1-866-632-9992 to request the form. You may also write a letter containing all 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 or fax 202-690-7442 or e-mail at program.intake@usda.gov.

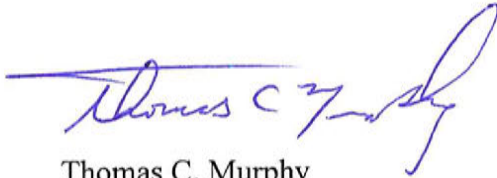
- A farm operation is defined as the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock, and livestock products as a commercial enterprise.
 - If an operation is not producing and marketing crops, livestock, and livestock products, it is not afforded the same protections and exemptions that come under the auspices of agriculture and markets law.
 - This parcel is in the southeast Erie County #15 agricultural district; however, it does not produce 51% or more of on farm produced grains, hops, grapes, or other fruits used to produce the wine, beer or distilled spirits sold at the establishment. This is outside the Guidelines for Review of Local Laws Affecting Farm Operations and is, therefore, a violation.
 - The NYS Department of Agriculture and Markets was unaware of this operation until they were invited to tour the facility along with the Erie County Health department by the Town of Boston Code Enforcement Office in September of 2023.
-
- As he has not established himself as a food service establishment (FSE) in the eyes of the county health department, he is allowed only limited opportunities to serve food, and this food must be provided by a caterer listed with the county health department or using food trucks that have obtained a permit and inspection as required by New York State. He is not allowed to serve anything other than incidentals, cheese, crackers, etc.
 - The building used to entertain the public is in violation of the 2020 Fire Code of New York State, having egress doors that oppose the travel of traffic (they swing 'in') and lack panic hardware.
 - The building is also in violation of the 2020 Plumbing Code of New York State as several of the sinks used do not have the requisite indirect drains necessary to keep drainage from entering their bowls and contaminating glassware or utensils used by the public.

8500 Boston State Road Boston, New York 14025-9848

The Town of Boston is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call 1-866-632-9992 to request the form. You may also write a letter containing all 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 or fax 202-690-7442 or e-mail at program.intake@usda.gov.

- He disabuses himself with the notion that if he rents his facility to a person or persons that this becomes a “private party” and is not subject to any regulations whatsoever.
- The Erie County Health Department has approved the wastewater treatment system (septic) “to serve a winery and tasting room with 49 seats”. It is a concern that, using an estimate of 2 persons per vehicle, the available parking can handle the conservative calculated minimum of 25 vehicles on the requisite hard-surface and drainable automotive use area as dictated in town code 123-120A.-D.
- The building code and fire code of NYS limit the actual maximum occupant load to 99 persons, as the building does not have a sprinkler system. The maximum occupant load would be set by the health department (above).



Thomas C. Murphy
Code Enforcement Officer
Town of Boston
State of New York
NY0360547

8500 Boston State Road Boston, New York 14025-9848

The Town of Boston is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call 1-866-632-9992 to request the form. You may also write a letter containing all 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 or fax 202-690-7442 or e-mail at program.intake@usda.gov.



TOWN OF BOSTON

February 2, 2024

JASON A. KEDING
Supervisor

Hon. Supervisor Keding,
Esteemed Members of the Town Board of Boston,

MICHAEL A. CARTECHINE
JENNIFER L. LUCACHIK
KELLY L. MARTIN
KATHLEEN SELBY
Town Board

RE: 8325 Cole Road Foxhole Winery/Todd Gallagher

SANDRA L. QUINLAN
Town Clerk -Tax Collector

Dear colleagues,

ROBERT J. TELAAK
Highway Supt.

Mr. Todd Gallagher wishes to obtain a live entertainment permit for his facility on Cole Road. This is first permitted in a C-1 zoning district after obtaining a special permit from your town board [123-71 B.(6)]. Mr. Gallagher's property, an 11-acre parcel of land on the east side of Cole Road, is zoned Residential Agricultural. No such permit is available in this zoning district. I believe a use variance would be necessary.

DEBRA K. BENDER
KYLE CALABRESE
Town Justice

Also of note:

SEAN W. COSTELLO
Town Attorney

- The use of this parcel as a commercial winery is in question. This is not a permitted use in his residential agricultural (RA) zoning district. The closest use found would be a picnic grove under 123-48 B. (4), requiring a special use permit.
- The pole barn erected in 2018 under building permit B-18-53 which houses his farm winery required two area variances which he was never directed to obtain. At 5400 square feet in area and 27 feet in height, it is over the maximum permitted 2500 square feet and 25-foot
- height maximum [123-136 B. (4)]. When the two detached garages on the property are included, the total aggregate accessory square footage on this parcel totals 7008. This is 4508 square feet over the maximum permitted without a variance.
- In August of 2023 he requested a building permit for erection of a 720 square foot timber frame pavilion. This was required, he stated, so that he could prepare food to serve at his establishment without installing the required grease trap as directed by the Erie County Department of Health. This department denied the request. He built the pavilion anyway.
- His farm winery license was issued by the New York State Liquor Authority. This license is not under the jurisdiction of NYS Agriculture and Markets and as such, his operation is not afforded the protections that come with being a farm in New York State.
- A farm operation is defined as the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock, and livestock products as a commercial enterprise.

LAURIE BAKER
Prosecutor

Thelma Hornberger
Assessor

THOMAS C. MURPHY
Code Enforcement Officer

TOWN HALL
(716) 941-6113
Fax (716) 941-6116

TOWN SUPERVISOR
(716) 941-6518
Fax (716) 941-9264

TOWN COURT
(716) 941-6115
Fax (716) 941-5169

HIGHWAY GARAGE
(716) 941-5869
Fax (716) 941-3677

NUTRITION PROGRAM
(716) 941-5773

8500 Boston State Road Boston, New York 14025-9848

The Town of Boston is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call 1-866-632-9992 to request the form. You may also write a letter containing all 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 or fax 202-690-7442 or e-mail at program.intake@usda.gov.

- If an operation is not producing and marketing crops, livestock, and livestock products, it is not afforded the same protections and exemptions that come under the auspices of agriculture and markets law.
- This parcel is in the southeast Erie County #15 agricultural district, however, it does not produce 51% or more of on farm produced grains, hops, grapes or other fruits used to produce the wine, beer or distilled spirits sold at the establishment. This is outside the Guidelines for Review of Local Laws Affecting Farm Operations and is, therefore, a violation.
- As he has not established himself as a food service establishment (FSE) in the eyes of the county health department, he is allowed only limited opportunities to serve food, and this food must be provided by a caterer listed with the county health department or using food trucks that have obtained a permit and inspection as required by New York State.
- The building used to entertain the public is in violation of the 2020 Fire Code of New York State, having egress doors that oppose the travel of traffic (they swing 'in') and lack panic hardware.
- The building is also in violation of the 2020 Plumbing Code of New York State as several of the sinks used do not have the requisite indirect drains necessary to keep drainage from entering their bowls and contaminating glassware or utensils used by the public.
- He disabuses himself with the notion that if he rents his facility to a person or persons that this becomes a "private party" and is not subject to any regulation.

Thomas C. Murphy
Code Enforcement Officer
Town of Boston
State of New York
NY0360547

8500 Boston State Road Boston, New York 14025-9848

The Town of Boston is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call 1-866-632-9992 to request the form. You may also write a letter containing all 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 or fax 202-690-7442 or e-mail at program.intake@usda.gov.



Building Standards and Codes

New York State
Department of State
Division of Building
Standards and Codes
One Commerce Plaza
99 Washington Avenue, Suite 1160
Albany, NY 12231-0001
(518) 474-4073
Fax: (518) 474-5788
www.dos.ny.gov

TB-2007-BCNYS

TECHNICAL BULLETIN

Code Effective Date: May 12, 2020¹

Source Document: 19NYCRR 1221 – Building Construction
19NYCRR 1225 – Fire Prevention
19NYCRR 1226 – Property Maintenance²

Topic: Code Provisions Applicable to Agricultural Buildings and Premises

This document was prepared by the Department of State in consultation with the Department of Agriculture and Markets and is intended to clarify the applicability of the Uniform Fire Prevention and Building Code (Uniform Code) to *agricultural buildings*. The document does not address all issues relating to the applicability of the Uniform Code to *agricultural buildings*. Rather, it focuses on some of the most commonly asked questions and misunderstood provisions. It is offered as guidance to code enforcement officers and to the farming community. This document is not intended to cover all scenarios or uses. The applicability to the Uniform Code to each building or use needs to be evaluated individually.

As a preliminary matter, it is important to note that this document deals only with issues relating to the applicability of the Uniform Code. This document does not address other laws of interest to the farming community, such as the Agriculture and Markets Law, the Real Property Tax Law, and local zoning and land use laws and ordinances. This is critical, because the fact that a building is not an *agricultural building* for the purposes of the Uniform Code does not necessarily mean (1) that the building is not part of a “farm operation” for the purposes of Article 25-AA of the Agriculture and Markets Law; or (2) that the land on which the building is located is not “land used in agricultural production” for the purposes of Article 25-AA of the Agriculture and Markets Law and Section 481 of the Real Property Tax Law; or (3) that the building is not an agricultural building, farm building, or the like for the purposes of any applicable local zoning or land use law or ordinance; or (4) that the land on which the building is

¹ The “Code Effective Date” for this Technical Bulletin is May 12, 2020, which is the effective date of the 2020 update of the New York State Uniform Fire Prevention and Building Code (the Uniform Code).

² The Uniform Code is contained in Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York (19 NYCRR) Parts 1220 through 1227 and the publications incorporated by reference into those Parts, including, but not limited to the 2020 NYS specific code books which are based on the 2018 International Code Council books.

located is not a farm, farming operation, or the like for the purposes of any applicable local zoning or land use law or ordinance.

The following questions will be addressed in this document:

- What is the definition of an *agricultural building* for the purposes of applying the Uniform Code?
- What questions should be asked to determine if a structure is an *agricultural building* for the purposes of applying the Uniform Code?
- What does the phrase “a place of human habitation” mean?
- What does the phrase “a place of employment where agricultural products are processed, treated, or packaged” mean?
- What does the phrase “a place used by the public” mean?
- Are *agricultural buildings* exempt from the Uniform Code?
- What does the phrase “used directly and solely for agricultural purposes” mean?
- What about sugarhouses?
- Do setbacks and fire separation requirements apply to exempt agricultural buildings?
- Can a fire wall separate an exempt *agricultural building* from a regulated use?
- Can I follow the Existing Building Code for the Change of Occupancy of a previously exempt *agricultural building*?
- How are solar panels, wind turbines, and ESS installed on or in an exempt *agricultural building* and premises regulated?
- Does an exempt *agricultural building* need a building permit, a certificate of occupancy, or a certificate of compliance?

What is the definition of an *agricultural building* for the purposes of applying the Uniform Code?

Agricultural building is defined in the 2020 Building Code of New York State (2020 BCNYS) as:

A structure designed and constructed to house farm equipment, farm implements, poultry, livestock, hay, grain, or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.

What questions should be asked to determine if a structure is an *agricultural building* for the purposes of applying the Uniform Code?

QUESTION 1: Is the structure designed and constructed to house farm equipment, farm implements, poultry, livestock, hay, grain, or other horticultural products?

- If the answer to Question 1 is “no” the structure is not an *agricultural building*.
- If the answer to Question 1 is “yes,” ask Questions 2, 3, and 4.

QUESTION 2: Is the structure a place of human habitation?

QUESTION 3: Is the structure a place of employment where agricultural products are processed, treated or packaged?

QUESTION 4: Is the structure a place used by the public?

- If the answer to either Question 2, 3, or 4 is “yes” the structure is not an *agricultural building*.

Please see subsequent questions and answers for additional information on “*place of human habitation*”, “*place of employment where agricultural products are processed, treated or packaged*,” and “*used by the public*.”

What does the phrase “a place of human habitation” mean?

For the purposes of the definition of *agricultural building*, any structure that contains a “habitable space” is “a place of human habitation,” and therefore, cannot be an *agricultural building*. This is based on the definition of “habitable space” found in Section 202 of the 2020 BCNYS and reads as follows:

A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

See the section entitled “What does the phrase “used directly and solely for agricultural purposes” mean?” for a discussion of accessory spaces in a structure that will not necessarily preclude the structure from being an *agricultural building*.

