

AGENDA
REGULAR BOARD MEETING - TOWN OF BOSTON
June 21, 2023 - 7:30 P.M.

ITEM NO. I PRELIMINARY MATTERS

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

ITEM NO. II REGULAR BUSINESS

1. Correction and Adoption of the Minutes from May 17, 2023
2. Consideration of all Fund Bills

ITEM NO. III CORRESPONDENCE

1. Dog Control Officer's Report May 2023
2. Town Clerk's Report May 2023
3. Letter from Carmina Wood Designs- regarding 7072 Boston State Road
4. Michael P Kearns – Erie County Clerk's Office 2022 Annual Report
5. North Boston Town Park Restroom & Pavilion – May 10, 2023 Minutes
6. Architect's Field Report – Report 20
7. North Boston Town Park Restroom & Pavilion – May 24, 2023 Minutes
8. Architect's Field Report – Report 21
9. Sicoli Construction Report – May 22, 2023
10. North Boston Volunteer Fire Company – Form 990
11. Erie County Dept of Public Works Division of Highways - Back Creek Rd.,
Reconstruction/Slope Stabilization, Minutes: Progress Report Meeting #1
12. Memo – Erie County Dept of Environment and Planning, Public Review of Draft 2022 Erie
County Consolidated Annual Performance Report (CAPER)
13. Town of Boston 2023 Summer Concert Series
14. Buffalo Niagara Water Keeper, Stream Stabilization
15. Erie County Sewer District No. 3 – April 19, 2023 Minutes
16. Erie County Southwest Agricultural District No. 8 – 8 Year Review Underway

17. Sicoli Construction Services, Inc. letter to MD Concrete & Masonry Services, Inc.
18. NYMIR letter regarding Master Battery Disconnect (MBD) switches
19. Resignation letter from Sue Fitzner, Town of Boston Assessor
20. Resignation letter from Ashley Karmazyn, Town of Boston Assessment Clerk

ITEM NO. IV NEW BUSINESS

1. Requests from the Floor (3-minute time limit per person)
2. Public Hearing for Special Use Permit, Accessory Apartment - 8947 Pearl Street
3. Request for reappointment from Paul Ziarnowski to the Planning Board as Member & Chairman
4. Request for reappointment from Jay Jackson to the Planning Board as Member
5. Schedule Public Hearing – Amend Bond Resolution
6. Approve Patchin Fire Company – Boot Drive Fundraiser
7. Approve Amended 284 Agreement
8. Resolution 2023-53 Standard Work Day and Reporting Resolution
9. Resolution 2023-54 NYMEP Energy Supply Vendor Change
10. Resolution 2023-55 Erie County Board of Elections 2023 Polling Place Agreement
11. Resolution 2023-56 Amended Purchase of Generator for Parks/EMS Building
12. Resolution 2023-57 Authorizing Procurement of Independence Day Celebration Fireworks Display
13. Resolution 2023-58 Authorizing the Procurement and Installation of Phase 2 Security Cameras
14. Resolution 2023-59 North Boston Town Park Restroom and Pavilion Change Order Number 2
15. Resolution 2023-60 Repair of Streetlight Near Route 219
16. Resolution 2023-61 Amendment to Contract with Erie County for Congregate Dining Program– Technology Installation and Special Event Programming
17. Resolution 2023-62 Inter-Municipal Agreement with Town of Hamburg for Dog Control Officer Services
18. Resolution 2023-63 Special Use Permit for Accessory Apartment at 8947 Pearl Street
19. Application for Renewal of Live Entertainment License – Rick Hayden – Couzins
20. Application for Use of Facility – Erik Bauerlein

ITEM NO. V OLD BUSINESS

1. Resolution 2023-47 SEQR Negative Declaration for Mixed Use Development at 7072 Boston State Road (Revised)
2. Resolution 2023-48 Special Use Permit for Filling Station at 7072 Boston State Road
3. Resolution 2023-49 Site Plan Approval for Mixed Use Development at 7072 Boston State Road
4. Application for Use of Facility - Cap 17 Baseball Academy

ITEM NO. VI REPORTS AND PRESENTATIONS

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

ITEM NO. VIII ADJOURNMENT OF MEETING

1. Adjournment of Meeting

REGULAR BOARD MEETING
MAY 17, 2023

DRAFT

TOWN HALL
7:30 P.M.

Present: Supervisor Jason Keding, Councilman Michael Cartechine, Councilwoman Kelly Martin, and Councilwoman Kathleen Selby.

Also Present: Attorney for the Town Costello and Deputy Town Clerk Derk.

Reverend Jerry Skrzynski, St. John the Baptist RC Church, opened the meeting with a prayer.

Regular business:

A motion was made by Councilman Cartechine and was seconded by Councilwoman Selby to approve the minutes of the May 3, 2023 regular meeting.

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

three (3) Yes	one (1) Abstain	Carried
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Supervisor Keding read the public hearing notice:

Please take notice that the Boston Town Board has scheduled a Public Hearing for 7:35 p.m. on May 17, 2023 at Boston Town Hall, 8500 Boston State Road, Boston, NY, to consider the application for a Special Use Permit for a Filling Station located at 7072 Boston State Rd., Town of Boston.

At this hearing, at the time and place noted above, all persons interested in the matter shall be heard for or against said Special Use Permit. Written comments or objections may be filed with the Town Clerk until 4:00 p.m. on May 17, 2023.

Dated: April 19, 2023	By Order of the Town Board
Published: April 28, 2023	Sandra L. Quinlan, Town Clerk
An Equal Opportunity Provider & Employer	

Supervisor Keding stated the floor is open.

Supervisor Keding confirmed that the Board members have the same documentation that will be presented to the public.

Chris Woods from Carmina Woods Design, presented the proposed project located at 7072 Boston State Road. A filling station, convenience store, Tim Horton's, and office space.

The following persons was heard:

Matthew Laufer, attorney representing Boston Valley Capital, 7074 Boston State Road
Brian Attea, attorney representing 7072 Boston State Road LLC
Ardel Rowles, resident
Jay Jackson, resident
Ray Miranda, owner of 7072 Boston State Road LLC
Frank Gamel, resident
Susan Janker, resident

DRAFT

Karl Simmeth, resident
Mark Janker, resident

Questions and comments from the public:

Matthew Laufer, attorney representing Boston Valley Capital, 7074 Boston State Road: Comment and concern about the traffic study and the traffic impact. The fueling station will benefit the property owner. What benefit would be for the community? Carcinogens will be released into the air from the fueling station. Future impact on the property itself, when it is sold, limit future use, hard to sell a gas station. Appreciate the Board's consideration to deny the filling station and to also look into a traffic light to provide better protection to individuals visiting these locations.

Brian Attea, attorney representing 7072 Boston State Road LLC:

Response: With regard to the allegations and concerns, they are very general in nature. All of this has been vetted by the DEC, DOT, been in front of the Planning Board multiple times, followed the SEQR. All of these concerns have been addressed already before coming before the Town Board. If the property was ever decommissioned, the DEC would require that the tanks be removed and any contaminants addressed. The traffic studies and environmental impact studies that have been undertaken speak for themselves. The new plan should be a significant improvement to traffic safety because of the dedicated turning lanes.

Ardell Rowels, resident:

Has this design and pictures been provided to the public? Concerns regarding spills that may be near a stream. Request that the public receive more information, that is it published and see what is proposed.

Brian Attea, attorney representing 7072 Boston State Road LLC:

Response: All public notice that has been required by law including multiple public appearances at a public forum before the Planning Board and Town Board.

Jay Jackson, resident:

Commented that he has tried very hard to make sure that information like this is made public. Two or three of the versions of the plan are available, you may have to ask for the information through a FOIL request. As things develop, you hear of at these meetings, Planning Board meetings, ZBA meetings, CAC meetings. The Town does receive sales tax revenue from Erie County based on population, the budget presentation reflects that.

Ray Miranda, owner of 7072 Boston State Road LLC:

Commented that he has been in business here for 15 years, enjoys the community. Has a good business and hopes that a good service is provided. When we looked at doing something different over there, we wanted to improve

what we are already doing. I get feedback from customers and residents about traffic and what's going on in our building and parking lot. It is not an ideal setup for our business. Our drive through is not arranged correctly, potholes, we want to get everyone in and out in a safer manner and improve the flow of traffic with a left-hand turning lane. We employ a lot of people and use local vendors for services. DOT required revisions, it was accepted, and there will be a significant financial impact that as the owner I will need to cover.

Frank Gamel, resident:

Has the Town Board seen conceptual drawings of what this will look like aesthetically from the road? Will the building have just Tim Horton's with a gas station? Is there a service station?

Ray Miranda, owner of 7072 Boston State Road LLC:

Response: Showed north elevation, south elevation, Hardie board siding, stone at the bottom, not a brick building. Office in the back will be constructed the same way. Signage conforms to what the Town requires. There is no service/repair station. We had one picnic bench, Planning Board asked for more seating area, so a couple parking spots were eliminated to add more. There will be significant trees around the perimeter of the property and foundation, along with a picnic table area. The plans were provided to the Planning Board and Town Board.

Susan Janker, resident:

Will the green space along the creek have a building on it? This is the little Town of Boston, and I know progress happens, but there is a gas station right down the street. Even though the DOT has done their due diligence, I think that a Tim Horton's, convenience store, office building, gas station, I think that there will be more traffic accidents.

Chris Woods from Carmina Woods Design:

Response: The green space by the creek will not be affected. The convenience store will be about where the gazebo is. Some of the existing green space will be a parking area.

Karl Simmeth, resident:

We need new development, residential, commercial, but we are going to be left behind, we need utilities, cell towers, water projects, sewer projects. I would be in favor of this project, I'm not real happy with the turning lanes. I would like to ask the Town Board for the developers to look at putting a roundabout in. Sooner or later we are going to have a red light, whether we like it or not the property across the street is going to be developed. Once there's more traffic there's going to be a red light there. Red light at expressway, red light at Tim Horton's, and a red light at North Boston. The last thing we need is another red light in Town.

Mark Janker, resident:

Lived in Town for 65 years. Comment that the additional lanes of traffic, moving the project closer to the expressway, drawing more traffic, is a bad situation. Against having a gas station a half mile from an existing gas station. Only one that will benefit is the owner of the gas station, office building, and Tim Horton's.

Jay Jackson, resident: Comment, looks forward to the Town Board's responses during the reports.

Supervisor Keding closed the public hearing at 8:02 pm.

A motion was made by Councilwoman Selby and was seconded by Councilwoman Martin, upon review by the Town Board, that fund bills in the amount of \$148,249.16 be paid.

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

four (4) Yes

Carried

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

Dog Control Officer's Report for April 2023

Town Clerk's Report for April 2023

ECWA 2022 Annual Water Quality Report

Letter from Barbara Piersanti regarding opposition to solar development

Letter from Erie County, Department of Public Works- Notice of Closure, Back Creek Road

Department of Public Works, Detour Route/Detour Sign Schedule for Back Creek Road

Comparative Year-End Fund Balances

January - March 2023 Cash Balances

April 2023 Interest Income Analysis

April 2023 Income Statement

April 2023 Cash Balances

New business:

Requests from the Floor:

Supervisor Keding stated the floor is open for public comment.

The following person was heard:

Mark Janker

Supervisor Keding stated the floor is closed.

A motion was made by Councilman Cartechine and was seconded by Councilwoman Martin to reschedule a Public Hearing for Special Use Permit, Accessory Apartment at 8947 Pearl Street for June 21, 2023 at 7:30 pm.

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

four (4) Yes Carried

A motion was made by Councilwoman Martin and was seconded by Supervisor Keding to reappoint Sharon Stuart as a member to the Conservation Advisory Council term through March 1, 2024.

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

four (4) Yes Carried

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

RESOLUTION 2023-47 SEQR NEGATIVE DECLARATION FOR MIXED USE DEVELOPMENT AT 7072 BOSTON STATE ROAD

RESOLUTION 2023-48 SPECIAL USE PERMIT FOR FILLING STATION AT 7072 BOSTON STATE ROAD

RESOLUTION 2023-49 SITE PLAN APPROVAL FOR MIXED USE DEVELOPMENT AT 7072 BOSTON STATE ROAD

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

four (4) Yes Carried

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

RESOLUTION 2023-50 AMENDING BUDGET TO PROPERLY ACCOUNT FOR JUSTICE COURT GRANT RECEIVED

The Town of Boston received unanticipated revenues in the form of a Justice Court Assistance Grant in the amount of \$7,200 for the purchase of new video cameras and surveillance software; and those funds were not included in the amount budgeted for the fiscal year ended December 31, 2023; and the 2023 Town of Boston Budget is amended effective immediately:

1) Increase Appropriations:

Account No. A00-1110-2000	Justice – Equipment	\$9,900
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2) Decrease Appropriations:

Account No. A00-1650-0200	Central Comm - Equipment	\$2,700
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3) Increase Revenues:

Account No. A00-3809-0000	General Government Grants	\$7,200
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Supervisor Keding	Yes	Councilman Cartechine	Yes
Councilwoman Martin	Yes	Councilwoman Selby	Yes

four (4) Yes Carried

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

RESOLUTION 2023-51

**AMENDING BUDGET TO PROPERLY ACCOUNT
FOR ARTS SERVICE INITIATIVE GRANT RECEIVED**

The Town of Boston received revenues in the form of a grant from Arts Services Initiative of WNY in the amount of \$5,000 towards the Town's summer concert series; and this grant has a matching contribution from the Town where the program is split 50/50 meaning that the town also needs to contribute \$5,000, for a total program expenditure of \$10,000; and the budget for A00-7270-0400 (Band Concerts – Contractual) was set at \$6,000 for 2023; the 2023 Town of Boston Budget is amended effective immediately to bring the expenditure expectations up to \$10,000 in total:

1) Increase Appropriations:

Account No. A00-7270-0400	Band Concerts – Contractual	\$4,000
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2) Increase Revenues:

Account No. A00-3897-0000	Cultural Grants	\$4,000
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Supervisor Keding	Yes	Councilman Cartechine	Yes
Councilwoman Martin	Yes	Councilwoman Selby	Yes

four (4) Yes Carried

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

RESOLUTION 2023-52

2023 BUDGET TRANSFERS

The Town of Boston is periodically reviewing account balances for the year ending December 31, 2023; and certain appropriation accounts were noted to need adjustments due to expenditures exceeding expectations; and the funding for these adjusted appropriations is available within other appropriation accounts in the Town's 2023 budget; the Town Board hereby authorizes amending of the Town's 2023 budget as shown below:

1) Transfer Appropriations From:

Account No.	A 1620.2	Buildings - Equipment	\$	4,500
Account No.	A 9060.8	Hospital & Medical Ins	\$	10,000
			\$	14,500

Availability of Funds:

Budgeted general building equipment -
allocate this towards new printer

Due to employee elections, we are
currently under budget about \$10,000

2) Transfer Appropriations To:

Account No.	A 1910.0	Unallocated Insurance	\$	6,000
Account No.	A 9040.8	Workers Compensation	\$	4,000
Account No.	A 1670.2	Central Print/Mail - Eqpt	\$	4,500
			\$	14,500

Reason for Overage:

Insurance cost more than estimated

Premium came in higher than anticipated

Supervisor's new printer was bought
outright. Prior lease was cancelled

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

four (4) Yes

Carried

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

The Southtowns Slammers paid \$150 for their Use of Facility of the Town's baseball fields due to discussions with the town board over the 2023 sports league price being increased. Other sporting leagues in Town paid the normal \$75 Use of Facility fee. As such, the Town Board is authorizing a reduction in fee and associated refund to Southtowns Slammers in the amount of \$75 so they would be equivalent to the \$75 paid by the other sports leagues.

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

four (4) Yes

Carried

A motion was made by Supervisor Keding and was seconded by Councilman Cartechine to table an ambulance purchase by the Boston Emergency Squad, the needed information for the procurement of the ambulance was not available in time for the meeting.

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

four (4) Yes

Carried

A motion was made by Supervisor Keding and was seconded by Councilwoman Selby to table Use of Facility application for Cap 17 Baseball Academy, anticipated having all completed documentation for this meeting and don't have all of it.

Motion Con't:

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

four (4) Yes

Carried

Supervisor Keding stated that there is no old business for this meeting.

Reports and Presentations:

Councilwoman Selby reported on the following:

I'd like to thank everybody who spoke tonight on the project and the gentlemen who presented. It was very well informed presentation. I think all the work that was put into it and the attorney did a wonderful job explaining everything. Originally on paper, it sounded like a great project to me. It's really good to hear all the opinions of everybody. We look forward to getting those questions and concerns from the public answered. Once we get that we'll all will look at it. We will re-evaluate it and everybody is welcome to hear those questions answered. We will have to make a decision. Thank you all for your input and the information. I appreciate it very much.

Councilman Cartechine reported on the following:

Regarding the public hearing tonight: Question: We have a lovely sign at the beginning of the Town, right at the entrance of Town. What would happen to that sign? Answer: It is in the right of way. It would stay. Regarding the traffic circle, I thought that was a great idea. Is that part of your exploration with the State DOT? Answer: When the traffic consultant does the traffic study, they look at different warrants for different types of intersections. One of them is a traffic signal. If the warrants aren't met based on the amount of traffic generated. I think one of the residents mentioned that if something happened across the street another traffic study would be done. The DOT does not do major highway improvements without it being fully warranted. We are making some changes to the off ramp, rather than having that acceleration lane, we are making it a full stop, left or right turn. As it is now, going south, can go without stopping.

I think the expectation is we'd like to see a formal response to the concerns that we heard tonight. For us to consider and make a good decision. I am for the project. The north end of Town is really the business district of the Town. We looked at another project that Mr. Simmeth referenced across the street. There were a lot of reasons that project was tabled, it wasn't denied, it was tabled. When you look at the development opportunities in the Town of Boston it is very limited and so you want to make sure that the right things are going there. The plus

side for this project it is zoned properly, they have the frontage they need, it has passed the SEQR process. It has gone through an extensive review with the Planning Board. The Planning Board is nothing easy to get through in this Town. We have good people that are on that board. They're very thorough and deliberate in what they do. There is only so much that you can do in this Town to grow. I wrote down everybody's comments. If you see us up here writing while you are speaking that is what we are doing. So, we can follow up to see if these concerns are going to be addressed formally. I have lived in this Town quite a few years. I know, I am not a native Bostonian and probably never will be accepted as one, but 18 years in this Town. When the Tim Hortons went in that really was a hard place to navigate. I mean you must really pay attention to people stopping. I know people are accelerating and want to get on the Rt. 219 or get into Hamburg. I have been caught in that bottleneck many times. I am a patron of the Tim Hortons. This is very interesting the way that the traffic will look. Personally, I would like to see a circle rather than a light. It is only a matter of time before that site across street is developed. I appreciate everybody's comments. We are in the process of developing a comprehensive plan. We have received a large grant for this plan. There is a public input component of that where everybody's concerns and views are a great voice. It is really a plan for the Town for 5, 10, 15 years out. What I personally would like to see is, we have all these wonderful buildings on the south end of town. A lot of the building are historic, and people are investing, rehabilitating some of these places. I would love to Wurtz being one of them, I am sure everybody here would feel the same. What makes sense for the Town. I think it is important that people get involved in it.

Councilwoman Martin reported on the following:

I have to agree with both of my fellow Council members. I am for the project, just to be on record. I like how you segued into the Comprehensive Plan that we are currently working to get started. Everybody is welcome to sit in on that and have a say in what direction our Town is moving and what you'd like it to look like. We want it to be productive, earn money, stay solvent, create jobs, keep greenspace, and be the rural feel, at the same time be current. We welcome your opinions on that. I am looking forward to having our couple of questions answered.

Town Clerk Quinlan reported on the following:

Town Hall offices will be closed on Memorial Day. The Memorial Day parade at 1:00 pm from Faith United Church of Christ to the Town Park, followed by the service, Boston Town Band will be performing.

Next ConnectLife blood drive is June 6th, 2 to 7 pm in the Community room. Fundraisers: St. John's RC Church, Polish Dinner, June 11th, 11:30 am - 2 pm. Trooper Brinkerhoff 5/10 K Run, June 17th. Boston Fire Company Auction, June 17th, contact through the BFC website to donate items. Boston Lions Club Chicken BBQ, June 18th, 3 to 5:30 pm or sold out.

Supervisor Keding reported on the following:

My fellow board members said a lot about this project that is on here and it is great to see everybody come out. We had quite a turnout at the last board meeting on another topic of solar. Councilman Cartechine said it great at the last meeting. He said it very eloquently at this meeting. There are laws and a SEQRA process - State Environmental Quality Review Act, traffic studies, environmental impact studies. A lot of these concerns that we have as a community are part of that documented process. The special use permit is a Town function, for the Town Board it's the ability to make sure the I's have been dotted and the T's have been crossed, properly representing you as the taxpayer and residents of our community. If a project is zoned properly, compliant to code, most likely a project is going to go through. This application process, that all goes to the Planning Board before it comes to the Town Board. We are two separate boards. They have gone through state training. They are the ones that look at the lighting, traffic studies, they assess all of that information. As an advisory board to the Town Board, they provide that information to us to make an informed decision, based on of our applicants and our community. There is a process and they have checks and balances. It is not just an arbitrary decision. There is a paper process and paper trail that ties all of this out. I do think it is a decent project, I think you have done a nice job. I respectfully think Planning Board had done a great job as well. We will get those questions answered and we will get them out to the public.

The Comprehensive Plan again that was brought up, please get involved. All of you here tonight, this comprehensive plan is every taxpayer in the Town of Boston's ability to come in and say, "Hey this is what we want in our community". We can stipulate what happens in particularly, not exactly, it is based on the way it is zoned. We can look at the hamlets of Boston, Patchin, North Boston and then design a comprehensive plan that fits what we are looking for in a totality in the community. We were able to secure two grants, one county and one state, this does not affect us as taxpayers. We worked hard to get those grants. Please get engaged, that is roughly about a year and a half long process. We are looking for your feedback. A letter was sent out last week to all the local business in the community, everybody should have received them. I have received a couple of responses already.

Comments on the accidents in front of the Tim Horton's; when I looked at the studies and followed up with Hamburg dispatch, many of the accidents are motor vehicle operators riding the shoulder of the road, no traffic calming device will stop that if a person makes the conscious decision to deviate off the side of the road, goes around a then gets T-boned, a traffic calming device is not a perfect solution.

June 7, 2023 Town Board meeting has been cancelled. The next Town Board meeting will be on June 21, 2023 at 7:30 PM.

A motion was made by Supervisor Keding and was seconded by Councilwoman Selby to adjourn the meeting at 8:41 p.m.

Supervisor Keding	Yes	Councilman Cartechine	Yes
Councilwoman Martin	Yes	Councilwoman Selby	Yes
four (4) Yes			Carried

SANDRA L. QUINLAN, BOSTON TOWN CLERK

TOWN OF BOSTON DOG CONTROL OFFICER REPORT

MONTH OF: May 2023

Very slow month however many calls/visits made to residents reminding them of renewals. I also kept an eye on the park.
A LARGE AMOUNT of SPAM CALLS this month!

Dates of Month

1st Week 2nd Week 3rd Week 4th Week TOTALS
1st-7th 8th- 14th 15th- 21st 22nd- 31st

Phone Calls Received	2	2	2	0	4
Phone Calls Returned	2	2	2	0	4
Personal Calls Made	0	0	0	0	0
# Miles Patrolled (on foot in park and street)	ALL MONTH				
# of Gallon gas used See Shawn re: use of vehicle	0	0	0	0	0 Dog Control
# of alive dogs Picked up	1	0	0	0	1
# of dead dogs Picked up	0	0	0	0	0
# of dogs Released to owner	1	0	0	0	1
***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: [Signature]

Date Submitted: 6-1-23

RECEIVED
BOSTON TOWN CLERK
7/1/23 11:47

***Total Fines Collected for Month : _____

Submitted Fines to Bookkeeper: _____

Date: _____

Receipt# _____

TOWN CLERK'S MONTHLY REPORT

TOWN OF BOSTON, NEW YORK

MAY, 2023

TO THE SUPERVISOR:

PAGE 1

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

A1255

<u>10</u>	DECALS	<u>13.26</u>
<u>5</u>	MARRIAGE LICENSES NO. 23004 TO 23008	<u>87.50</u>
<u>20</u>	PHOTOCOPIES	<u>5.00</u>
<u>1</u>	DEATH CERTIFICATES	<u>10.00</u>
<u>2</u>	MARRIAGE CERTIFICATES	<u>20.00</u>
<u>6</u>	FAXES	<u>1.50</u>

TOTAL TOWN CLERK FEES 137.26

A1550

<u>1</u>	DISPOSITION OF DOG	<u>25.00</u>
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TOTAL A1550 25.00

A2025

<u>1</u>	USE OF FACILITY FEES	<u>75.00</u>
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TOTAL A2025 75.00

A2544

<u>67</u>	DOG LICENSES	<u>521.00</u>
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TOTAL A2544 521.00

A2555

<u>20</u>	BUILDING PERMITS	<u>1,140.00</u>
<u>2</u>	CERTIFICATE OF OCCUPANCY	<u>100.00</u>
<u>1</u>	LATE FEE ZONING LAW	<u>250.00</u>

TOTAL A2555 1,490.00

SR2130

<u>2</u>	REFUSE & GARBAGE	<u>350.60</u>
<u>74</u>	WM BAG STICKER	<u>222.00</u>

TOTAL SR2130 572.60

TOWN CLERK'S MONTHLY REPORT

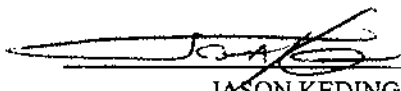
MAY, 2023

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DISBURSEMENTS

PAID TO SUPERVISOR FOR GENERAL FUND	2,248.26
PAID TO SUPERVISOR FOR REFUSE & GARBAGE	572.60
PAID TO NYSDEC FOR DECALS	226.74
PAID TO NYS ANIMAL POPULATION CONTROL PROGRAM	82.00
PAID TO NYS HEALTH DEPT FOR MARRIAGE LICENSES	112.50
TOTAL DISBURSEMENTS	3,242.10

JUNE 1, 2023


JASON KEDING, SUPERVISOR
JUNE 6th 2023

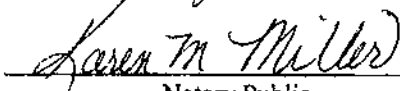
STATE OF NEW YORK, COUNTY OF ERIE, TOWN OF BOSTON

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

Subscribed and sworn to before me this


Town Clerk

5th day of June 2023


Notary Public

KAREN M. MILLER
Notary Public, State of New York
Reg. No. 01MI6385215
Qualified in Erie County
Commission Expires 12-31-2026

CARMINAWOOD DESIGN

May 31, 2023

Town of Boston
8500 Boston State Rd
Boston, NY 14025

ATTN: Town Board

RE: Proposed Mixed Use Development
7072 Boston State Road
Boston, New York

Dear Board Members:

On behalf of our client, 7072 Boston State Road LLC, we are submitting the following responses to the questions/comments raised during the Town Board public hearing May 17, 2023.

Comment: Did the traffic study look at adding a traffic signal or traffic circle?

Response: The Traffic Study prepared by Passaro Associates and reviewed/approved by NYSDOT examined the existing traffic volume and projected the proposed traffic and a growth factor to determine the traffic volume following the completion of the project. As part of the study they do look at the warrants require for traffic control devices such as a signal and the NYSDOT has a threshold for these warrants being met. In this case the NYSDOT determined that the warrants for such traffic control devices were not met and the proposed road improvements would mitigate any traffic issues generated by the proposed project.

These improvements include:

- A dedicated left turn lane into the new development heading north on Boston State Road
- There will continue to be a dedicated lane traveling north on Boston State Road so cars do not have to wait for left turns into the development
- There will be installed a dedicated right turn lane into the development heading south on Boston State Road
- There will continue to be a dedicated lane traveling south on Boston State Road so cars do not have to wait for right turns into the development
- The on site driveway will have dedicated left turn and right turn lanes exiting which will allow right turns without having to wait for cars turning left
- Improvements will be made at the northbound Route 219 exit onto Boston State Road including a new right and left turn lane.

Comment: The proposed fuel facility will produce carcinogens.

Response: The installation and operation of the fueling facility will follow New York State Department of Environmental Conservation (NYSDEC) Petroleum Bulk Storage and United States Environmental Protection Agency (USEPA) regulations and the tanks will be registered with NYS per 6 NYCRR section 613. Below is an excerpt from the NYSDEC summary of the regulation of petroleum tanks which would apply to our facility:

"Subpart 2 tank systems: These are Underground Storage Tank (UST) systems that are generally associated with fueling centers (such as gas stations) and are subject to both state (6 NYCRR Part 613) and federal (40 CFR 280) regulations."

Based on these stringent regulations, the proposed facility will be state of the art with regards to monitoring and eliminating pollutants which may enter the groundwater and the air.

Comment: How will this project benefit the community?

Response: While this is not a legal topic to consider when approving or not approving a project, this project will create employment in excess of the existing Tim Horton's, this project will create jobs during construction and bring workers to the Town who will patronize the existing establishments, the property taxes on the property will increase greatly following completion of the project, the project will generate additional sales tax revenue, the options for fuel and goods sold at the facility will increase for the community.

Comment: What happens if the fuel facility ever closed?

Response: If the fuel facility closed, the tanks would have to be removed per NYSDEC regulations for Permanent Closure of Petroleum Storage Tanks. Very detailed guidance exists which was issued by the NYSDEC to ensure that abandoned tanks do not remain in the ground and potentially provide a source for contaminants.

Comment: This property will never be able to be sold if it developed as proposed.