What does the phrase “a place of employment where agricultural products are processed, treated, or packaged” mean?

For the purposes of determining whether a structure is a “place of employment” the first step is to determine if one or more “employees” work in the structure. The Department of State is of the opinion that for this purpose, an “employee” is any individual engaged in or permitted to work on the farm, subject to the following exception: any member of the “immediate family” of the owner or operator of the farm is not considered to be an “employee” if they work on the farm out of familial obligations and are not paid wages or other compensation based on hours or days of work. The “immediate family” of an owner or operator includes persons related to the owner or operator by up to the third degree of blood or law. Therefore, a structure that is used to process, treat, and package agricultural products grown on the farm, where there are no “employees” as described above, could be considered an *agricultural building*, provided the structure meets all other applicable criteria.

To “process, treat, or package” agricultural products means to manipulate any agricultural product(s) in such a way that either increases or creates a safety hazard to building occupants, adjacent properties, or the general public. The use of motorized equipment for the indoor packaging, treatment, or processing of agricultural commodities could potentially increase the level of fire and life safety hazard for buildings and occupants. For instance, the level of hazard resulting from hanging hemp, or any crop, to air dry is considerably lower than the potential hazard of utilizing a commercial heater for the drying of such hemp. Such hazard could be the result of several factors including the following:

- Equipment that imposes loads in the structural system beyond the system’s capacity. For example, heavy equipment suspended from ceiling joists, rafters or trusses.
- Equipment that imposes loads in the electrical system beyond the system’s capacity. For example, equipment requiring a higher voltage or amperage than what is provided or higher than what the existing electrical wiring can support.
- Equipment that generates harmful fumes without adequate ventilation systems. For example, plant oil processing equipment utilizing solvents as a means of extraction.
- Equipment that produces heat or otherwise creates a fire-hazard, particularly in the vicinity of combustible storage such as hay and dry goods.
- Equipment that is not listed and labeled for its intended purpose such as the use of a domestic cooking range to reduce maple sap.

In these cases, the level of safety hazard may exceed what is typically found in a traditional agricultural operation and it is possible that the building no longer meets the definition of an *agricultural building*.

Given the inherent safety hazard of the packaging, treating, or processing operation, a building might be more appropriately classified as a Group F - Factory if larger than 2,500 square feet, or as a Group B - Business if 2,500 square feet in area or less. Even when a change of occupancy classification is not warranted, it would be advisable, for the protection of persons and property, to have the building evaluated by a qualified individual to determine the building's ability to safely accommodate the equipment and use.

What does the phrase “a place used by the public” mean?

For the purposes of the definition of *agricultural building*, a structure is a “place used by the public” if any part of the structure is entered and/or used, other than on the limited basis described below, by persons who are neither the owner or operator, a member of the owner's or operator's immediate family, nor an employee of the agricultural operation (see the discussion of “place of employment,” above, regarding the meaning of the terms “immediate family” and “employee”). Some examples of events and activities which, if conducted in a structure, would result in the structure being a “place used by the public” include, but are not limited to, sales and retail activities, tours, demonstrations, weddings, and farm-to-table or other meal service.

The reasonable, occasional, and incidental entry of a structure by persons who are not the owner or operator, a member of the owner or operator's immediate family, or an employee of the agricultural operation does not necessarily cause the structure to be “a place used by the public.” Examples include entry by a person to deliver mail, entry by a veterinarian to examine animals housed in the structure, entry by the owner or long-term lessee of a horse being boarded in the structure to feed and care for the horse, and entry by workers for the purpose of repairing the structure or equipment in the structure.

Are *agricultural buildings* exempt from the Uniform Code?

No. Structures meeting the definition of an *agricultural building* are not exempted from the Uniform Code in its entirety. *Agricultural buildings* are exempt from the *construction-related* provisions of the 2020 Building Code of New York State (the 2020 BCNYS) and from the *construction-related* provisions of the 2020 Fire Code of New York State (the 2020 FCNYS).

The exemption of *agricultural buildings* from the construction-related provisions of the 2020 BCNYS is found in Exception 2 to Section 101.2 of that code, which reads as follows:

2. *Agricultural buildings*, including barns, sheds, poultry houses and other buildings and equipment on the premises that are used directly and solely for agricultural purposes, shall not be subject to the construction-related provisions of [the 2020 BCNYS].

The exception of *agricultural buildings* from the construction-related provisions of the 2020 FCNYS are found in the Exception to Section 102.2 of that code, which reads as follows:

Exception: *Agricultural buildings*, including barns, sheds, poultry houses and other buildings and equipment on the premises that are used directly and solely for agricultural purposes, shall not be subject to the construction-related provisions of [the 2020 FCNYS].

The exceptions provide that *agricultural buildings* shall not be subject to the construction-related provisions of the 2020 BCNYS and 2020 FCNYS, and provide several examples of buildings (*barns, sheds, poultry houses, and other buildings and equipment on the premises used directly and solely for*

agricultural purposes) that would typically be considered to be *agricultural buildings*. Any building or structure, including any barn, shed, poultry house, or other building or equipment on the premises that is used directly and solely for agricultural purposes, that does not also meet the definition of *agricultural building*, must be classified in accordance with Chapter 3 of the 2020 BCNYS; and is subject to the construction-related provisions of the 2020 BCNYS, to the construction-related provisions of the 2020 FCNYS, and to all other applicable provisions of the Uniform Code.

Agricultural buildings are subject to the administrative, operational and maintenance provisions of the 2020 FCNYS.

Agricultural buildings are subject to all provisions of the 2020 Property Maintenance Code of New York State (the 2020 PMCNYS).

What does the phrase “used directly and solely for agricultural purposes” mean?

The fact that the exceptions in the 2020 BCNYS and 2020 FCNYS include several examples of structures that might be *agricultural buildings* and the fact that one of those examples includes the phrase “*used directly and solely for agricultural purposes*” has given rise to the question of whether a structure that otherwise meets the definition of *agricultural building* is disqualified from being an *agricultural building* if the structure contains some accessory space that is not “*used directly and solely for agricultural purposes*.”

In the opinion of the Department of State, a structure that is designed and constructed to house farm equipment, farm implements, poultry, livestock, hay, grain, or other horticultural products is an *agricultural building* unless the structure is (1) a place of human habitation; (2) a place of employment where agricultural products are processed, treated or packaged; and/or (3) a place used by the public. The fact that the structure might also contain an accessory space that is not used directly to house farm equipment, farm implements, poultry, livestock, hay, grain, or other horticultural products (such as a restroom, break room, or office space available for use only by persons who are permitted to enter an *agricultural building*), does not disqualify the structure from being an *agricultural building*, provided that the structure continues to be neither a place of human habitation; nor a place of employment where agricultural products are processed, treated or packaged; nor a place used by the public.

What about sugarhouses?

A *sugarhouse* is defined in Chapter 40 of the 2020 FCNYS as “*a building used, in whole or in part, for the collection, storage, or processing of maple sap into maple syrup and/or maple sugar.*”

A *sugarhouse* that is designed and constructed to store maple sap would be a structure designed and constructed or used to “house” a substance (maple sap) that might be considered to be a horticultural product and, therefore, might be an *agricultural building*, provided that it satisfies the other criteria discussed above. However, a *sugarhouse* that is designed and constructed or used for other purposes (such as a place of employment where maple sap is processed into maple syrup and/or maple sugar) would not be an *agricultural building*. Further, a *sugarhouse* that might otherwise qualify as an *agricultural building* will cease to be an *agricultural building* if the *sugarhouse* is used for any of the *alternative activities* described in Chapter 40 of the 2020 FCNYS, since the *sugarhouse* would then become a place used by the public.³ Therefore, except for those *sugarhouses* that (1) are designed, constructed, and used solely to store maple sap, (2) satisfy the other elements of the definition of

³ Chapter 40 of the 2020 FCNYS defines *alternative activity* as “*an activity not normally conducted in a sugarhouse, which supports the maple product industry. Examples of such activities include product sampling, pancake breakfasts, educational tours and activities, and the marketing and sale of merchandise.*”

agricultural building, and (3) are not used for any *alternative activities*, *sugarhouses* are not *agricultural buildings*, and must comply with all applicable provisions of the Uniform Code, including Chapter 40 of the 2020 FCNYS.

Do setbacks and fire separation requirements apply to exempt *agricultural buildings*?

A local municipality may impose setback requirements from *agricultural buildings* to property lines through zoning law (see related document titled Statewide Uniform Code vs. Local Zoning Codes). As it pertains to the Uniform Code, an exempted *agricultural building* is permitted to be located zero feet from a lot line or from the imaginary line separating buildings on the same lot without the need for the typical fire separation of a non-exempted building. However, a building that is not an *agricultural building* but is located on the same lot is not exempted, and therefore, alterations to that existing building may be required for compliance with the fire and smoke protection features of Chapter 7 of the 2020 BCNYS. Some existing buildings may be required to comply with Sections 705.3 and 706.1.1 of the 2020 BCNYS, regardless of the level of alteration, examples as follows:

- Section 705.3 of the 2020 BCNYS “Buildings on the Same Lot”, reads:

For the purposes of determining the required wall and opening protection, projections and roof-covering requirements, buildings on the same lot shall be assumed to have an imaginary line between them.

Where a new building is to be erected on the same lot as an existing building, the location of the assumed imaginary line with relation to the existing building shall be such that the exterior wall and opening protection of the existing building meet the criteria as set forth in Sections 705.5 and 705.8.

- Section 706.1.1 of the 2020 BCNYS “Party Walls”, may apply. The Section requires, in part, that:

Any wall located on a lot line between adjacent buildings, which is used or adapted for joint service between the two buildings, shall be constructed as a fire wall in accordance with Section 706. Party walls shall be constructed without openings and shall create separate buildings (emphasis added).

Can a fire wall separate an exempted *agricultural building* from a regulated use?

While Section 503.1 of the 2020 BCNYS allows portions of a building that are separated by a fire wall to be considered as separate buildings, it does so only for the purposes of that section. A structure that contains a fire wall, is still considered one building for all other purposes. Therefore, a portion of a building that has not been constructed to meet the requirements of the Uniform Code such as an exempted *agricultural building*, cannot be separated from a regulated building solely by the addition of a fire wall for reasons that include:

- The structure is still considered one building for all portions of the Uniform Code, except 503.1, therefore the building is either regulated or it is not but cannot be both.
- The structural stability requirements of a fire wall (Section 706.2 of the 2020 BCNYS) must be designed, constructed, and inspected in accordance with the provisions of Section 706 of the 2020 BCNYS, which requires work to be performed on both sides of the wall.
- The requirements of Section 703 of the 2020 BCNYS, for fire resistance ratings and fire tests, require fire resistance ratings to be established by testing both faces of the subject assembly. This would require the fire wall construction to be inspected from the side designated as exempt.
- Sections 706.5 through 706.11 of the 2020 BCNYS regulate the construction of fire walls on both sides. Without inspections on both sides of the wall, it cannot be determined that compliance has been achieved.

Therefore, the previously exempt portion of the building would require upgrades for compliance with the applicable provisions of the Uniform Code, since it is now part of a regulated building.

Can I use the Existing Building Code for the Change of Occupancy of a previously exempt agricultural building?

The compliance path for the conversion of a previously exempt *agricultural building* begins with the 2020 Existing Building Code of New York State (2020 EBCNYS) by first determining that the building meets the definition of an existing building per Chapter 2 of the 2020 EBCNYS (provided it was legally occupied) and classifying it as a Group U occupancy based on Chapter 3 of the 2020 BCNYS. The scope of the 2020 EBCNYS then indicates that the 2020 EBCNYS applies in part to the change of occupancy of existing buildings. However, each compliance method will likely lead to either substantial application of the 2020 BCNYS or prove difficult to comply with, especially when changing to a higher hazard occupancy. Note the partial listing of 2020 EBCNYS provisions below:

- Prescriptive Method. Section 506.1 indicates, in part, that “*a change of occupancy shall not be made in any building unless that building is made to comply with the requirements of the Building Code of New York State for the use or occupancy.*”
- Work Area Method. For a Change in occupancy classification, Chapter 10 includes multiple references to the applications of the 2020 BCNYS, such as references to heights and areas, structural members, fire protection systems, fire separation, lighting, ventilation, means of egress, electrical, plumbing, and mechanical requirements.
- Performance Compliance Method. The performance-based method relies on a point system that works in concert with the occupancy classifications of Chapter 3 of the 2020 BCNYS. For Group U, only a complete change in occupancy is permitted to use this method, yet Group U is not included in the tables. It is unlikely that enough points would be accrued to demonstrate a satisfactory safety score to meet compliance through this method.

How are solar panels, wind turbines, and ESS installed in or on exempt agricultural buildings and premises regulated?

In the opinion of the Department of State, any appurtenances connected or attached to a building or structure such as equipment and building systems like electrical systems, plumbing systems, mechanical and HVAC systems, which are installed in or on an exempted building, and are in support of the exempted building and its use, are part of the building and are therefore also exempt. Therefore, in the opinion of the Department of State, solar panels, wind turbines, and energy storage systems (ESS) installed in or on exempted *agricultural buildings* and premises, where the energy generated and stored is used “*directly and solely for agricultural purposes,*” are exempt from the construction-related provisions of the Uniform Code. As a general rule, systems generating or storing a maximum of 110% of the energy consumed exclusively by the exempted *agricultural building* or buildings, not to include dwellings or any other uses on the premises, are considered to be used “*directly and solely for agricultural purposes.*” The installation of solar panels, wind turbines, and ESS on or in a previously exempt *agricultural building*, but used for purposes other than agricultural purposes, shall NOT be considered to be exempt from the construction-related provisions of the Uniform Code, and therefore, may also require upgrades to the existing building to permit the installation in accordance with the Uniform Code. However, consistent with the provisions applicable to the building they are installed on or in, solar panels, wind turbines, and ESS are never exempt from the operational and maintenance provisions of the Fire Code and the Property Maintenance Code.

Note that some ESS are exempt from the code by virtue of their size. Chapter 12 of the 2020 FCNYS stipulates the requirements for the installation of ESS. According to Table 1206.1, ESS below the thresholds indicated, are exempted from the requirements of Section 1206.

Since solar panels, wind turbines, and ESS are not exempt from the operational and maintenance provisions, it is advisable that the applicable requirements be evaluated prior to installation, when it is easiest and least costly to make necessary changes.

Ground-mounted photovoltaic systems (solar panels) and wind generation towers (wind turbines) that are not attached to a building are exempt from the Uniform Code. They may, however, be subject to other state or federal regulations.

Does an exempt *agricultural building* need a building permit, a certificate of occupancy, or a certificate of compliance?

In accordance with the minimum standards for administration and enforcement (19 NYCRR Part 1203), *Building permits shall be required for work which must conform to the Uniform Code.* (19 NYCRR Section 1203.3 (a)(1)). Local governments are allowed to require administration and enforcement provisions above and beyond 19 NYCRR Part 1203. Therefore, although the minimum standard regulations may not require a building permit be obtained for the construction of a building meeting the definition and exemptions for an *agricultural building*, the local law for the municipality where the building is located may still require a building permit. The building may then be reviewed for compliance with local laws, rules, and regulations other than the Uniform Code, such as local zoning provisions.

In accordance with 19 NYCRR Section 1203.3 (d), *“a certificate of occupancy or a certificate of compliance shall be required for any work which is the subject of a building permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another.”* As such, an *agricultural building* that is not subject to the building permit requirements of 19 NYCRR Part 1203 and is not converted from one use to another, would also not be subject to a certificate of occupancy or certificate of compliance per the minimum standards. Similar to building permits however, local governments are allowed to require administration and enforcement provisions above and beyond 19 NYCRR Part 1203. Therefore, although the minimum standard regulations may not require that a certificate of occupancy or compliance be obtained in order to use or occupy a building which meets the definition and exemptions for an *agricultural building*, the local law for the municipality where the building is located may still require a certificate. This certificate may show, for example, that the building is in compliance with local laws, rules, and regulations other than the Uniform Code, such as local zoning provisions.

Variances

As a reminder, in a case where the owner believes that strict compliance with all applicable code provisions would be unwarranted, the owner can consider applying for a variance, in accordance with 19 NYCRR Part 1205. A variance may be granted where the Board of Review finds, that:

- *“strict compliance with such [code] provision or requirement would entail practical difficulties or unnecessary hardship or would otherwise be unwarranted; provided, however, that any such variance or modification shall not substantially adversely affect provisions for health, safety and security and that equally safe and proper alternatives may be prescribed.”* and
- the party seeking the variance or modification has shown by the weight of the evidence that strict compliance with the particular provision or requirement:
 - would create an excessive and unreasonable economic burden;
 - would not achieve the code's intended objective;

- would inhibit achievement of some other important public policy;
- would be physically or legally impracticable;
- would be unnecessary in light of alternatives which ensure the achievement of the code's intended objective or in light of alternatives which, without a loss in the level of safety, achieve the code's intended objective more efficiently, effectively, or economically; or
- would entail a change so slight as to produce a negligible additional benefit consonant with the purposes of the code.

Voluntary Compliance

The fact that a building qualifies as an *agricultural building* and is, therefore, exempt from the construction-related provisions of the 2020 BCNYS and 2020 FCNYS, does not preclude voluntary compliance with those provisions. Any owner contemplating construction of an *agricultural building* may wish to consider designing and constructing the building in compliance with those construction-related provisions to enhance the health and safety of the persons who will be using the building and any livestock that will be housed in the building, and to extend the expected useful life of the building.

The information contained in this bulletin is not intended as a comprehensive listing of all Uniform Code requirements applicable to *agricultural buildings*. Other provisions of the Uniform Code may apply.

John R. Addario, PE, Director
Division of Building Standards and Codes

Guidelines for Review of Local Laws Affecting Preparation and Marketing Activities by Start-Up Farm Operations^{1 2}

Some farmers import produce from other farms to sell at their farm marketing facilities, as raw or prepared products, to increase the diversity of products offered or to bridge periods of low supply of commodities produced on-farm. Product diversity may attract potential customers to a roadside stand or farm market. The Department believes the sale of some agricultural products grown off the farm should be allowed, but has not established a percentage of on-farm versus off-farm products for that purpose. The Department considers the facts of a particular case in making a determination whether a local law is unreasonably restrictive, but generally would view requiring at least a predominance³ of on-farm products as reasonable. The Department considers agricultural commodities produced “on-farm” to include any products that may have been produced by a farmer on their “farm operation,” which could include a number of parcels owned or leased by that farmer throughout a town, county, or the State. The Department considers all such land, when it is located in a State certified agricultural district, as part of the farm operation.

Start-Up Farm Periods

- The needs of “start-up” farm operations should also be considered. These farms may start out selling a large percentage of agricultural products grown off the farm in order to develop a customer base and maintain income while their farms are growing. If a percentage of on-farm products were required by a locality, allowing such farms a reasonable period of time to meet the percentage would be reasonable. The Department considers the following start-up periods to be reasonable⁴:

Crops: 2 years
Hops: 3 years
Livestock: 2 years
Nurseries and Greenhouses: 2 years
Aquaculture: 2 years
Apiaries: 2 years
Christmas Trees: 8-10 years
Maple: 2 years
Orchards and Berries: 3-5 years
Vineyards: 5 years

¹ This guideline provides information about how the Department treats preparation and marketing activities by start-up farms for purposes of AML §305-a. Please see *Guidelines for Review of Local Laws Affecting Direct Farm Marketing Activities* for more detailed discussion of farm marketing, generally.

² Any farm that has received a start-up designation from the Department prior to the issuance of this guidance document (8/31/15) will continue to be evaluated by the Department under all relevant guidance applicable to the approved start-up plan that was in effect at the time of the designation, regardless of whether the start-up period has expired. However, should the farm seek the Department’s review of a new or different use or purpose for its farm operation that is not included in the approved start-up plan, the new or different use or purpose may be evaluated by the Department under its current guidance.

³ At least 51% on an annual basis. Note that predominance for farms which produce, prepare and market their crops as alcoholic beverages is viewed across all beverages produced. That is, while an individual alcoholic beverage may be produced at the farm entirely from off-farm crops, at least 51% of the crops used to produce all of the farm’s alcoholic beverages, on an annual basis, must be from the farm’s own production..

⁴ Local governments may, of course, provide longer start-up periods in their discretion; and should consider weather, disease and other factors that may impact production.

Woody Biomass: 3 years

What types of crops, livestock and livestock products may be imported from other farms during the start-up period and thereafter?

- Crops, livestock and livestock products that are imported from other farms must be representative of the crops, livestock and livestock products that the farm or start-up farm grows/raises and sells. For example a Christmas tree farm that does not produce any other products could be limited to importing Christmas trees, greens for wreaths and related products if the local government chose to limit the products offered for sale as part of any local approvals that may be required.
- A farm that doesn't produce a certain product can import that product to diversify the crops, livestock and livestock products that it offers for sale where the intent to produce the crop, livestock or livestock product is clear.

How much produce can a start-up farm import from other farms during the start-up period and thereafter and still be eligible for "farm operation" protection?

- A start-up farm can be limited to importing other produce on a "one-for-one basis." If the farm is in its first year of production, the amount would be based upon the expected production of the land that the farm has in production or the expected yield of livestock being raised that will be sold by the farm at its on-farm marketing facilities. Import limits in subsequent years would be based on the farm's previous year's production that was sold or intended for sale on the farm. Therefore, as the farm's own production increases, more produce from other farms can be imported.
- The evaluation of imports can be based upon weight, volume or value; as long as the method chosen is consistent across the operation.

Examples: 1) A vegetable farmer produces and sells 10,000 pounds of vegetables at his or her on-farm marketing facilities each year. The farm should be allowed to import up to 10,000 pounds of vegetables to prepare and market at the farm.

2) A livestock farm purchases 50 cattle to raise and sell at the farm. The farm should be allowed to import an equivalent amount of beef for sale at the farm during the first year of operation while the farm's own cattle are being raised to sell the following year.

3) A new vineyard that plans to grow grapes for wine production has 5 acres of vines planted. These five acres are expected to yield 10,000 pounds of grapes (or 5,000 gallons of juice) when mature. The vineyard can import 10,000 pounds of grapes or 5,000 gallons of juice to prepare and market as wine at the farm during the first year of operation.

4) A new hop and grain farm that plans to grow hops and grains for beer production has 1 acre of hops and 20 acres of grains planted. Since hops are a high value crop, the expected yield of the 1 acre planted is worth \$20,000 (but only weighs 500 pounds) and the 20 acres of grains are expected to yield 10,000 pounds of grain. The farm can import up to 10,000 pounds of grain and up to another \$20,000 of hops, grains or other produce to prepare and market as beer at the farm during the first year of operation.

On-farm preparation of processed foods

- The purpose of the Agricultural Districts Law is to keep land in agricultural production. Therefore, the Department protects preparation and marketing activities to the extent that a farm is engaged in the production of crops and livestock.
- Farms can import crops or livestock and prepare value-added products from the imported goods to the extent that the farm grows or raises such crops or livestock, on a “one-for-one basis,” for sale at retail as part of their direct marketing activities. Since the purpose of the start-up periods and the predominance standard is to assist farm operations in direct marketing their own products on the farm, produce and livestock cannot be imported to prepare/process for sale at wholesale.
- The scope of marketing tools that a farm needs varies depending upon the amount of crops or livestock that the farm grows or raises and how the farm wishes to market its products (e.g., as raw products or prepared/processed and value-added items). Some of the larger farm markets may have facilities for the on-site preparation of processed foods (e.g. a kitchen, bakeshop, etc.), as well as facilities for consumption of foods (e.g., a café). The Department considers these practices as part of the farm operation as long as the farm produces enough of its own crops or livestock to substantiate the need for these types of preparation and marketing tools. Generally, if the products that are prepared are composed of a predominance of ingredients produced on the farm, the Department will protect a kitchen, bake shop or café. However, a start-up farm that only grows a minimal amount of crops or raises a limited number of livestock would not require the same preparation and marketing tools (kitchen, bake shop or café) as a larger, established farm.
- A start-up farm may, however, need a small kitchen or other preparation facility to prepare crops or livestock for sale at the farm. A large commercial-style kitchen, bake shop or café would likely not be needed or warranted, however.
- In all cases, it would not be unreasonable to have a farmer provide the municipality with proof that their facilities are in compliance with local Health Department and/or Federal, State or reasonable local law requirements.