Response: Convenience stores with fuel facilities and quick service restaurants are an attractive commodity. While the petitioner is not interested in selling this facility, there would be great interest in this property was ever sold in the future after it is developed.

Comment: How will the fuel facility affect the creek if there was ever a leak or spill?

Response: The project site does is not directly adjacent to Eighteenmile Creek, the creek is located further to the south. The fuel facility being installed will be state of the art and will follow all applicable regulations contained in 6 NYCRR Part 613, this will include double wall tanks for secondary containment with the interstitial space monitored for leaks, leak detention that can detect a leak from any portion of the tank and piping, double wall piping for secondary containment, spill and overflow

protection for fuel deliveries, under-dispenser containment, shear valves on the dispenser in the event the dispenser is displaced and check valves on the dispenser hoses in the event the hoses are removed.

Comment: Was the project made available for public comment?

Response: The project was originally submitted to the Town of Boston for site plan approval on August 25, 2022 to begin the review process. All documents submitted are available for public viewing. As part of this process, the project is placed on the Planning Board agenda which are public meetings and are noticed to the public per standard procedures. We attended (3) three Planning Board meetings to present the project with various revisions as requested by the board. In addition, the public hearing at the Town Board meeting on May 17, 2023 was also publicly noticed. As this summary shows, the public has had ample opportunity to review and comment on this project.

Comment: Has the town Board been provided with plans of the buildings to review?

Response: The Town Board was supplied with copies of the proposed building elevations for both the convenience store and the office building in advance of the meeting held on May 17, 2023.

Comment: Does the project include a repair station?

Response: No, the project does not include a repair station.

Comment: Landscaping, will the project enhance the appearance of the Town as this is an entrance to North Boston? Will all the existing greenspace be replaced by parking?

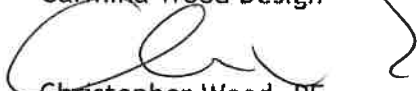
Response: The landscape plan submitted has substantial landscaping both around the perimeter and also along the building foundations. As much greenspace as possible will be retained while developing the project to allow proper function of the site. Interior greenspace along with substantial landscaping is being provided along with a picnic table area for patrons of the store and Tim Horton's.

Comment: What will happen to the existing Town of Boston sign?

Response: The existing Town of Boston sign will remain.

Should you have any questions or require additional information, please do not hesitate to contact me at 716-550-3342. Thank you.

Sincerely,
Carmina Wood Design



Christopher Wood, PE

cc: Ray Miranda
Brian Attea



COUNTY OF ERIE

MICHAEL P. KEARNS
COUNTY CLERK

May 10, 2023

Sandra L. Quinlan
Boston Town Hall- 8500 Boston State Rd.
Boston, NY 14025

Dear Sandra L. Quinlan:

I am proud to present to you a copy of the Erie County Clerk's Office 2022 Annual Report. The report summarizes the operating and finance highlights of Fiscal Year 2022 as well as our opportunities for growth for the County Clerk's Office.

My hope is that you find the Annual Report both helpful and informative. Please feel free to contact my office if you would like to discuss the report or review specific areas of interest, such as the distribution of mortgage taxes as seen on page 12 of this report.

If you have any questions or concerns as it relates to the many services provided by the County Clerk's Office, please contact Kelly Krug at 716-858-6985.

On behalf of the entire Erie County Clerk's Office staff I would like to thank you for your continued support in our effort to continue "Driving Erie County Forward."

Sincerely,

A handwritten signature in blue ink, appearing to read "MK", is written over a blue ink stamp.

Michael P. Kearns
Erie County Clerk

Enclosure



Annual Report

2022

"Driving Erie County Forward"

MICHAEL P. KEARNS
Erie County Clerk

Your Business Office in Buffalo & Erie County



COUNTY OF ERIE
MICHAEL P. KEARNS
ERIE COUNTY CLERK

April 28, 2023

Honorable April N.M. Baskin
Chairwoman, Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Erie County Clerk's Office – Annual Report 2022

Dear Chairwoman Baskin:

I am proud to present this Honorable Body with the Erie County Clerk's Annual Report for 2022.

Since taking office in 2017, my top priority for the Erie County Clerk's Office has continued to be ensuring a safe and healthy workplace for our employees and customers. As an office, we remain committed to ensuring that our services are accessible to all county residents and businesses and to finding ways to deliver our services more efficiently and cost-effectively.

It was a busy year for the County Clerk's Office. We processed \$156 million in transactions and generated a \$4.7 million surplus. Those surplus funds were transferred into the County's general fund to support vital services countywide.

Moving forward, federal REAL ID requirements, which were to take effect its May 3rd, 2023, will now become effective May 7th, 2025. Once the federal REAL ID requirements take effect all driver's licenses and non-driver identification cards must meet federal REAL ID standards to be used for domestic air travel and entering certain federal facilities. Erie County Auto Bureaus are expecting an increased customer volume as people rush to comply with the federal guidelines as the deadline to comply draws nearer. Servicing more customers than normal will be challenging but also provide an opportunity for generating increased revenues. The County Clerk's Office has been preparing for this by conducting an on-going campaign to educate the public about REAL ID requirements and encourage people to obtain REAL ID compliant identification from one of our Erie County Auto Bureaus in advance of the deadline.

The New York State Department of Motor Vehicles (NYS DMV) continues to expand the number of online services available through their website, which could lead to more people transacting their business remotely with NYS DMV rather than in person at Erie County Auto Bureaus. In recognition of this, the Erie County Clerk's Office has been conducting a "Renew Local" campaign. The campaign aims to educate local residents and businesses that when they conduct their DMV business through an Erie County Auto Bureau they are also

ensuring that 12.7% of the revenue from their transaction will remain here in Erie County. Additionally, our office began processing in-office bulk mail renewal transactions for New York State, which resulted in nearly 50,000 additional transactions. These transactions were previously processed by NYS, with Erie County not receiving any revenue. The County Clerk's Office has also implemented strategies designed to enhance customer service at County Auto Bureaus such as extending business hours, streamlining transactions for high-volume customers, and ensuring employees are available to provide guidance, answer questions, and, if necessary, contact NYS DMV on behalf of customers in real time.

The Erie County Clerk's Office will face new challenges in 2023 and beyond. Residents and businesses can rest assured however that through strategic planning, willingness to embrace change and the unwavering dedication, hard work, and professionalism of our employees the County Clerk's Office remains well-positioned for success. We are always looking for ways to become more efficient and provide a better customer service experience and will continue to evaluate our internal processes and procedures in 2023.

In closing, I want to thank all of our government partners for their continued support and once again commend the employees of the Clerk's Office for their professionalism and unwavering commitment to serving the residents and businesses of Erie County during difficult times.

Sincerely,



MICHAEL P. KEARNS
Erie County Clerk

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ERIE COUNTY CLERK'S OFFICE

The Erie County Clerk is an independently elected official responsible for recording, filing and maintaining a central repository of legal documents and records relating to property titles (including land and real estate transactions), corporate filings, assumed names, and, as Clerk of the Supreme and County Courts, all court pleadings and papers. Responsibility for maintaining all court records was transferred to the County Clerk from the State Court System in 1986 and responsibility for processing pistol permits and maintaining those records was transferred to the County Clerk from the State Court System in 1987. The County Clerk carries out his duties pursuant to the laws of the State of New York and the Erie County Charter and Administrative Code.

The County Clerk, as agent for the State Department of Motor Vehicles, also manages and staffs the Erie County Auto Bureau, which has a separate budget from the Registrar Division. The County Clerk oversees the operations of Erie County Auto Bureau branches and of a Mobile Unit that serves different locations on a weekly schedule.

The fees charged by the Erie County Clerk's Office are mandated by New York State and local laws. The Erie County Clerk's Office generates revenue primarily from recording, filing and processing legal documents, and by providing services that include copying and certifying public records maintained in the County Clerk's Office. As an agent of New York State, the County Clerk's Office collects mortgage and real estate transfer taxes that are later apportioned between the State, State agencies, Erie County and the cities, towns and villages located within the County. Recording fees, filing fees, licensing fees, criminal surcharges and fines paid to the County Clerk are later divided among State agencies including the NYS Department of Education, NYS Department of Finance, NYS Department of Motor Vehicles, the State of New York Mortgage Agency (SONYMA), the NYS Unified Court System and the Niagara Frontier Transportation Agency (NFTA). Expenses, administrative costs and costs of complying with New York State document and record retention requirements are paid for through the Erie County general fund, which is also where revenues collected by the Erie County Clerk's Office are deposited.

HISTORICAL REVENUE ACCOMPLISHMENTS

- Generated a \$4.7 million surplus in 2022, marking the 5th consecutive year that the County Clerk's Office generated a surplus under the Kearns administration;
- Provided almost \$23 million in mortgage taxes to the City of Buffalo since 2018;
- Generated over \$86 million for the County Road fund since 2018;
- Collected \$239 million in mortgage taxes since 2018, which is distributed to local municipalities;
- Provided in excess of \$102 million in mortgage taxes to the NFTA since 2018;
- Collected \$166 million in transfer taxes since 2018;
- Processed over 173,000 Pistol Permit Office transactions since 2018;
- Sold 2,699 E-ZPass units since 2018.

ACCOMPLISHMENTS IN 2022

FINANCIAL

In 2022, the Erie County Clerk's Office:

- Processed more than \$156 million in transactions;
- Generated a \$4.7 million revenue surplus, which was transferred into Erie County's general fund and supports county services;
- Generated \$21.7 million for the County Road fund;
- Accepted 993 passport applications at both the Clerk's Outreach Center and Old County Hall and generated \$34,755 in revenue through execution fees.

AUTO BUREAU

In 2022, the Erie County Clerk's Office:

- Opened a new location in Derby to serve the Town of Evans and surrounding Southtown communities in May 2022, replacing the former Evans Town Hall location, in order to better accommodate the volume of business being conducted;
- Returned the Mobile Unit to the Grand Island Town Hall in May, 2022, followed by Merriweather Library in June, 2022, and the Springville Senior Center in September, 2022. Our Mobile Unit brings the Auto Bureau services to residents of Erie County for whom travel to an Auto Bureau branch may pose a challenge;
- In a continued effort to "right-size" Auto Bureau operations, the Cheektowaga office is undergoing renovations with plans of re-opening in the first half of 2023;
- Processed over 57,000 auto dealer transactions in our dedicated Dealer Division. Opening the Dealer Vision adjacent to our Southgate Plaza office has allowed the Auto Bureau to drastically reduce the processing time by 83% for our local dealer partners;

- Registered 196,000 organ donors since 2018 with our community partners: Donate Life New York State and Connect Life, WNY's only community blood bank and federally designated not-for-profit organ procurement organization;
- Continued to encourage customers to make reservations for in-person transactions, while accommodating walk-in transactions.

PISTOL PERMIT OFFICE

In 2022, the Erie County Clerk's Office:

- Reopened the Elma Pistol Permit Satellite Office;
- Continued to streamline workflow processes to better accommodate increased customer volumes while improving customer service;
- Examined ways to implement and utilize a new "Dealer Portal" for the Pistol Permit Office, similar to the Auto Bureau Dealer Division, and we are continuing to study the feasibility of implementing this type of service in light of recent NYS gun law changes;
- Continued to scan and digitize older paper-based documents to preserve these records and allow for more efficient processing of requests involving these records.

VETERANS SERVICES

In 2022, the Erie County Clerk's Office continued our S.A.L.U.T.E.S. initiative (Showing Appreciation, Loyalty and Unity Towards Erie County Service Members) and:

- Continued enrolling armed service veterans in our Thank-A-Vet Discount Card Program;
- Continued to provide S.A.L.U.T.E.S. services through the Clerk's Outreach Center;
- Continued to collect new nominations for the County Clerk's William J. Donovan Purple Heart Book of Merit, which now honors over 500 Erie County veterans and is publicly displayed in Old Erie County Hall;
- Celebrated Purple Heart Day by holding a ceremony at Old County Hall where veterans were added to the Book of Merit;
- Continued our partnership with Veterans Post Restoration of Erie County NY, Inc. to support their mission of repairing and upgrading veterans' posts, bringing them into compliance with the Americans with Disabilities Act and ensuring their future for our next generation of armed service members.

TECHNOLOGY

In 2022, the Erie County Clerk's Office:

- Developed the Help Desk Ticketing System in an effort to provide better communication with our customers;
- Developed pistol permit application tracking for customers;
- Acquired a new map scanner and printer;

- Modernized the Clerk's Conference Room by implementing video conferencing which has enhanced our ability to collaborate with our governmental and community partners;
- Continued to digitize old records to preserve vital records for the future;
- Upgraded employee workstations to improve productivity;
- Finalized policy and procedures for a soon to be implemented Property Alert Service.

ERIE COUNTY CLERK'S ZOMBIES INITIATIVE & TASK FORCE

Since being launched by County Clerk Kearns:

- The ZOMBIES Initiative has partnered with the Western New York Law Center, Belmont Housing Resources for WNY, the New York State Department of Financial Services, OCWEN, M&T Bank, Hunt Real Estate, Buffalo Urban League, the Center for Elder Law & Justice, Legal Aid Bureau of Buffalo, Inc., and numerous local municipalities to combat zombie property issues throughout Erie County;
- The ZOMBIES Taskforce conducted research in 2022 on over 400 additional vacant and abandoned properties, which contributed to at least one quarter of those properties being brought back into property code compliance and/or having the deed of title transferred to a new owner;
- The ZOMBIES Taskforce collected hundreds of complaints from concerned County residents about problem properties and directed that information to the New York State Department of Financial Services (DFS), contributing to numerous properties being brought into property code compliance;
- The Erie County ZOMBIES Initiative has collaborated with and advised supervisors, mayors, code enforcement officers, clerks, municipal attorneys, and town and village boards from nearly every municipality in Erie County regarding New York State's zombie property and foreclosure laws;
- The ZOMBIES Taskforce has met with individual homeowners who have fallen behind on their mortgages to ensure they are advised of their right to stay in their home until a foreclosure action has been completed and link them with free services available to help them explore options for securing a forbearance, loan modification or repayment plan from their mortgage lender;
- The ZOMBIES Taskforce has additionally educated homeowners of their right to stay in their homes through Stay in Your Home informational billboards, as well as through outreach of community events like the Erie County Fair to distribute information and resources;
- The ZOMBIES Initiative has been widely covered by the media and the ZOMBIES Taskforce has created a website and Facebook page to allow people to report specific vacant and abandoned properties that are problems in their neighborhoods;
- The ZOMBIES Taskforce has held quarterly meetings as well as sub-committee meetings to provide a venue for representatives from municipalities, legislator's offices, nonprofits, real estate agencies, businesses and banks to discuss New York State's zombie property and foreclosure laws and work collaboratively to develop new enforcement strategies, policies, and legislation for dealing with problem properties;

- The ZOMBIES Taskforce has been holding roundtable discussions with municipal code enforcement officers to provide an opportunity to share information, collaborate, and discuss ongoing issues in individual municipalities and how to address them;
- The ZOMBIES Initiative launched the “Good Neighbor Project” to hold out-of-town mortgage servicers to the same standards as local homeowners. OCWEN Financial Corp became our first partner in the new project and they continue to participate and collaborate with the ZOMBIES Initiative and the Western New York Law Center to ensure the properties they service are code compliant;
- The ZOMBIES Taskforce has notified the Attorney General’s Office of potential housing related scams to protect local residents and homeowners;
- The Western New York Law Center, as a part of the ZOMBIES Taskforce, successfully settled a lawsuit, on behalf of an Erie County municipality, against a mortgage servicer for a substantial amount of money due to the servicer failing to maintain a vacant property. As a result, the property was brought into compliance with local code.

CONSTITUENT COMMUNICATION

In 2022, the County Clerk’s Office continued to focus on expanding the variety of services we offer throughout Erie County, especially in minority and underserved neighborhoods in East Buffalo.

- Continued to broadcast “Catching Up with the Clerk” episodes on a cable TV channel in the City of Buffalo to keep local residents informed of the many services we offer;
- Continued to communicate with constituents through social media sites including Instagram, Twitter, Facebook, and YouTube. The County Clerk can be found at:

Instagram: @mickey.kearns

Twitter: @ErieCountyClerk

Facebook: @ErieCountyClerkMickeyKearns

YouTube: Erie County Clerk Michael P. Kearns

CLERK ON THE GO

In 2022, the Erie County Clerk’s Office:

- Served approximately 18,000 constituents through Clerk on the Go;
- Brought Clerk on the Go services to outreach events including the Taste of Orchard Park, a Veterans Appreciation event in Hamburg, a Buffalo Stand Down event at Sahlen’s Field, Clarence Health and Wellness events, the Erie County Fair, and events at the Amherst Senior Center, Orchard Park Senior Center, and Akron Senior Center;

- Received Erie County Legislature approval to accept a donation from Lamar Advertising of two billboards through 2022 as well as approval of a marketing budget. These billboards are expected to create over 5,000,000 “impressions” per week while advertising Clerk on the Go services and upcoming REAL ID requirements in 38 locations in the city of Buffalo and Erie County.

COUNTY CLERK'S OUTREACH CENTER

Traffic inside the Clerk's Outreach Center has more than doubled with passport services driving much of that volume. The Clerk's Outreach Center also functions as a full accessible point of contact by phone for the Erie County Auto Bureau. Employees of the Clerk's Outreach Center triage all Auto Bureau related calls and direct callers to Auto Bureau personnel who can assist them.

In 2022, the County Clerk's Outreach Center:

- Scheduled approximately 11,000 appointments, and provided an additional 2,900 customers with Erie County Auto Bureau information by in 2022;
- Processed 669 new passports, provided renewal assistance for 461 passports, and took 905 passport photos;
- Administered the Clerk's Thank-A-Vet Program and processed 284 Thank-A-Vet Discount Card applications;
- Provided in-person assistance for various services (including the Thank-A-Vet Program and passport services) to 1,673 customers;
- Processed 833 pistol permit applications;
- Took in \$32,455 in fees for providing photo and passport services;
- Offered expanded business hours, including on Saturdays and Thursday evenings;
- For the first time, provided passport and Outreach Center services were provided after business hours without the need for customers to schedule an appointment.

REVENUES IN 2022

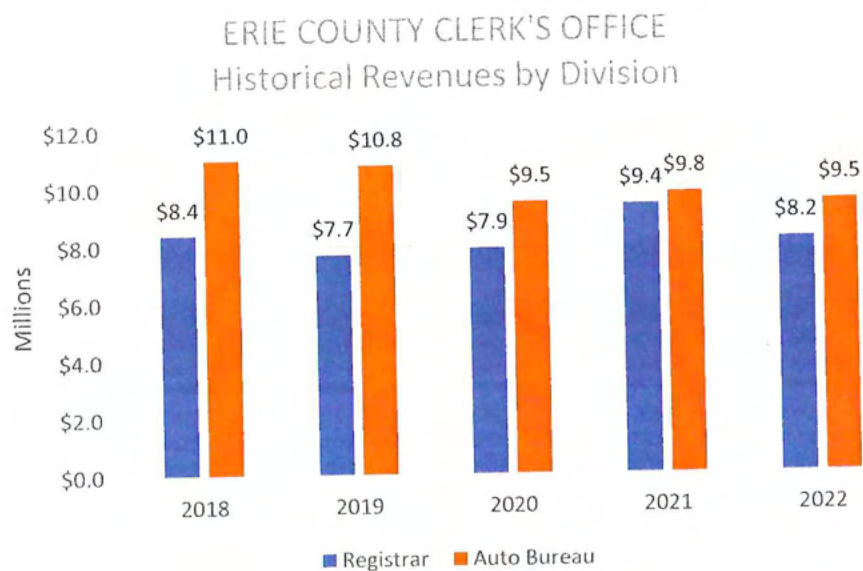
In 2022, the County Clerk's Office generated overall revenue of almost \$18 million from the Registrar Division and the Auto Bureau, which allowed the Clerk's Office to provide \$4.7 million to the County's general fund and thus offset the need for the County to seek funding from taxpayer contributions.

Overall, the Clerk's Office spent less money than it was budgeted and generated a \$4.7 million-dollar surplus. This marks the 5th consecutive year of a surplus under the Kearns administration.

ERIE COUNTY CLERK'S OFFICE 2022 Revenues Summary	
Registrar	
Revenues	\$8,217,274.00
Expenses	\$5,556,355.00
Surplus	\$2,660,919.00
Auto Bureau	
Revenues	\$9,593,272.59
Expenses	\$7,501,033.47
Surplus	\$2,092,239.12
Clerk's Office Total	
Revenues	\$17,810,546.00
Expenses	\$13,057,388.47
Surplus	\$4,753,157.53

HISTORICAL REVENUES IN REVIEW

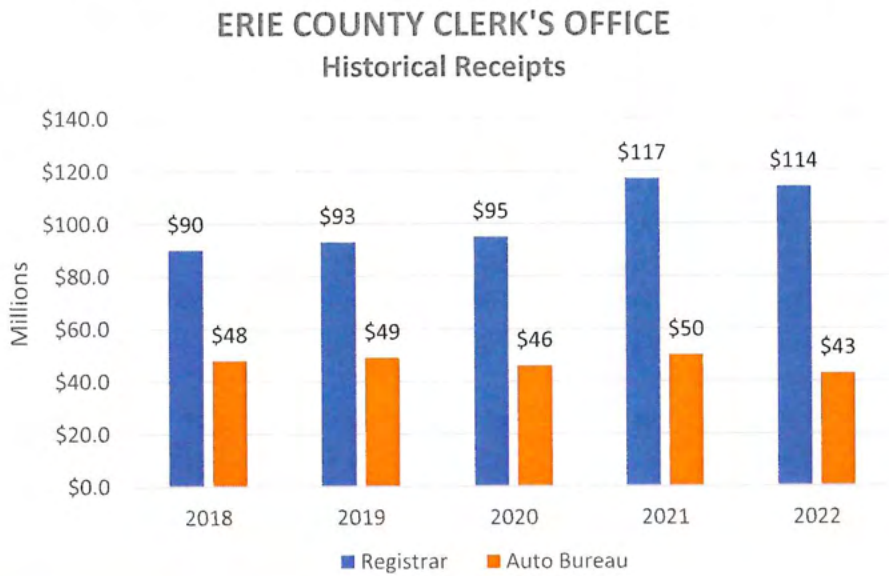
Revenues from the Registrar Division and the Auto Bureau remained positive in 2022, with the County Clerk's Office opening a new Auto Bureau location in Derby and re-opening the Mobile Unit, which currently serves Grand Island, East Buffalo, and Springville.



HISTORICAL RECEIPTS IN REVIEW

The \$18 million in revenue generated by the Registrar Division and Auto Bureau represent only a portion of the total receipts of the County Clerk's Office in 2022. The Registrar Division handled \$114 million in transactions and the

Auto Bureau handled \$43 million in transactions, for a total of \$156 million in receipts in 2022. Those receipts are distributed monthly to agencies including the NYS Department of Motor Vehicles (DMV), NYS Department of Taxation and Finance, Niagara Frontier Transportation Authority (NFTA) and various local towns, cities, and villages. The County Clerk’s Office has generated \$745 million in receipts during the last 5 years.



EMPLOYEE PRODUCTIVITY IN 2022

In 2022, the equivalent of 129 full-time employees worked in the County Clerk’s Office, with 60 employees working in the Registrar Division and 69 employees in the Auto Bureau. Full-time employees of the County Clerk’s Office completed over 670,000 transactions in 2022, which is an average of 5,205 transactions per full-time employee. Each full-time employee processed an average of \$138,066 in revenue 2022.

ERIE COUNTY CLERK'S OFFICE
2022 Employee Production

	Registrar	Auto Bureau	Office
Full Time Equivalents (FTE)	60	69	129
Transactions	196,531	474,968	671,499
<i>Transactions per FTE</i>	<i>3,276</i>	<i>6,884</i>	<i>5,205</i>
Receipts	\$113,647,314	\$42,660,757	\$156,308,071
<i>Receipts per FTE</i>	<i>\$1,894,121</i>	<i>\$618,272</i>	<i>\$1,211,690</i>
Revenues	\$8,217,274	\$9,593,272	\$17,810,546
<i>Revenues per FTE</i>	<i>\$136,955</i>	<i>\$139,033</i>	<i>\$138,066</i>

REGISTRAR DIVISION

The Registrar Division is responsible for recording, filing and maintaining records relating to land transactions or affecting title to real estate, corporations, assumed name certificates, court papers, and Uniform Commercial Code filings affecting title to real property. It provides a central repository for legal documents that require recording or filing, as well for those documents requested to be filed but which are not necessarily required to be filed with the County Clerk's Office. Once a document or record is accepted by the Registrar Division, the Registrar Division becomes responsible for maintaining that record as required by State and local laws.

As Clerk of the Supreme and County Courts in Erie County, the County Clerk is responsible for filing and maintaining all court records of the New York State Supreme and County Courts in accordance with State laws and regulations of the Administrative Office of the Unified Court System. This responsibility was transferred to the County from the State Court System in 1986. In addition, the County Clerk is responsible for certain duties set forth in the New York Civil Procedure Law and Rules, which include granting of default judgments.

Responsibility for the processing of pistol permits and administration of pistol permit application files was transferred to the County Clerk from the State Court System in 1987. The Registrar Division accepts and processes pistol permits as well as hunting and fishing licenses through the County Clerk's Pistol Permit Office.

All revenues connected with operations of the Registrar Division are derived from mandatory fees collected for recording, processing and filing legal documents and records and from issuance of licenses and permits. Mortgage and Real Property Transfer Taxes are also collected by the Registrar Division, which are then distributed to various State and local agencies.

PROGRAM AND SERVICE OBJECTIVES

The Erie County Clerk's Office's Registrar Division is responsible for:

- Recording and filing documents required or entitled to be filed under New York State law, including deeds, mortgages, powers of attorney, certificates of incorporation, certificates of partnership, doing business under an assumed name, liens, real estate brokers entitlements to commissions, bail bond liens, local laws, wage assignments and pistol permits;
- Providing efficient, effective customer service to taxpayers and residents of Erie County;
- Providing access and assistance to the public for inspection of all filings and recordings;
- Recording all judgments entered in Erie County and New York State Supreme Court and maintaining the current status of judgment records;
- Processing all court papers submitted for civil actions and proceedings, and for criminal cases on appeal;
- Administering the processing of pistol permit applications, issuing pistol permits upon the direction of the Erie County Pistol Permit Licensing Officer and maintaining existing pistol permit files;
- Serving as an agent of New York State by selling hunting and fishing licenses, collecting mortgage taxes, real property transfer taxes and capital gains taxes, and collecting court fees;

- Issuing certificates, exemplifications, certified copies, executions against real and personal property and notary public commissions;
- Serving as an agent for the federal government by administering declarations of intent for individuals seeking U.S. citizenship and accepting United States passport applications and forwarding them to the U.S. Department of State;
- Administering and filing oaths of public officials, notaries public and commissioners of deeds;
- Properly collecting, recording, depositing and monitoring all fees and taxes collected, and assuring they are distributed as required by law, regulations or agreements.

CORPORATION AND DBA FILINGS

In 2022, there were approximately 5,818 Corporate and DBA filings with the County Clerk's Office.

Over the last five years, there have been almost 30,000 business filings in Erie County.

ERIE COUNTY CLERK'S OFFICE DBA & Corporation Filings

	2018	2019	2020*	2021	2022
Corporations	2,773	2,631	2,011	1,817	2,727
DBA	3,409	3,335	2,760	3,900	2,889
DBA Discontinuance	344	277	210	209	202
Total	6,526	6,243	4,981	5,926	5,818
<i>Annual Growth</i>		-4.3%	-20.2%	19.0%	-1.8%

*Lower than formal filings directly attributable to the COVID-19 pandemic

INDEX NUMBERS AND COURT FILINGS

ERIE COUNTY CLERK'S OFFICE Actions & Proceedings

	2018	2019	2020	2021	2022
Small Claims	70	36	17	30	32
Paper Filings	141	167	87	61	63
Scanned Foreclosures	245	155	20	-	1
Mental Hygiene	339	334	775	-	0
Scanned Filings	424	458	249	421	408
E-File Foreclosures	962	787	301	182	496
Sealed Files	2,827	2,706	3,298	386	301
E-File	12,639	13,137	13,498	14,445	11,758
ERPO Index #'s					114*
Total	17,647	17,780	18,245	15,525	13,173
<i>Annual Growth</i>		0.8%	2.6%	-14.9%	-16%

*Extreme Risk Protection Order is a new category for 2022, hence there are no prior filings

JUDGMENTS AND LIENS

ERIE COUNTY CLERK'S OFFICE Judgments & Liens

	2018	2019	2020	2021	2022
Judgments	41,017	35,243	17,327	16,961	30,405
Liens	3,194	2,965	2,084	1,929	2,281
Satisfaction of Judgment	30,937	57,724	28,381	26,580	22,175
Total	75,148	95,932	47,792	45,470	54,861
Annual Growth		27.7%	-50.2%	-4.9%	19%

NOTARY PUBLIC & COMMISSIONER OF DEEDS

On behalf of New York State, the County Clerk's Office processes both new applications and renewal applications for Notaries Public and Commissioners of Deeds. Certification for a Commissioner of Deeds is valid for as long as two years, with all certifications expiring on December 31st of even numbered years. Certification for a Notary Public is valid for four years, with all certifications expiring four years after the certification date.