Guideline for Review of Local Laws Affecting Farm Operations Which Produce, Prepare and Market Crops for Wine, Beer, Cider and Distilled Spirits

The following Agriculture and Markets Law (AML) provisions are relevant when evaluating whether farms which produce, prepare and market crops for wine, beer, cider and distilled spirits are protected as a “farm operation” for purposes of AML §305-a¹ :

AML §301(11) “farm operation” – “...means the land and on-farm buildings, equipment,... and practices which contribute to the **production, preparation and marketing of crops, livestock and livestock products** as a commercial enterprise. ... Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.” (emphasis added)

Definition of “**crops, livestock and livestock products**” as contained in AML §301(2) (a) includes, but is not limited to “...corn, wheat, oats, rye, barley...” and [hops] and §301(2) (b) “[f]ruits,” including “...apples, peaches, grapes, cherries and berries.”

The on-farm “**production, preparation and marketing**” [AML §301(11)] of grains, grapes and other fruits are considered part of a farm operation. The Department considers agricultural commodities produced “on-farm” to include any products that may have been produced by a farmer on his or her “farm operation,” which could include a number of parcels owned or leased by that farmer throughout a town, county, or the State.

The Department considers the processing, distillation, brewing and fermentation activity and the on-farm buildings and equipment which are needed to produce, store, distill, brew and/or ferment grains, grapes or other fruits as part of the farm operation to the extent that the distilled or brewed product, cider and/or wine that is prepared is composed predominantly of grain, hops, grapes or other fruits produced on the farm.^{2,3} In addition, the on-farm marketing of distilled and brewed products, cider and wine, when the distilled and brewed products, cider and wine is composed predominantly of on-farm produced grain, hops, grapes or other fruits, is part of the farm operation.

¹ Please see the Department’s *Guideline for Review of Local Laws Affecting Preparation and Marketing Activities by Start-Up Farm Operations* for information about how the Department evaluates start-up farms that use their crops for the production and sale of beverages and other value-added products.

² On an annual basis, distilled or brewed products, cider and wine must be composed of 51% or more on-farm produced grains, hops, grapes or other fruits (if grapes or fruits are imported as whole fruit, then gross weight of the on-farm produced grapes/fruit must be at least 51% of the finished wine; if juice is imported, then the gross volume of juice from on-farm produced grapes/fruit must be at least 51% of the finished wine). Therefore, while an individual alcoholic beverage may be produced at the farm entirely from off-farm agricultural crops, at least 51% of the agricultural crops used to produce all of the farm’s alcoholic beverages, on an annual basis, must be from the farm’s own production. The farm must also grow a portion of each of the major ingredients used to make the alcoholic beverage. For example, a farm that wants to market its crops as beer must grow both grains and hops.

³ While the Department sets standards for protection of “farm operations,” the Alcoholic Beverage Control Law (ABC Law) provides the standards which must be met for farm brewery, cidery, winery and distillery licenses. Licensees must comply with the ABC Law standards to qualify for their licenses. While a license issued by the State Liquor Authority may allow for the sale of alcoholic beverages which are not made from crops grown by the farm, the Department does not consider such beverages to be part of a farm operation. Therefore, the production and sale of such beverages would not be protected under AML §305-a.

On-farm marketing of distilled, brewed, cider and wine-related products (e.g., food products such as cheese, pies and ice cream made with wine or on-farm produced fruit⁴, as well as products used for transport, preparation and consumption of distilled or brewed products, cider or wine, such as shot glasses, cork screws, chillers and wine/beer/cider glasses) is also part of the farm operation when the amount of annual sales of such products is consistent with the size and scope of the farm operation and is incidental to the annual sales of the farm's distilled or brewed products or wine. **Farm operations must keep sufficient records to prove that these requirements are met.** The needs of "start-up" farm operations should also be considered. These farms often start out selling distilled or brewed products, cider and/or wine which is composed entirely, or primarily, of grain, hops, grapes/fruit grown off the farm in order to develop a customer base and maintain income while their crop (such as hops or grains) or vines/fruit trees are growing. These farms should be allowed a reasonable period of time to meet the predominance standard.⁵

MARKETING ACTIVITIES (e.g., WEDDING RECEPTIONS, PARTIES and SPECIAL EVENTS)

The Department has concluded that on-farm wedding receptions, parties and special events (e.g., harvest festivals or distillery, brewery, cidery and wine tastings), including charitable events, held at farms which market their crops as wine, beer, cider and distilled spirits, help market the farm operation's product. These activities are evaluated on a case-by-case basis to determine whether they are protected as part of the farm operation. The Department interprets AML §301(11) to include such receptions, parties and special events held on-farm as part of a farm operation under certain conditions. The events, whether public or private, must be: 1) directly related to the sale and promotion of the beverage produced at the farm (from at least 51% on-farm produced grain, hops, grapes/fruit/juice); 2) incidental and subordinate to the retail sale of the beverage on-site; 3) hosted by the farm or customers of the farm (not outside, unrelated parties); and 4) feature the beverage produced at the farm (from at least 51% on-farm produced grain, hops, grapes/fruit/juice).

The Department considers events to be "incidental" only when the gross annual sales from the non-beverage portion of event sales (including any facility rental/vendor fees, admission fees, catering charges, sales of other alcoholic beverages, etc.) does not exceed 30% of total gross sales from the retail sale on-site of the beverage produced at the farm (from at least 51% on-farm produced grain, hops, grapes/fruit/juice) at such events, plus the retail sale of any other crops, livestock or products or beverage-related food products (produced on the farm) that may be sold at such events.⁶ All products must be sold at a cost no higher than the current retail price of such products sold at the farm. **Farm operations must keep**

⁴ Food products must be composed predominantly (at least 51%) of the farm's wine or fruit. Please see the Department's *Guidelines for Review of Local Laws Affecting Direct Farm Marketing Activities*, "On-farm preparation of processed foods."

⁵ Please see the Department's *Guidelines for Review of Local Laws Affecting Preparation and Marketing Activities by Start-Up Farm Operations* for the Department's view of reasonable time frames for various crops.

⁶ When farm event customers arrange for their own catering, alcoholic beverage service, etc., and the farm does not charge for such items, these costs would not, of course, be counted as gross sales to the farm. Admission fees or minimum donations which are donated to a charity are also not subject to this condition. Further, the fact that admission fees or all, or a portion of, sales from the event are donated to a charity does not mean that the primary purpose is not to market the farm's distilled or brewed products, cider or wine. The Department evaluates all AML §305-a matters on a case-by-case basis. Therefore, if necessary, the Department would examine the specific event(s) to determine whether it is part of the farm operation.

sufficient records to prove that this requirement is met. Further, local governments can require the farm to submit an annual report to the locality showing that these conditions have been met.

In cases where the farm operation holds a special event as part of its overall marketing strategy, the event is open to the general public, and no admission, facility rental or vendor fees are involved, an evaluation of fees versus sales of the farm's distilled or brewed products, cider and/or wine and wine-related food products would be unnecessary.

In all cases where on-farm wedding receptions, parties and special events are offered, the primary purpose of the events must be to market the farm's distilled or brewed products, cider and/or wines and the events must be sufficiently related to the farm operation. The Department examines the specific activities/events to determine whether they are part of the farm operation. In addition, these activities are subject to any State or federal requirements applicable to the processing, storage and sale of alcoholic products.

Information concerning the marketing of product grown and produced on the farm may be obtained from the *Guideline for Review of Local Laws Affecting Direct Farm Marketing Activities* (<http://www.agriculture.ny.gov/AP/agservices/guidancedocuments/305-aFarmMarket.pdf>).

CAN THE TYPES OF MARKETING ACTIVITIES CONDUCTED BY A FARM BE LIMITED? CAN THE NUMBER AND SIZE OF RECEPTIONS, PARTIES AND SPECIAL EVENTS BE LIMITED?

The types, size and scope of marketing activities that a farm growing crops for beverage production needs varies depending upon the amount of crops that the farm grows and uses for its beverage products and how the farm wishes to market its crops. Farms may market their beverages through a variety of methods: tastings, food pairings, beverage-themed dinners, wedding receptions, parties, fundraisers, etc. The Department considers these practices as part of the farm operation as long as the farm produces enough of its own crops or livestock to substantiate the need for these types of marketing tools. For example, a start-up farm that only grows a minimal amount of crops (and consequently a limited amount of beverages) would not require the same marketing tools as a larger, established farm.

The Department evaluates whether local restrictions, such as limits on the number and size of special events, are unreasonably restrictive of a farm operation. Therefore, a farm that has a limited amount of crop-based beverages to sell, 1,000 gallons of wine for example, would not need multiple, large-scale events to market such beverages. The size and number of events can be limited each year, based upon the previous year's production.

CONDITIONS TO ENSURE THAT THE PRIMARY PURPOSE OF RECEPTIONS, PARTIES AND SPECIAL EVENTS IS TO MARKET FARM'S DISTILLED OR BREWED PRODUCTS, CIDER AND/OR WINES; AND TO ENSURE THAT THE EVENTS ARE SUFFICIENTLY RELATED TO THE FARM OPERATION

In addition to the conditions discussed on page 2:

- The farm's distilled or brewed products, cider and/or wines must be prominently featured at all locations in which the event is conducted on the site. Marketing materials (e.g., brochures, pamphlets, presentations, photos, branded items, etc.) must be prominently displayed; and the farm's distilled or brewed products,

cider and/or wines must be available for purchase at all locations and for the duration of the event.

- Any person serving the farm's distilled or brewed products, cider and/or wines must be thoroughly familiar with the farm and the products being served (not just a bartender); and the farm can only charge the customer for this service to the extent allowed by the ABC Law.

LOCAL PERMITS AND APPROVALS FOR MARKETING ACTIVITIES

In regulating these activities, local governments may require farm landowners that hold such events to undergo an expedited site plan review process and/or obtain an event permit from the regulating municipality. The Department discusses an expedited site plan review process in its *Guideline for the Review of Local Zoning and Planning Laws* (<http://www.agriculture.ny.gov/AP/agsservices/guidancedocuments/305-aZoningGuidelines.pdf>). If the municipality requires the farm landowner to obtain an event permit, the permit should be issued on an expedited basis and not be excessively costly to obtain. For example, an event permit application meeting these standards might request information on such things as the date(s) of the event, type of event being held, the anticipated number of people in attendance, parking, whether catered food or food prepared on-site, the fee charged to rent the facility or the cost of admission and a description of the buildings to be used during the event. The permit could also make provisions for any inspections that must be made by the Code Enforcement Officer/Building Inspector, Fire Marshall and/or Health Department, and other reasonable requirements that may be pertinent to the holding of such events.

While special use permits should not generally be required for a farm that markets through a limited number of small scale events; farms which market their crop-based beverages through multiple, large-scale events on a regular basis could be required to obtain a special use permit. The Department supports such an approach, in certain cases, when the permit process is streamlined, since it allows local governments to comprehensively address specific facts and circumstances presented by the farm's events. If a farm claims that the process to obtain a permit, or the conditions imposed, are unreasonably restrictive, the Department could review the matter under AML §305-a.

The Department reviews all matters under AML §305-a on a case-by-case basis. A Department determination that a farm's marketing activities are part of a farm operation and, therefore, eligible for protection under AML §305-a; does not extend to the sale of products or the use of marketing activities that were not reviewed by the Department. Therefore, a local approval based upon the Department's enforcement of AML §305-a could be revoked if the farm changes the products that it sells or the marketing activities used.

WHAT TYPES OF ACTIVITIES CAN BE OFFERED AT A FARM'S MARKETING EVENTS?

While events held at a farm which markets its crops as beverages may generally be considered part of a farm operation; not all activities which may be offered at such events are part of a farm operation. Specific marketing activities, and the components of those activities, are evaluated on a case-by-case basis. For example, the Department previously found that the following activities/uses at a certain farm's festival were not part of the farm operation: hot air balloon rides, fireworks, pedal karts, cow train and activities such as a jumping pillow and gemstone mining. The town involved in that matter explored a site plan review law to examine public events/venues and gatherings at farms.

The Department carefully evaluates farm marketing activities to ensure that the primary purpose of the events is to sell the farm's products; and that the activities are sufficiently related to the farm. For example, a corn cannon and pumpkin launcher were found to be part of the referenced farm's protected marketing activities since the farm's products were sold and directly used for the activity.

Thomas Murphy

From: Tylutki, Kathleen (AGRICULTURE) <Kathleen.Tylutki@agriculture.ny.gov>
Sent: Wednesday, September 27, 2023 9:39 AM
To: Thomas Murphy
Cc: Delaney, Jennifer (ERIE)
Subject: RE: Farm Winery per 76-A
Attachments: 305-a--brewery- winery-distillery-guideline.pdf; agguideline-startup.pdf; NYS Codes agricultural-building-guidance.pdf

Good morning Mr. Murphy, I had called and left you a voicemail last Thursday and today as I wanted to discuss this and another matter with you on the phone as well.

The license that you state this operation has, a Farm Winery License, is a license issued by the New York State Liquor Authority and is not under the jurisdiction of Ag. and Markets. SLA has their own criteria for what a license holder must comply with, which is separate from Agriculture and Markets protections.

The definition of a farm operation means “the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise”. Therefore, if an operation is not producing and marketing crops, livestock and/or livestock products, they would not be eligible for protections under the AML. In addition to being a farm operation, a parcel would need to be located in the county adopted, State certified agricultural district for protections, which I did verify this parcel is in Erie County AD 15.

However, the Department does have timelines for Start-Up operations (Guidelines attached), the Department also has Guidelines for Review of Local Laws Affecting Farm Operations Which Produce, Prepare and Market Crops for Wine, Beer, Cider and Distilled Spirits. These Guidelines discuss state “On an annual basis, distilled or brewed products, cider and wine must be **composed of 51% or more** on farm produced grains, hops, grapes or other fruits (if grapes or fruits are imported as whole fruit, then gross weight of the on-farm produced grapes/fruit must be at least 51% of the finished wine; if juice is imported, then the gross volume of juice from on-farm produced grapes/fruit must be at least 51% of the finished wine).”

Lastly, I have attached a technical bulletin from NYS Dept. of Codes, **Code Provisions Applicable to Agricultural Buildings and Premises**. This may be of help to you not only for this instance, but for the future- provided you don't already have this.

I hope this is of help to you and your administration.

Thank you, Kate.

Kathleen Tylutki
Department of Agriculture and Markets | Division of Land and Water
10B Airline Drive, Albany, NY 12235
(518) 457-2851 | Kathleen.Tylutki@agriculture.ny.gov
<http://www.agriculture.ny.gov>

Thomas Murphy

From: abc.sm.licensing.info <Licensing.Information@sla.ny.gov>
Sent: Saturday, January 27, 2024 6:33 AM
To: Thomas Murphy
Subject: RE: Farm Winery License Privileges and Exemptions

Licensees still must comply with local building and zoning codes, but if their property is zoned for farm/agriculture, then they can apply and be granted a license for a farm winery.

Agriculture and Markets laws are regulated by the NYS Department of Agriculture and Markets, and not the Liquor Authority.

James M

New York State Liquor Authority

Alfred E. Smith Office Building, Suite 900
80 South Swan Street, Albany, NY 12210-8002
(518) 474-3114 | licensing.information@sla.ny.gov
www.sla.ny.gov

Follow us  

Board Secretary

From: William Ferguson
Sent: Thursday, April 04, 2019 3:39 PM
To: Board Secretary
Subject: FW: area variance

From: Somers, Bob (AGRICULTURE) [<mailto:Bob.Somers@agriculture.ny.gov>]
Sent: Wednesday, April 03, 2019 11:43 AM
To: William Ferguson
Subject: area variance

Mr. Ferguson, below is a link the Department's zoning guideline. The first part of the guideline tells farm operations located within an agricultural district that they must comply with all local laws and exhaust administrative appeals locally prior to coming to the Department for review. In this instance, a landowner would like to add an addition to an existing barn. The addition would exceed the footprint for an accessory structure as allowed in the Town's Zoning Code. The landowner should submit an area variance request to the town's ZBA. If the ZBA denies the request, the landowner has the ability to appeal the decision to the Department of Agriculture and Markets to determine if the denial unreasonably restricts the farm operation pursuant to AML §305-a. If you have any further questions, please contact me. Thanks. Bob

<https://www.agriculture.ny.gov/ap/agservices/guidancedocuments/305-aZoningGuidelines.pdf>

Robert Somers, Ph.D., C.F
Manager, Farmland Protection Unit

Department of Agriculture and Markets
10B Airline Drive, Albany, NY 12235
(518) 457-8887 | bob.somers@agriculture.ny.gov
<http://www.agriculture.ny.gov>

[PREV](#)
[SECTION 76](#)

[Winery License \(/Legislation/Laws/ABC/76/\)](#)

[NEXT](#)
[SECTION 76-B](#)

[Temporary Winery Or Farm Winery Permit \(/Legislation/Laws/ABC/76-B/\)](#)

Section 76-A

Farm winery license

Alcoholic Beverage Control (ABC)

SHARE



1. Any person may apply to the liquor authority for a farm winery license as provided for in this article. Such application shall be in writing and verified and shall contain such information as the liquor authority shall require. Such application shall be accompanied by a check or draft for the amount required by this article for such license. If the liquor authority shall grant the application it shall issue a license in such form as shall be determined by its rules.

2. A farm winery license shall authorize the holder thereof to:

(a) operate a farm winery for the manufacture of wine or cider at the premises specifically designated in the license;

(b) sell in bulk from the licensed premises the products manufactured under such license to any winery licensee, any other farm winery licensee, any distiller licensee or to a permittee engaged in the manufacture of products which are unfit for beverage use and to sell or deliver such wine to persons outside the state pursuant to the laws of the place of such sale or

delivery;

(c) sell from the licensed premises to a licensed winery, farm distiller, farm brewery, farm cidery, wholesaler or retailer, or to a corporation operating railroad cars or aircraft for consumption on such carriers, or at retail for consumption off the premises, wine or cider manufactured by the licensee as above set forth and to sell or deliver such wine or cider to persons outside the state pursuant to the laws of the place of such sale or delivery. All wine or cider sold by such licensee for consumption off the premises shall be securely sealed and have attached thereto a label setting forth such information as shall be required by this chapter;

(d) operate, or use the services of, a custom crush facility as defined in subdivision nine-a of section three of this chapter;

(e) sell at the licensed premises cider and wine manufactured by the licensee or any other licensed farm winery, and beer and spirits manufactured by any licensed farm brewery or farm distillery, at retail for consumption on or off the licensed premises;

(f) operate a restaurant, hotel, catering establishment, or other food and drinking establishment in or adjacent to the licensed premises and sell at such place, at retail for consumption on the premises, wine, cider and wine products manufactured by the licensee and any New York state labeled wine, New York state labeled cider or New York state labeled wine product. All of the provisions of this chapter relative to licenses to sell wine at retail for consumption on the premises shall apply so far as applicable to such licensee. Notwithstanding any other provision of law, the licensed winery may apply to the authority for a license under article four of this chapter to sell other alcoholic beverages at retail for consumption on the premises at such establishment.

3. (a) Any person having applied for and received a license as a farm winery under this section may conduct wine tastings of New York state labelled

wines in establishments licensed under section sixty-three of this chapter and section seventy-nine of this article to sell wine for off-premises consumption. Such farm winery may charge a fee for each wine sample tasted. The state liquor authority shall promulgate rules and regulations regarding such tastings as provided for in this subdivision.

(b) Any person having applied for and received a license as a farm winery under this section may conduct wine tastings of New York state labelled wines and apply to the liquor authority for a permit to sell wine produced by such farm winery, by the bottle, during such tastings in establishments licensed under sections sixty-four and sixty-four-a of this chapter and section eighty-one or section eighty-one-a of this article to sell wine for consumption on the premises. Such farm winery may charge a fee of no more than twenty-five cents for each wine sample tasted. The state liquor authority shall promulgate rules and regulations regarding such tastings as provided for in this subdivision.

(c) Tastings shall be conducted subject to the following limitations:

(i) wine tastings shall be conducted by an official agent, representative or solicitor of one or more farm wineries. Such agent, representative or solicitor shall be physically present at all times during the conduct of the tastings; and

(ii) any liability stemming from a right of action resulting from a wine tasting as authorized herein and in accordance with the provisions of sections 11-100 and 11-101 of the general obligations law, shall accrue to the farm winery.

(d) (i) Any person having applied for and received a license as a farm winery under this section may conduct wine tastings of New York state labelled wines and sell such wine by the bottle, during such tasting, for off-premises consumption at outdoor or indoor gatherings, functions, occasions or events, within the hours fixed by or pursuant to subdivision fourteen of

section one hundred five of this chapter, sponsored by a bona fide charitable organization. For the purposes of this paragraph, a bona fide charitable organization shall mean and include any bona fide religious or charitable organization or bona fide educational, fraternal or service organization or bona fide organization of veterans or volunteer firefighters, which by its charter, certificate of incorporation, constitution, or act of the legislature, shall have among its dominant purposes one or more of the lawful purposes as defined in subdivision five of section one hundred eighty-six of the general municipal law.

(ii) Upon application, the liquor authority shall issue an annual permit authorizing such farm winery to participate in such outdoor or indoor gatherings, functions, occasions or events sponsored by a charitable organization. The farm winery must give the authority written or electronic notice of the date, time and specific location of each tasting at least fifteen days prior to the tasting. A farm winery that obtains a permit to conduct such wine tastings does not need to apply for or obtain a temporary beer or wine permit pursuant to section ninety-seven of this chapter or any other permit to conduct such a tasting or to sell wine by the bottle for off-premises consumption at such tastings.

(iii) Such farm winery may charge a fee for each wine sample tasted. Tastings shall be conducted by an official agent, representative or solicitor of such farm winery. The state liquor authority may adopt rules and regulations regarding such tastings as provided in this subdivision.

4. (a) A farm winery license shall authorize the holder thereof to manufacture, bottle and sell fruit juice, fruit jellies and fruit preserves, tonics, salad dressings and unpotable wine sauces on and from the licensed premises.

(b) Such license shall authorize the holder thereof to store and sell gift items in a tax-paid room upon the licensed premises incidental to the sale of wine. These gift items shall be limited to the following categories:

(1) Non-alcoholic beverages for consumption on or off premises, including but not limited to bottled water, juice and soda beverages.

(2) Food items for the purpose of complimenting wine tastings, shall mean a diversified selection of food which is ordinarily consumed without the use of tableware and can conveniently be consumed while standing or walking. Such food items shall include but not be limited to: cheeses, fruits, vegetables, chocolates, breads and crackers.

(3) Food items, which shall include locally produced farm products and any food or food product not specifically prepared for immediate consumption upon the premises. Such food items may be combined into a package containing wine or a wine product.

(4) Wine supplies and accessories, which shall include any item utilized for the storage, serving or consumption of wine or for decorative purposes. These supplies may be sold as single items or may be combined into a package containing wine or a wine product.

(5) Souvenir items, which shall include, but not be limited to artwork, crafts, clothing, agricultural products and any other articles which can be construed to propagate tourism within the region.

(6) New York state labelled wine or liquors produced or manufactured by any other New York state winery or farm winery licensee or by the holder of any distiller's license. Such wine or liquors may be purchased outright by the licensee from a New York winery or farm winery licensee or the holder of any distiller's license or obtained on a consignment basis pursuant to a written agreement between the selling and purchasing licensee.

(7) Wine-making equipment and supplies including, but not limited to, grapes, grape juice, grape must, home wine-making kits, presses, pumps, bottling equipment, filters, yeasts, chemicals and other wine additives, wine

storage or fermenting vessels, barrels, and books or other written material to assist wine-makers and home wine-makers to produce and bottle wine.