ERIE COUNTY CLERK'S OFFICE Notary Public & Commissioner of Deeds

	2018	2019	2020	2021	2022
Notary	609	577	420	614	601
Notary Renewals	4,456	3,217	1,274	2,850	3,918
Commissioner of Deeds	1,356	347	1,078	360	1,111
Total	6,421	4,141	2,772	3,824	5,630
Annual Growth		-35.5%	-33.1%	38.0%	38%

DEEDS & MORTGAGE FILINGS

All real estate transactions, including deed and mortgage filings, are filed through the County Clerk's Office. The table below shows that the County Clerk recorded approximately 85,136 real estate transactions in 2022. The two graphs that follow show new mortgages and deeds recorded by the County Clerk over the last four years.

ERIE COUNTY CLERK'S OFFICE Deeds & Mortgage Filings

	2018	2019	2020	2021	2022
Deeds	24,886	24,290	21,673	25,741	24,428
Mortgages	25,220	24,676	27,889	34,754	27,447
Mortgage Release & Discharge	27,527	25,809	29,499	36,779	27,484
Other Mortgage Filings	5,661	5,433	6,022	7,666	5,777
Total	83,294	80,208	85,083	104,940	85,136
Annual Growth		-3.7%	6.1%	23.3%	-20%

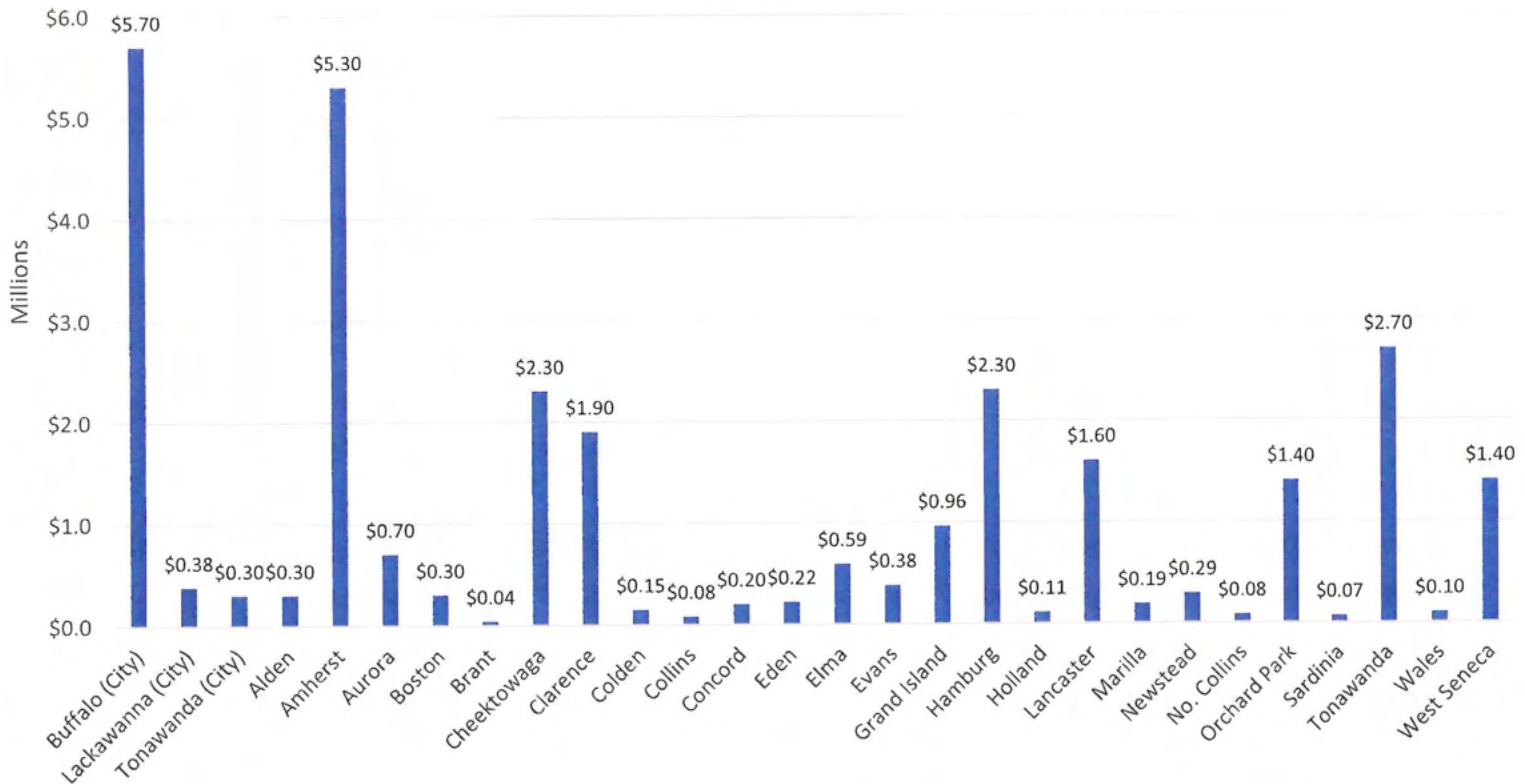
MORTGAGE TAX

Since 2018 a total of \$239 million in mortgage taxes has been collected by the Erie County Clerk's Office. In 2022, \$55 million in mortgage taxes were collected. Of that \$55 million, \$27.8 million was distributed to local cities and towns, \$23 million to the Niagara Frontier Transit Authority (NFTA) and \$4 million to the State of New York Mortgage Agency (SONYMA). Since 2018, the Erie County Clerk's Office has provided mortgage tax distribution in excess of \$102 million to the NFTA.

Erie County Clerk's Office Mortgage Tax Distribution

	2018	2019	2020	2021	2022
Basic Tax	\$19,311,000	\$20,506,000	\$24,063,000	\$30,353,000	\$27,829,746
NFTA	\$15,652,000	\$16,733,000	\$20,921,000	\$26,069,000	\$23,120,509
SONYMA	\$2,723,000	\$2,560,000	\$2,243,000	\$2,889,000	\$4,093,511
Total	\$37,686,000	\$39,799,000	\$47,227,000	\$59,311,000	\$55,043,766

Distribution of Mortgage Taxes
April 2021-March 2022



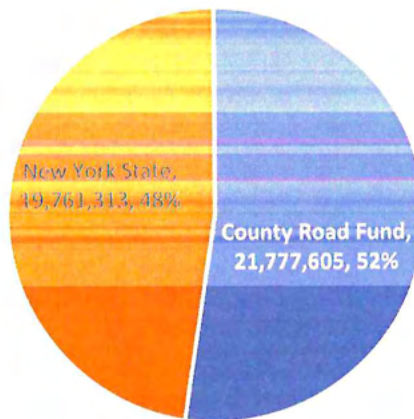
TRANSFER TAX

In 2022, the County Clerk collected 8% more in transfer taxes than in 2021. For every \$500 of a property's recorded deed sale price, the County Clerk's Office collects \$4.50, of which \$2.00 is transferred to New York State and \$2.50 is transferred to Erie County's Road Fund. Over the last five years, the County Clerk's Office has collected over \$86 million for the County's Road Fund.

Erie County Clerk's Office Transfer Taxes

	2018	2019	2020	2021	2022
New York State	\$13,414,590	\$14,217,116	\$13,666,473	\$18,463,987	\$19,761,313
County Road Fund	\$14,951,863	\$15,344,460	\$14,427,229	\$19,823,770	\$21,777,605
Total	\$28,366,000	\$29,562,000	\$28,094,000	\$38,288,000	\$41,538,918
		4%	-5%	36%	8%

Transfer Taxes 2022 Collections



PISTOL PERMIT OFFICE

The Pistol Permit Office issues pistol permits and dealer permits, registers new gun purchases, and processes transfers involving ownership and county residence. The Pistol Permit Office additionally issues hunting and fishing licenses. Our Office works cooperatively with the Erie County Sheriff's Office and Erie County Pistol Permit Licensing Officer Judge Boller.

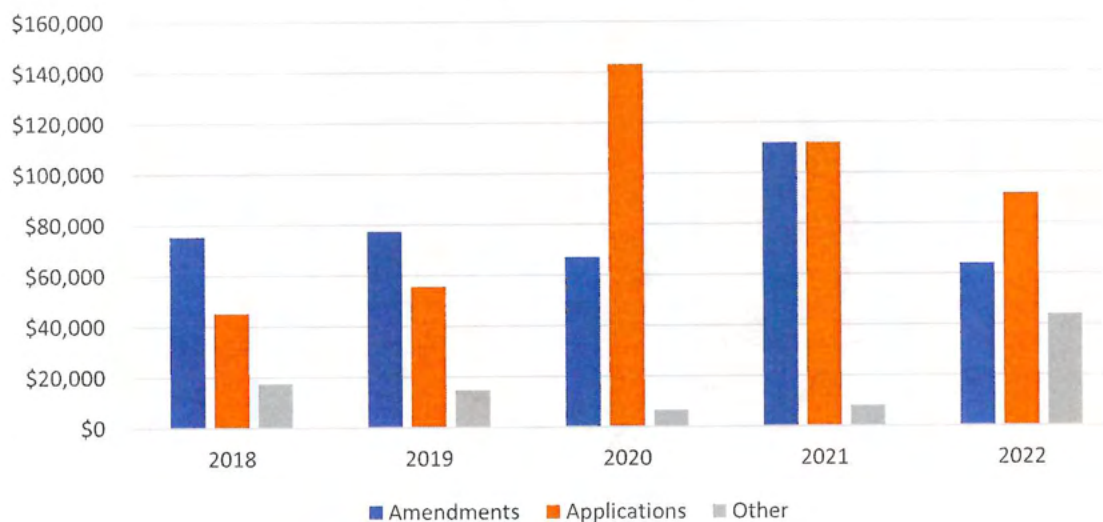
Prior to COVID-19, an application for a pistol permit could only be filed in person by appointment. During the COVID19 pandemic however, we were only able to accept mailed applications, which has led to a larger number of

pistol permit applications being filed with our office. The Pistol Permits Office processed 43,681 transactions and generated \$199,361 in revenue in 2022. Overall, transactions relating to pistol permit applications and amendments increased by 2.4% in 2022. A fee of \$5 or less is charged to amend a pistol permit, whereas a fee of \$20 is charged to apply for a Pistol Permit.

	Pistol Permit Annual Transactions				
	2018	2019	2020	2021	2022
Amendments	24,262	24,498	22,500	36,273	21,306
Applications	2,241	2,750	7,177	5,627	4,575
Other	1,570	1,318	591	763	17,800
Total	28,073	28,566	30,268	42,663	43,681
<i>Annual Growth</i>		1.8%	6.0%	41.0%	2.4%

	Pistol Permit Annual Revenue				
	2018	2019	2020	2021	2022
Amendments	\$75,344	\$77,334	\$67,000	\$111,881	\$63,918
Applications	\$45,130	\$55,420	\$143,000	\$111,875	\$91,500
Other	\$17,668	\$14,688	\$6,666	\$8,114	\$43,943
Total	\$138,142	\$147,442	\$216,666	\$231,870	\$199,361
<i>Annual Growth</i>		6.7%	46.9%	7.0%	-15%

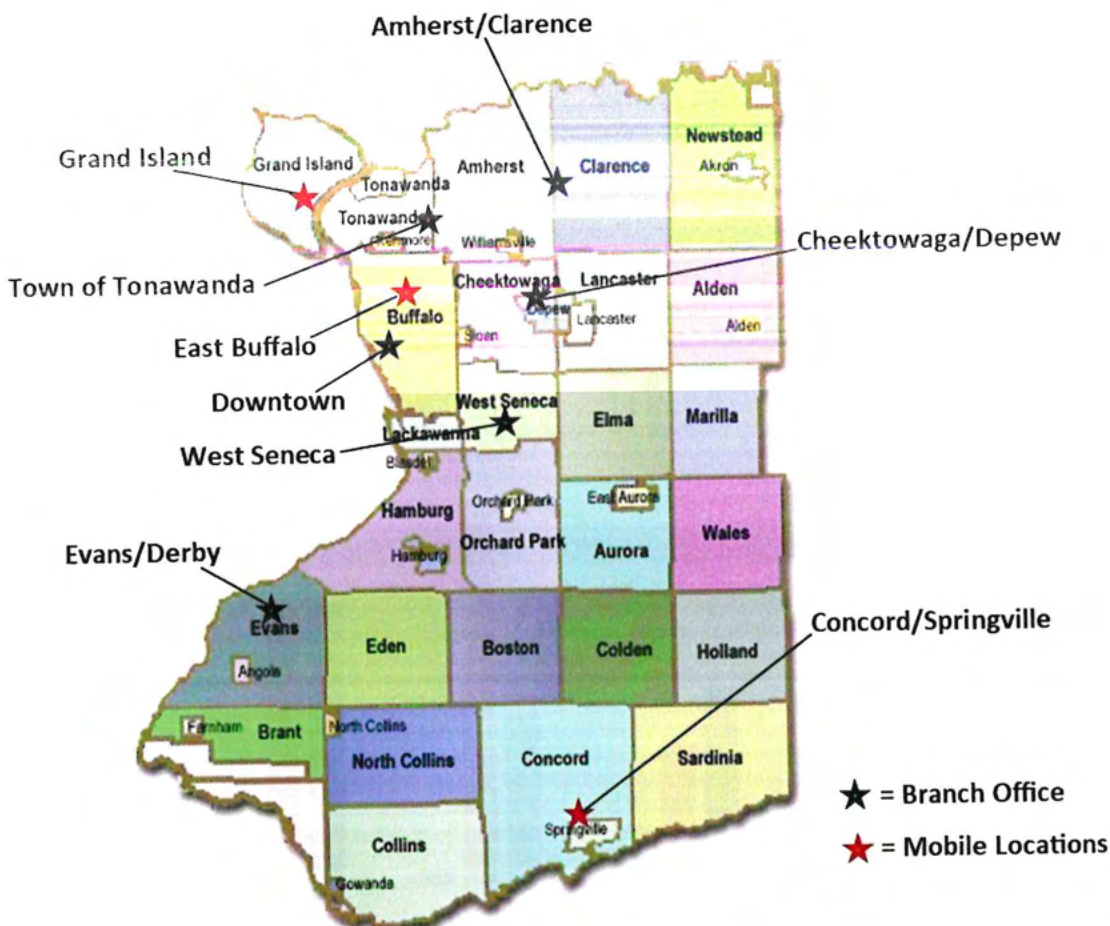
Pistol Permit Office Transactions
2019-2022 Revenue



ERIE COUNTY AUTO BUREAU

The Erie County Auto Bureau acts as an agent for the New York State Department of Motor Vehicles to receive and process motor vehicle applications, to issue vehicle registrations, driver's licenses and enhanced driver's licenses, to handle financial security transactions, and to enforce Driving While Intoxicated (DWI) sanctions in accordance with the Vehicle and Traffic Laws of New York State. The County Auto Bureaus also issue NYS non-driver photo identification and issue registrations for boats, motorcycles, snowmobiles and trailers. Additional responsibilities of the County Bureaus include the collection and monitoring of all fees related to issuing auto registrations and driver's licenses and sales taxes collected from the private sale of automobiles.

The Auto Bureau has full-service offices in Buffalo, Cheektowaga, Tonawanda, Clarence, West Seneca, and Evans. Additionally, the Auto Bureau's Mobile Unit offered services in the following towns one day a week - Grand Island, Concord and on Jefferson Ave. in East Buffalo at the Frank E. Merriweather, Jr. Branch Library.



REVENUES

ERIE COUNTY CLERK'S OFFICE 2022 Auto Bureau Revenues Summary

Revenues	
Vehicle Use Tax	\$4,222,463.61
Auto Fees	\$5,370,808.98
Total Revenues	\$9,593,272.59
Total Expenses	\$7,501,033.47
Auto Bureau Surplus	\$2,092,239.12

The Auto Bureau retains a portion of transaction fees it collects and keeps 12.7% of fees collected from registering vehicles, issuing permits, issuing driver's licenses and non-driver identification cards, and processing miscellaneous transactions.

The Erie County Auto Bureau generated nearly \$9.5 million in revenues for Erie County from processing over 474,000 transactions. Auto Fee revenues also include revenue shared by the State with Erie County for transactions completed online through the State's DMV website. Pursuant to the current revenue sharing agreement, Erie County retains 3.25% of all online revenues which exceed the threshold of \$11,999,580.

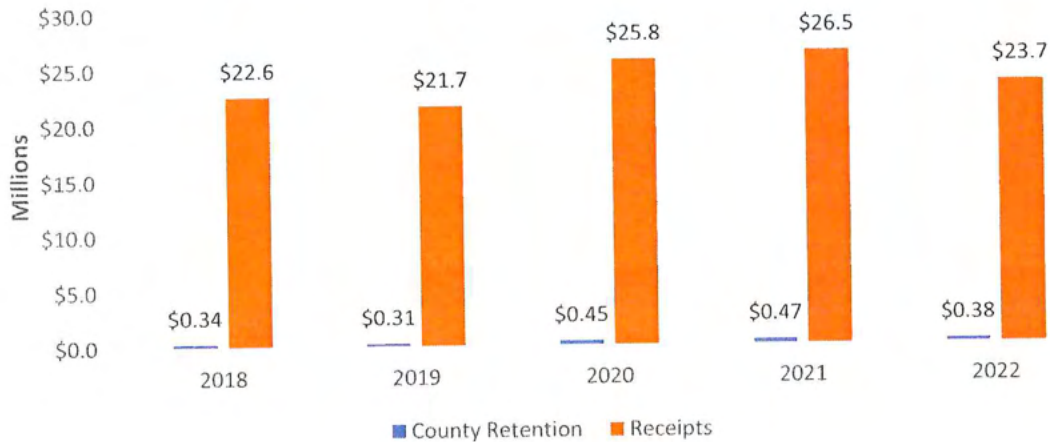
The number of online transactions made through the NYS DMV website increased in both 2020 and 2021. Over the last four years, Erie County residents completed \$97 million in transactions with NYS DMV online, which translates to potentially \$11 million in lost revenue for Erie County.

Competition from NYS DMV online services is one reason why aggressive advertising and our Renew Local campaign is vital. In outreach to DMV customers, the Renew Local campaign aims to educate local residents and businesses that when they conduct their DMV business through an Erie County Auto Bureau they can help ensure that 12.7% of the revenue from their transaction will remain in Erie County. The County Clerk's Office has also implemented strategies designed to provide a better customer service experience at County Auto Bureaus, such as extending business hours, streamlining transactions for high-volume customers, and ensuring employees are available to provide guidance, answer questions and, if necessary, contact NYS DMV on behalf of customers in real time.

ERIE COUNTY AUTO BUREAU Historical Internet Shared Revenues

	2018	2019	2020	2021	2022	4 Year Total
Threshold	\$11,998,583	\$11,998,583	\$11,998,583	\$11,998,583	\$11,998,583	
Annual Receipts	\$22,613,766	\$21,687,667	\$25,779,534	\$26,504,178	\$23,736,464	\$97,707,843
Shared Revenues	\$344,993	\$314,895	\$447,881	\$471,431	\$381,481	\$1,615,688
Lost Opportunity	\$2,526,955	\$2,439,438	\$2,826,120	\$2,894,599	\$2,633,050	\$10,793,207
		-4.1%	18.9%	2.8%	-9%	

Erie County Auto Bureau Historical Online Receipts & County Retention

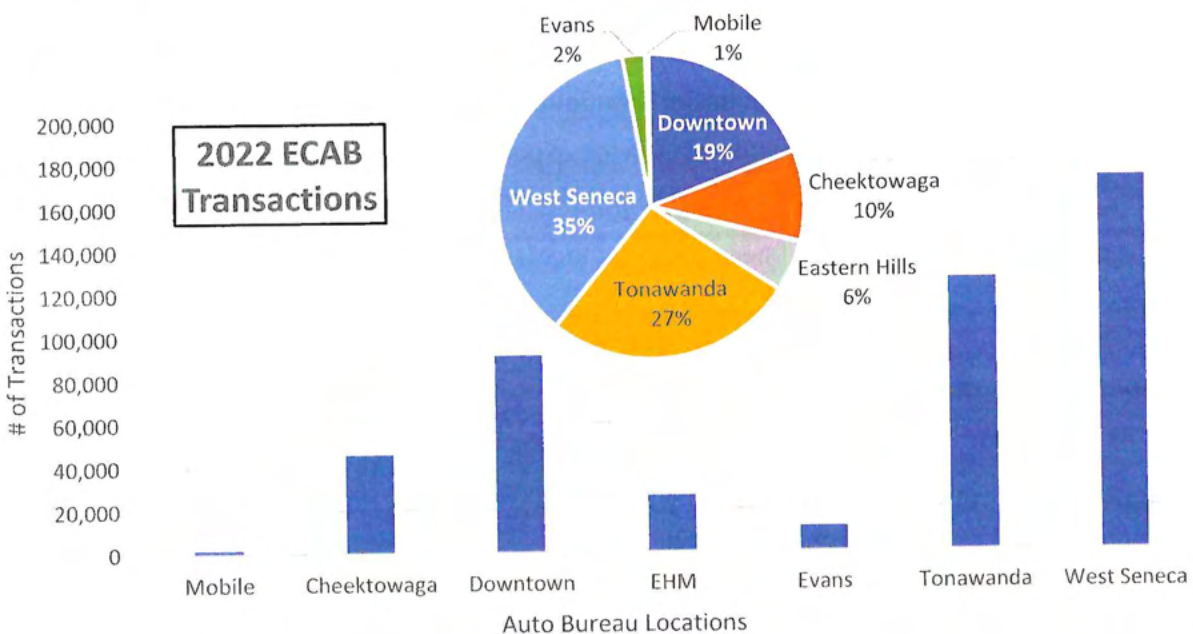


TRANSACTIONS

In 2022, the Erie County Auto Bureaus had processed close to 475,000 driver and non-driver identifications, vehicle registrations and other DMV related transactions. Annual transactions increased 8% over 2021.

The chart below illustrates the number of transactions processed at each Auto Bureau location. The West Seneca location processed 36% percent of the total number of transactions completed by the Auto Bureau, in part due to vehicle registrations for dealerships being processed there.

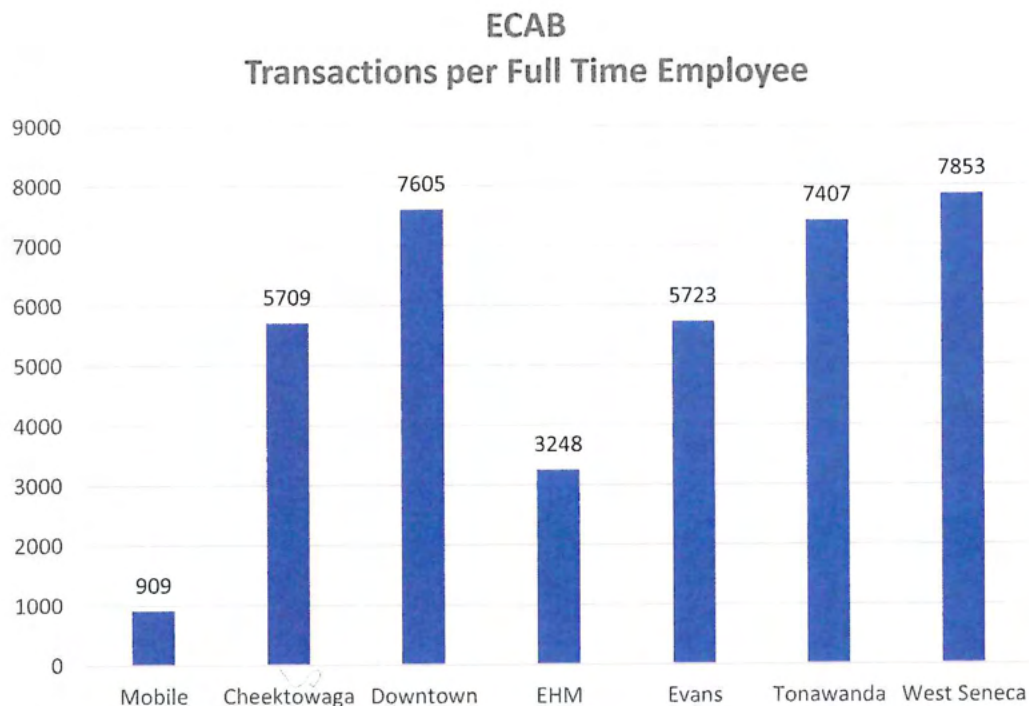
There are 69 full-time equivalent ("FTE") employees, including management who staff the auto bureau locations and mobile units. Based on the total number of 69 FTEs, on average each FTE processed 6,883 transactions in 2022.



Auto Bureau Transactions by Location	
West Seneca	172,782
Tonawanda	125,931
Downtown Buffalo	91,260
Cheektowaga	45,674
Eastern Hills Mall	25,989
Evans	11,446
Mobile Unit	1,818

INCOMING CUSTOMERS

The Auto Bureaus use a queuing system called NEMO-Q that issues a ticket to incoming customers based on service type. The queuing system is beneficial for management in that it appropriately staffs the Auto Bureaus based on customer traffic. The system tracks; the number of customers served, average wait times, average service times and other metrics. The biggest benefit of the NEMO-Q system is that it allows customers visiting the auto bureaus to make a reservation online beforehand, minimizing the customer's wait time.



LOOKING FORWARD

The Erie County Clerk's Office remained poised to take on the challenges that arose in the 2020 COVID-19 pandemic as well as those in 2022. Looking forward, our Office remains well-positioned for success due to our strategic and forward thinking and the hard work and professionalism of our employees. Becoming even more efficient remains one of our top priorities as we look to continually improve our internal processes and procedures.

In closing, the Erie County Clerk's Office would like to thank both our government partners for their continued support and our hardworking employees for their commitment to serving the public. Our primary goal has been and continues to be making the experiences in our offices easy and quick for the residents of Erie County all while providing superior customer service.

Town of Boston - North Boston Town Park Restroom & Pavilion

BI-WEEKLY CONSTRUCTION MEETING MINUTES

Location: BOSTON TOWN HALL

Date: May 10, 2023

Time: 10:00am

ITEMS OF DISCUSSION:

1. Introductions
 - a. Chris Sicoli did not have an updated schedule, as they are not certain of the completion date at this point. Their mason subcontractor is refusing to complete the project, due to money they feel is owed to them.
2. Project Progress
 - a. By Sicoli: **Electricians have been working on site.**
 - **They have installed the exterior emergency lighting.**
 - **Wired the hot box.**
 - **Installed low voltage to door controls.**

Sicoli did ask how to get the water meter installed. Answer – ECWA.
3. Payment Applications
 - 1) Submit Pencil Copy electronically to LaBella for Review five days prior to the last day of the month. It was discussed that the board meetings are the first and third Wednesday of the month.
4. Project Work Hours and Restrictions.
 - a. Sicoli stated that the hours of operation will be 7:00 am to 3:30 pm.
 - b. Typically - Utility Shutdowns: Coordinate with owner and notify no less than 72 hours. Sicoli does not anticipate any shutdowns.
5. Submittals/ RFI's/ Change Directive Procedures.
 - a. All submittals have been reviewed by LaBella at this time.
5. Record Documents
 - a. Maintain one clean master set of drawings to be kept on site to record as-built conditions and make any and all changes to RFI's and/or Change Orders.
 - b. Make available for inspection by Code Enforcement Official, LaBella and/or County.

6. Owner Requirements
 - a. Site Use – Safety and Security
 - 1) Public Park Occupancy – keep site safe & secure.
 - b. Staging, Storage Areas and Dumpster
 - 1) Dumpster is on site.
 - c. On Site Facilities.
 - 1) Parking will be designated in specific location determine by the Town of Boston.
 - d. House Keeping Procedures.
 - 1) Contractor will be required to maintain daily clean-up.
 - 2) Daily removal of debris from the work area. Even though it is a park – please do not leave debris, **please ensure a safe work environment.**
7. Old Business
 - a. Jason Keding called Russ Stoll, we were grateful for Jason placing that call. All parties know to contact Adam Massaro (ECWA) for connection.
 - **Waiting on RPZ and hot box installation Neighbors have been texting Kathleen Kogut.**
 - **Do not forgot Sicoli stated shrubs will be planted around hot box on Parkside Neighbor's Land.**
 - b. Parking/site access: Per Sicoli the site will be fully restored prior to the project's completion. **The site is extremely torn up at this time.**
 - c. **IT IS IMPORTANT TO KEEP THE SITE SAFE AND NO SAFETY HAZARDS.** The "Do Not Enter" sign will remain visible and on site until construction is completed.
 - d. Shawn Vanderdoes of the Town of Boston asked if the existing town park light poles will be reconnected by electrical work in the new pavilion, we were assured by Sicoli this would happen. **Status: Not reconnected yet.**
 - e. Tom Murphy, Code Enforcement for the Town of Boston submitted photos of the concrete slab at our project, showing the water bottle in concern. Contractor is handling removing water bottle and parging concrete. **Sicoli to repair concrete, remove water bottle and take photos of the items in question as they are resolved. Tom Tomaino stated that when they are grading the site at the end of the project, they expect to resolve the concrete issues and to provide photos of the completed resolution. Status: still to be completed.**
 - f. Tom Murphy, Code Enforcement for the Town of Boston to inspect framing when complete. **Tom Murphy is to review the framing when complete, still some framing work to complete before he can inspect it.**
 - g. Electrical inspection to be conducted by a 3rd party testing agency. **Status: the 3rd party rough in has been completed.**
 - h. Block to be replace that was full of mortar in the conduit. Still not completed.