(c) The authority is hereby authorized to promulgate rules and regulations to effectuate the purposes of this subdivision.

(d) A licensed farm winery may engage in any other business on the licensed premises subject to such rules and regulations as the liquor authority may prescribe. In prescribing such rules and regulations, the liquor authority shall promote the expansion and profitability of wine production and of tourism in New York, thereby promoting the conservation, production and enhancement of New York state agricultural lands. Further, such rules and regulations shall determine which businesses will be compatible with the policy and purposes of this chapter and shall consider the effect of particular businesses on the community and area in the vicinity of the farm winery licensee.

(e) Notwithstanding any provision of this chapter to the contrary, any farm winery licensee may charge:

(i) For tours of its premises; and

(ii) For any wine tastings.

5. (a) Except as provided in paragraph (b) of this subdivision, no licensed farm winery shall manufacture or sell any wine not produced exclusively from grapes or other fruits or agricultural products grown or produced in New York state.

(b) In the event that the commissioner of agriculture and markets, after investigating and compiling information pursuant to subdivision forty-two of section sixteen of the agriculture and markets law, determines that a natural disaster, act of God, or continued adverse weather condition has destroyed no less than forty percent of a specific grape varietal grown or

produced in New York state and used for winemaking, the commissioner, in consultation with the chairman of the state liquor authority, may give authorization to a duly licensed farm winery to manufacture or sell wine produced from grapes grown outside this state. No such authorization shall be granted to a farm winery licensee unless such licensee certifies to the commissioner the quantity of New York grown grapes unavailable to such licensee due to such natural disaster, act of God or continuing adverse weather condition and satisfies the commissioner that reasonable efforts were made to obtain grapes from a New York state source for such wine making purpose. No farm winery shall utilize an amount of out-of-state grown grapes or juice exceeding the amount of New York grown grapes that such winery is unable to obtain due to the destruction of New York grown grapes by a natural disaster, act of God or continuing adverse weather condition as determined by the commissioner of agriculture and markets pursuant to this subdivision. For purposes of this subdivision, the department of agriculture and markets and the state liquor authority are authorized to adopt rules and regulations as they may deem necessary to carry out the provisions of this subdivision which shall include ensuring that in manufacturing wine farm wineries utilize grapes grown or produced in New York state to the extent they are reasonably available, prior to utilizing grapes or juice from an out-of-state source for such purpose.

(c) The commissioner of agriculture and markets shall make available to farm wineries and to the public each specific grape varietal loss determination issued pursuant to paragraph (b) of this subdivision on or before August twentieth of each year.

(d) In the event that the continuing effects of a natural disaster, act of God, or adverse weather condition which occurred prior to August twentieth of each year or the effects of a natural disaster, act of God, or adverse weather condition which occurs subsequent to August twentieth each year results in any grape varietal loss which meets the standards provided in paragraph (b) of this subdivision, the commissioner of agriculture and markets, in consultation shall with the chairman of the state liquor authority, may

issue additional grape varietal loss determinations and shall expeditiously make available to farm wineries and to the public each specific grape varietal loss determination issued pursuant to this paragraph prior to October tenth of each year.

6. Notwithstanding any other provision of this chapter, a farm winery license shall authorize the holder thereof to:

(a) Offer for sale or solicit any order in the state for the sale of any New York state labelled wine manufactured by the licensee or any other winery or farm winery licensed pursuant to this article.

(b) Engage as a broker in the purchase and sale of New York state labelled wines for a fee or commission for or on behalf of any winery or farm winery licensed pursuant to this article.

(c) Maintain a warehouse on the premises pursuant to section ninety-six of this chapter for the warehousing of any New York state labelled wines manufactured by any winery or farm winery licensed pursuant to this article. Any winery or farm winery that maintains such a warehouse must comply with the provisions of section ninety-six of this chapter.

(d) Deliver or transport any New York state labelled wine manufactured or produced by the licensee or any other winery or farm winery licensed pursuant to this article in any vehicle owned, leased or hired by the licensee. The New York state labelled wine can be delivered, transported or sold by the licensee to any holder of: (i) a winery or farm winery license, (ii) a license to sell alcoholic beverages for consumption on the premises, (iii) a license to sell alcoholic beverages for consumption off the premises, (iv) or any person that can receive or purchase wine from a farm winery. The licensee is not required to obtain from the liquor authority a trucking permit or pay any fees pursuant to section ninety-four of this chapter.

(e) Sell for consumption off the premises New York state labelled liquors

manufactured by the holder of a class A-1, B-1, or C distiller's license.

(f) Conduct tastings of New York state labelled liquors manufactured by the holder of a class A-1, B-1, or C distiller's license. All liquor tastings conducted pursuant to this paragraph shall be conducted in the same manner as tastings of brandy pursuant to section seventy-six-e of this article.

(g) Conduct tastings of and sell at retail for consumption off the premises New York state labelled beer manufactured by a licensed brewer or farm brewery.

(h) Conduct tastings of and sell at retail for consumption off the premises New York state labelled cider manufactured by a licensed brewer, licensed farm brewery, licensed farm winery, licensed cider producer or licensed farm cidery.

7. The holder of a license issued under this section may operate up to five branch offices located away from the licensed farm winery. Such locations, although not required to be on a farm, shall be considered part of the licensed premises and all activities allowed at and limited to the farm winery may be conducted at the branch offices. Such branch offices shall not be located within, share a common entrance and exit with, or have any interior access to any other business, including premises licensed to sell alcoholic beverages at retail. Prior to commencing operation of any such branch office, the licensee shall notify the authority of the location of such branch office and the authority may issue a permit for the operation of same. Such branch offices shall not be subject to the provisions of subdivision two, three or four of section seventy-nine of this article or the provisions of subdivisions two and three, and paragraphs (b) and (c) of subdivision ten of section one hundred five of this chapter.

8. (a) No licensed farm winery shall manufacture in excess of two hundred fifty thousand finished gallons of wine annually.

(b) Any person licensed under this section shall manufacture at least fifty gallons of wine per year.

9. Notwithstanding any other provision of law to the contrary, a farm winery licensed pursuant to this section may engage in custom wine production allowing individuals to assist in the production of wine for sale for personal or family use, provided, however, that (a) the wine must be purchased by the individual assisting in the production of such wine; and (b) the owner, employee or agent of such winery shall be present at all times during such production.

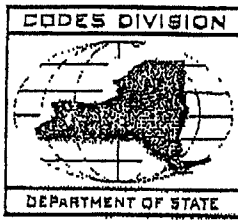
10. Notwithstanding any other provision of this chapter, a farm winery license shall authorize the holder thereof to sell wines manufactured or produced by such licensee to a roadside farm market pursuant to section seventy-six-f of this article.

[PREV](#)
[SECTION 76](#)

[Winery License \(/Legislation/Laws/ABC/76/\)](#)

[NEXT](#)
[SECTION 76-B](#)

[Temporary Winery Or Farm Winery Permit \(/Legislation/Laws/ABC/76-B/\)](#)



NEW YORK STATE DEPARTMENT OF STATE

Division of Code Enforcement and Administration
41 State Street Albany, New York 12231
Phone no. (518) 474-4073 [Fax] (518) 486-4487

DATE: April 8, 2011

TO: Matthew J. Bower, Assoc. Env. Anal.; NYS Dept. of Ag. & Mkts.

FAX: 72716

FROM: Cheryl A. Fischer, P.E. *Cheryl A. Fischer*
Assistant Director for Code Interpretation

NOTE: Agricultural Building

The term AGRICULTURAL BUILDING is defined as:

A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.

Building Code of New York State, Fire Code of New York State and Energy Conservation Construction Code of New York State exempt agricultural buildings from the construction requirements of the these codes. As an example, BCNYS section 101.2, Scope, exception 2. provides that agricultural buildings used solely in the raising, growing or storage of agricultural products by a farmer engaged in a farming operation are exempt from requirements of the BCNYS. Therefore, there is no requirement for signed, sealed, stamped plans by a NYS licensed design professional. Please note that the building department which has jurisdiction may require a building permit for the construction of agricultural buildings, solely to insure that the building meets the zoning requirements and to alert the assessor. The farmer has to "grow" (or can lease property to grow) 51% of the agricultural products on their property. When the processing of milk into cheese does not include employees (family is not considered "employees") the building is an agricultural building.

Number of sheets (including cover sheet) 1
If there is a problem or question, call (518) 474-4073

****Please Note:** This fax and any of its contents may contain Department of State privileged or confidential information. This fax is intended solely for the use of the individual or entity to which it is addressed. If you are not the intended recipient of this fax, you are hereby notified that any dissemination, distribution, copying, or action taken in relation to the contents of and attachments to this fax are strictly prohibited, and may be unlawful. If you have received this fax in error, notify the sender immediately, and permanently destroy the original, and any copy of this fax.

From: Somers, Bob (AGRICULTURE) Bob.Somers@agriculture.ny.gov
Subject: FW: Building Permit for Farm/Agricultural Buildings and
or Structures

Date: Mar 6, 2019 at 10:29:50 AM

To: [REDACTED]

thank you for calling concerning the construction of an on-farm building that is used to support your agricultural activities. The Department of Agriculture and Markets does not have any authority when it comes to the administration of the State Building Code. However, if a building is misclassified or if an agricultural building is required to submit stamped plans (there are a few exceptions, such as horse riding arenas, farm worker housing, farm markets where the public enters the building) or undergo intensive local review or a permit is not approved, the Department may look at those local actions under AML §305-a.

However, under the State Uniform Fire Prevention and Building Code, agricultural buildings, as defined in the Code, are exempt from construction, electrical, plumbing, etc. portions of the code. If the municipality requires a building permit, the permit is for zoning purposes, not the construction of an agricultural building. A zoning permit allows the BI/CEO to make sure the building complies with zoning and then when the building is completed, the landowner receives a Certificate of Completion. Under this arrangement, the public cannot enter the building, but farm workers and the farm family are not considered the public.

When it comes to the State building code, I only repeat what has been presented to me by the DOS, Codes Division. I have no training in the interpretation of the State Code. I have attached two letters for your review; one being sent to Steve Shaw, Town of Porter. I have highlighted the section of the letter that discusses building permits and zoning permits.

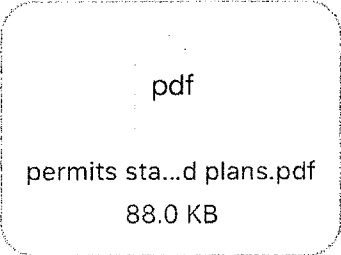
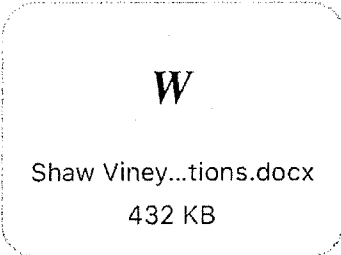
AML §305-a Reviews of Local Laws – this is separate from the State building code, but protections are afforded to farm operations that are located within an agricultural district. The ability to review a local law or its administration is examined more closely in this brochure: <https://www.agriculture.ny.gov/ap/ag services/guidancedocuments/305-a2pagePamphlet.pdf>.

What does protected mean? The AML states that a local government cannot **unreasonably** regulate a farm operation located within a county adopted, State certified agricultural district. This does not mean that a farm cannot be regulated, it just cannot be unreasonably regulated. The Department has generated numerous guidelines that discuss agricultural uses and activities and what is and is not reasonable when zoning is applied to a farm operation. Here is a link to those guidelines: <https://www.agriculture.ny.gov/ap/ag services/ag-restrictive-laws.html>

If the Department determines an operation to be a farm and located within an agricultural district, the landowner can request the Department's review of the local zoning law as applied to that farm or review any action taken against the farm by an official/board associated with the municipality. For example, if the ZBA declines to approve an area variance, the farmer can ask the Department to review the denial and the reasons for the denial. At the outset of such reviews, the Department's correspondence is between the Town Supervisor and the Chair of an affected Board. The Department notifies the municipality that it received a request for review by and this is what asked the Department to review. The Department asks for comments and whether public health and safety is threatened. The second letter outlines the Department's review of the local law and/or actions taken by the municipality to limit agricultural pursuits or to obtain local approvals. The Department concludes that the municipal actions are reasonable or they may be unreasonable based upon..... The Department asks for a response. The third letter provides the Department's concluding determination and states that if an activity is not allowed or a permit is provided (for example), the Department may take legal action to enforce the AML. If the Department does not hear from the municipality or if the municipality disagrees with the Department's findings, the Commissioner may issue an Order compelling the municipality to comply with his findings. After an Order is issued, the municipality may take an Article 78 action against the Department. State Law also says that the Commissioner must be sued in Albany.