8. Punch List on site with LaBella MEP engineers was set for May 18th at 10 am. To be cancelled.
9. New Business
 - a. Structural gusset plate situation. LaBella's structural engineer worked out a better solution. Jason Keding stated that he wanted LaBella to pay for this error and omission. Kathy Kogut to look into this with the head of LaBella's Building Engineering Department and get an answer on this. As looked into this is not an error – it is an omission – more details to come.
10. Construction Meeting - Bi-Weekly Construction Meetings to continue until construction is complete. **Next Meeting: Wednesday, May 24, 2023 at 10:00 am, Kathleen Kogut to conduct field visit prior to meeting.**

The above is my summation of our meeting. If you have any additions and/or corrections, please contact Kathleen Kogut at LaBella (716) 710-3041, for incorporation into these minutes. After 10 days these minutes will become part of the project documents.

Sincerely,

LABELLA ASSOCIATES, D.P.C.



Kathleen Kogut, LaBella Project Manager/Project Architect

ARCHITECT'S
FIELD REPORT

OWNER ☒
ARCHITECT ☒
CONSULTANT ☒
FIELD ☒

PROJECT: Town of Boston North Boston Town Park Restroom & Pavilion	FIELD REPORT NO.: 20
ARCHITECT'S PROJECT NO.:	#2190909.024

DATE: 5-10-2023	TIME: 9:45 am	WEATHER: Mostly Sunny	TEMP. RANGE: 65 DEGREES
EST. % OF COMPLETION % to be determined by contractor's line items in Pay Application, architect not responsible for % complete estimate.		CONFORMANCE WITH SCHEDULE (+, -) -	
WORK IN PROGRESS: Project not getting any closer to completion, mason needs to complete his portion for other trades to finish.		PRESENT AT SITE: Kathleen Kogut and Tom Tomaino	
OBSERVATIONS			
.			



Photo 1: Photo of current site condition. In this view we see the site has been cleaned up a bit.

ITEMS TO VERIFY:
INFORMATION OR ACTION REQUIRED
REPORT BY: Kathleen Kogut



Photo 2: Exterior lighting installation, there was an issues with mortar in the conduit. As we can see the conduit has been replaced - block still unresolved and not replaced. Block still to be cleaned.



Photo 3: View of electrical conduit above.

Town of Boston - North Boston Town Park Restroom & Pavilion

BI-WEEKLY CONSTRUCTION MEETING MINUTES

Location: BOSTON TOWN HALL

Date: May 24, 2023

Time: 10:00am

ITEMS OF DISCUSSION:

1. Introductions
 - a. Chris Sicoli provided an updated schedule via email on May 23, 2023. The schedule was based on Charlie Murdough, the masonry subcontractor beginning May 23, 2023. Kathleen Kogut spoke with Charlie Murdough – he is starting today, May 24, 2023 and he reported he will be completed with his portion of the project by Friday, May 26th.
2. Project Progress
 - a. By Sicoli:
 - **Site restoration was in progress, all are aware that the site area where the water break happened will need attention.**
 - **Ceiling material was delivered to the site.**
3. Payment Applications
 - 1) Submit Pencil Copy electronically to LaBella for Review five days prior to the last day of the month. It was discussed that the board meetings are the first and third Wednesday of the month.
4. Project Work Hours and Restrictions.
 - a. Sicoli stated that the hours of operation will be 7:00 am to 3:30 pm.
 - b. Typically - Utility Shutdowns: Coordinate with owner and notify no less than 72 hours. Sicoli does not anticipate any shutdowns.
5. Submittals/ RFI's/ Change Directive Procedures.
 - a. All submittals have been reviewed by LaBella at this time.
5. Record Documents
 - a. Maintain one clean master set of drawings to be kept on site to record as-built conditions and make any and all changes to RFI's and/or Change Orders.
 - b. Make available for inspection by Code Enforcement Official, LaBella and/or County.
6. Owner Requirements

- a. Site Use – Safety and Security
 - 1) Public Park Occupancy – keep site safe & secure.
 - b. Staging, Storage Areas and Dumpster
 - 1) **Dumpster is now removed from the site.**
 - c. House Keeping Procedures.
 - 1) Contractor will be required to maintain daily clean-up.
 - 2) Daily removal of debris from the work area. Even though it is a park – please do not leave debris, **please ensure a safe work environment.**
7. Old Business
- a. **Do not forgot Sicoli stated shrubs will be planted around hot box on Parkside Neighbor's Land.**
 - b. Parking/site access: Per Sicoli the site will be fully restored prior to the project's completion. **The site is extremely torn up at this time.**
 - c. Shawn Vanderdoes of the Town of Boston asked if the existing town park light poles will be reconnected by electrical work in the new pavilion, we were assured by Sicoli this would happen. **Status: Not reconnected yet.**
 - d. Tom Murphy, Code Enforcement for the Town of Boston to inspect framing when complete. **Tom Murphy is to review the framing when complete, still some framing work to complete before he can inspect it.**
 - e. Electrical inspection to be conducted by a 3rd party testing agency. **Status: the 3rd party rough in has been completed.**
 - f. Block to be replace that was full of mortar in the conduit. Still not completed.
8. Punch List on site with LaBella MEP engineers was set for May 18th at 10 am. This was cancelled. On the updated schedule provided by Sicoli – Final Cleaning/Punchlist = 05-JUN-23. All parties decided on June 7, 2023 at 10 am.
9. Structural gusset plate situation. LaBella's structural engineer worked out a better solution. Jason Keding stated that he wanted LaBella to pay for this error and omission. Kathy Kogut to look into this with the head of LaBella's Building Engineering Department and get an answer on this. As looked into this is not an error – it is an omission – more details to come. **LaBella is working on this.**
10. Construction Meeting - Bi-Weekly Construction Meetings and Punchlist Meeting to finalize project: **Wednesday, June 7, 2023 at 10:00 am,**

The above is my summation of our meeting. If you have any additions and/or corrections, please contact Kathleen Kogut at LaBella (716) 710-3041, for incorporation into these minutes. After 10 days these minutes will become part of the project documents.

Sincerely,

LABELLA ASSOCIATES, D.P.C.

A handwritten signature in blue ink that reads "Kathleen Kogut". The signature is fluid and cursive, with the first name "Kathleen" and last name "Kogut" clearly distinguishable.

Kathleen Kogut, LaBella Project Manager/Project Architect

ARCHITECT'S FIELD REPORT

OWNER	☒
ARCHITECT	☒
CONSULTANT	☒
FIELD	☒

PROJECT: Town of Boston		FIELD REPORT NO.:	21
North Boston Town Park Restroom & Pavilion		ARCHITECT'S PROJECT NO.:	#2190909.024

DATE: 5-24-2023	TIME: 9:45 am	WEATHER: Mostly Sunny	TEMP. RANGE: 58 DEGREES
EST. % OF COMPLETION % to be determined by contractor's line items in Pay Application, architect not responsible for % complete estimate.		CONFORMANCE WITH SCHEDULE (+, -) -	
WORK IN PROGRESS: Project not getting any closer to completion, mason needs to complete his portion for other trades to finish.		PRESENT AT SITE: Kathleen Kogut and Tom Tomaino	

OBSERVATIONS



Photo 1: Photo of current site condition. Site restoration in progress.

ITEMS TO VERIFY:

INFORMATION OR ACTION REQUIRED

REPORT BY: Kathleen Kogut



Photo 2: Evidence that cleaning process was tested recently – Yellow mark appears to be almost gone on the photo to the right.



Photo 3: View of work in progress at pavilion. Sitework restoration in progress.

#	Activity ID	Activity Name	Original Duration	Remaining Duration	Schedule % Complete	Start	Finish	Gantt Chart																																															
								July 2022				A				S				O				N				D				J				F				March 2023				April 2023				May 2023				June 2023			
1	North Boston Town Park Restroom & Pavilion		220	14	0%	08-Aug-22 A	09-Jun-23	09-Jun-23, North Boston Town																																															
2	A1000	Mobilize	1	0	100%	08-Aug-22 A	08-Aug-22 A	Mobilize																																															
3	A1010	Remove Existing Concrete Foundations (CB-01)	2	0	100%	09-Aug-22 A	10-Aug-22 A	Remove Existing Concrete Foundations (CB-01)																																															
4	A1020	New Pavilion Layout	2	0	100%	12-Aug-22 A	15-Aug-22 A	New Pavilion Layout																																															
5	A1030	Excavate for Foundations/Piers	5	0	100%	15-Aug-22 A	19-Aug-22 A	Excavate for Foundations/Piers																																															
6	A1080	Excavate for Outside Plumbing & Electrical	10	0	100%	17-Aug-22 A	30-Aug-22 A	Excavate for Outside Plumbing & Electrical																																															
7	A1090	New Waterline and Electrical Line	10	0	100%	17-Aug-22 A	30-Aug-22 A	New Waterline and Electrical Line																																															
8	A1040	Form Foundation/Pier Footers	5	0	100%	02-Sep-22 A	09-Sep-22 A	Form Foundation/Pier Footers																																															
9	A1050	Pour Foundation/Pier Footers	2	0	100%	21-Sep-22 A	22-Sep-22 A	Pour Foundation/Pier Footers																																															
10	A1060	Form Foundation Walls/Piers	3	0	100%	23-Sep-22 A	05-Oct-22 A	Form Foundation Walls/Piers																																															
11	A1070	Pour Foundation Walls/Piers	2	0	100%	06-Oct-22 A	13-Oct-22 A	Pour Foundation Walls/Piers																																															
12	A1100	Backfill for Pavilion	7	0	100%	12-Oct-22 A	20-Oct-22 A	Backfill for Pavilion																																															
13	A1110	Pavilion Underground Plumbing & Electrical	5	0	100%	14-Oct-22 A	20-Oct-22 A	Pavilion Underground Plumbing & Electrical																																															
14	A1120	Pour Interior Concrete Slab-on-Grade	2	0	100%	02-Nov-22 A	03-Nov-22 A	Pour Interior Concrete Slab-on-Grade																																															
15	A1260	Pour Exterior Concrete Slab-on-Grade	2	0	100%	09-Nov-22 A	10-Nov-22 A	Pour Exterior Concrete Slab-on-Grade																																															
16	A1270	CMU Material Delivery	1	0	100%	16-Nov-22 A	16-Nov-22 A	CMU Material Delivery																																															
17	A1280	Weather Delays	5	0	100%	17-Nov-22 A	23-Nov-22 A	Weather Delays																																															
18	A1130	CMU Walls (SMH)	7	0	100%	08-Dec-22 A	08-Feb-23 A	CMU Walls (SMH)																																															
19	A1140	Column Wood Posts	2	0	100%	08-Feb-23 A	10-Feb-23 A	Column Wood Posts																																															
20	A1150	PSL's & Wood Trusses	15	0	100%	13-Feb-23 A	08-Mar-23 A	PSL's & Wood Trusses																																															
21	A1160	Roofing	8	0	100%	10-Mar-23 A	16-Mar-23 A	Roofing																																															
22	A1170	Rough MEP Work	6	0	100%	20-Mar-23 A	27-Mar-23 A	Rough MEP Work																																															
23	A1300	Masonry Chase Wall	3	0	100%	10-Apr-23 A	12-Apr-23 A	Masonry Chase Wall																																															
24	A1290	Siding	3	0	100%	14-Apr-23 A	18-Apr-23 A	Siding																																															
25	A1240	Topsoil and Seed (TBD, Spring work due to weather)	2	0	100%	16-May-23 A	17-May-23 A	Topsoil and Seed (TBD, Spring work due to weather)																																															
26	A1310	CMU Washing	2	2	0%	23-May-23*	24-May-23	CMU Washing																																															
27	A1180	Interior Metal Ceiling	2	2	0%	25-May-23*	26-May-23	Interior Metal Ceiling																																															
28	A1200	Lighting	2	2	0%	25-May-23*	26-May-23	Lighting																																															
29	A1190	Plumbing Fixtures	2	2	0%	30-May-23*	31-May-23	Plumbing Fixtures																																															
30	A1210	Toilet and Bath Accessories	2	2	0%	30-May-23*	31-May-23	Toilet and Bath Accessories																																															
31	A1220	Doors & Hardware	2	2	0%	30-May-23*	31-May-23	Doors & Hardware																																															
32	A1230	Precast Masonry Caps	2	2	0%	30-May-23*	31-May-23	Precast Masonry Caps																																															
33	A1250	Final Cleaning/Punchlist	5	5	0%	05-Jun-23*	09-Jun-23	Final Cleaning/Punchlist																																															

Form **990**Department of the Treasury
Internal Revenue Service**Return of Organization Exempt From Income Tax**

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundations)

Do not enter social security numbers on this form as it may be made public.

Go to www.irs.gov/Form990 for instructions and the latest information.

OMB No. 1545-0047

2022Open to Public
Inspection

A For the 2022 calendar year, or tax year beginning and ending																																					
B Check if applicable: ☐ Address change ☐ Name change ☐ Initial return ☐ Final return/terminated ☐ Amended return ☐ Application pending	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2">C Name of organization NORTH BOSTON VOLUNTEER FIRE COMPANY INC.</td> <td>D Employer identification number</td> </tr> <tr> <td colspan="2">Doing business as</td> <td></td> </tr> <tr> <td>Number and street (or P.O. box if mail is not delivered to street address)</td> <td>Room/suite</td> <td>E Telephone number</td> </tr> <tr> <td>P. O. BOX 124</td> <td></td> <td></td> </tr> <tr> <td colspan="2">City or town, state or province, country, and ZIP or foreign postal code</td> <td></td> </tr> <tr> <td colspan="2">NORTH BOSTON NY 14110</td> <td>G Gross receipts \$ 474,226</td> </tr> <tr> <td colspan="3">F Name and address of principal officer: RODNEY J. CARR P.O. BOX 124 NORTH BOSTON NY 14110</td> </tr> <tr> <td colspan="3"> H(a) Is this a group return for subordinates? ☐ Yes ☒ No H(b) Are all subordinates included? ☐ Yes ☐ No If "No," attach a list. See instructions. </td> </tr> <tr> <td colspan="3"> I Tax-exempt status: ☒ 501(c)(3) ☐ 501(c) () (insert no.) ☐ 4947(a)(1) or ☐ 527 </td> </tr> <tr> <td colspan="3">J Website: NORTHBOSTONFIRE.COM</td> </tr> <tr> <td colspan="3"> K Form of organization: ☒ Corporation ☐ Trust ☐ Association ☐ Other </td> </tr> <tr> <td colspan="3"> L Year of formation: M State of legal domicile: NY </td> </tr> </table>	C Name of organization NORTH BOSTON VOLUNTEER FIRE COMPANY INC.		D Employer identification number	Doing business as			Number and street (or P.O. box if mail is not delivered to street address)	Room/suite	E Telephone number	P. O. BOX 124			City or town, state or province, country, and ZIP or foreign postal code			NORTH BOSTON NY 14110		G Gross receipts \$ 474,226	F Name and address of principal officer: RODNEY J. CARR P.O. BOX 124 NORTH BOSTON NY 14110			H(a) Is this a group return for subordinates? ☐ Yes ☒ No H(b) Are all subordinates included? ☐ Yes ☐ No If "No," attach a list. See instructions.			I Tax-exempt status: ☒ 501(c)(3) ☐ 501(c) () (insert no.) ☐ 4947(a)(1) or ☐ 527			J Website: NORTHBOSTONFIRE.COM			K Form of organization: ☒ Corporation ☐ Trust ☐ Association ☐ Other			L Year of formation: M State of legal domicile: NY		
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Part I Summary

Activities & Governance	1 Briefly describe the organization's mission or most significant activities: THIS ORGANIZATION WAS FORMED AS A VOLUNTEER FIRE COMPANY TO SUPPORT THE SURROUNDING COMMUNITY WITH FIRE AND FIRST AID SERVICES.		
	2 Check this box ☐ if the organization discontinued its operations or disposed of more than 25% of its net assets.		
	3 Number of voting members of the governing body (Part VI, line 1a)	16	
	4 Number of independent voting members of the governing body (Part VI, line 1b)	16	
	5 Total number of individuals employed in calendar year 2022 (Part V, line 2a)	0	
	6 Total number of volunteers (estimate if necessary)	45	
	7a Total unrelated business revenue from Part VIII, column (C), line 11	0	
7b Net unrelated business taxable income from Part VIII, column (D), line 11	0		
Revenue	8 Contributions and grants (Part VIII, line 1h)	Prior Year	Current Year
	9 Program service revenue (Part VIII, line 2g)	201,207	257,134
	10 Investment income (Part VIII, column (A), lines 3, 4, and 7d)	159,634	198
	11 Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e)	51,916	57,110
	12 Total revenue - add lines 8 through 11 (must equal Part VIII, column (A), line 12)	412,757	314,442
	Expenses	13 Grants and similar amounts paid (Part IX, column (A), lines 1-3)	0
14 Benefits paid to or for members (Part IX, column (A), line 4)		0	0
15 Salaries, other compensation, employee benefits (Part IX, column (A), lines 5-10)		0	0
16a Professional fundraising fees (Part IX, column (A), line 11e)		0	0
b Total fundraising expenses (Part IX, column (D), line 25)		0	0
17 Other expenses (Part IX, column (A), lines 11a-11d, 11f-24e)		455,942	583,481
18 Total expenses. Add lines 13-17 (must equal Part IX, column (A), line 25)		455,942	583,481
Net Assets or Fund Balances	19 Revenue less expenses. Subtract line 18 from line 12	-43,185	-269,039
	20 Total assets (Part X, line 16)	Beginning of Current Year	End of Year
	21 Total liabilities (Part X, line 26)	2,660,930	2,309,163
	22 Net assets or fund balances. Subtract line 21 from line 20	1,132,887	1,050,159
		1,528,043	1,259,004

Part II Signature Block

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Sign Here	Signature of officer RODNEY J. CARR	Date	
	Type or print name and title TREASURER		
Paid Preparer Use Only	Print/Type preparer's name ALICIA J BREINLINGER, CPA	Preparer's signature ALICIA J BREINLINGER, CPA	Date 05/03/23
	Firm's name THE ZLC GROUP, CPAS, LLC	Check ☒ if self-employed	PTIN P00238095
	Firm's address 49 BUFFALO ST HAMBURG, NY 14075	Firm's EIN	
		Phone no.	

May the IRS discuss this return with the preparer shown above? See instructions

☒ Yes ☐ No

ERIE COUNTY DEPARTMENT OF PUBLIC WORKS DIVISION OF HIGHWAYS

BACK CREEK ROAD (C.R. 438)

RECONSTRUCTION/SLOPE STABILIZATION

PROJECT NO. CAP-438-23

Date: 6/13/22

MINUTES OF MEETING: Project Progress Meeting #1

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

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

Attendees: (See Attached Sign-In Sheet)

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

01. MEETING CONVENED:

- The project Progress Meeting #1 convened at 09:00 am at the project field office and was attended by the individuals listed on the attached sheet.

02. CORRECTION TO LAST MEETING MINUTES:

- N/A *THIS IS THE 1ST CONSTRUCTION MTL.*

03. SCHEDULE:

- Completion – October 31, 2023
- *AT THIS TIME IT IS BELIEVED ACHIEVABLE*

04. WORK PERFORMED LAST PERIOD:

- UCC
 - Back Creek closed to thru traffic on 5/22/23. ✓
 - Completed waterline installation 6/8/23. ✓
 - Completed ACM waterline removal 6/9/23. ✓

05. WORK SCHEDULED THIS PERIOD:

- UCC:
UNION CONCRETE WILL DIVERT 18mi creek by digging a channel and moving stream EAST, THEN INSTALL concrete Jersey barriers AND remove bed as necessary

06. SUBMITTALS:

- The submittals are being reviewed as they are submitted. The following require review/submittal:
- Drainage Structures Certs?
- Waterway Diversion – Per spec. contractor to submit methods and materials to be used. Work may not start until approved. 10 days allowed for review.

07. JOB SITE AND TRAFFIC SAFETY:

- Tailgate Talks required. Please submit details and sign-in sheets for files
- Work zone traffic control is being reviewed daily and any issues are being addressed by UCC in a timely fashion.

08. SPECIAL/GENERAL ISSUES:

- LOCAL TRAFFIC / BACK UP ALARMS

Survey Hubs 50' spacing on West ROW prior to slope work

Truck access - deliveries

09. SUBCONTRACTOR APPLICATIONS/ISSUES:

10. SPEDES – EROSION & SEDIMENT CONTROL

- I REQUESTED & RECEIVED A COPY OF

- Weekly Inspections now that erosion control features in place THE SWPPP
- Stream Diversion – Refer to Plan Sheet ECP-1 13 of 31
- STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM

11. AFFIRMATIVE ACTION:

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

12. PROJECT FINANCIAL STATUS:

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

13. INSURANCE:

The contractor and consultant have submitted their insurance.

14. CLAIMS/DISPUTED WORK:

None to date.

15. NEXT MEETING:

JUNE 27 - 9 a.m.

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

Robert Warner – RE – Kubit Engineering

RAW THE MTG.

MEMO

COUNTY OF ERIE
DEPARTMENT OF ENVIRONMENT AND PLANNING
DIVISION OF PLANNING AND ECONOMIC DEVELOPMENT

TO: Chief Elected Officials – Erie County HOME Consortium;
Coordinating Committee Members;
Erie County Consortium Project Selection Committee;
Erie County Industrial Development Agency;
Lackawanna Community Development Corporation;
Lackawanna Municipal Housing Authority;
Southtowns Rural Preservation Company; and
Tonawanda Municipal Housing Authority

FROM: Paul J. D’Orlando, Principal Contract Monitor

DATE: June 14, 2023

SUBJECT: Public Review of Draft 2022 Erie County Consolidated Annual Performance Report (CAPER)

Below for your review is the link to the PDF version of the draft 2022 Erie County Consolidated Annual Performance Report (CAPER) for the following 2022 grant programs:

- Erie County Consortium Community Development Block Grant
- Erie County Consortium Emergency Solutions Grant Program
- Erie County HOME Consortium – HOME Investment Partnership Program

2022 CAPER site:

<https://www.erie.gov>

Please forward all comments to my attention at the Erie County Department of Environment and Planning, Edward A. Rath County Office Building, Room 1014, 95 Franklin Street, Buffalo, NY 14202. Comments will be accepted through 4:00 P.M. on Thursday, June 29, 2023.

It should also be noted that a call-in public hearing will be held on Wednesday, June 21, 2023 at 9:30 A.M., in Room 1004 of the Edward A. Rath County Office Building, 95 Franklin Street, Buffalo, NY 14202. The call-in number is 858-2468 – Meeting Number 6409, Attendee Access Code 3690.

Please call me at 858-2194 should you have any questions.

TOWN OF BOSTON

2023 SUMMER CONCERT SERIES

Tuesdays in
July and August
6:30pm at 8500 Boston State Rd.

7/4 **The Boston Town Band**
Patriotic Music
**8PM Start, Fireworks to follow!*

7/11 **Schill Solak Slimko**
Classic Rock

7/18 **Dark Horse Run**
Country

7/25 **NY Rockin' Revue**
Pop/Rock

8/1 **Yank the Cover**
Classic Rock/R&B/Top 40

8/8 **The Eaglez**
Eagles Tribute Band

8/15 **Sequins**
Party/Disco/Rock

8/22 **Nip 'N Tuck**
Country

8/29 **The Party Hounds**
A little bit of everything!



Information on the
concert series, food
trucks, and vendors can
be found on our website
www.townofboston.com!

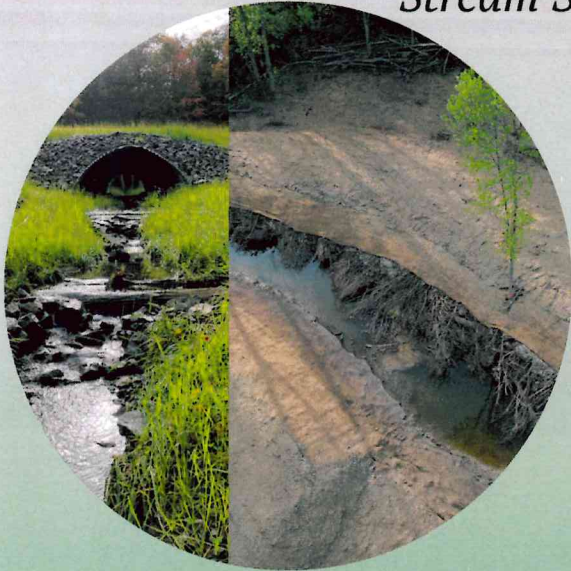


PROGRAM IS FUNDED BY THE NEW YORK STATE COUNCIL ON THE ARTS WITH THE
SUPPORT OF GOVERNOR HOCHUL AND THE NEW YORK STATE LEGISLATURE;
ADMINISTERED BY THE ARTS SERVICES INITIATIVE OF WESTERN NEW YORK.



Stream Investigation, Stabilization, and Design:

*A Workshop Emphasizing Innovative Approaches To
Stream Stabilization and Restoration*



East Hill Foundation

17 Island Street
North Tonawanda, NY

This workshop will include classroom instruction as well as trips to stream sites for practical discussion of stabilization and restoration techniques.

July 25, 8am - 4:30 pm
Classroom Session
*Stream Fundamentals, Bank
Stabilization, Bioengineering*

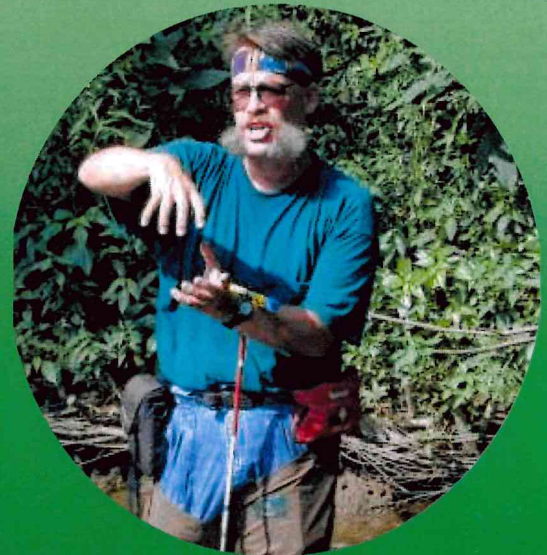
July 26, 8am - 4pm
Field Trips
Site Analysis

July 27, 8am - 4:30 pm
Classroom Session
*Redirective Methods, Stream Access
Techniques, Case Studies*

July 28, 8am - 5pm
Field Trips
Development of On-site Conceptual Designs

For information contact:
Jeanne Beiter, Buffalo Niagara Waterkeeper
JBeiter@bnwaterkeeper.org
716.852.7483 ext.24

Our featured presenter is David L. Derrick.
He currently serves as a Research Hydraulic Engineer with the U.S. Army Corps of Engineer's Coastal & Hydraulics Lab. Derrick has spent the last 25 years with the Corps' Research and Development Center specializing in innovative, environmentally compatible, and cost-effective approaches and methodologies to river and stream bank stabilization.



Space is limited, so please register early!

Sponsored by:

<https://bnwaterkeeper.salsalabs.org/davederrickworkshop>



**BUFFALO NIAGARA
WATERKEEPER**

ERIE COUNTY SEWER DISTRICT NO. 3 (ECSD No. 3)
BOARD OF MANAGERS MEETING MINUTES
WEDNESDAY, APRIL 19, 2023
SOUTHTOWNS ADVANCED WASTEWATER TREATMENT FACILITY (AWTF)
GLENN H. ABSOLOM JR. CONFERENCE ROOM

MEMBERS PRESENT: Jason Cozza, Melissa Hartman, David Kaczor, Michael Kasprzyk,
Jason Keding, David Millar, David Rood, Emery Wittmeyer

MEMBERS ABSENT: None

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 8:02 a.m.

ITEM NO. 2 – APPROVAL OF FEBRUARY 1, 2023 MEETINGS MINUTES

On a motion by Mr. Rood, seconded by Mr. Kasprzyk, the Board voted to approve the minutes from the February 1, 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 AWTF Phase 1 and Phase 2 Expansion Project (Expansion Project). The Division of Sewerage Management (DSM) received approval of the Phase 1 Basis of Design Report from the New York State Department of Environmental Conservation (NYSDEC). The DSM submitted the final Phase 1 project drawings to the NYSDEC at the end of February 2023, ahead of the March 1, 2023 deadline.

Mr. Fiegl stated that bid documents were prepared for the Southtowns Electrical Procurement Contract 74P to purchase key electrical components in advance of bidding construction contracts for the Expansion Project. No bids were received at the March 16, 2023 opening. The engineering consultant for the project, Arcadis, reached out to numerous electrical contractors and vendors to ascertain the reason for the lack of bids, to which many responded there was substantial risk associated with the M/WBE requirements built into the contract. The majority of the estimated \$9-million value of Contract 74P involves furnishing electrical equipment with a relatively small portion dedicated to contractor support services associated with providing that equipment. Consequently, there is very little opportunity for contractors to

Item 2

meet stipulated participation goals. At the same time, Contract 74P was bid using the standard contract language for use of Clean Water State Revolving Fund (CWSRF) monies in anticipation of receiving this type of funding for a portion of the Expansion Project. The provisions for failure to meet CWSRF M/WBE goals are very stringent and the opportunity to obtain a waiver for the electrical equipment portion of the contract is not a guaranteed outcome under this program. As a result, discussions were held with the County's Equal Employment Opportunity (EEO) office to identify a means to mitigate contractor concerns while upholding the County's EEO program with the intent to rebid Contract 74P in the month of May 2023.

Mr. Fiegl then informed the Board about the status of the \$100-million bond authorization to fund the Expansion Project. The DSM received a second round of comments from the New York State Comptroller's office in regard to the bond authorization application. The DSM responded to those comments, last week. At this point, the approval of the State Comptroller's office has not been garnered. Once obtained, the Erie County Legislature will then need to approve the authorization. As a result, the schedule for bidding construction work associated with Phase 1 of the Expansion Project is now delayed approximately two (2) months.

Mr. Fiegl went on to inform the Board that Arcadis has submitted the draft Basis of Design Report for Phase 2 of the Expansion Project. The DSM provided review comments which will be the focus of a May 2, 2023 meeting to discuss strategy involved with advancing report content. Mr. Fiegl then informed the Board that a Project Labor Agreement (PLA) feasibility study was submitted to the DSM identifying a 1.8% savings using PLA as a project delivery method. Mr. Fiegl added savings cited in the feasibility study were based on conservative assumptions and could actually be greater. The DSM's outside counsel, with expertise in this area, prepared a draft PLA for discussion with the local building trades. On April 13, 2023, a meeting was held with the local building trades who suggested minor changes to the document. Mr. Fiegl noted that, at the recommendation of outside counsel, the PLA will be included in the project specifications as the document will be signed by the selected contractor and the building trades. The Erie County Attorney's office subsequently agreed with this recommendation.

On a motion by Mr. Keding, seconded by Ms. Hartman, the Board voted to accept Mr. Fiegl's Expansion Project report. The motion carried, 8 – 0.

ITEM NO. 5 – NEW BUSINESS

a. Payments (Handout)

The Board reviewed a copy of the payments on a handout for the month of April 2023.

On a motion by Ms. Hartman, seconded by Chairman Kaczor, the Board voted to approve the April 2023 payments. The motion carried, 8 – 0.

b. Request for Permit Refund – Wood Ave (Handout)

The Board considered a request for refund of a permit issued to the owner of the property at 5312 Wood Avenue, Hamburg, N.Y. On April 14, 2022, a Building Sewer Repair Permit was issued for work required to disconnect and reconnect the sewer service at this property. It was subsequently revealed that only a repair was needed for this service, which negated the need for a new connection permit. The proposed refund is in the amount of \$654.00, which represents the original fee of \$704.00 less a \$50.00 administration fee.

On a motion by Mr. Cozza, seconded by Mr. Wittmeyer, the Board voted to approve the sewer permit refund request. The motion carried, 8 – 0.

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

The Board considered referring two (2) property owners in ECSD No. 3 to a hearing with the Division of Sewerage Management's (DSM's) hearing officer who will evaluate violations of the "Rules and Regulations" and recommend a follow-up action. Written requests were mailed to both property owners on several occasions, without response, to correct a violation identified as part of the DSM's Infiltration/ Inflow (I/I) inspection program.

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

d. Confirmation of Email Poll – Award of Southtowns Roof Replacement & Effluent HVU Replacement Contract (Handout)

The Board considered confirmation of the February 16, 2023 email poll approving a resolution to award Contract No. 76-A and Contract No. 76-B for the Southtowns Advanced Wastewater Treatment Facility (AWTF) Roof and Heating/Ventilation Unit (HVU) Replacement Repair Project. The project involves replacement of 80,000 square feet of roofing system and replacement of three (3) HVUs, associated structural modifications, and ductwork at the treatment facility. The total cost submitted by the apparent low bidder for Contract No. 76-A, Weaver Metal & Roofing (Weaver), was \$3,580,000.00. The Engineer's Estimate for the work was \$3,309,691.00. The total cost submitted by the apparent low bidder for Contract No. 76-B, John W. Danforth Company (Danforth), was \$974,000.00. The Engineer's Estimate for the work was \$2,074,496.00. Subsequent to the bid opening, Danforth made the County aware of a purported bid mistake and after consultation with the County Attorney's office and Danforth's submission of evidence noting an unintentional omission of work, Erie County was obligated by New York State General Municipal Law to grant Danforth's bid withdrawal request. The second apparent low bidder for Contract 76-B, D.V. Brown and Associates, Inc. (DV Brown), submitted a cost of \$2,058,400.00. It was the DSM's opinion it is in the County's best interests to award Contract 76-B to the second low bidder, as opposed to re-bidding the project, considering the engineer's estimate, the bidding climate, and the schedule of various other improvements at the Southtowns AWTF. Therefore, the Erie County Department of Environment and Planning recommended award of Contract Nos. 76-A and 76-B to Weaver and DV Brown as the lowest responsible bidders. Both have successfully completed projects of this scale for the County in the

past. American Rescue Plan (ARP) and Capital Reserve Account monies will be used to fund this project.

On a motion by Mr. Millar, seconded by Mr. Rood, the Board voted to confirm the February 16, 2023 poll approving a resolution to award Contract No. 76-A and Contract No. 76-B for the Southtowns Advanced Wastewater Treatment Facility (AWTF) Roof and Heating/Ventilation Unit (HVV) Replacement Repair Project. The motion carried, 8 – 0.

e. Award of Southtowns Influent Screening Replacement Contract (Handout)

The Board considered approval of a resolution to award Contract Nos. 73-A and 73-D, for the Southtowns Influent Screening Replacement Project. Contract No. 73-A will be to Hohl Industrial Services, Inc. (Hohl) in the amount of \$2,893,000 for General/Mechanical work. Contract No. 73-D will be to CIR Electrical Construction Corporation (CIR) in the amount of \$351,760 for Electrical work. Both contractors are recognized as responsible companies having completed projects of this scale for the DSM in the past. Funding for this project will be split with \$3,000,000 coming from ARP funds and the balance of \$244,760 coming from the ECSD No. 3 Capital Reserve Account.

On a motion by Mr. Keding, seconded by Mr. Wittmeyer, the Board voted to approve a resolution to award Contract No. 73-A to Hohl, in the amount of \$2,893,000, and Contract No. 73-D to CIR, in the amount of \$351,760, for the Southtowns Influent Screening Replacement Project. The motion carried, 8 – 0.

f. Southtowns Incinerator Tray Scrubber & Crane Installation Project – Change Order No. 2 (Handout)

The Board considered approving a no-cost time extension Change Order No. 2 to Contract No. 68 for the Southtowns Incinerator Tray Scrubber Replacement and Crane Installation Project. Under Change Order No. 1, Envirocare International, as the fabricator and supplier of the air pollution control equipment tray scrubber section, was authorized to make beneficial changes to the mercury removal section known as part of Contract No. 68. When Change Order No. 1 was executed, the time delay resulting from the addition was not known or anticipated. The time required to procure and manufacture the additional equipment delayed the anticipated delivery date from the original in February 2023 to now June 2023.

Incineration equipment is required to process solid waste generated in wastewater treatment processes. The incineration equipment cannot be run without operational air pollution control equipment. Installation of the air pollution control components in Contract No. 68 will require each incinerator to be out of operation for approximately one month. The DSM has requested that the installation of the air pollution control components commence in the late fall or winter to mitigate potential issues with wastewater treatment operations and/or potential odors when the incinerators are down.

On a motion by Mr. Rood, seconded by Ms. Hartman, the Board voted to approve a no-cost time extension Change Order No. 2 adding 309 days to Contract No. 68. The motion carried, 8 – 0.

ITEM NO. 6 – MISCELLANEOUS & INFORMATIONAL ITEMS

a. Operational Report

Mr. Kaminski presented the following report for facility operations:

- The annual NYSDEC inspection of the Southtowns AWTF took place without issue.
- Elma Pump Station – The station recently experienced pump failures which were the result of high pumping pressures during a period of sustained maximum flows from Steuben Foods. The cause of the high pressures at maximum flows could not be identified, but the issue has subsided. The DSM will continue to monitor operation of this station and respond, accordingly. Mr. Fiegl noted a meeting will be held with Steuben Foods on May 9, 2023 to discuss various items including their odor control protocols, their long-term plans, and the need to consider planning for replacement of the existing 40-year-old Elma Forcemain.

Mr. Hojnacki presented the following report for collection system operations:

- Mt. Vernon – Reoccurring blockages have occurred at the Cloverbank overflow as a result of debris entering the structure from Lake Erie on turbulent days. The blockage has been removed and the overflow structure is operational. Mr. Fiegl informed the Board the Cloverbank overflow is not ECSD No. 3's facility, rather it is owned by the Town of Hamburg and the DSM operates and maintains the structure by contract.
- Closed circuit televising (CCTV) inspection is ongoing in the Villages of Hamburg and Orchard Park.
- Town of Holland – Grinder preventative maintenance activities and are ongoing. House inspections will resume in the spring.
- Village of Orchard Park – House inspections are planned to begin for 2023.

b. Construction Status Report

The following summary was provided to the Board:

- Contract 68 (Southtowns Solids Handling Area Improvements) –The completion date for this project was April 6, 2023 but due to delays with equipment manufacture and delivery, and subsequent delays due to restrictions on when the incineration equipment can be taken out of operation, this project completion date needs to be extended (see New Business item 5.f. for Change Order No. 2). Most on-site construction is expected to begin in November 2023, but

some smaller components in the project should be completed by summer or early fall. This project uses ARP funding.

- Contract 71 (Southtowns Incinerator Natural Gas Conversion) – Design is in progress. Ramboll is designing, through the Term Engineering Contract, the addition of natural gas fuel for use in operating our incinerators. Natural gas will be more efficient and cleaner than diesel fuel, which is currently used. This project is expected to be completed over the next several months after which time a bid date will be determined based on the other work at the facility.
- Contract 72 (Southtowns Influent Screw Pumps Replacement) – DiDonato Associates, through a term agreement, designed the replacement of all three influent screw pumps and installation of new equipment cranes and associated work in the influent building. Contract 72-A was awarded to Hohl Industrial Services, for general construction, and Contract 72-D was awarded to CIR Electrical for electrical construction. The completion date for this project is May 2, 2023 but will need to be extended into the fall of 2023 due to equipment delays. On site work has begun on Contract 72-D and some equipment has been received by Contract 72-A. The screw pumps are expected to be delivered in the next month and installation will begin after receipt of the crane needed to install the new pumps. This project uses ARP funding.
- Contract 73 (Southtowns Influent Screening Replacement) – Bids were opened for GHD's design of new influent screens for the Southtowns AWTF, through the term agreement, on March 29th. Award of the contracts is included under New Business Item 5.e. The low bidders were Hohl Industrial Services for Contract 73-A and CIR for Contract 73-D. Bids came in well under the Engineer's estimates. GHD believes they were given budget pricing for the equipment components and the Contractors were given lower prices. The bids were extremely close so there is no concern over the discrepancy.
- Contract 75 (Cured-in-Place (CIPP) Term Lining) (United Survey; Kenyon Pipeline) – All CIPP lining installations in this contract have been completed. Minor punch list items /repairs are being completed, and this contract is expected to close out this spring.
- Contract 77 (Southtowns Clarifier No. 1 Concrete Repair) – The Notice of Award to replace missing concrete grout in Clarifier No. 1, that is needed to protect and level the base, was issued in January and the Notice to Proceed was issued on March 8, 2023. Work must occur during regular clarifier maintenance in May or June of 2023. This project will be funded through Capital Reserves.
- Contract 86 – Sanitary Sewer Open Cut Repair Term Contract (Kandey Company) - Kandey Company completed WO 14 Lakeshore Road at Amsdell Road on March 28th. The work consisted of a sanitary sewer spot repair on a sewerline where a utility pole was found to be pushed through the top of the sewer. Last year District staff coordinated with the power company to remove the power pole from the line and a repair was required to fix the void in the pipe.
- Contract 89 Various Sanitary Sewer Replacements - The DSM is in the process of advertising a multi-district sanitary sewer replacement project that includes work in District 1

and District 3. Work in District 3 includes replacement of a 6-inch sewer on Hugo Pl. in the Village of Blasdel, and a 6-inch sewer at Ockler St. and Oakland St. in the Town of Hamburg.

- Contract 95 (CIPPL Term Contract) - The DSM received bids for Contract 95 CIPPL Term Contract through Purchasing in November 2022. The project has been awarded to the 2 lowest bidders, United Survey and Kenyon Pipeline, and contracts are being executed. Upcoming lining work anticipated in District 3 includes sewerlines on Abbott Road in the Towns of Hamburg and Orchard Park, sewerlines on Big Tree Road and Bayview Road in the Town of Hamburg, and sewers on various streets in the Village of Hamburg (including Maple, Pleasant, Hawkins, Union, and Linwood).

- Milestrip Road Evaluation - Evaluation of the Milestrip Road Sewer is still in progress by C&S Engineers. A draft design report was submitted to the DSM in the fall and review comments were provided back to C&S Engineers. A revised report is anticipated to be submitted to DSM later this month. It is anticipated that the report will be finalized this spring and sent to NYSDEC.

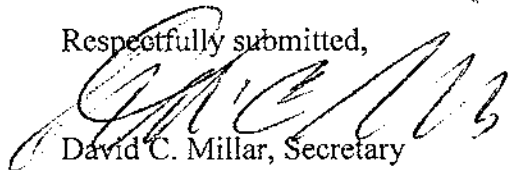
On a motion by Mr. Keding, seconded by Mr. Kasprzyk, the Board voted to receive and file the informational items. The motion carried, 8 – 0.

ITEM NO. 7 – ADJOURNMENT & NEXT MEETING

On a motion by Ms. Hartman, seconded by Mr. Rood, the meeting was adjourned at 9:00 a.m. The motion carried, 8 – 0.

Next meeting of the Board is scheduled for 8:00 a.m., Wednesday, June 7, 2023.

Respectfully submitted,



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

Motion to Approve the April 19, 2023 Meeting Minutes

Moved by: _____

Seconded by: _____

App./Disapp.: _____

Date: _____

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



MAY 31 2023 AM 10:50

ERIE COUNTY SOUTHWEST AGRICULTURAL DISTRICT NO. 8 | 8-YEAR REVIEW UNDERWAY

Why am I getting this flyer?

You are receiving this flyer because you own one or more properties that are located within the Southwest Agricultural District, which Erie County is currently reviewing. NYS Agriculture and Markets Law requires the Erie County Legislature to review districts every eight years thereafter. As part of this review, landowners in the District have a 30-day comment period during which landowners may request changes to the District. **The only time a property owner may remove their land from the Agricultural District, by law, is during the eight-year review period.**

What are Agricultural Districts?

An Agricultural District is an area within a local jurisdiction where farming is the preferred economic activity. The purpose of agricultural districts is to encourage the continued use of farmland for agricultural production. Farmers in Agricultural Districts benefit from "right-to-farm" protections, such as defense from private nuisance lawsuits and restrictive local ordinances. These protections are designed to prevent the conversion of farmland to non-agricultural uses.

My property is not farmed, what effect does being in the Agricultural District have on my property?

There is no effect on non-farm properties by being in the Agricultural District. Being in the District does not affect property taxes, property values, or property assessments for any parcel regardless of use; nor does it guarantee that any parcel will receive any tax exemptions.

What do I need to do?

1. To enroll additional property, or to remove property, from the District, complete the Agricultural District Modification Form at erie.gov/agdistrictwebform. For a paper copy of the form, email agriculture@erie.gov. To view current Agricultural Districts and determine if your property is enrolled, visit erie.gov/checkagstatus.

PLEASE NOTE: NO ACTION IS REQUIRED IF YOU WISH TO LEAVE YOUR LAND IN THE DISTRICT.

2. Complete the "Agricultural District Review Worksheet" to the best of your ability and return it to the Erie County Department of Environment and Planning. As part of this review, the County is required by the NYS Department of Agriculture and Markets to report summary data for farms enrolled in the District. All personal information and parcel identifying information is kept strictly confidential. The worksheet can be completed online at erie.gov/agsurvey. If completing the enclosed worksheet, return to:

Attn: Agriculture
Erie County Department of Environment and Planning
95 Franklin Street, 10th Floor
Buffalo, NY 14202

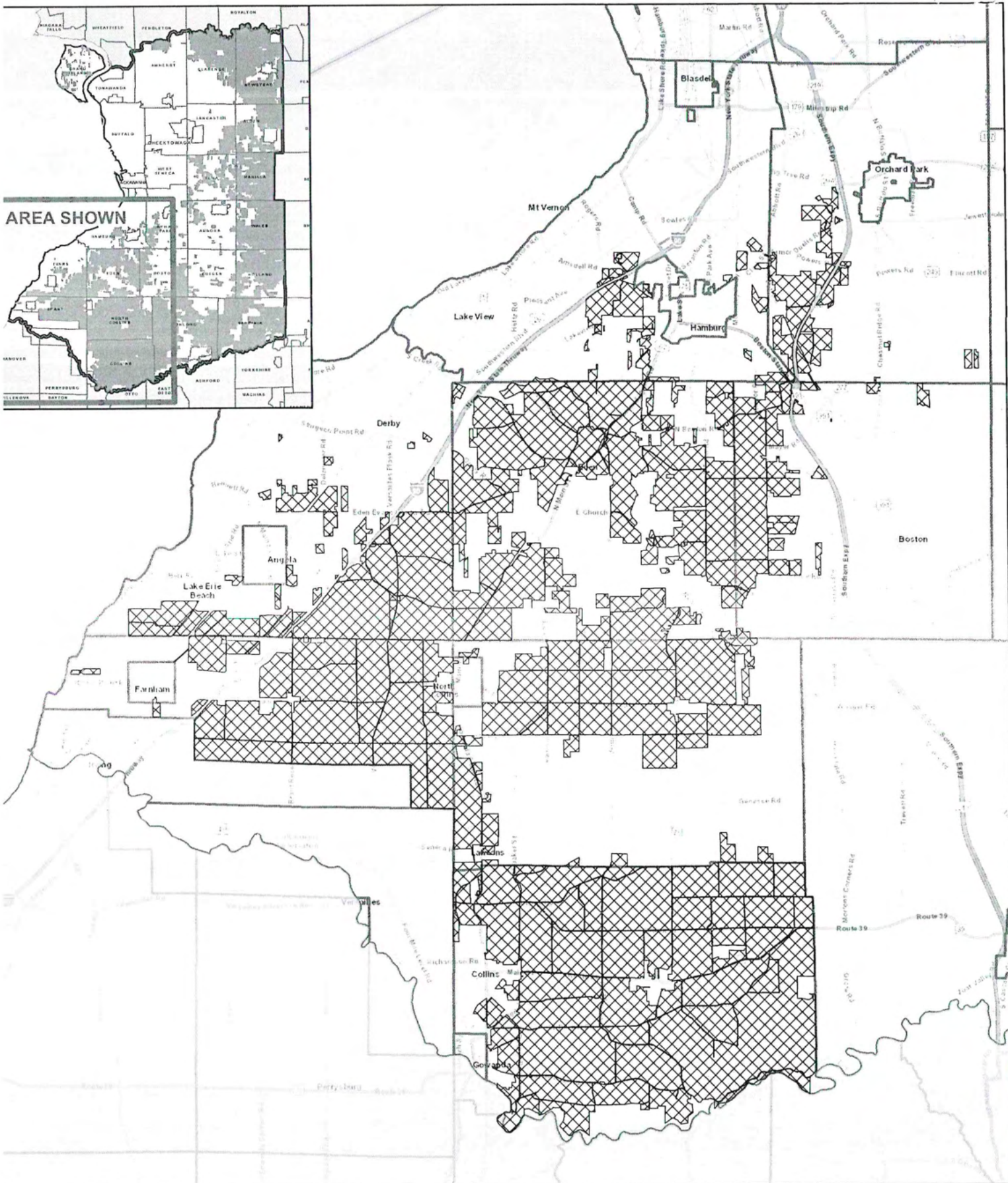
What is the deadline?

Modification requests must be submitted in writing between June 1-30, 2023.

I want more information...

More information on the District review period can be found at erie.gov/agriculture or by contacting Sarah Gatti at sarah.gatti@erie.gov or 716-858-6014.

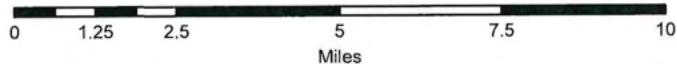
****STAY TUNED FOR DETAILS ON THE UPCOMING ERIE COUNTY AGRICULTURAL AND FARMLAND PROTECTION PLAN UPDATE – VISIT [ERIE.GOV/AGRICULTURE](http://erie.gov/agriculture) FOR MORE DETAILS****



 Southwest #8

SOUTHWEST AGRICULTURAL DISTRICT

BOSTON, BRANT, COLLINS, EDEN, EVANS,
HAMBURG, NORTH COLLINS, ERIE COUNTY NY



MAP PREPARED BY THE ERIE COUNTY DEPARTMENT OF
ENVIRONMENT & PLANNING BY GATTIS2, 5/12/2023

ERIE COUNTY DEPARTMENT OF ENVIRONMENT & PLANNING AGRICULTURAL DISTRICT REVIEW WORKSHEET

This form is to be completed by landowners whose lands are being utilized agriculturally within an agricultural district that is subject to a review, or by landowners that wish to be included in the district. Information provided will be used to determine the significance and viability of agriculture within the district.

PART I – LANDOWNER IDENTIFICATION

Owner Name: _____

Telephone: _____

Mailing Address: _____

Street Address

City

State

Zip

Is property in agricultural use? ☐ No (stop – form is complete, please mail back) ☐ Yes

Are you a farmer/grower? ☐ No (If your land is rented, please fill out part IV) ☐ Yes (Please fill out parts II, III, and IV)

PART II – FARM OPERATION DESCRIPTION

No. of Acres Owned: _____

No. of Acres Cropped: _____

No. of Acres Rented: _____

(from another landowner as part of the subject farm)

Where Do You Sell Agricultural Products? (examples: grocery stores, institutions, restaurants)

Are you Looking for Additional Markets to Sell your Products?

Farm Enterprise (check one)	Estimated Annual Gross Farm Income (check one)	Capital Investment Over Past 8 Years (check one)
☐ Dairy	☐ Below \$10,000	☐ Below \$10,000
☐ Cash Crop – Grain (please specify)	☐ \$10,000 to \$49,999	☐ \$10,000 to \$39,999
	☐ \$50,000 to \$99,999	☐ \$40,000 to \$99,999
☐ Cash Crop – Vegetable (please specify)	☐ \$100,000 to \$199,999	☐ \$100,000 to \$199,999
	☐ \$200,000 to \$499,999	☐ Over \$200,000
	☐ Over \$500,000	
☐ Orchard		
☐ Vineyard		
☐ Livestock (other than dairy)		
☐ Poultry		
☐ Horticulture Specialties		
☐ Sugarbush		
☐ Christmas Tree		
☐ Other (please specify)		

PART III – BOUNDARY DESCRIPTION

List tax ID numbers for all parcels within the farm unit. These numbers, also known as SBL numbers, can be found on property tax notices.

Tax ID No.	Acres	Tax ID No.	Acres	Tax ID No.	Acres

List tax ID numbers (if known) and landowner names for all parcels **rented** from another

Tax ID No.	Farmer/Grower Name	Tax ID No.	Farmer/Grower Name	Tax ID No.	Farmer/Grower Name

PART IV – RENTED TO FARMERS/GROWERSList tax ID numbers for all parcels **rented to** farmers/growers and identify farmer/grower names.

Tax ID No.	Farmer/Grower Name	Tax ID No.	Farmer/Grower Name	Tax ID No.	Farmer/Grower Name

PART V – AGRICULTURAL PRODUCTION 2020

BREAKDOWN OF TOTAL ACRES	OWNED	RENTED	LIVESTOCK & POULTRY	NUMBER
CROPS HARVESTED:			Milk Cows	_____
Hay	_____	_____	Heifers and Calves	_____
Corn	_____	_____	Beef	_____
Other Grains (Wheat, Rye, Oats, etc.)	_____	_____	Laying Hens and Pullets	_____
Vegetables	_____	_____	Hogs	_____
Nursery	_____	_____	Horses	_____
Other (Please indicate)	_____	_____	Other (Please indicate)	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
SUBTOTAL (1)			OTHER	AMOUNT
CONSERVATION RESERVE PROGRAM	_____	_____	Maple Syrup (gallons)	_____
DIRECT & COUNTER CYCLICAL PROGRAM (5yr)	_____	_____	Cord Wood (cords)	_____
NON-TILLABLE LAND:	_____	_____	Greenhouses (#)	_____
Pasture	_____	_____	Greenhouses (total sqft)	_____
Wetlands	_____	_____	Milk (lbs) (12 months)	_____
Forests	_____	_____	Other (Specify)	_____
Other (Sugarbush, X-mas Trees, etc.)	_____	_____	_____	_____
_____	_____	_____	_____	_____
SUBTOTAL (2)				
TOTAL ACRES (1) AND (2)				

RESPONSES MUST BE RECEIVED BY JUNE 30, 2023Want to complete online? Visit erie.gov/agsurvey.Email completed surveys to agriculture@erie.gov or mail to:

Attn: Agriculture
 Erie County Department of Environment and Planning
 95 Franklin Street
 Buffalo, NY 14202



EXPLORE ERIE COUNTY AGRICULTURE

Erie Grown is an Erie County initiative to better links farms and consumers. The Erie Grown Passport, a companion to the website, rewards participants for supporting local producers.

HOW IT WORKS

- Visit erie.gov/eriegrown to find farmers near you.
- Enroll in the Erie Grown Passport.
- When visiting farms, record the date of your visit.
- Submit your Passport for a chance to win prizes.

PASSPORT RULES

- One Passport person. One entry allowed per listing.
- Be kind and make a purchase.

THINGS TO KEEP IN MIND

- Visit erie.gov/eriegrownpassport for more details.
- Tag #eateriegrown on social media.
- Always check that a listing is open before visiting.
- Email agriculture@erie.gov with questions.

HOW TO SUBMIT YOUR PASSPORT

- If using the online Passport, submit only when you are ready to enter the contest. If using a hard copy Passport, you can email to agriculture@erie.gov or submit by mail to:

Attn: Agriculture
Erie County Department of Environment and Planning
95 Franklin Street, Tenth Floor
Buffalo, NY 14202

THANK YOU TO OUR SPONSORS

MAY 30 2023 PM3:18

SICOLI Construction Services, Inc.

4800 Hyde Park Blvd.
Niagara Falls New York 14305
Phone: (716)205-0540
Fax: (716)205-0541

March 26, 2023

MD Concrete & Masonry Services, Inc.,
149 Gunnville Rd.,
Lancaster, NY 14086

Re: Boston Town Park Pavilion

Attn: Charles Murdough

Gentlemen,

Please consider this letter as our demand for you (MD Concrete & Masonry Services, Inc.) to return all masonry material to the Town of Boston Pavilion job site at 5678 Meadow Dr., Boston, NY 14075, that you recently removed from the job site without permission. The subject masonry material includes all concrete masonry units, precast concrete pier caps and all associated accessories. All of this material has been paid for by the Owner and is now considered as stolen material.

In addition, please also return the water tanker trailer that is in your possession to the above referenced job site as it is being rented by Sicoli Construction Services, Inc. and it is owned by Admar Supply, and they want it immediately returned.

As demanded, please return to the job site all the above referenced material and equipment by Tuesday, May 30, 2023 by 12:00 pm. After this date and time we will be contacting the authorities.

Regards,

SICOLI Construction Services, Inc.

Benjamin R. Sicoli
President

CC: Town of Boston
LaBella Associates



May 31, 2023

NYMIR
12 Metro Park Road
Colonie, NY 12205

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

Dear Supervisor,

Over the course of 2022, property losses at NYMIR member highway and public works garages exceeded \$12 Million Dollars. In December alone, three DPW facilities experienced significant fire losses caused by electrical fires involving heavy trucks. Those three losses totaled \$4,675,000. Most of these fire losses are avoidable with your help.

NYMIR has always sought to insure and protect your operations. We are asking for assistance from every member local government that has these vehicles so that we can continue to do so in a comprehensive and cost-effective manner.

Employing and activating **Master Battery Disconnect (MBD) switches** to cut power to heavy trucks and equipment when not in use and stored inside has always been strongly encouraged. Now it must become a practice everyone follows if we are to continue to protect these assets at an RCN (replacement cost new) standard. Moving forward, NYMIR will require installing and consistently using **Master Battery Disconnect Switches** on all your medium and heavy-duty vehicles and equipment (dumps, plows, loaders, sweepers, graders, etc.). NYMIR risk management staff will seek written assurance of this device's inclusion and use on all such equipment and vehicles.

This risk protocol is designed to ensure essential property coverage on your garages and vehicles while avoiding the disruptive impacts these claims continue to inflict on individual Subscribing municipalities and our program.

If you or anyone in your municipality has questions regarding this stepped-up policy or its impacts on your municipality, please contact David Bloodgood, VP of Risk Management at 845-551-9618 or your NYMIR representative.

A handwritten signature in black ink, appearing to read 'David Bloodgood'.

David Bloodgood
Vice President, Risk Management



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
KELLY A. VACCO
Town Justice

SEAN W. COSTELLO
Town Attorney

KYLE W. CALABRESE
Prosecutor

SUE FITZNER
Assessor

THOMAS C. MURPHY
Code Enforcement Officer

JUN 15 2023 AM 8:33

June 14th, 2023

RE: Letter of Resignation

Dear Town Board members,

This is to notify the Town Board of my resignation as Town of Boston Assessor effective June 27th, 2023 at 4:00pm.

Twenty years as a Town of Boston Public Servant has been an absolute privilege and pleasure. I truly love living in this community.

Thank you to all the past and present Town Board members for giving me the opportunity to work hard on behalf of the Town and Taxpayers. I am wishing you all the best with my successor.

Sincerely,

Sue Fitzner, State Certified Assessor

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 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.