The Department issues very few Orders and tries to mediate any disputes.

Hope this explains things as well as the process the Department uses to examine local situations as applied to farms. Thanks. Bob



STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

Mr. Steven Shaw
Shaw Vineyards
3901 State Route 14,
Himrod, NY, 14842.
Shawvineyard@yahoo.com

Hello Mr. Shaw

Please accept this correspondence as the Department of State, Division of Building Standards and Codes response to your question related to fire safety inspections of structures on your farm located at 3901 State Route 14, Himrod, NY, 14842.

The New York State Uniform Fire Prevention and Building Code requires all structures built and maintained in the state to be in compliance with the code in effect at the time of the construction. Additionally, the NYS Building Code Supplement (2017 edition) has exemptions for certain buildings including Agricultural Buildings as seen below;

(Building Code) Exceptions:

2. Agricultural buildings, including barns, sheds, poultry houses and other buildings and equipment on the premises used directly and solely for agricultural purposes. "Agricultural building" shall mean a structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products, excluding any structure designed, constructed or used, in whole or in part, for human habitation, as a place of employment where agricultural products are processed, treated or packaged, or as a place used by the public.

The Building Code also defines an Agricultural Building;

"AGRICULTURAL, BUILDING." A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products, excluding any structure designed, constructed or used, in whole or in part, for human habitation, as a place of employment where agricultural products are processed, treated or packaged, or as a place used by the public.

Buildings that qualify for this exception are exempt from the building permit process as it relates to building code issues, additionally it should be noted that the authority having jurisdiction has the authority to require a permit for zoning purposes.

The supplement to the Fire Code contains the same exception;

(Fire Code) Exceptions:

1. Agricultural buildings, including barns, sheds, poultry houses and other buildings and equipment on the premises used directly and solely for agricultural purposes. "Agricultural building" shall mean a structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products, excluding any structure designed, constructed or used, in whole or in part, for human habitation, as a place of employment where agricultural products are processed, treated or packaged, or as a place used by the public.

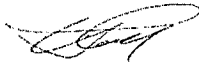
You state that you have several buildings on your property that qualify for the exceptions shown in the NYS Supplement. We agree with your opinion that these buildings are covered by the exceptions and therefore are exempt from the inspection requirements. The buildings in question would include, storage buildings and their spaces used for storing packaging materials and finished product, a private office space and several outbuildings all used solely for agricultural purposes and not open to the public. Additionally, you state that you have a tasting room with bathroom area that is open to the public.

The Department of State has weighed in on this topic many times in the past and our determination remains the same in your case. The buildings used solely for agricultural purposes are exempt from the requirement for fire safety inspections. Any building that is open to the public does not qualify for the exception in the supplement and therefore should be inspected by the authority having jurisdiction.

In summary, your local inspector should be granted access to inspect the public building(s) and spaces. Any violations noted during the inspection should be corrected in compliance with the violation notice issued by the inspector.

This determination is based upon the information provided. Administration and enforcement of the Uniform Code are the responsibility of the authority having jurisdiction. If you have any questions or wish to discuss this matter further, please call me to contact me.

Sincerely,



Whitney K Russell, CCSIII
Director of Inspections and Enforcement
New York State Department of State
One commerce Plaza, Albany NY 12231
Office: (518) 473- 8531
Whitney.Russell@dos.ny.gov



**Department
of State**

Live Entertainment First Permitted

§ 123-71 Permitted uses and structures.

Uses and structures permitted in the C-1 District are as follows:

B. Uses subject to special permit:

(6) Live performances of musical entertainment, stage shows, reviews or other live performances using sound amplification devices, at eating or drinking establishments authorized as a permitted use in this section, subject to the following conditions:

[Added 9-18-2002 by L.L. No. 4-2002]

(a) Term. No such permit shall be issued for a period to exceed two years. Unless otherwise provided, the first such permit issued to any applicant shall expire on the 30th day of June of the first full calendar year following the issuance of the permit; additional permits shall expire on the 30th day of June of the second calendar year following the date of issuance.

(b) Renewal. Applications for renewal may, within the discretion of the Town Board, be subject to a public hearing.

(c) Revocability. The Town Board of the Town of Boston may revoke any such permit, after a public hearing held thereon. The grounds for such revocation shall be limited to the provisions of this subsection or the failure of the permit holder to comply with such additional conditions imposed at the time of issuance of the permit.

(d) Criteria for determination. In determining whether or not any such application shall be granted or existing permit revoked, the Town Board shall consider the following criteria:

[1] Proximity of adjacent residential structures.

[2] Compliance with other provisions of the Town Code, including but not limited to those provisions relating to the generation of noise, vehicular and pedestrian traffic, odors, vapors or other noxious fumes.

[3] Availability of parking.

[4] Any other factors that the Town Board determines are relevant to a decision on the application.

[5] Modification of the premises or alteration of the site on which is the subject of the permit.

Live Entertainment First Permitted

(e) Hours of operation. Any such permit may limit, within the discretion of the Town Board, the hours of such performances.

(f) Continuation of existing performances. The Town Board of the Town of Boston hereby finds that certain business establishments may have entered into contracts for live performances in the future. As a result of such finding, no permit shall be required for any business establishment that currently provides for live entertainment until July 1, 2003, based on any contract entered into on or before the effective date of this provision. No exemption from the requirement of obtaining a permit shall be obtained unless copies of qualifying contracts are filed in the office of the Town Clerk on or before the first day of October 2002.

(g) Conditions. The Town Board of the Town of Boston may impose appropriate conditions on the issuance of any permit pursuant to this section, based upon the proximity of residential development or any other relevant factors, including but not limited to:

[1] Limitations on performances or the placing of any speakers broadcasting any performance outside of any structure.

[2] Requirement that all windows and doors remain closed except for normal ingress and egress.

[3] Limitation of the volume of any amplified sound generated during a live performance, measured at any or all speakers broadcasting such sound.

[4] Limitation on the volume of all nonamplified sound at the point of origin.

[5] Appropriate control of patrons at all times, including, but not limited to, activities outside of the establishment where live entertainment is occurring.

(h) Inspection. As a condition of the issuance of this permit, the permit holder shall permit any duly appointed enforcement officer of the Town of Boston or any police officer to enter onto the premises for the purpose of verifying compliance with the conditions of this permit.

(i) Exceptions. The provisions of this subsection shall not be applicable to any live performance on property owned by the Town of Boston or the Hamburg Central School District.

(j) Fees. The fee for such special permit and the renewal thereof shall be set forth in the Schedule of Fees, as adopted by the Town Board of the Town of Boston.¹²¹ **[2]** *Editor's Note: See Ch. 55, Fees.*

TOWN OF BOSTON – RESOLUTION NO. 2024-__

**AUTHORIZING PAYMENT AND BUDGET AMENDMENT FOR
REPLACEMENT OF EAST HILL PUMPING STATION
VARIABLE FREQUENCY DRIVES**

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

WHEREAS, ECWA alerted the Town that on November 22, 2022, one of the two variable frequency drives (“VFDs”) at the East Hill Pumping Station on Cole Road failed; and

WHEREAS, there are two pumps at the East Hill Pumping Station, and without a functional VFD there would be no automatic emergency backup should the remaining pump that has a functional VFD fail; and

WHEREAS, the VFDs on both pumps were of the same vintage and considered obsolete, and in a memorandum dated December 7, 2022 ECWA recommended that the Town replace both VFDs as well as the VFD controls, which although more costly than replacement of just the one VFD which had failed was recommended to improve operational control, reduce maintenance, and extend the life of the replacement VFDs; and

WHEREAS, Town Engineer Clark Patterson Lee reviewed the options presented by ECWA and concurred with the recommendation to replace both VFDs and their controls; and

WHEREAS, in a December 2022 Resolution, the Town agreed to reimburse ECWA for the actual cost to perform the necessary work as per the terms of the lease management agreement, and ECWA assumed responsibility for the procurement and installation of the replacement VFDs and controls, including following applicable procurement laws; and

WHEREAS, the VFD and control replacement work was completed in 2023, and the total amount now due to ECWA in an invoice dated November 28, 2023 is \$73,924.64; and

WHEREAS, this pump station services Water District 3 and subsequently the District 3 extension; and

WHEREAS, the adopted budget for the year ending December 31, 2023 did not include the full cost of this repair;

* CONTINUED ON NEXT PAGE *

NOW THEREFORE BE IT

RESOLVED, that the Town Supervisor hereby is authorized to pay to Erie County Water Authority the sum of \$73,924.64 for East Hill Pumping Station variable frequency drive upgrades, with said sum to be paid with the funds of Water District 3 and District 3 Extension allocated based on parcel count; and

FURTHER RESOLVED, that a budget amendment is authorized to appropriate an additional \$70,576 of fund balance in Water District 3 to account HC0-8340-0400 and \$1,165 of fund balance in Water District 3 Extension to account HF0-8340-0400.

On February 7, 2024, 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

ERIE COUNTY WATER AUTHORITY

295 MAIN STREET – ROOM 350
BUFFALO, NY 14203-2494
(716) 849-8484

INVOICE NUMBER: 061843

DATE: 11/28/2023

BOOKKEEPER@TOWNOFBOSTON.COM
TOWN OF BOSTON

TERMS - 30 DAYS

EAST HILL PUMPING STATION ON COLE ROAD
VARIABLE FREQUENCY DRIVES UPGRADE

MATERIALS	\$34,468.83
PAYMENTS TO CONTRACTORS	32,190.00
OVERHEAD	7,265.81

TOTAL AMOUNT DUE.....	\$73,924.64

TO ENSURE PROPER CREDIT TO YOUR ACCOUNT, MAIL YOUR CHECK TO THE
ATTENTION OF THE ACCOUNTING DEPARTMENT.

ERIE COUNTY WATER AUTHORITY
REQUESTED DETAIL FOR INVOICE NO. 61843

DESCRIPTION:
East Hill Pumping Station on Cole Road; Variable Frequency Drives Upgrade

	Invoice No.	Percentage of Invoice	Qty.	U/M	Cost	Total
Materials:						
Motion Al	STD0616753	100%				857.84
Motion Al	STD0617978	100%				156.75
Wesco Distribution, Inc.	29640-00	100%				1,280.00
Motion Al	STD0620775	5%				194.87
Motion Al	STD0620772	20%				2,606.00
Motion Al	STD0622347	100%				3,214.38
Motion Al	STD0623067	5%				29.47
Motion Al	STD0623812	10%				289.27
Motion Al	STD0624791	10%				32.39
Graybar Electric Company	9331068099	10%				103.60
Motion Al	STD0625136	10%				57.00
Kooltronic, Inc.	110076	20%				1,897.40
Motion Al	STD0626749	10%				1.64
North Star Supply Co Inc	293427	10%				84.82
Motion Al	STD0630019	10%				92.80
Motion Al	STD0631081	100%				17,676.60
Motion Al	STD0631143	100%				512.52
Motion Al	STD0631725	100%				1,238.44
Motion Al	STD0633555	100%				64.00
Motion Al	STD0634463	100%				128.00
Motion Al	STD0637760	10%				155.24
Graybar Electric Company	9332287437	10%				587.08
Ferguson Electric Service	143934					446.43
Motion Al	STD0661513	5%				179.05
Ferguson Electric Service	62962					592.28
Ferguson Electric Service	62963					1,115.02
Ferguson Electric Service	62964					875.94
Total Materials						34,468.83
Payments to Contractors:						
Ferguson Electric Service	143917		24.00	hr.	90.00	2,160.00
Ferguson Electric Service	62969		82.00	hr.	105.00	8,610.00
Ferguson Electric Service	62983		124.00	hr.	105.00	13,020.00
Ferguson Electric Service	62992		80.00	hr.	105.00	8,400.00
Total Payments to Contractors						32,190.00
Overhead						7,265.81
Current Amount Due						73,924.64

Resolution Authorizing Payment & Budget Amendment of East Hill Pumping Station Variable Frequency Drives

	# of parcels (w/svc) *2022 Roll used on 2023 Budget*	Cost to District	Account Code	2023 Budget Remaining at 12/31/23	Additional Fund Balance to be Appropriated	2023 YE Available FB
(HC) Water Dist. 3	569	\$ 70,575.70	HCO-8340-0400	\$ -	\$ 70,576	\$ 274,234
(HF) Water Dist. 3 Ext. (Cole Rd)	27	\$ 3,348.94	HF0-8340-0400	\$ 2,184.00	\$ 1,165	\$ 32,712
	<u>596</u>	<u>\$ 73,924.64</u>			*Budget Amendment*	



North Boston Vol. Fire Company

PO Box 124

North Boston, New York 14110

RECEIVED
BOSTON TOWN CLERK

2023 JUN 22 11 15 79

Town of Boston:

The purpose of the following correspondence is to notify the Town of Boston of the new membership to the North Boston Fire Company as requested in the current contract.