JUN 15 2023 AM 8:58

TOWN OF BOSTON

JASON A. KEDING
Supervisor

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

SANDRA L. QUINLAN
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Town Justice

SEAN W. COSTELLO
Town Attorney

KYLE W. CALABRESE
Prosecutor

SUE FITZNER
Assessor

THOMAS C. MURPHY
Code Enforcement Officer

June 14th, 2023

RE: Letter of Resignation

Dear Town Board members,

This is to notify the Town Board of my resignation as Town of Boston Assessment Clerk effective June 23rd, 2023 at 4:00pm.

It has been a privilege to serve as a Town of Boston Public Servant for the past 8 years, with absolute dedication and commitment to every single person that came into our office needing assistance.

Thank you to all the past and present Town Board members for giving me the opportunity to work hard on behalf of the Town and Taxpayers.

I wish you all the best with my successor.

Sincerely,

Ashley Karmazyn, Town of Boston Assessment Clerk

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

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8500 Boston State Road Boston, New York 14025-9848

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**LEGAL NOTICE
TOWN OF BOSTON
PUBLIC HEARING**

PLEASE TAKE NOTICE that the Boston Town Board has scheduled a Public Hearing for 7:30 p.m. on June 21, 2023 at Boston Town Hall, 8500 Boston State Road, Boston, NY, to consider the application for a Special Use Permit for an Accessory Apartment located at 8947 Pearl St., 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 June 21, 2023.

Dated: May 17, 2023

Published: May 26, 2023

BY ORDER OF THE

TOWN BOARD

Sandra L. Quinlan,

Town Clerk

An Equal Opportunity Provider & Employer

TOWN OF BOSTON

OFFICE USE ONLY

SPECIAL PERMIT APPLICATION

() APPROVED () DISAPPROVED

OWNER NAME: CHARLES J. LACHUSAADDRESS: 8947 PEARL STREETBOSTON, NY 14025

TELEPHONE: _____

MAIL: _____

PERMIT NO: _____

PERMIT FEE: _____

DATE RECEIVED: _____

ISSUED BY: _____

BRUCE MACK

CONTRACTOR: WOOD CRAFTER CONSTRUCTION

716-649-0792 (OFFICE)

PHONE: _____

APPLICATION IS HEREBY MADE FOR PERMISSION TO:

() DUMPING OF MATERIAL () RENEWAL OF EXISTING PERMIT ☒ ACCESSORY APARTMENTS

() TOP SOIL SCREENING () BED & BREAKFAST () LIVE ENTERTAINMENT PER 123-71b (6) () OTHER

Does this project require approval from any other agency? If so, who? _____

LOCATION TO BE USED: 8947 PEARL STREET BOSTON NY 14025

CONTENT:

Addition of a 1 bedroom in-law apartment requires a
special use permit 123-25B, R2 district.Condition: Rental prohibited per planning board.

THE UNDERSIGNED APPLICANTS DO HEREBY AFFIRM THAT THE INFORMATION HEREBY SUPPLIED IS TRUE AND CORRECT

OWNER: Charles J. Lachusa DATE: April 24, 2023

Public Hearing Date: _____

Site Inspection Date: _____

Town Board Approval: _____

Conditions of Approval: _____

Margaret Derk

From: Thomas Murphy
Sent: Friday, April 28, 2023 1:48 PM
To: Town of Boston Supervisor
Cc: Sandra Quinlan; Margaret Derk; Connie Berwaldt; supervisorsorkeding@gmail.com; Town of Boston Bookkeeper
Subject: RE: Public Hearing

8947 Pearl Street
David Britton for Chuck LaChiusa (Iacussa)
Adding one bedroom in law apartment in an R2 zoning district.
Is allowed under 123-25B with a special use permit.
The planning board has reviewed and blessed the project on the condition that the apartment never be rented.
The cropped and pertinent code is below:

123-25 B.

The following uses, subject to special use permit:

(3) Accessory apartments shall be permitted, subject to the following conditions and limitations:

(a) The accessory apartment must be located within the area of the lot allowed for principal dwellings by the Zoning Local Law. The apartment may be established through:

[1] Conversion of existing floor space in a single-family structure.

[2] An addition to an existing single-family structure.

(b) At the time of application for a permit for an accessory apartment the property owner shall reside in one of the two dwelling units, which shall be his/her principal residence.

(c) An accessory apartment shall have separate access not observable from the street, unless there is a single access from the front of the building with a split access inside the building.

(d) The total floor area of the accessory apartment shall be no less than 640 square feet nor more than 800 square feet. The total floor area of the main unit shall not be less than the minimum floor area required in the zoning district as set forth in the Table of Regulations.^u

[1]

Editor's Note: The Table of Regulations is on file in the Town offices.

(e) A residence containing an accessory apartment shall have a minimum of three off-street parking spaces.

(f) The building shall, to the degree reasonably feasible, maintain the character and appearance of a single-family dwelling.

(g) Only one accessory apartment for a total of two dwelling units per lot shall be permitted.

I have the special use permit filled out and a check for \$300 (special use permit \$200 + public hearing fee \$100) here in my office. I have a full set of stamped plans which have been sent back to the architect for modification.

Thank You,
Thomas C. Murphy
Town of Boston, N.Y.
Code Enforcement/Building Inspection



Phone: (716) 941-6113 ext. 111
8500 Boston State Road
Boston, New York 14025
www.townofboston.com

From: Town of Boston Supervisor <supervisor@townofboston.com>
Sent: Friday, April 28, 2023 1:34 PM
To: Thomas Murphy <codeenforcement@townofboston.com>
Cc: Sandra Quinlan <townclerk@townofboston.com>; Margaret Derk <deputytownclerk@townofboston.com>; Connie Berwaldt <townclerkoffice@townofboston.com>; supervisors@townofboston.com; Town of Boston Bookkeeper <bookkeeper@townofboston.com>
Subject: Public Hearing

Hi Murf –

Jason said he is comfortable adding “Scheduling Public Hearing” to next week’s agenda as long as you’re comfortable that Sean does not need to review it.

Sandy – Please add “Schedule Public Hearing” to the agenda for Wednesday. I am not sure of the property specifics – I just know it is on Pearl St.

Thank you,



Allison Koczur

Town of Boston, Confidential Secretary to the Supervisor
P: (716) 941-6518 | F: (716) 941-6116
8500 Boston State Road | Boston, New York 14025
www.townofboston.com



Thank you for not printing this e-mail!

TOWN OF BOSTON
8500 BOSTON STATE RD
BOSTON NY 14025
(716) 941-6113

Date: 04/28/2023

Receipt #: 022039

Received From: BRITTON, DAVID

For:	1 - SPECIAL USE PERMIT / 8947 PEARL STREET	200.00
	1 - PUBLIC HEARING FEE / 8947 PEARL STREET	100.00

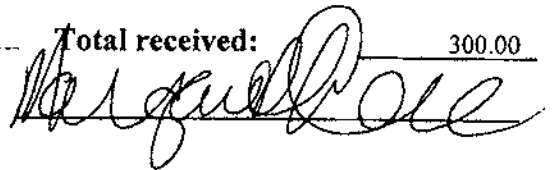
☐ Cash

☒ Check/CC

176

Total received:

300.00



Town of Boston

Planning Board



Town Hall
Phone: (716) 941-6113

2023 JUN 13 PM 7:06
8500 Boston State Road
Boston, New York 14025

June 13, 2023

Boston Town Hall
8500 Boston State Rd
Boston, NY 14025

To Whom It May Concern:

Please consider me for renewed membership on the Town of Boston Planning Board and to continue as Chairman.

Planning Board member term goes until: 02/01/2030

Chairman of the Planning Board term goes until: 12/31/2023

Sincerely,

A handwritten signature in blue ink, appearing to read 'Paul Ziarnowski'.

Paul Ziarnowski
Planning Board Chairman

RECEIVED
BOSTON TOWN CLERK

2023 JUN 12 AM 11:58

Jay Jackson

Hamburg, NY 14075

June 12, 2023

Boston Town Hall

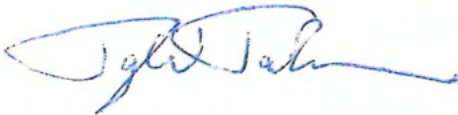
8500 Boston State Rd

Boston, NY 14025

To whom it may concern:

Please consider me for renewed membership on the Town of Boston Planning Board. I have acted as Planning Board member for the past 18 months.

Sincerely,



Jay Jackson
Planning Board Alternate

Term until 2

2/1/2029

Schedule Public Hearing – Amend Bond Resolution

CHIEF
Brandon Bender
716-238-3667



PATCHIN FIRE COMPANY
8333 BOSTON STATE ROAD
P.O. BOX 173
BOSTON, NY 14025



1ST ASSISANT CHIEF
Dave Apa
716-440-8582

2ND ASSISANT CHIEF
Nic Czora

FIRE CAPTAIN
Trevor Litwin

EMS CAPTAIN
Derek Bowen

PRESIDENT
Dave Apa
716-440-8582

VICE PRESIDENT
Rich Hawkins

SECRETARY
Jamie
Baerwaldt

Dear whom it concerns,

The Patchin Fire Company will be conducting a (1) standard boot drive fundraiser on July 4th, 2023 at the corner of (2) Patchin Rd and Boston State Rd; as well as on Boston State Rd in front of the State Trooper Barracks. Proper signage, cones, and vehicle blockers will be in place to protect the members conducting the boot drive. This event will (2) commence after mid-day and continue until dusk. (3) Every active member is part of this committee, and therefore will not list every name in this notice.

Thank you,

Brandon Bender

Brandon Bender
Patchin 9

FUNDRAISING

PERMISSION REQUIRED FOR FUNDRAISING EVENTS

General Municipal Law § 204-a requires that prior to engaging in any fundraising activity, the fire company must provide written notice to the municipality or fire district in control of the company. The notice must state that the fire company plans to conduct a fundraising activity.

This is a serious law! If a firefighter is injured, disabled or killed while participating in a fundraising activity that is not approved in accordance with this statute, the Volunteer Firefighters' Benefit Law will not bestow benefits upon the firefighter, spouse or children.¹

Approval of the written submission should be noted in the company's minutes. If proper notice is not given and approval received, the fire company could find itself without insurance coverage for injuries sustained by volunteer firefighters or possibly non-firefighters.

A notice must be given to the clerk of the municipality or secretary of the fire district in control of the fire company. The notice must generally:

1. describe the activity;
2. specify the time or times when, the place where, and the period during which the activity will be conducted; and
3. set forth the names of the firefighters who will serve on each of the committees in connection with the activity.

If the municipality or district fails to act on the request for approval within thirty (30) days after notice is provided, then approval is deemed to have been granted by default.

If a municipality is unaware of the activity, it might not be liable for any injuries occurring at the event.² Thus, if the municipality purchases insurance covering fire company events, the insurance might not be available to the fire company in this instance.

REPORTING OF FUNDRAISING

Fire companies must report their fundraising activities to the Internal Revenue Service in their Form 990 if they gross over \$50,000 in that year. A Form 990-N must be filed by entities with less than \$50,000 in gross revenues. There are specific formats for recording the fundraising activities. See the section in this Manual for specific reporting and formation requirements.

¹ Volunteer Firefighters' Benefit Law § 3(15)

² *Haskell v. Chautauqua County Fireman's Fraternity, Inc.*, 184 A.D.2d 12, 590 N.Y.S.2d 637 (4th Dept. 1992)

AGREEMENT TO SPEND TOWN HIGHWAY FUNDS

YEAR 2023

TOWN OF Boston
COUNTY OF Erie

Pursuant to the provisions of Section 284 of the Highway Law, we agree that monies levied and collected for the repair and improvement of highways, and received from New York State for the repair and improvement of highways, shall be expended as follows:

1. GENERAL REPAIRS

The sum of \$ 141,081.11 may be expended for general repairs upon 1.80 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewal thereof.

2. IMPROVEMENTS - The following sum shall be set aside to be expended for the improvement of town highways:

- (a) On Keller Rd, starting at Zimmerman Rd and ending at Eden Town Line, a distance of 1.80 miles, there shall be expended not over the sum of \$ 141,081.11.
Type Top: Nova chip Width of traveled surface: 20 feet
Thickness Top: 1 1/2 inches Thickness binder: _____ inches
Other _____
- (b) On _____, starting at _____ and ending at _____, a distance of _____ miles, there shall be expended not over the sum of \$ _____.
Type Top: _____ Width of traveled surface: _____ feet
Thickness Top: _____ inches Thickness binder: _____ inches
Other _____
- (c) On _____, starting at _____ and ending at _____, a distance of _____ miles, there shall be expended not over the sum of \$ _____.
Type Top: _____ Width of traveled surface: _____ feet
Thickness Top: _____ inches Thickness binder: _____ inches
Other _____

.....

Supervisor _____	Date _____	Councilmember _____	Date _____
Councilmember _____	Date _____	Councilmember _____	Date _____
Councilmember _____	Date _____	Councilmember _____	Date _____
Councilmember _____	Date _____	<u>Robert Tiled</u>	<u>5-31-2023</u>
		Highway Superintendent	Date

NOTE: This Agreement must be signed by a majority of the members of the Town Board and by the Town Highway Superintendent. One copy must be filed in the Town Clerk's Office



NovaChip / Paver Placed Surface Treatment

Job Cost Estimate

Customer : Boston, town of Contact Person: Date: 5/25/2023

Sales Rep: Jonathan Emmick Priced at \$ 621.00 index. Type: Type B

Road	From	To	Length (ft)	Width (ft)	Total SY	Total Cost
Keller rd	Feddick	zimmerman	5500	22	13444	\$79,994.44
Keller rd	Feddick	Bridge	4200	22	10267	\$61,086.67
					0	\$0.00
					0	\$0.00
					0	\$0.00
					0	\$0.00
					0	\$0.00
priced with town doing traffic, trucking					0	\$0.00
					Total:	23,711 \$141,081.11

	Rate	Cost	Quantity	Total
Rebates	SY	0	0	\$ -
Line Abrading	ft	0	0	\$ -
Traffic Control	Day			\$ -
Mobilization		0	0	\$ -
Vac Truck		0	0	\$ -

Novachip Cost per SY: \$ 5.950

Included in addition to Crew, Paver, and Material		
Trucking	☐	
Roller with Operator	☒	

Equipment Total: \$0.00

Total for material and Midland provided Equipment \$141,081.11

TOWN OF BOSTON - RESOLUTION NO. 2023-53

STANDARD WORK DAY AND REPORTING RESOLUTION

WHEREAS, the New York State and Local Retirement System (“NYSLRS”) requires the adoption of a resolution regarding the standard work days for elected and appointed Town officials; and

WHEREAS, the form annexed hereto as Exhibit A is the one prescribed by NYSLRS; and

WHEREAS, the information contained on the annexed form is deemed complete and accurate to the best knowledge of the Town Board, except that Social Security Numbers are omitted from Exhibit A;

NOW THEREFORE BE IT

RESOLVED, that the Town of Boston hereby adopts the Standard Work Day and Reporting Resolution attached hereto as Exhibit A, that the Town Clerk is required to post this resolution on the Town website for 30 days, and that within 15 days after the 30-day posting period ends, after filling in the blanks for Social Security Numbers, the Standard Work Day and Reporting Resolution is to be filed with the Office of the State Comptroller.

On June 21, 2023, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

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

Sandra L. Quinlan, Town Clerk



Office of the New York State Comptroller
New York State and Local Retirement System
Employees' Retirement System
Police and Fire Retirement System
110 State Street, Albany, New York 12244-0001

Standard Work Day and Reporting Resolution for Elected and Appointed Officials

RS 2417-A

(Rev. 8/15)

BE IT RESOLVED, that the Town of Boston / 30471 hereby establishes the following standard work days for these titles and
(Name of Employer) (Location Code)

will report the officials to the New York State and Local Retirement System based on their record of activities:

Title	Standard Work Day (Hrs/day) Min. 6 hrs Max. 8 hrs	Name (First and Last)	Social Security Number (Last 4 digits)	Registration Number	Tier 1 (Check only if member is in Tier 1)	Current Term Begin & End Dates (mm/dd/yy-mm/dd/yy)	Record of Activities Result*	Not Submitted (Check only if official did not submit their Record of Activities)
Elected Officials								
Supervisor	6	Keding, Jason		61319240	☐	1/1/2022-12/31/2025	14.56	☐
Councilwoman	6	Lucachik, Jennifer		62240783	☐	1/1/2022-12/31/2025	3.73	☐
Councilwoman	6	Martin, Kelly		62350202	☐	1/1/2020-12/31/2023	2.06	☐
Appointed Officials								
Court Officer	6	Mulé, Daniel		38360103	☐	1/1/2023-12/31/2023	1.54	☐
Town Historian	6	Gamel, Frank		72028780	☐	1/1/2023-12/31/2023	4.49	☐
Dog Control Officer	6	Sherry, Linda			☐	1/1/2023-12/31/2023	1.87	☐

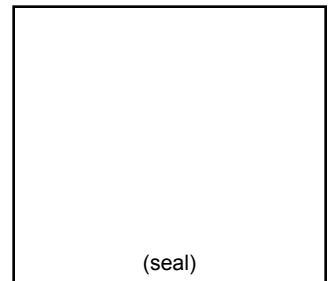
SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

I, Sandra L. Quinlan, secretary/clerk of the governing board of the Town of Boston, of the State of New York,
(Name of secretary or clerk) (Circle one) (Name of Employer)
do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the 21st day of
June, 2023 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Boston on this 21st day
of June, 2023,
(Signature of the secretary or clerk) (Name of Employer)

Affidavit of Posting: I, Sandra L. Quinlan, being duly sworn, deposes and says that the posting of the
(Name of secretary or clerk)
Resolution began on June 22, 2023 and continued for at least 30 days. That the Resolution was available to the public on the
(Date)

- ☒ Employer's website at www.townofboston.com
☒ Official sign board at 8500 Boston State Road, Boston, NY 14025
☐ Main entrance secretary or clerk's office at _____





Office of the New York State Comptroller
New York State and Local Retirement System
Employees' Retirement System
Police and Fire Retirement System
110 State Street, Albany, New York 12244-0001

Standard Work Day and Reporting Resolution for Elected and Appointed Officials Continuation Form RS 2417-B

(Rev. 8/15)

Title	Standard Work Day (Hrs/day) Min. 6 hrs, Max. 8 hrs	Name (First & Last)	Social Security Number (Last 4 digits)	Registration Number	Tier 1 (Check only if member is in Tier 1)	Current Term Begin & End Dates (mm/dd/yy-mm/dd/yy)	Record of Activities Result*	Not Submitted (Check only if official did not submit their Record of Activities)
Elected Officials								
Highway Superintendent	7	Telaak, Robert		41400284	☐	1/1/2020-12/31/2023	27.88	☐
Councilwomen	6	Selby, Kathleen		40293615	☐	1/1/2020-12/31/2023	5	☐
Town Justice	6	Bender, Debra		40348963	☐	1/1/2022-12/31/2025	8	☐
Town Clerk	7	Quinlan, Sandra		41755091	☐	1/1/2020-12/31/2023	26.52	☐
Town Justice	6	Calabrese, Calcedonio		72904907	☐	1/1/2023-12/31/2026	2.16	☐
					☐			☐
					☐			☐
					☐			☐
					☐			☐
					☐			☐
					☐			☐
					☐			☐
					☐			☐
Appointed Officials								
Court Officer	6	Mulé, Daniel		38360103	☐	1/1/2023-12/31/2023		☐
Town Historian	6	Gamel, Frank		72028780	☐	1/1/2023-12/31/2023		☐
Dog Control Officer	6	Sherry, Linda			☐	1/1/2023-12/31/2023		☐
					☐			☐
					☐			☐
					☐			☐
					☐			☐
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					☐			☐
					☐			☐
					☐			☐
					☐			☐

TOWN OF BOSTON – RESOLUTION NO. 2023-54

NYMEP ENERGY SUPPLY VENDOR CHANGE

WHEREAS, in 2020 the Town of Boston (“Town”) joined the New York Municipal Energy Program (NYMEP), a Municipal buying initiative that allows New York communities and municipal facilities to save money on energy costs by joining an energy bulk-buying group to increase energy purchasing power and reduce costs for participating account holders by piggybacking off of procurements pursuant to General Municipal Law Section 103(16); and

WHEREAS, the Town’s supplier agreement for electricity ends in July 2023 and its agreement for natural gas ends in August 2023; and

WHEREAS, NYMEP, through its consultant Good Energy, has solicited pricing for these energy sources, and has highlighted the lowest-cost provider for each service for the Town depending on the term of the agreement; and

WHEREAS, the Town seeks to continue to benefit from lower energy costs through NYMEP but is cognizant that current geopolitical conditions may be causing a spike in energy pricing that will reduce in the future and thus has determined not to enter into multi-year energy supply agreements;

NOW THEREFORE BE IT

RESOLVED, that on behalf of the Town of Boston, the Town Supervisor hereby is authorized to enter into agreements with the NYMEP electricity and natural gas providers providing the best rates for one-year agreements to become effective at the end of the current terms for the Town’s electricity and natural gas service supply agreements.

On June 21, 2023, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

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

Sandra L. Quinlan, Town Clerk

TOWN OF BOSTON – RESOLUTION NO. 2023 - 55

AUTHORIZING PRIMARY AND GENERAL ELECTION POLLING PLACE LEASE AGREEMENT

WHEREAS, the Erie County Board of Elections has requested to use Boston Town Hall as an early voting poll location from June 17 – June 25 for the primary election and October 28 – November 5 for the general election, and has offered the Town \$900 per election to lease the required space; and

WHEREAS, the Town Board previously authorized a lease agreement with the Erie County Board of Elections for the purpose of early voting, hosting a polling location is a convenience to Town residents, and conflicts with other groups using the space at issue, if any, are anticipated amicably to be resolved;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Boston hereby authorizes the Town Supervisor to sign a lease agreement with the Erie County Board of Elections for Boston Town Hall to serve as a poll location from June 17 – June 25, and October 28 – November 5 in exchange for a payment totaling \$1,800.

On June 21, 2023, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

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

Sandra L. Quinlan, Town Clerk

EARLY VOTING POLLING LOCATION LEASE AGREEMENT



CITY/TOWN & DISTRICTS

This agreement made on the _____ (date), by and between the **Town of Boston**, hereinafter known and referred to as the **OWNER**, and the Board of Elections for the County of Erie, hereinafter referred to as the **TENANT**.

Witnesseth that said OWNER has agreed to let, and by these presents, does hereby grant, demise and let unto the said TENANT the following described premises:

LOCATION: Boston Town Hall

ADDRESS: 8500 Boston State Road, Boston, New York 14025

The area to be leased is a room or location that has been pre-approved by the Board of Elections within the building suitable for registration and voting and which is as close as possible to a convenient entrance to such building that provides access, by ramp or otherwise, to physically disabled voters.

PRIMARY CONTACT: Jason Keding, Supervisor

PHONE NUMBER: 716-941-6518

EMAIL: supervisor@townofboston.com

DELIVERY CONTACT: Shawn Vanderdoes

PHONE NUMBER: 716-860-4659

EMAIL: facilities@townofboston.com

BUILDING OPENER: Shawn Vanderdoes

CELL PHONE NUMBER: 716-860-4659

EMAIL: facilities@townofboston.com

As a place to hold official voter registrations and conduct elections in accordance with the provisions of the New York State Election Law on the dates listed below:

EARLY VOTING - PRIMARY ELECTION: JUNE 17, 2023 – JUNE 25, 2023

EARLY VOTING - GENERAL ELECTION: OCTOBER 28, 2023 - NOVEMBER 5, 2023

For Early Voting Dates that occur during weekdays, the TENANT is to have uninterrupted use and possession of the leased area on each said date from 11:30 am, being one-half hour prior to the opening of the polls until 9:30 pm, being one-half hour after the closing of the polls or until the inspectors have completed their work, whichever shall be later.

For Early Voting Dates that occur on Saturday and/or Sunday, the TENANT is to have uninterrupted use and possession of the leased area on each said date from 8:30 am, being one-half hour prior to the opening of the polls until 5:30 pm, being one-half hour after the closing of the polls or until the inspectors have completed their work, whichever shall be later.

In the event an election is delayed or continues as a result of a common disaster to another date, the OWNER agrees to make available the leased area to the TENANT on said subsequent date.

The OWNER hereby agrees to open the building for delivery and pick up of the voting machine(s) on a date mutually agreed to by the parties, between the third and sixth day prior to the election and between the first and fourth day following the election.

The TENANT agrees to pay the OWNER the following total rental for the entire early voting time period: **\$900.00 per election.**

The OWNER hereby promises, covenants and acknowledges as follows:

- A. To furnish necessary light, heat, and if available, cooling, to the leased area;
- B. To provide and set up twelve chairs and four tables no less than 48" in length for each machine delivered to the leased area;
- C. To ensure that the leased area is accessible to the public during the times heretofore specified and that the doors are opened;
- D. That there is a functional restroom facility available for use by employees of the TENANT during said day; and
- E. That political contributions by the OWNERS of a polling place are prohibited and that it is a misdemeanor for such OWNER to make, offer or promise any such political contribution as an inducement for the leasing of these premises.

The TENANT hereby promises, covenants and acknowledges as follows:

- A. Not to use said premises, or any part thereof, for any purpose other than the official voter registration and election functions;
- B. Not to let or sign over said premises, or any part thereof, to another without the prior written consent of the OWNER;
- C. To punctually pay said rent as the same accrues; and
- D. To take special care that no damage happens to the building, or any improvements or fixtures therein.

A breach of any promise or covenant made by the TENANT shall be reported by the OWNER to the commissioners of the Erie County Board of Elections as soon as practicable. If any damage shall occur to the leased premises as a result of the negligence by the TENANT or any of its agents or employees, the TENANT hereby agrees to cooperate with the OWNER in filing a claim for damages with the County of Erie. The County does not assume liability for the OWNER's obligation to maintain and operate the property, building, premises and ingress/egress thereto in a safe condition. Any reported incident related to election operations will be investigated and evaluated by Erie County in cooperation with the lessor.

The commissioners of the Board of Elections, no later than four weeks following the receipt of the fully executed lease agreement and the conclusion of the election, shall transmit to the Erie County Comptroller a voucher, in the form required by said comptroller, requesting prompt payment of the rental due to the OWNER in the amount stated above.

In the event that following the execution of this lease agreement, the premises shall become damaged, restricted, or placed under repair to such an extent that the leased area is no longer suitable for the conduct of voter registration and election, the TENANT shall have the right to terminate this lease agreement.

IN WITNESS WHEREOF, the parties hereto have affixed their hands and seals the day and year first above mentioned.

ERIE COUNTY BOARD OF ELECTIONS:

OWNER: _____

Ralph M. Mohr, Commissioner of Elections

BY: _____

Jeremy J. Zellner, Commissioner of Elections

PRINT NAME: _____

TOWN OF BOSTON – RESOLUTION NO. 2023 - 56

PURCHASE OF GENERATOR FOR PARKS/EMS BUILDING

WHEREAS, the Town of Boston owns a secondary building located at 8500 Boston State Rd, which houses the Town’s parks department and the Boston Emergency Squad; and

WHEREAS, the Town has identified a need to add backup power to all town-owned buildings to facilitate continued services in the event of a power outage and protect town owned structures and electronic equipment from potential damage resulting from loss of power to building systems; and

WHEREAS, the Boston Emergency Squad has a contract with the town that states that the Town will provide “an adequate structure with garage for Squad operations and training including the housing of ambulances and equipment”; and

WHEREAS, the Emergency Squad has brought concerns to the Town Board about the delay in their services to residents when the power is out, and the bay doors need to be manually opened and closed; and

WHEREAS, quotes for the necessary equipment and services were solicited from three companies and quotes in the following amounts were obtained:

Company	Quote
GenTech	*Updated 6/6/2023* \$10,367.82
Holland Propane	\$11,680.00
E.S.S.I.	Bid Never Received

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Boston hereby authorizes the Town Supervisor to contract with GenTech in the amount of \$10,367.82 for the installation of a generator at the Parks/EMS building.

On June 21st, 2023, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

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

Sandra L. Quinlan, Town Clerk

Estimate

Date	Estimate #
3/16/2023	4011

Estimate For:
Town of Boston 8500 Boston State Road Boston, NY 14025

All estimates are valid for 30 days after initial consultation. Any quote outside of 30 days will be re-estimated as prices are subject to change.

Item	Description
G0070433 22KW/WH 0K0971 Breaker	Generac 22kw Air-Cooled Home Standby Generator with whole panel transfer switch. Generac 150 amp circuit breaker for transfer switch
Composite GENPAD	Generac's proprietary lightweight high-strength composite GENPAD™ base for generator. Composed of industrial high strength, fiberglass reinforced, thermoset sheet molding compound specifically designed to ensure the weight of a Generac generator.
Installation	Remove existing 200amp service disconnect. Install new Generac 200 amp service rated transfer switch. Provide composite GENPAD™ base for generator to be located on rear of building near gas meter, between building and side walk. Provide and install black iron gas piping sized for generator, with fittings and valve. Gas piping to be supported at generator. Outside gas piping to be painted with Rustolium oil based grey paint. Provide and install conductors, and control wiring between the generator and new transfer switch. Wiring to be in electrical conduit. Install required labeling. Install battery, startup and testing of unit.
Materials	Install 100amp breaker in pull box above disconnect.
Update Ground Rods	As per National Electric Code we will make sure the grounding is up to date and current.
Battery 6526R	Battery 6526R
Engine Oil Heater	Generac Engine Oil Heater for cold weather protection under 32 degrees.
Building Permit & Inspection	Town Building Permit and Electrical Inspection. Gen-Tech will file and arrange all necessary permits and inspections.
Generator Warranty	All Generac generators come with a standard 5 year warranty. NOTE: Building must comply to all current smoke and CO detector requirements. If upgrades are needed, these upgrades would be at additional cost and in most cases handles by the towns contractor for fire alarm systems.

By code there must be a hardwired smoke and CO detector in the basement. There must also be a CO detector in any area with a heating appliance and on each level of the home. All bedrooms, hallways and common areas must also have smoke detectors. If you need any detectors Gen-Tech can provide and install for an additional cost.

If you agree to the terms and pricing of this estimate, please sign and return a copy to our office via e-mail at info@gentechpower.com or regular mail to:
61 Innsbruck Drive, Suite C, Buffalo, NY 14227

For More Information, Contact Our Office at 716-648-7208

Sales Tax (0.0%) \$0.00

Total \$10,367.82

Customer Approval Signature _____

TOWN OF BOSTON – RESOLUTION NO. 2023 - 57

**AUTHORIZING THE PROCUREMENT OF INDEPENDENCE DAY CELEBRATION
FIREWORKS DISPLAY**

WHEREAS, the Town of Boston desires appropriately to commemorate Independence Day and to include a Fourth of July fireworks display in its commemoration; and

WHEREAS, the Town solicited proposals from fireworks display vendors for the display and received one proposal dated June 13th, 2023 from Skylighters of New York LLC in the amount of \$10,000; and

NOW THEREFORE BE IT

RESOLVED, The Town Board of the Town of Boston hereby authorizes the Town Supervisor to execute an agreement with Skylighters of New York LLC to produce a Fourth of July fireworks display for a total cost not to exceed \$10,000.

On June 21, 2023, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

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

Sandra L. Quinlan, Town Clerk



PYROTECHNIC DISPLAY AND SERVICES AGREEMENT

THIS PYROTECHNIC DISPLAY AND SERVICES AGREEMENT (hereinafter referred to as "agreement"), made and entered into this 13th day of June, 2023 by and between SKYLIGHTERS of New York LLC. and Minnich Enterprises, Inc. (here in after referred to as "SELLER") and Town of Boston (Herein after referred to as "BUYER").

X This is a one year agreement.

 This is a three year agreement, starting on the below dates and time. Agreement binds BUYER to use SELLER as sole provider for pyrotechnic displays and services for three years, final compensation amount for years two and three of the agreement can be determined at original signing, or annually by January 31st of said year and will follow compensation specifications as outlined below. Three year agreement entitles BUYER to more product added to the display each year. (All product is based on current cost of that year and annual compensation amount.)

Any agreement paid in full by May 1st of the agreement year will entitle BUYER to % more Product added to that years display.

1. THE TIME AND PLACE: POSTPONEMENT/CANCELATION: SELLER agrees to design, produce and execute a fireworks show, otherwise known as a pyrotechnic display at approximately 10pm on the day of July 4, 2023. BUYER is responsible for gaining access to the set-up location on the SELLER'S behalf. The display will be executed at the following:

Location & Address: Boston Town Park, 8500 Boston State Rd., Boston, NY 14025

Weather permitting. An alternative inclement weather day is hereby designated to be 7/8/23 the same time and place set forth, herein above. It is agreed and understood by and between the parties hereto that SELLER shall have the sole, exclusive and final determination of the suitability of the weather conditions at the time of the display. In the event SELLER should determine that the weather conditions are such that an unsafe or hazardous condition may exist, SELLER shall have exclusive right to postpone the starting time of the display and/or delay the display in its entirety; until conditions have improved and are appropriate for the safety of all involved, or until inclement weather date as set forth herein above.

2. INSURANCE: SELLER agrees to provide a Certificate of Insurance showing SELLER, BUYER and , to be insured and covered for \$5,000,000 Each Accident. \$5,000,000 General Aggregate, \$5,000,000 products-comp/ops Agg. In the event greater liability insurance limits are required, the additional cost is to be paid by BUYER.

3. SECURITY/SAFETY: BUYER is responsible for procuring and managing the following:
- Adequate security personnel;
 - Barricades, Ropes with flags, etc. to barricade all covered (dangerous) areas to spectators;
 - Traffic patrolmen;
 - As necessary:
 - security guards for crowd control and clean up personnel to remove litter left by spectators or any other persons other than SELLER;
 - Trash receptacles as necessary for spectators;
 - "No Parking" signs and directional signs;
 - Sufficient space (as determined by shell size) for the proper and safe display of said pyrotechnic display. Such space to be clear and free of all persons except those employed by SELLER; and clear of any and all equipment, vehicles, structures, or items of any other kind not authorized or put in place by SELLER.
4. LICENSES OR PERMITS: SELLER shall be responsible to obtain, for SELLER's benefit, any state, city or any other licenses or permits required to execute the pyrotechnic display contemplated herein. SELLER shall provide BUYER with any necessary information, proof of insurance, or any other items required by the licensing authorities for issuance of such licenses or permits.
5. COMPENSATION: Compensation shall be made to the SELLER hereunder as follows: 50% at the signing of this agreement, due no later than 90 days from the display date with the balance due before the service has been provided . The total amount of this contract is \$10,000.00
Our 3% cash/check discount will be removed for credit card payments.
(*if three year contract, Year 1 \$_____, Year 2 \$_____, Year 3 \$_____). In the event of BUYER failure to pay all sums due within thirty days of display, SELLER shall be entitled to collect from BUYER its reasonable cost of collection, including interest and reasonable attorney's fees. If, for any reason other than as addressed herein above BUYER wishes to cancel this agreement, there will be a cancellation fee in the amount of fifty percent of the total contract price hereunder for the cancellation of a one year contract; and an additional fifteen percent fee of the total contract price for each year cancelled with a undetermined budget for the cancellation of a three year contract; to be paid to or retained by SELLER. Any applicable state or local taxes will be payable by the BUYER. Should the setup of the display require a multi-day setup it is up to the BUYER to provide security for the display site.
6. PRICE ADJUSTMENTS: Pricing may be adjusted up to the date the services is provided, based on actual increases or decreases in U.S. Tariffs, product and shipping costs. SKYLIGHTERS of New York LLC, shall use its best commercial efforts to limit any increases as much as possible. SKYLIGHTERS of New York, LLC, is using every commercial efforts and delaying shipments to avoid the 300% markup on Freight. Our deadline to ship is April 1st. If shipping price does not come down by, contracts/displays will be need to be adjusted.
7. POINT OF CONTACT NAME & PHONE NUMBER: _____

This CONTRACT is binding only after it has been signed by all parties hereto and returned to the SELLER with the required deposit as forth herein above.

BY: _____

BY: _____

DATE: 06/13/2023

DATE: _____

SELLER

BUYER

TOWN OF BOSTON – RESOLUTION NO. 2023 - 58

AUTHORIZING THE PROCUREMENT AND INSTALLATION OF PHASE 2 SECURITY CAMERAS

WHEREAS, the Town of Boston recognizes the importance of ensuring the security and safety of its municipal facilities and employees; and

WHEREAS, Phase 1 of the security camera installation project has been successfully completed, utilizing funds from the Justice Court Assistance Program (JCAP) and the Town has decided to continue working with the same vendor to maintain consistency and compatibility with the existing security infrastructure; and

WHEREAS, it is necessary to complete the security camera installation project by replacing the remaining cameras to ensure comprehensive security coverage; and

WHEREAS, the following camera placements have been determined as essential for enhancing security within the Town's premises:

Camera Location	Cost
Town Clerk's Office, Replace Existing Camera, Facing Counter	\$395
Town Clerk's Office, Replace Existing Camera, Facing Vault	\$395
Supervisor's Office, Replace Existing Camera, Facing Interior Door/Hallway	\$395
Install and Configure Bridge	\$350
Snack Shack, Replace 3 Existing Cameras	\$1,185
Snack Shack, New Camera Facing Pond Area	\$420
*If needed, upgrade existing POE switch to handle 4 th Camera	\$100
Total, not to exceed	\$3,240

NOW THEREFORE BE IT RESOLVED, The Town Board of the Town of Boston hereby authorizes the Town Supervisor to execute an agreement with Kiercom Communications to procure and install new security cameras at the Town Hall and Snack Shack for a total cost not to exceed \$3,240.

On June 21, 2023, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

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

Sandra L. Quinlan, Town Clerk



KIERCOM

Communications Inc.



June 7, 2023

Town of Boston,

Thank you for contacting Kiercom Communications Inc for your camera needs. This quote is for the Phase 2 portion. I will break it down for the different areas.

Clerk's office: 1 camera facing the window/customers

Camera: \$220.00

Installation: \$175.00

1 camera facing the vault

Camera: \$220.00

Installation: \$175.00

Supervisor Door: 1 camera mounted to ceiling to monitor glass door.

Camera: \$220.00

Installation: \$175.00

Rec center/snack shop: Install and configure bridge

Installation: \$350.00

Replace 3 existing cameras and configure.

Camera's: \$220.00 ea (x3) = \$660.00

Installation: \$175.00ea (x3) = \$525.00

Install new 4th camera facing pond area

Camera: \$220.00

Installation: \$200.00

IF NEEDED, upgrade the existing switch to handle 4th camera.

POE switch and labor to install: \$100.00

Please feel free to contact me with questions.

Sincerely,

Mike Kierejewski

TOWN OF BOSTON – RESOLUTION NO. 2023-59

**NORTH BOSTON TOWN PARK RESTROOM AND PAVILION
CHANGE ORDER NUMBER 2**

WHEREAS, the Town of Boston awarded the bid for construction of a new restroom and pavilion at the North Boston Town Park to Sicoli Construction Services, Inc., for that firm's \$466,700 base bid including allowance; and

WHEREAS, the restroom and pavilion project is nearly complete, and as described in proposed Change Order No. 2 to Sicoli's contract, it has been determined that gusset plates must be added to the parallel-strand lumber beams at the diagonal brace connection, which was not included in Sicoli's original scope of work; and

WHEREAS, Sicoli proposes to furnish the labor and materials necessary complete the required work for an additional \$7,506; and

WHEREAS, after applying the remaining contract contingency allowance of \$1,018, the total contract sum including Change Order No. 2 will be \$473,188; and

WHEREAS, LaBella Associates, D.P.C., the Town's architects for this project, have agreed not to bill any further fee on this project in order to lessen the overall impact on the total project cost;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Boston hereby approves Change Order No. 2 to the contract with Sicoli Construction Services, Inc., for construction of a new restroom and pavilion at the North Boston Town Park, authorizing payment of an additional \$7,506 to Sicoli and bringing the total contract sum to \$473,188; and

IT IS FURTHER RESOLVED, that the Town Supervisor is authorized to execute Change Order No. 2 on behalf of the Town of Boston.

On June 21, 2023, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

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

Sandra L. Quinlan, Town Clerk

CHANGE ORDER

AIA DOCUMENT G701

OWNER
ARCHITECT
CONTRACTOR
FIELD
OTHER

☐
☐
☐
☐
☐

PROJECT:

Town of Boston

North Boston Town Park Restroom & Pavilion

CHANGE ORDER NUMBER: 02

DATE: 6-14-2023

TO CONTRACTOR:

Sicoli Construction Services, Inc.

4800 Hyde Park Blvd.,

Niagara Falls, NY 14305

ARCHITECT'S PROJECT NO.: 2190909.024

CONTRACT FOR:

Town of Boston

North Boston Town Park Restroom & Pavilion

The Contract is changed as follows:

The Structural Engineer of Record, is requiring gusset plates to be added to PSL beams at the diagonal brace connection. See SKS-03 attached to this change order.

Not valid until signed by the Owner Architect and Contractor.

The original Contract Sum was (not including the allowance)..... \$456,700.00
Net change by previously authorized Change Orders..... \$8,982.00
The Contract Sum prior to this Change Order was \$465,682.00
The Contract Sum will be increased
by this Change Order in the amount of \$7,506.00
The new Contract Sum including this Change Order will be..... \$473,188.00

Change Order Number 01 was to remove the existing foundations and Sicoli used \$8,506.00 of the original Allowance of \$10,000 on the project, this leaves \$1,018.00 in the allowance which can be used towards this amount.

LaBella is not going to bill the remainder of their fee on the project, to help with this change order.

Ben Sicoli, from Sicoli Construction Services, Inc. has agreed to take \$1,000 off the change order amount.

NOTE: This summary does not reflect changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive.

LaBella Associates

ARCHITECT

Kathleen Kogut, Project Manager

300 Pearl Street Suite 130

Buffalo, NY 14202

Sicoli Construction Services, Inc.

CONTRACTOR

Benjamin Sicoli

4800 Hyde Park Blvd.

Niagara Falls, NY 14305

Town of Boston

OWNER

Jason Keding

Town of Boston Supervisor

8500 Boston State Rd, Boston, NY 14205

BY _____

BY _____

BY _____

DATE _____

DATE _____

DATE _____

SICOLI Construction Services, Inc.

4800 Hyde Park Blvd.
Niagara Falls New York 14305
Phone: (716)205-0540
Fax: (716)205-0541

VIA EMAIL

May 16, 2023

LaBella Associates
300 Pearl Street, Suite 130
Buffalo, NY 14202

Attn: Kathy Kogut

Re: Town of Boston Restroom and Pavilion
SCS Job #190, **CR#2 (ALT)**

Kathy,

Per SKS-03 (ALT), to **provide and install additional gussets and lag bolts**, we hereby submit the following quotation for Change Order:

TOTAL OF CR #2 (ALT): ~~\$ 8,506.00~~ **\$7,506.00**

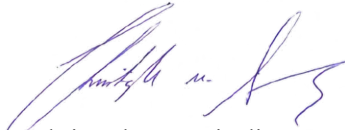
(See attached breakdown)

Per phone conversation with Ben Sicoli on June 14, 2023, they are taking \$1,000 off this total.

Please issue the appropriate Contract Change Order in the very near future, so we may include this charge as part of our next payment application.

If you have any questions, please feel free to contact me at your convenience at the above number. My extension is 106.

Sincerely,
Sicoli Construction Services, Inc.



Christopher M. Sicoli
Vice President



Change Request Breakdown

Date : 4/28/2023

Job #190 - Town of Boston Restroom and Pavilion

CR #2 (ALT) - Provide and Install Gussets, Ply Shims, and Lag Bolts per SKS-03

<u>Sicoli Construction Services</u>				
<u>SCS Job Foreman</u>	20	Hour(s) @	\$95/hr	\$1,700.00
<u>SCS Carpenter</u>	20	Hour(s) @	\$90/hr	\$1,600.00
<u>Material</u>		408 Lag Bolts & Plywood		\$883.00
<u>Subcontractor(s)</u>				
Labor				\$0.00
Material				\$0.00
Equipment				\$0.00
O&P				\$0.00
Subcontractor Total =				\$0.00
<u>Rucker Lumber</u>				
Labor				\$0.00
Material		Gussets		\$3,200.00
Equipment				\$0.00
O&P				\$320.00
Subcontractor Total =				\$3,520.00
Subcontractor Grand Total =				\$3,520.00
SCS Grand Total =				\$4,183.00
SCS O&P =				\$803.45
Total of CR #2 (ALT)				\$8,506.45
Contract Time Increase				(0) Calendar Days

Shop

Search keyword, model or part number

Home > Shopping Cart > Checkout

Shipping & Special Instructions

Pickup & Delivery Info

Payment & Submit

1

2

3

Order Information

Cust. PO:

Release/Job No:

Billing Address

4800 Hyde Park Boulevard
Niagara Falls, NY USA 14305

Order Comments

Description	EDA	Pickup/Delivery
1/2"-6 x 3" Grade A Zinc Finish Hex Head Lag Screw SKU: 1122365	Ships: Wednesday (05/17/2023) Delivery: ECOMM 10 410	\$1.51 \$619.10

Order Summary

Subtotal (1 item):

\$619.10

Shipping & Handling:

\$60.33

Sales Tax:

\$54.34

Grand Total (USD):

\$733.77

Payment Method

☐ Credit Card

Submit Order

Delivery Information

Shipping Address

Sicoli Construction S...
4800 Hyde Park Boul...
Niagara Falls, NY USA 14305

Servicing Branch

ECOMM
5851 Guion Road
Indianapolis, IN USA 46254
P: 1-877-507-7555
ECOMM@stores.fastenal.com

Previous Step

Submit Order

Note: The final order total will be calculated by the servicing branch where custom pricing, freight costs, tariffs, and taxes may be determined. Read our Terms of Purchase for more information for which this order will be subject.

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Accept & Continue

1

TOWN OF BOSTON – RESOLUTION NO. 2023-60

REPAIR OF STREETLIGHT NEAR ROUTE 219

WHEREAS, on or about March 4, 2023, a streetlight owned and maintained by the Town of Boston located near Route 219 was damaged, apparently by a vehicle which left the scene of the accident; and

WHEREAS, the Town has obtained a quote from Electrical Service & Systems Installation, Inc. (“ESSI”), a firm qualified to perform the necessary repair work that also is a NYS Certified Woman-owned Business Enterprise; and

WHEREAS, ESSI’s quote for the labor and materials required to repair the streetlight is \$6,695, plus freight charges for the replacement light pole arm and base; and

WHEREAS, the Town has reported a claim for the damage to the streetlight to its property insurance carrier, and after the applicable deductible, the Town will recover \$4,656.45 on its claim;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Boston hereby authorizes payment to Electrical Service & Systems Installation, Inc., to furnish the materials and labor to repair the streetlight near Route 219 that was damaged on or about March 4, 2023, in an amount not to exceed \$6,695 plus reasonable freight charges for the replacement light pole arm and base.

On June 21, 2023, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

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

Sandra L. Quinlan, Town Clerk



PROPOSAL

Electrical Service & Systems Installation, Inc.

35 Lee Street
Buffalo, NY 14210

NYS WBE

Telephone: (716) 826-8707

e-mail: mkrawiec@essibuf.com

Page No. 1 Of 1 Pages

JOB NAME/NO.

Town of Boston - Street Light Down

JOB LOCATION

Town of Boston @ Route 219

ARCHITECT

DATE OF PLANS

Submitted

To Owner : **Town of Boston, New York**

8500 Boston State Road

Boston, NY 14025

Attention:

Shawn Vanderdoes

PHONE

716 860 4659

DATE

23-May-23

email:

Facilities@townofboston.com

APPROXIMATE STARTING DATE

APPROXIMATE COMPLETION DATE

THE CONTRACTOR AND OWNER HAVE DETERMINED THAT A

DEFINITE COMPLETION DATE :

___ IS OF THE ESSENCE ___ IS NOT OF THE ESSENCE

Furnish all Labor, Material, Equipment and Supervision necessary to complete the following:

Scope: Repair damaged street light pole, arm and fixture at Route 219. Using existing pole and transporting the 30' pole back to the street light location, will replace arm, breakaway base and fixture, as well as wiring from the power source to the pole base and then up to the fixture with photo eye. This work will require the rental of truck to move the 30' pole, as well as a 50' tow behind lift. Due to the transport, location of the pole re-installation and size of the pole to erect, this job will require 3 persons to handle necessary safety measurements.

Materials: *

Using the existing light pole with NEW arm and breakaway base: \$2,755.00

Labor:

Using the existing light pole with NEW arm and breakaway base: \$3,000.00

Rentals:** 50' Tow behind lift for 30' pole installation: \$600.00

26' Flatbed Penske Truck Rental to move 30' pole: \$340.00

*** Note:** Lead time from HAPC (light pole arm & base) is 20-22 weeks. Also, price does NOT include freight charge on materials. Freight charge not available until time of shipment.

**** Amount for both rentals is the amount quoted on 5/17/2023. Price may change as lead time on the light and pole arm/base is 20-22 weeks.**

We Propose hereby to furnish material and labor - complete in accordance with above specifications, for the sum of :

Six Thousand Six Hundred Ninety Five ----- dollars (\$ **6,695.00**).

Payment Schedule : TBD

All material is guaranteed to be as specified. All work to be completed in a work like manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and about the estimate.

All agreements contingent upon strikes, accidents or delays beyond our control.

AUTHORIZED SIGNATURE:

MA Krawiec

Note: This proposal may be withdrawn by us if not accepted within 60 days.

ACCEPTANCE OF PROPOSAL- I have read both pages of this document and accept the prices, specifications and conditions stated. I understand that upon signing, this proposal becomes a binding contract. You are authorized to do the work as specified. Payment will be made as outlined above.

NOTICE: You, the Buyer, may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction. See notice of cancellation on the last page for an explanation of this right.

SIGNATURE

DATE

PO Number (needed to proceed)

DATE

TOWN OF BOSTON – RESOLUTION NO. 2023-61

**AMENDMENT TO CONTRACT WITH ERIE COUNTY FOR
CONGREGATE DINING PROGRAM – TECHNOLOGY INSTALLATION AND
SPECIAL EVENT PROGRAMMING**

WHEREAS, the Town of Boston entered into an agreement as of January 1, 2017 with Erie County related to the Congregate Dining Program, which help elderly persons maintain their nutritional well-being and social independence; and

WHEREAS, Erie County has proposed a contract amendment to be effective as of June 1, 2023 that replaces Schedules A and E to the parties existing agreement with new schedules containing provisions related to technology installation, special event programming, and possible County reimbursement, required to facilitate the Town of Boston Congregate Dining site's participation in the County's SilverNet Project, which will use technology to enhance the services provided to the elderly;

WHEREAS, there is no costs to the Town associated with this contract amendment;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Boston hereby authorizes the Town Supervisor to execute the Contract Amendment as of June 1, 2023 to the Town's January 1, 2017 Agreement with Erie County related to the Congregate Dining Program, replacing Schedules A and E to the existing Agreement.

On June 21, 2023, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

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

Sandra L. Quinlan, Town Clerk

Contract Amendment

THIS AMENDMENT made on **June 1, 2023**, between the COUNTY OF ERIE, (herein, "COUNTY") a Municipal corporation of the State of New York, having its principal office in Buffalo, Erie County, New York, and **Town of Boston**, a municipality of the State of New York (herein "AGENCY"), having its office at **8500 Boston State Rd., Boston NY 14025**; amends the evergreen agreement made between the above-named parties on the **1st day of January 2017**.

NOW, THEREFORE, it is mutually agreed by and between the parties:

1. Except as hereinafter set forth, this amendment is in addition to and not in substitution of the **January 1, 2017**, evergreen agreement between COUNTY and AGENCY, filed with the County Attorney's office as Document **#17-531-SS** (the "Agreement").
2. The Agreement is hereby amended to replace **Schedule A: Statement of Services- Congregate Dining (Clean-up)** with **Schedule A: Statement of Services Congregate Dining (Clean-up), Technology Installation & Special Event Programming**.
3. The Agreement is hereby amended to replace **Schedule E: Remuneration Schedule Congregate Dining (Clean-up)** with attached **Schedule E: Remuneration Congregate Dining (Clean-up), Technology Installation & Special Event Programming Reimbursement**.
4. Except as otherwise provided herein, all other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, this agreement has been signed by the duly authorized officers of the respective parties.

COUNTY OF ERIE

TOWN OF BOSTON

Mark Poloncarz/Lisa M. Chimera

County Executive/Deputy County Executive

Date: _____

Jason Keating

Town Supervisor

Date: _____

Approved as to content:

By: (Electronically signed)

Date: _____

Angela Marinucci, Commissioner Dept. of Senior Services

Approved as to form:

By: (Electronically signed)

Date: _____

Aaron Rubin, Assistant County Attorney

Document# 17-531-SS (Amend 1)

SCHEDULE A
STATEMENT OF SERVICES
Congregate Dining (Clean-up)
Technology Installation & Special Event Programming

To the fullest extent applicable, Agency hereby makes the representations and agrees to the terms and conditions set forth in this Schedule.

Part I - Services, Terms and Conditions

1. Services Provided:

Congregate Dining Clean Up: In its role as the Area Agency on Aging, the Erie County Department of Senior Services is responsible for the development of a coordinated system for the delivery of services to older persons residing in the planning and service area of Erie County in the State of New York. As part of this responsibility, the Department has been charged with the implementation of the Older Americans Act of 1965, as amended, which provides for the provision of nutritional services and certain specified social services to persons aged sixty and their spouses. The Department developed a design for service provision under the Older Americans Act of 1965, as amended, which draws on the resources of existing community-based service delivery organizations. This protocol details the service provision design including specific responsibilities of the sponsoring agency.

Senior Center Technology Project (SCTP): Department of Senior Services (Department) initiative utilizing the internet to link our congregate dining sites together and provide for the streaming of educational and recreational programming among them, as well as to older adults who are homebound. The congregate dining sites will access the internet-based platform to participate in programming, view and broadcast content. Senior Center staff will utilize/operate the system for activities and programs with guidance and support from Department staff.

A. Objectives

The general goal for the Nutrition Program for the Elderly is to enhance the lives of older persons by providing a social milieu conducive to the self-maintenance of physical and mental health by the individual program participants to the extent of his/her ability.

Specific objectives of the Nutrition Program include the following:

- i. The provision of meals containing at least 1/3 of the recommended Daily Allowance for adults sixty years of age and over, as specified by the Food and Nutrition Board, National Academy of Science, National Research Council.
- ii. The provision of specific social services which are: Transportation and Escort, Nutrition Education, Health and Welfare Counseling, Shopping Assistance, Outreach, Recreation, and Information and Referral.

B. Target Population

The target population of the Nutrition Project is those Erie County residents who are age sixty and over and their spouses. However, priority for service shall be given to those older persons with greatest economic or social need that is, those who, because of low income, physical or mental impairment, minority status, cultural or social isolation, are at greater need.

C. Program Design

The Nutrition Project of the Erie County Department of Senior Services will be administered by staff based in its headquarters designated by the County. The program will be operated by community organizations at their facilities, under contract with the County of Erie. Under this model of service

provision, the sponsoring Agency is responsible for performance of the following:

- i) The Agency will provide and operate a suitable site(s) and related facilities for group dining as provided under this Agreement. The costs incurred for operating said site(s) and related facilities to be the sole responsibility of the Agency, other than those services provided by the Department under this Agreement.
- ii) **The Agency, through the Department, shall order the number of meals required on any day at least two (2) business days prior to the time such meals are required to be served and seventy-two (72) hours prior to serving for a holiday meal, alternate salads and special days with a pie.**
- iii) The Agency's meal order will provide for the anticipated number of participants each day however, the unused meals will not exceed an average of 10% or two (2) meals per day, whichever is greater, over a three-month period. If this average is exceeded, the Agency will, in consultation with the County, develop a corrective action plan with the expectation of improvement over the subsequent six (6) months. The minimum number of meals ordered is fifteen (15) per site per day.
- iv) Upon delivery of meals to the site, the Agency shall have an authorized representative sign a receipt in triplicate evidencing the receipt of said meals. One copy will be given to the driver, one copy retained by the Agency, and one copy delivered to the Department.
- v) The Agency agrees to provide clean-up services after each serving of the meals and to keep the preparation and dining areas in a clean and sanitary condition at all times.
- vi) The Agency will provide the social services mandated under the Older Americans Act of 1965, as amended, as they relate to the Nutrition Program.
- vii) The Agency will provide adequate staff to supervise the preparation and distribution of meals.
- viii) The Agency will provide a suitable means for transporting meals and other food to participants unable to be present at the group dining sites(s), if so authorized by the Department.
- ix) The Agency will serve modified diets to participants requiring them, who qualify according to procedures established by the Department. The Agency will assist the Department in identifying and qualifying participants who require a modified diet.
- x) The Agency will be responsible for completing a Participant Registration form for each individual who demonstrates an intent to participate in the Nutrition Program by declaration or by attending a group meal three (3) times within a reasonable period. Attendance of prospective participants, referred to as non-registered participants, will be recorded in an attendance record as prescribed by the Department.
- xi) The Agency shall comply with all pertinent eligibility requirements and shall not serve food to persons not eligible as beneficiaries of the Nutrition Program under Title III-C of the Older Americans Act.
- xii) The Agency will keep and maintain the site serving areas in a clean and sanitary condition at all times by means of scheduled cleanings, and will keep kitchen appliances and other equipment furnished by the Department, the Agency, and/or the provider of the sites(s) in good repair for satisfactory and safe operation. The Agency will take measures at the site(s) to permanently eradicate flies and other pests from the kitchen and dining areas.
- xiii) The Agency will daily dispose of any food and/or waste left over after the serving of any meal and will provide adequately covered receptacles for garbage and waste paper, with subsequent removal from the premises, or otherwise disposed, according to good sanitation practices.
- xiv) The Agency will serve all foods at the temperatures specified according to Public Health Regulations and as directed by the Department.
- xv) The Agency will receive, store, prepare, and serve meals delivered to the sites(s) in a manner

consistent with acceptable food service practices and as prescribed by the Department.

xvi) The Agency will prohibit smoking in the kitchen area of the site(s) during meal preparation and serving periods.

xvii) The Agency will provide adequate cleaning supplies, kitchen towels, and paper towels.

xviii) The Agency will adequately care for and secure all equipment of the County left on the sites(s) premises for use by the Agency and will be fully responsible for such equipment.

xix) The Agency will be responsible for ensuring that the mandated social and health services referred to in this protocol are provided to program participants. The Department will assist in the organization of the design of the social services provision.

xx) The Agency will post a sign at the site advertising the Nutrition Program. This sign will be provided by the Department.

xxi) The Agency will submit a weekly report, according to the form and procedure prescribed by the Department. The period for each weekly report will cover the period from 12:01 a.m. Saturday to 12:00 midnight Friday of each week. The weekly report is to be submitted to the Department no later than the Thursday following the week in which the meals were served. No reimbursement, as provided in Section 3.1, will be authorized without the timely receipt and approval of said weekly reports.

D. Evaluation Design

The Department is responsible for evaluation of the Nutrition Program for the Elderly and all services provided in connection with it. The Agency shall cooperate with the Department in the conduct of such evaluations that are deemed appropriate from time to time.