New member, Erik Filkom, [REDACTED] Erik Filkom resides at [REDACTED] Boston, New York 14025. Erik was voted into the company during the August 2023 meeting.

This member has passed the Sex Offender and the Arson background checks. This member does not violate Paragraph 4 of the Fire Contract with the Town of Boston.

Sincerely Yours,
Hannah Howie

Secretary North Boston Vol. Fire Company

-- TOWN OF BOSTON --

2024

**APPLICATION FOR LICENSE TO COLLECT AND DISPOSE
OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS**

TO THE TOWN BOARD
TOWN OF BOSTON:

The undersigned herein applies for a License to collect and dispose of municipal solid waste (referred to hereinafter as "MSW") and recyclable material, and states the following:

1. Applicant's name and address, telephone number:

MRC Disposal Inc

71 Nason Blvd

Springville NY 14141

716-592-0953

2. Applicant shall collect and dispose of municipal solid waste and recyclable materials in the following manner:

A) INSTITUTIONAL Customers

i. Manner of Collection:

Recyclables - _____

MSW - _____

ii. Manner and Place of Disposal:

Recyclables - _____

MSW - _____

-- TOWN OF BOSTON --

APPLICATION FOR LICENSE TO COLLECT AND DISPOSE
OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS

2. (cont'd)

B) INDUSTRIAL Customers

i. Manner of Collection:

Recyclables - _____

MSW - _____

ii. Manner and Place of Disposal:

Recyclables - _____

MSW - _____

C) COMMERCIAL Customers

i. Manner of Collection:

Recyclables - 8yd dumpster

MSW - 4yd dumpster

ii. Manner and Place of Disposal:

Recyclables - CECM, Springville NY

MSW - Modern, Blasdell, NY

D) RESIDENTIAL customers (excluding Town contract)

i. Manner of Collection:

Recyclables - 15yd packer curbside

MSW - 25/40yd packer curbside

ii. Manner and Place of Disposal:

Recyclables - CECM

MSW - Modern

-- TOWN OF BOSTON --

**APPLICATION FOR LICENSE TO COLLECT AND DISPOSE
OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS**

3. The Applicant hereby agrees to:
- a. Indemnify and hold harmless the Town of Boston for any pending, threatened or actual claims, liability or expense arising from waste disposal in violation of Chapter 63 of the Town Code or not in conformance with this license (S63 -502.B).
 - b. To offer collection services for municipal solid waste and recyclables at the same time and on the same day to all of its customers (S63-502.C).
 - c. To maintain separate monthly records of municipal solid waste and recyclables collected, transported and disposed of in conformance with S63-502.D of the Boston Town Code, and to provide to the Town of Boston quarterly reports containing such information.
 - d. To amend or supplement this Application in writing, additional information is required to conform with Chapter 63 of the Town Code.
4. That Applicant has not been adjudged or determined to have violated Chapter 63 of the Town Code within the preceding calendar year.

FEE: \$100

Allison Buckley
Signature

1/10/24
Date

Allison Buckley
Name

Vice President
Title

License Granted by Town Board: _____
Date

Town Clerk

-- TOWN OF BOSTON --

2024

**APPLICATION FOR LICENSE TO COLLECT AND DISPOSE
OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS**

TO THE TOWN BOARD
TOWN OF BOSTON:

The undersigned herein applies for a License to collect and dispose of municipal solid waste (referred to hereinafter as "MSW") and recyclable material, and states the following:

1. Applicant's name and address, telephone number:

MODERN DISPOSAL SERVICES INC

4744 MODEL CITY RD

MODEL CITY NY 14107

2. Applicant shall collect and dispose of municipal solid waste and recyclable materials in the following manner:

A) INSTITUTIONAL Customers

i. Manner of Collection:

Recyclables - N/A

MSW - N/A

ii. Manner and Place of Disposal:

Recyclables - N/A

MSW - N/A

-- TOWN OF BOSTON --

**APPLICATION FOR LICENSE TO COLLECT AND DISPOSE
OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS**

3. The Applicant hereby agrees to:
- a. Indemnify and hold harmless the Town of Boston for any pending, threatened or actual claims, liability or expense arising from waste disposal in violation of Chapter 63 of the Town Code or not in conformance with this license (S63 -502.B).
 - b. To offer collection services for municipal solid waste and recyclables at the same time and on the same day to all of its customers (S63-502.C).
 - c. To maintain separate monthly records of municipal solid waste and recyclables collected, transported and disposed of in conformance with S63-502.D of the Boston Town Code, and to provide to the Town of Boston quarterly reports containing such information.
 - d. To amend or supplement this Application in writing, additional information is required to conform with Chapter 63 of the Town Code.
4. That Applicant has not been adjudged or determined to have violated Chapter 63 of the Town Code within the preceding calendar year.

FEE: \$100


Signature

1/15/23
Date

BRAD D. SUTTEL
Name

TRANSPORTATION COORDINATOR
Title

License Granted by Town Board: _____
Date

Town Clerk

-- TOWN OF BOSTON --

2024

**APPLICATION FOR LICENSE TO COLLECT AND DISPOSE
OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS**

TO THE TOWN BOARD
TOWN OF BOSTON:

The undersigned herein applies for a License to collect and dispose of municipal solid waste (referred to hereinafter as "MSW") and recyclable material, and states the following:

1. Applicant's name and address, telephone number:

Waste Management of New York, LLC.

10860 Olean Rd

Chaffee, NY 14030

2. Applicant shall collect and dispose of municipal solid waste and recyclable materials in the following manner:

A) INSTITUTIONAL Customers

- i. Manner of Collection:

Recyclables - _____

MSW - _____

- ii. Manner and Place of Disposal:

Recyclables - Buffalo Recycling Enter, 266 Hopkins St, Buffalo, NY 14220

MSW - CID Landfill, 10860 Olean Rd, Chaffee, NY 14030

-- TOWN OF BOSTON --

**APPLICATION FOR LICENSE TO COLLECT AND DISPOSE
OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS**

2. (cont'd)

B) INDUSTRIAL Customers

i. Manner of Collection:

Recyclables - _____

MSW - _____

ii. Manner and Place of Disposal:

Recyclables - Buffalo Recycling Facility

MSW - _____

C) COMMERCIAL Customers

i. Manner of Collection:

Recyclables - _____

MSW - _____

ii. Manner and Place of Disposal:

Recyclables - Buffalo Recycling Facility

MSW - _____

D) RESIDENTIAL customers (excluding Town contract)

i. Manner of Collection:

Recyclables - N/A

MSW - N/A

ii. Manner and Place of Disposal:

Recyclables - N/A

MSW - N/A

-- TOWN OF BOSTON --

**APPLICATION FOR LICENSE TO COLLECT AND DISPOSE
OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS**

3. The Applicant hereby agrees to:
- a. Indemnify and hold harmless the Town of Boston for any pending, threatened or actual claims, liability or expense arising from waste disposal in violation of Chapter 63 of the Town Code or not in conformance with this license (S63 -502.B).
 - b. To offer collection services for municipal solid waste and recyclables at the same time and on the same day to all of its customers (S63-502.C).
 - c. To maintain separate monthly records of municipal solid waste and recyclables collected, transported and disposed of in conformance with S63-502.D of the Boston Town Code, and to provide to the Town of Boston quarterly reports containing such information.
 - d. To amend or supplement this Application in writing, additional information is required to conform with Chapter 63 of the Town Code.
4. That Applicant has not been adjudged or determined to have violated Chapter 63 of the Town Code within the preceding calendar year.

FEE: \$100



Signature

1/16/24

Date

Jerrod W Blake

Name

Sr. District Manager

Title

License Granted by Town Board: _____
Date

Town Clerk

TOWN OF BOSTON

APPLICATION FOR USE OF FACILITY

This Application is subject to Approval by the Town Board and MUST be received at least 1 week prior to Town Board meeting

*****Application, fees, plans, layouts and any additional proof from other agencies must be completed and submitted at time of application. Must be a Boston Resident to request use.*****

Name/Organization Boston Democratic Social Club Date 12/19/23

Name of person responsible for facilities Barbara Moore
Title _____

Applicant Address _____

Applicant Daytime Phone # _____ # Of Attendees: 100+

Date(s) Requested* Saturday March 30, 24 Time 1:00 pm Type of Event Easter Egg
Set Up 10 Am Take Down 4 pm Hunt

Sporting Leagues — Please attach Schedule

****Certificate of Insurance from your organization must be submitted at least 1 week before your 1st sporting event****

*****Please confirm that your dates do not conflict with any Sporting Leagues*****

Baseball—Josh Haeick	716-649-6170	Football—Nick Jagow	716-725-9680
Southtown Slammers/ Mike Bellagamba	716-225-7936	Soccer—Jessica Blesy	716-809-0121

I, THE UNDERSIGNED, REQUEST PERMISSION TO USE THE FOLLOWING: (check all that apply)

- | | |
|--|---|
| <input type="checkbox"/> South Boston Park Shelter | <input type="checkbox"/> Boston Town Park |
| <input checked="" type="checkbox"/> Town Hall Community Room w/ Kitchen
And Bathroom Facilities | <input type="checkbox"/> Lions Shelter
And Bathroom Facilities |
| <input type="checkbox"/> North Boston Park Fields | <input type="checkbox"/> Small Shelter |
| | <input 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: Barbara Moore (mms)

Upon Completion, please submit to Town Clerk

FEE REC'D 1/16/24 APPROVED/DENIED : _____
(date) (date)
1026 \$75.00

TOWN OF BOSTON
APPLICATION FOR USE OF FACILITY

RECEIVED
BOSTON TOWN CLERK

777-100-1 JAN 11 50

**This Application is subject to Approval by the Town Board
and MUST be received at least 1 week prior to Town Board meeting**

*****Application, fees, plans, layouts and any additional proof from other agencies must be completed and submitted at time of application. Must be a Boston Resident to request use. *****

Name/Organization Conservation Advisory Council Date 2 / 1 / 2024

Name of person responsible for facilities Caitlin Tucker

Title Member, Conservation Advisory Council

Applicant Address _____

Applicant Daytime Phone # _____ # Of Attendees: 50

Date(s) Requested* 2/17/2024 Time 10:00 AM - 2:00 PM Type of Event Public Outreach

Set Up 8:00 AM Take Down 3:00 PM

Sporting Leagues — Please attach Schedule

****Certificate of Insurance from your organization must be submitted at least 1 week before your 1st sporting event****

*****Please confirm that your dates do not conflict with any Sporting Leagues*****

Baseball—Josh Haeick	716-649-6170	Football—Nick Jagow	716-725-9680
Southtown Slammers/ Mike Bellagamba	716-225-7936	Soccer—Jessica Blesy	716-809-0121

I, THE UNDERSIGNED, REQUEST PERMISSION TO USE THE FOLLOWING: (check all that apply)

South Boston Park Shelter

Boston Town Park

Town Hall Community Room w/ Kitchen
And Bathroom Facilities

Lions Shelter
And Bathroom Facilities

North Boston Park Fields

Small Shelter

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)