2. Contract Personnel:

The Agency shall employ a Site Manager for a minimum of ten (10) hours per week, to be responsible for the Nutrition Program. The Site Manager will be responsible for implementing a program of educational and recreational activities at the dining site to encourage senior participation in the Nutrition Program. In the event that the position of Site Manager shall become vacant, the Agency shall as soon as possible appoint a person to fill the vacancy. In addition, the Agency agrees that the Nutrition Program will be additionally staffed by paid and/or volunteer personnel, as necessary.

Pursuant to New York State regulations, all Agency service personnel, both paid and volunteer, who handle contributions, must be bonded, with the exception of government employees and attorneys providing legal services. Agencies can obtain a "blanket bond" for all employees.

3. Facility Compliance:

The Agency undertakes and agrees that any program facility provided hereunder for a dining site shall be in full compliance with all applicable laws, regulations, and ordinances respecting health, sanitation, and fire protection and will supply the Department with proof of such compliance upon request by the Department. If said facilities should be cited for violations under these applicable laws, regulations, and/or ordinances, the Agency will be responsible for the correction of such violations as soon as possible after notification and within the period specified in the citation(s). The Agency represents that all required fire and sanitation inspections have been made and that it has adequately planned for the safety needs of the elderly who are to be beneficiaries of the Nutrition Program. The Agency agrees from time to time to satisfy the Department that adequate provision for such safety needs are in effect. The Agency agrees to procure and keep in effect all necessary licenses, permits and food handler cards required by law and the Agency agrees to post such licenses, permits, and cards in a prominent place within the site location(s), as required.

4. Contract Property:

All equipment supplied by the Department under this Agreement for **Congregate Dining Services** shall be deemed to be the property of the County and shall be used as far as practical by the Agency for the purpose

of carrying out the extent of the Agreement and shall not be available for general use by the Agency outside of this Agreement. All such equipment shall be identified in a suitable manner. Upon the termination of this Agreement, if not renewed, the Agency shall submit a final inventory of all such equipment on hand within thirty (30) days after completion of the services to be performed under this Agreement. Disposition of the inventoried property shall be made in accordance with applicable provisions of the law under the direction of the Department. The Agency shall reimburse the County for any loss or damage of said equipment due to fire, theft, or any cause other than normal use

All equipment supplied by the Department under this Agreement for the **Senior Center Technology Project** facilitating older adult recreational, educational, socialization and engagement activities shall be deemed to be the property of the County and shall be used as far as practical by the Agency for the purpose of carrying out the extent of the Agreement and for any Agency technology needs relating to adult recreational, educational, socialization and engagement activities serving older adults. All such equipment shall be identified in a suitable manner. Upon the termination of this Agreement, if not renewed, the Agency shall submit a final inventory of all such equipment on hand within thirty (30) days after completion of the services to be performed under this Agreement. Disposition of the inventoried property shall be made in accordance with applicable provisions of the law under the direction of the Department. The Agency shall reimburse the County for any loss or damage of said equipment due to fire, theft, or any cause other than normal use.

5. Contribution from Participants:

Since the Nutrition Program is contributory in nature, the Agency will provide the opportunity for participants receiving meals under this Agreement to contribute. Such contributions are to be voluntary, not fees levied by the Agency; and are not to exceed a maximum amount per meal established by the Nutrition Project, (**currently set at \$3.00**) except at the sole and independent discretion of the participant. The actual amount of the contribution is to be determined by the participant and the contributions are to be collected in such a manner as to ensure the confidentiality of the participant concerning if a contribution is made or not, and in what amount.

The procedure for protecting the confidentiality of the participants and the proper handling of the contributions collected will be prescribed by the Department. All contributions from participants shall be returned to the County and shall not be considered as Agency income. The Agency shall return contributions from participants to the County in a manner and according to a schedule prescribed by the Department. In the event participant contributions collected by the Agency are lost, misplaced, or stolen, before they are delivered to the designated Depository or to an official agent of the Erie County Nutrition Project, the Agency will replace the funds and deliver them to the County. The County will utilize all contributions from participants to directly benefit the Nutrition Program.

6. Fees for Meals Received by Staff, Guests, and/or Volunteers under age 60:

Staff, guests, and volunteers under age 60 (except for spouses of older participants) may consume a meal only when it will not deprive an eligible older person of an opportunity to receive a meal. Such staff, guests, and/or volunteers under age 60 are required to pay a fee for any meal received, as established by the Older Americans Act, its Regulations, the Administration on Aging, the New York State Office for the Aging, Department, its Advisory Board, and/or the Nutrition Project Council, whichever jurisdiction applies. Agency is responsible for collecting and returning said fees to the County in a manner and according to a schedule prescribed by the Department. In the event such fees collected by the Agency are lost, misplaced, or stolen, before they are delivered to the designated Depository or to an official agent of the Erie County Nutrition Project, the Agency will replace the funds and deliver them to the County.

The County will utilize all fees from staff, guests, and/or volunteers under age 60 to directly benefit the Nutrition Program. Any meal reported as received by staff, guests, and/or volunteers under age 60 for which fees are not collected and returned to the County by Agency will be deducted from any amounts payable by the County under this Agreement.

7. Agency Reimbursements:

The obligation of the County shall be limited to reimbursement to the Agency for expenditures by the Agency in accordance with the Agreement. The County shall not be responsible for payments to the Agency for any Agency expenditures in violation of this provision.

TOWN OF BOSTON – RESOLUTION NO. 2023-62

**INTER-MUNICIPAL AGREEMENT WITH TOWN OF HAMBURG
FOR DOG CONTROL OFFICER SERVICES**

WHEREAS, the Town of Boston has a need for occasional assistance with dog control functions when its single dog control officer is unavailable; and

WHEREAS, the Town of Hamburg has proposed to assist the Town of Boston through an inter-municipal agreement, pursuant to which the Town of Boston will receive services from Hamburg’s dog control officers on a fee-per-call basis; and

WHEREAS, the Town Board believes it is in the best interests of the Town of Boston to enter into said inter-municipal agreement to ensure that dog control services are available;

NOW THEREFORE BE IT

RESOLVED, that the Town of Boston authorizes the Supervisor to enter into the proposed inter-municipal agreement with the Town of Hamburg for dog control officer services.

On June 21, 2023, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

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

Sandra L. Quinlan, Town Clerk

DOG CONTROL OFFICER AGREEMENT

WHEREAS, the Town of Boston has a single Dog Control Officer who performs the regular and necessary duties of said Officer; and

WHEREAS, the Boston Dog Control Officer from time to time may be unavailable to perform said duties due to illness, vacation, etc.; and

WHEREAS, the Town of Boston seeks to enter into an inter-municipal agreement with the Town of Hamburg to provide dog control services in the event the Boston Dog Control Officer is unavailable;

NOW THEREFORE, for good and valuable consideration, the parties do hereby agree as follows:

1. Services: The Town of Hamburg shall provide dog control services to the Town of Boston on an as-needed basis. All services provided shall be in accordance with the New York State Agricultural and Markets Law.
2. Term: This contract shall be for a period of one (1) year commencing on the date both Towns sign the agreement, and may be modified, extended or terminated upon the mutual agreement of both parties. This contract shall be deemed renewed, each calendar year thereafter, unless one of the contracting parties shall notify the other, in writing, within thirty (30) days of expiration date, that it elects to terminate the contract.
3. Amendment: This contract may be amended at any time during the term hereof by mutual written agreement of the parties.
4. Payment: The Town of Boston shall pay to the Town of Hamburg the sum of \$30.00 for on duty calls, and the sum of \$45.00 for call outs, for each service call made by the Town of Hamburg Dog Control Officer in the Town of Boston, which shall be paid on a monthly basis. This service call charge shall be reviewed and determined from time to time by the Town Board of the Town of Hamburg, in its sole discretion, provided that the Town of Hamburg shall provide the Town of Boston with written notice of change in service call charges at least thirty (30) days before such change shall take effect, and further provided that the Town of Boston shall have the right to terminate this Agreement within (15) days after any such change in service call charges takes effect.
5. Insurance: Each party to this contract will maintain general liability coverage during the term of this contract, which satisfies the requirements listed as Schedule "A" attached hereto, and name the other party as an Additional Insured in connected with their own negligence and provide a Certificate of Insurance to the Town Attorney's office of the other Town showing this Additional Insured status.
6. Compliance with Laws: The Town of Boston and Town of Hamburg shall perform in accordance with all applicable federal, state, and local laws, rules and regulations. All

statutory provisions applicable to this contract are hereby incorporated by reference.

7. Severability: In the event any provision of this contract shall be or become invalid under any provision of federal, state, or local law, such invalidity shall not affect the validity of enforceability of any other provision hereof.
8. Contract Interest: No office or employee of the Town of Boston or Town of Hamburg who is authorized in such capacity and on behalf of the Town of Boston or Town of Hamburg to negotiate, make, accept or approve, or to take part in negotiating, making, accepting or approving this contract, shall become directly or indirectly interested personally in this contract, or in any part hereof. No officer or employee of, who is authorized in such capacity and on behalf of the Town of Boston in the Town of Hamburg to exercise any supervisory or administrative function in connection with this contract, shall become directly or indirectly interested personally in this contract or any part hereof.
9. Non-Discrimination: The Town of Boston and the Town of Hamburg agree to ensure that no person shall on the ground of age, race, creed, color, national origin, sex, sexual preference, or disability be subjected to discrimination.
10. Litigation: In the event any litigation shall arise from this contract, the laws of the State of New York shall control any litigation, regardless of which party shall institute such action.
11. Hold Harmless: The Town of Boston agrees to defend and indemnify the Town of Hamburg against loss or expense, including attorney's fees, by reason of the liability imposed by law upon the dog control officer, except in cases of the Town of Hamburg's negligence, for damage because of any bodily injury, including death at any time resulting therefrom, sustained by any person or persons, or on account of damage to property arising out of, or in consequence of, the performance of this contract.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed and their respective seals to be hereunto affixed by their duly authorized officers the day and year first written above.

Town of Hamburg

Town of Boston

TOWN OF BOSTON – RESOLUTION NO. 2023-63

SPECIAL USE PERMIT FOR ACCESSORY APARTMENT AT 8947 PEARL STREET

WHEREAS, the Town of Boston has received an application for a special use permit from Charles J. Lachiusa for addition of a one-bedroom in-law apartment at 8947 Pearl Street, Boston, New York; and

WHEREAS, the subject property is in the R-2 zoning district, where pursuant to Town Code Section 123-125(B) accessory apartments are permitted with a special use permit and subject to the limitations set forth in that Section; and

WHEREAS, the Town Board conducted a public hearing on the special use permit application on June 21, 2023; and

WHEREAS, the proposed addition of an accessory apartment is a Type II action and no further review under SEQR is required;

NOW THEREFORE BE IT

RESOLVED, that the Town of Boston hereby grants a special use permit for an accessory apartment at 8947 Pearl Street, with the conditions that the accessory apartment shall comply in all respects with the Town Code and shall never be rented or let to any person for any duration of time.

On June 21, 2023, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

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

Sandra L. Quinlan, Town Clerk



RECEIVED
BOSTON TOWN CLERK

JUN -9 PM 1:04

ch # 1569
Fee \$ 25⁰⁰

Received 6/9/2023
(Date)

TOWN OF BOSTON

APPLICATION FOR LIVE ENTERTAINMENT LICENSE

Name of Applicant: RICK HAYDEN Phone # ()

Doing Business As: CAUZINS

Mailing Address: 7115 Boston St Rd

Address of Establishment Same Manager: Same

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

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

Are there any limitations on your liquor license? NO

What type of live entertainment? Bands / Karaoke

Days: Thur, Fri, Sat. Hours: 9:00 PM - 1:00 AM

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

If so, name of business: _____

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

Signature of Applicant [Signature]

Date 6-9-2023

APPROVED BY THE TOWN BOARD _____ Date: _____

The following stipulations will apply: _____



TOWN OF BOSTON

JASON A. KEDING
Supervisor

MEMORANDUM

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

To: Restaurant and Bar Owners - Town of Boston

From: Boston Town Clerk

SANDRA L. QUINLAN
Town Clerk - Tax Collector

Re: Live Entertainment Permit Requirement

ROBERT J. TELAAK
Highway Supt.

DEBRA K. BENDER
KYLE W. CALABRESE
Town Justice

SEAN W. COSTELLO
Town Attorney

LAURIE A. BAKER
Prosecutor

SUE FITZNER
Assessor

THOMAS C. MURPHY
Code Enforcement Officer

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.

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

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 202-690-7447 or e-mail at program.intake@usda.gov.

Chapter 123. ZONING

Article XXIII. Supplemental Use Regulations

§ 123-120. Limitations on automotive use areas.

Except for farms, any portion of a lot used for open off-street parking or reservoir space, or for open sales, service or storage areas for motor vehicles, contractors' equipment or boats ~~shall be deemed~~ to be an automotive use area and shall be subject to the following requirements:

- A. Surfacing. Every automotive use area and access driveway thereto shall be surfaced with a durable and dustless material and shall be so graded and drained so as to disperse of surface water accumulation.
- B. Lighting. Any fixture used to illuminate any automotive area shall be so arranged as to direct the light away from the street and away from adjoining premises.
- C. ~~Screening. Every automotive use area, except off-street parking areas for less than five vehicles, shall be screened from any adjoining lot in any R District or lot used for residential purposes, including lots situated across the street, as follows:~~
 - (1) Along a street line, by a planting strip five feet wide; provided, however, that no shrub planting or tree foliage shall be placed or maintained which obstructs vision at an elevation between three feet and seven feet above the street level. Such screening may be interrupted by normal entrances and exits.
 - (2) Along a rear lot line or an interior side lot line which abuts an existing or future rear yard or side yard on such adjoining lots, ~~by a compact evergreen hedge which will reach a height of five feet within three years or by a solid uniformly painted fence or an unpierced masonry wall five feet in height.~~ Such screening shall be maintained in good condition at all times.
- D. Access.
 - (1) No entrance or exit to any automotive use area shall be permitted within 30 feet of any intersecting street lines; and, except for off-street parking areas for uses permitted in any R District requiring less than 10 parking spaces, no entrance or exit shall be permitted within 20 feet of a lot in any R District or lot used for residential purposes.
 - (2) Access to automotive use areas, except for off-street parking areas in an R District for fewer than five vehicles, shall be approved by the Town Engineer and shall be so arranged that vehicles shall not be required to back into a street.
- E. Restriction of use. No automotive use area shall be used for auto wrecking or for the storage of wrecked, partially dismantled or junked vehicles or equipment, or motor vehicles which do not qualify for New York State motor vehicle registration.

*BASICALLY RICK, IF PUSH CAME TO SHOVE, YOU WOULD WANT A SCREEN. C ZONING
VS R ZONING*

Town of Boston, NY
Monday, June 5, 2023

Chapter 123. ZONING

Article XXIII. Supplemental Use Regulations

§ 123-123. Screening of service entrance in C and M Districts.

Where a loading or unloading platform or any service entrance in a C or M District faces any lot line which coincides with any R District boundary, such platform or service entrance shall be effectively screened from such R District or lot used for residential purposes in a manner approved by the Town Planning Board.

YOUR NEIGHBORS ON RIPPLE ARE WILLING TO SHARE THE COST
OF THE SCREENING OWNED THEIR PROPERTIES

Tom MURPHY
CODE ENFORCEMENT

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 office 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

A motion was made by _____ and was
Seconded by _____ to approve the
renewal of the Live Entertainment for Couzins, 7115 Boston
State Road to expire on June 30, 2025.

FYI: Current License expires June 30. 2023

TOWN OF BOSTON
APPLICATION FOR USE OF FACILITY

RECEIVED
BOSTON TOWN CLERK

2023 JUN 14 PM 3:58

**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 ERIK BAUERLEIN Date 6 / 9 / 2023

Name of person responsible for facilities _____
Title _____

Applicant Address _____

Applicant Daytime Phone # _____ # Of Attendees: 15

Date(s) Requested* 7/1/2023 Time 11:00-3:00 Type of Event Birthday

Set Up 9:00 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 Haick	716-649-6170	Football—Nick Jagow	716-725-9680
Southtown Slammers/	716-225-7936	Soccer—Jessica Blesy	716-809-0121
Mike Bellagamba			

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

- | | |
|---|--|
| ☐ 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) |

Alcoholic Beverages:

(IF SERVING ALCOHOL, CHECK ALL THAT APPLY)

Are you serving alcohol?

☐ Yes☒ No *N/A*

Are you having a Private Party?

☐ Yes☒ No *N/A*

Are you having a Public Special Event?

☐ Yes☒ No *N/A***PLEASE NOTE:**

ALL parties must submit a Certificate of Insurance 1 week before your event.
Public Special Events serving alcohol must also submit a copy of your NYS Liquor License 1 week before your event.

Certificates of Insurance: You must list the Town of Boston as additionally insured and the dates of the event must be on the Certificate of Insurance. Your insurance agent can help you with this. The following is a list of Liability amounts needed:

Private Party (Host Liquor)	\$ 500,000
Public Special Event (Liquor Legal)	\$1,000,000
Ride Vendor	\$1,000,000
Fireworks	\$1,000,000
Sporting Leagues	\$1,000,000

FEES: A **\$75 Maintenance Fee** must be included with this application. These funds will be utilized to cover the cost of bathroom supplies, final clean up and administrative costs.

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

TOWN OF BOSTON PROPERTIES ARE SMOKE FREE

COMMUNITY EVENTS SIGN: If your organization needs to use the Community Announcement sign near the Emergency Squad Bldg, the "Request to use Coming Events Sign" application must be completed and submitted to the Highway/Parks Dept. This form can be obtained from the Town Clerk's Office or at www.townofboston.com.

Requests may be submitted after September 1st the year before your event.

I agree that all facilities used will be properly cleaned to the best of my ability upon completion of the event and that I will be responsible for any damages caused to any of the facilities or grounds. I will submit to the Town Clerk all Certificates of Insurance and NYS Liquor License if necessary at least 1 week prior to my event. I have contacted the above mentioned sporting leagues and there are no conflicts with dates.

SIGNATURE OF APPLICANT: _____



Upon Completion, please submit to Town Clerk

FEE REC'D

OK #1009
75.00

APPROVED/DENIED : _____

6/14/23 (date)

(date)

TOWN OF BOSTON – RESOLUTION NO. 2023-47

**SEQR NEGATIVE DECLARATION FOR MIXED USE DEVELOPMENT
AT 7072 BOSTON STATE ROAD (REVISED)**

WHEREAS, the Town of Boston received an application for site plan approval from 7072 Boston State Road LLC for the proposed development of a 5,183 square foot convenience store with fuel and a Tim Horton's with drive-thru, a 6,000 square foot office building, and associated improvements at 7072 Boston State Road, Boston, New York (the "Site") and also has received an application for a special permit for the proposed filling station on the Site; and

WHEREAS, having received a State Environmental Quality Review Act ("SEQR") Full Environmental Assessment Form ("EAF") Part 1 in connection with the proposed project, the Town Board preliminarily classified the project as an Unlisted Action in accordance with SEQR regulations, declared its willingness to act as lead agency for the project, and sent a lead agency coordination request to other involved agencies; and

WHEREAS, no other involved agency objected to the Town Board serving as lead agency, and the comments received from the Erie County Department of Environment and Planning, New York State Department of Transportation, and the State Office of Parks and Historic Preservation all have been reviewed and are addressed as appropriate; and

WHEREAS, the Town Board referred the application for site plan approval for the Site to the Planning Board for its review and recommendations, and on March 28, 2023, following consideration of the project at several meetings, the Planning Board recommended by a vote of five to one that the Town Board act favorably on the application for site plan approval; and

WHEREAS, the Town Board conducted a public hearing in connection with the proposed project at its May 17, 2023 meeting, at which it heard from the developer and questions and comments from the public, and posed its own questions, and requested a written response from the developer's representative to the questions and comments raised on May 17, 2023; and

WHEREAS, the developer responded to the major questions and comments from the public hearing in correspondence from Christopher Wood, P.E., dated May 31, 2023, which the Town Board has reviewed; and

WHEREAS, Town Engineer LaBella PC recommends project approval, contingent on the applicant receiving engineering approval for final plans from LaBella; and

WHEREAS, the Town Planner has assisted the Town Board in completing an EAF Parts 2, with reference to the DEC's EAF workbooks as appropriate; and

WHEREAS, in answering the 18 questions in the EAF Part 2, and no moderate to large impacts for the project were identified; and

WHEREAS, the Town Board adopts the following observations after evaluating the EAF Part 1 and 2 and the other documents and information received relevant to the Site, and having given careful consideration of the magnitude, scale, and context of the proposed project:

- Impacts on land were determined not to be significant pursuant to the applicable evaluation criteria, including because the depth to water table is greater than three feet, slopes are less than 15%, depth to bedrock is greater than five feet, and the project will be constructed in one phase.
- Impacts on surface water were determined not to be significant, including because although wetlands or other waterbodies adjoin the site, the project will not alter any existing water body or wetland and must comply with DEC stormwater pollution regulations during construction.
- Impacts on ground water were determined not to be significant, including because there will be no excavating, mining, or dredging during construction or operations, the existing public water supply and wastewater treatment plant have the capacity to serve the project, and the underground petroleum tanks will be designed, installed, and maintained/operated per Federal and DEC regulations which are protective of the environment.
- Impacts on historic and archaeological resources were determined not to be significant, including because although a portion of the project site is located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory, SHPO has indicated that no properties including archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.
- Impacts on transportation were determined not to be significant, including because the applicant prepared a Traffic Impact Study (“TIS”) to assess and document the traffic impact of the proposed development and to identify mitigating measures to minimize those impacts, subject to Department of Transportation approval as the site is on a State Road. Following the TIS and engineering review, DOT will approve specific mitigation measures, and in doing so DOT will have determined that the mitigation measures sufficient to maintain the same level of service, safety, operations, and mobility post-development as exists prior to the development. These measures include DOT requiring a left turn lane on NY 391 westbound entering the site and a right turn lane for NY 391 eastbound entering the site. Finally, a DOT Highway Work Permit will be required for work located within the State Highway Right-of-Way.
- Impacts on energy were determined not to be significant because although the project will generate a demand for energy, it will be the typical electric use for this type of facility.
- Impacts on noise, odor and light were determined not to be significant because although the project will produce construction noise that will exceed existing ambient noise levels, it will only be during construction in the form of equipment during the hours of 7:00 AM and 7:00 PM Monday through Friday. Further, lighting is proposed in the parking lot and at the fuel canopy. The lighting will be directed downward and toward the site, dark-sky compliant and approximately 300 feet from the nearest residence. The proposed filling station will be required to comply with EPA emissions standards which have been developed to protect human and environmental health; and

WHEREAS, having taken a hard look at the potential environmental impact of the project, the Town Board concludes that the proposed mixed-use development will not have any significant adverse environmental impacts;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Boston declares itself as Lead Agency with respect to the environmental review of the project; and

IT IS FURTHER RESOLVED, that upon due consideration of the documents and information described above and such other information as the Town Board deemed appropriate, including its knowledge of the area surrounding the Site, the Town Board has determined that the proposed mixed-use project at 7072 Boston State Road shall have no significant adverse impact on the environment, that accordingly an environmental impact statement (EIS) shall not be required, and that pursuant to Article 8 of the Environmental Conservation Law this Resolution shall constitute a negative declaration under SEQR.

On June 21, 2023, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

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

Sandra L. Quinlan, Town Clerk

TOWN OF BOSTON – RESOLUTION NO. 2023-48

**SPECIAL USE PERMIT FOR FILLING STATION
AT 7072 BOSTON STATE ROAD**

WHEREAS, the Town of Boston received an application for site plan approval from 7072 Boston State Road LLC for the proposed development of a 5,183 square foot convenience store with fuel and a Tim Horton's with drive-thru, a 6,000 square foot office building, and associated improvements at 7072 Boston State Road, Boston, New York (the "Site"); and

WHEREAS, pursuant to Code Section 123-71, the proposed filling station requires that the Town Board approve a special use permit, which has been requested by the applicant; and

WHEREAS, the Town Board has reviewed the proposed action pursuant to SEQR, and pursuant to a Town Board resolution issued a negative declaration; and

WHEREAS, the Town Board referred the application for site plan approval and the filling station permit for the Site to the Planning Board for its review and recommendations, and on March 28, 2023, following consideration of the project at several meetings, the Planning Board recommended by a vote of five to one that the Town Board act favorably on the application; and

WHEREAS, Town Engineer LaBella PC also recommends project approval, contingent on the applicant receiving engineering approval for final plans from LaBella; and

WHEREAS, as defined by Town Law 274-b, a special use permit is "authorization of a particular land use which is permitted in a zoning ordinance or local law, subject to requirements imposed by such zoning ordinance or local law to assure that the proposed use is in harmony with and will not adversely affect the neighborhood if such requirements are met;"

WHEREAS, the proposed filling station is in harmony with the uses provided for in the zoning district and which are present in the neighborhood and conforms to the applicable requirements for such a use under Section 123-119 of the Town Code;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Boston hereby grants a special use permit for a filling station at 7072 Boston State Road, conditioned on the filling station being designed, constructed, operated, and maintained consistent with the site plan submitted by the applicant and in compliance with all applicable Federal, State, and local laws, codes, and regulations.

On June 21, 2023, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

CONTINUED ON NEXT PAGE

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

Sandra L. Quinlan, Town Clerk

TOWN OF BOSTON – RESOLUTION NO. 2023-49
SITE PLAN APPROVAL FOR MIXED USE DEVELOPMENT
AT 7072 BOSTON STATE ROAD

WHEREAS, the Town of Boston received an application for site plan approval from 7072 Boston State Road LLC for the proposed development of a 5,183 square foot convenience store with fuel and a Tim Horton’s with drive-thru, a 6,000 square foot office building, and associated improvements at 7072 Boston State Road, Boston, New York (the “Site”); and

WHEREAS, the Town Board has reviewed the proposed action pursuant to SEQR, and pursuant to a Town Board resolution issued a negative declaration; and

WHEREAS, pursuant to Code Section 123-71, the Town Board has approved a special use permit for the proposed filling station; and

WHEREAS, the Town Board referred the application for site plan approval and the filling station permit for the Site to the Planning Board for its review and recommendations, and on March 28, 2023, following consideration of the project at several meetings, the Planning Board recommended by a vote of five to one that the Town Board act favorably on the application; and

WHEREAS, Town Engineer LaBella PC also recommends project approval, contingent on the applicant receiving engineering approval for final plans from LaBella; and

WHEREAS, the Town Board has reviewed and duly considered the site plan;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Boston hereby approves the site plan submitted by 7072 Boston State Road LLC for a 5,183 square foot convenience store with fuel and a Tim Horton’s with drive-thru, a 6,000 square foot office building, and associated improvements at 7072 Boston State Road, Boston, New York, subject to the Town Engineer’s approval of final engineered plans.

On June 21, 2023, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

CONTINUED ON NEXT PAGE

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

Sandra L. Quinlan, 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 Cap 17 Baseball Date 5/15/23

Name of person responsible for facilities Christopher A. Patrie
Title President of Baseball operations

Applicant Address _____

Applicant Daytime Phone # _____ If Attendees: 27

Date(s) Requested* 5/20/23 Time 2:00 pm Type of Event Game

Set Up 1:00 pm Take Down 5:00 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 Haick	716-649-6170	Football—Nick Jagow	716-725-9680
Southtown Slammers/	716-225-7936	Soccer—Jessica Blesy	716-809-0121
Mike Bellagamba			

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

- | | |
|---|---|
| ☐ 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) |

Alcoholic Beverages:
OF SERVING ALCOHOL, CHECK ALL
THAT APPLY)

Are you serving alcohol?
Are you having a Private Party?
Are you having a Public Special Event?

☐ Yes ☒ No
☐ Yes ☒ No
☐ Yes ☒ No

PLEASE NOTE: ALL parties must submit a Certificate of Insurance 1 week before your event.
Public Special Events serving alcohol must also submit a copy of your NYS Liquor
License 1 week before your event.

Certificates of Insurance: You must list the Town of Boston as additionally insured and the dates of the event must be on the Certificate of Insurance. Your insurance agent can help you with this. The following is a list of Liability amounts needed:

Private Party (Host Liquor)	\$ 500,000
Public Special Event (Liquor Legal)	\$1,000,000
Ride Vendor	\$1,000,000
Fireworks	\$1,000,000
Sporting Leagues	\$1,000,000

FEES: A **\$75 Maintenance Fee** must be included with this application. These funds will be utilized to cover the cost of bathroom supplies, final clean up and administrative costs.

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

TOWN OF BOSTON PROPERTIES ARE SMOKE FREE

COMMUNITY EVENTS SIGN: If your organization needs to use the Community Announcement sign near the Emergency Squad Bldg, the "Request to use Coming Events Sign" application must be completed and submitted to the Highway/Parks Dept. This form can be obtained from the Town Clerk's Office or at www.townofboston.com.

Requests may be submitted after September 1st the year before your event.

I agree that all facilities used will be properly cleaned to the best of my ability upon completion of the event and that I will be responsible for any damages caused to any of the facilities or grounds. I will submit to the Town Clerk all Certificates of Insurance and NYS Liquor License if necessary at least 1 week prior to my event. I have contacted the above mentioned sporting leagues and there are no conflicts with dates.

SIGNATURE OF APPLICANT: 

Upon Completion, please submit to Town Clerk

FEE REC'D 5/22/23 (date) APPROVED/DENIED

\$75.00
Ch 2988

Revised 5/2022