

DRAFT

AGENDA

REGULAR BOARD MEETING - TOWN OF BOSTON

DECEMBER 4, 2024 – 7:30 P.M.

ITEM NO. I PRELIMINARY MATTERS

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

ITEM NO. II REGULAR BUSINESS

1. Correction and Adoption of the Minutes from November 20, 2024
2. Consideration of all Fund Bills

ITEM NO. III CORRESPONDENCE

1. New York State Transportation Master Plan 2050 Fact Sheet and Draft Vision
2. The State Revolving Funds and Funding Opportunities for Water Infrastructure Projects
3. Application for Use of Meeting Facility – Assistant to Supervisor, employee holiday party

ITEM NO. IV NEW BUSINESS

1. Requests from the Floor (3-minute time limit per person)
2. Public Hearing, Local Law No. 2., A Local Law Establishing a Moratorium on Battery Energy Storage Systems within the Town for a Period of Six Months
3. Resolution 2024-74 Adoption of Local Law No. 2 of 2024 Moratorium on all Battery Energy Storage Systems
4. Resolution 2024-75 A Resolution Expressing Opposition to the Development of Offshore Wind Energy Projects within the Jurisdiction of the Great Lakes
5. Resolution 2024-76 Authorizing Payment of National Fuel Utility Bill Prior to Audit
6. Resolution 2024-77 Second Professional Services Agreement for Engagement of Barclay Damon LLP
7. Appoint Court Officer, term through 12/31/2024

ITEM NO. V OLD BUSINESS

ITEM NO. VI REPORTS AND PRESENTATIONS

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

ITEM NO. VII ADJOURNMENT OF MEETING

1. Adjournment of Meeting

REGULAR BOARD MEETING
NOVEMBER 20, 2024

DRAFT

TOWN HALL
7:30 P.M.

Present: Supervisor Jason Keding, Councilman Michael Cartechine, Councilwoman Jennifer Lucachik, and Councilwoman Kathleen Selby.

Also Present: Highway Superintendent Telaak and Attorney for the Town McCann.

Supervisor Keding called the meeting to order at 7:47 pm.

Supervisor Keding stated there are no Preliminary matters.

Regular business:

A motion was made by Councilman Cartechine and was seconded by Councilwoman Lucachik to approve the minutes of the November 6, 2024 regular meeting.

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

three (3) Yes	one (1) Abstain	Carried
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A motion was made by Councilwoman Lucachik and was seconded by Councilwoman Selby upon review by the Town Board, that fund bills in the amount of \$204,728.21 be paid.

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

four (4) Yes	Carried
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Supervisor Keding stated the following has been received and filed under correspondence:

Town Clerk's Report for October 2024

Dog Control Officer Report for October 2024

Code Enforcement Officer Report October 2024

Income Statement - October 2024

Cash Balances - October 2024

CPL Pre-Construction Meeting, Water Main Replacement - Phase 1, 9/30/2024

Erie County Dept of Public Works, Notice of Closure, Trevett Road between Boston State Road and Brown Hill Road

Association of Towns 2025 Annual Meeting and Training School

Letter of resignation from Daniel Mulé, Court Officer

New business:

Supervisor Keding stated the floor is open for public comment.

The following persons were heard:

Patti Meckes representing CAWTILE

Deputy Miller, Community Engagement Team, Erie County Sheriff's Office

Supervisor Keding stated the floor is closed.

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

RESOLUTION 2024-72

**PROFESSIONAL SERVICES AGREEMENT FOR
ENGAGEMENT OF BARCLAY DAMON LLP**

The Town of Boston Zoning Board of Appeals is handling a matter titled AML §305-a Review, Horseshoe Hill LLC, Erie County Agricultural District No. 15 which requires specialized knowledge in New York State Agriculture and Markets Law; and the Town Board of the Town of Boston hereby authorizes the Town Supervisor to accept the proposed retainer agreement from Barclay Damon, LLP, dated November 14, 2024, to represent the Town in the matter for a cost not to exceed \$2,500.

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

four (4) Yes

Carried

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

RESOLUTION 2024-73

**ENACTING TOWN LAW §93 TO RESCIND RESOLUTION
2024-69, AMEND SPECIFIC LINE ITEMS, AND AUTHORIZE
THE ADOPTION OF A REVISED 2025 BUDGET**

The Town Board of the Town of Boston adopted the 2025 Town Budget on November 6, 2024 through Resolution 2024-69; and through discussion with Erie County Real Property Tax Services and the Town of Boston Assessor it was determined that the parcel count in the refuse fund needs to be adjusted due to additional totes being purchased and certificates of occupancies being issued between the final assessment roll date of July 1st and the closing of the tax roll information on November 1st thus affecting the property tax lines of the refuse fund; and Town Law §93 permits the Town Board to rescind or amend a previously adopted resolution for valid reasons that are in the public interest; and the Town Board has duly considered the proposed changes to the 2025 Town Budget, including adjustments as follows:

Change parcel count for Assessment Code 26100 "Garbage" from 3147 to 3155

Change parcel count for Assessment Code 26120 "WM Additional Tote" from 52 to 59

			Resolution 2024-69	Revised	
			<u>Adopted Budget</u>	<u>2025 Budget</u>	<u>Change</u>
Increase	SG 1001	Real Property Tax	956,688.00	959,120.00	2,432.00
Increase	SG 1001	Real Property Tax	7,345.52	8,334.34	988.82
			964,033.52	967,454.34	3,420.82
Increase	SG 3410.4	Contracts	983,033.52	986,454.34	3,420.82

Now therefore be it resolved that Resolution 2024-69 "Adoption of the 2025 Budget" be rescinded, amended to include changes to the parcel count in the refuse fund affecting property tax revenue as specified above, and is hereby re-adopted as the annual budget of the Town of Boston for the fiscal year ending December 31, 2025.

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

four (4) Yes

Carried

Reports and Presentations:

Highway Superintendent Telaak reported on the following:

Leaf pickup is still going on, it is slowing down. We will be picking up leaves on and off for the next week or so. If you have more leaves, please get them out as soon as possible. The Parks workers are starting to put up Christmas decorations throughout the Town. There will be less decorations around the Town due to the new poles that were put in this year by NYSEG. When the poles were changed, they did not put up the boxes to plug in the lights.

Councilwoman Selby reported on the following:

Thanked Dan Mulé for his years of service as a Court Officer. I have known Dan for a long time, and he does a great job, congratulations on his retirement. Also recognized and a big shout out to our Dog Control Officer Linda Sherry. She does a wonderful job in her reports. In reading her reports I have never seen such detailed activity that she puts in her reports. She does a great job for the Town.

Thank you Bob and crew for putting up the decorations in the Town.

Shout out to Jay Jackson for the Manger work, he coordinated all the workers to complete our Christmas Manger. Thank you to all the volunteers for all the work you put into the Manager. I look forward to seeing the completed Manger on Boston State Road on Saturday. I hope everybody has a nice Thanksgiving.

Councilman Cartechine reported on the following:

Congratulations to Patti at CAWTILE for your continued grassroots effort with your organization. We will have a resolution to be passed shortly, the CAC did approve it. The resolution needs to come back to the Board. Hopefully we can knock this out in December.

I would also like to congratulate Deputy Mulé on his retirement, he is a terrific guy. I know he was really pleased with some of the changes that were made in the prosecutor's office that greatly accelerated the time that he spent here. We are going to miss him in Town. He is one of a kind. I will not be available for the Manger scene, but I am with you guys in spirit.

Councilwoman Lucachik reported on the following:

I just wanted to remind everyone that we are anticipating a Planning Board meeting on December 10th. Planning Board meetings are the second Tuesday of every month. If you are interested in attending, you are welcome to come and listen.

Town Clerk Quinlan reported on the following:

It's that time of year again for the Town of Boston Christmas Sharing Tree. The tree will soon be up and decorated in the lobby. Tags are available now. Each tag has a boy or girls age and wish list of a Town of Boston child. Please return the wrapped gift with the tag attached to my office by December 3rd, for the tags available this evening. Local schools and Bread of Life Outreach work in conjunction with my office to help many children in our community wake up to a wonderful Christmas morning. For more info, call my office 941-6113, x5. Thank you to our residents in advance for all their thoughtfulness. Town Hall will be closed for Thanksgiving on Thursday and Friday.

Supervisor Keding reported on the following:

Town hall will be closed on Thanksgiving, it is time to be thankful and spend time with your friends and family.

We did have an unexpected closure this year, it was just this past Tuesday. There was a transfer of our power for the new generator that is being installed in the Town. The Town Hall can potentially be used as a warming and cooling area in times of need. We are local government, when you reach out to us our phones and our internet and connectivity should be here. We are almost there, and we are working with National Fuel now to get the gas connected. NYSEG gave us an estimate of time to complete the job, of four to six hours. Luckily it only took four and a half hours. Thank you for your patience while we were not in the office. Patti and the whole team from CAWTILE, we've had a lot of good phone conversation. As Councilman Cartechine stated, the resolution is ready for that first meeting in December. We will get that out to you as soon as that is officially certified by our Town Clerk.

I wanted to state that NYSEG has put out a high wind warning tonight. So be ready, stay prepared, and make sure your batteries and your cell phone are charged. Leaves are off the trees so hopefully we won't have too many problems. This is the reason why we are having a generator installed here at the Town hall, this side of Town tends to lose power quite a bit.

There will be some information coming out to the public regarding our Comprehensive Plan update. We are feet away from the finish line of completing it. It will be going in front of the Planning Board for their review and essentially it will be coming formally to the Town Board. It will then be adopted and be a part of both Erie County and New York State Consolidated funding application. It has had a lot of positive feedback, even from local business owners that surprisingly were not aware, we reached out to all of them to participate. The Comprehensive Plan, it was feedback from the committee and public input, it did not come from the Town board. We are looking forward to getting that done.

We are still in need of Rural Transit drivers. We did gain one additional driver, great news for our Town. There will now be five days a week instead of three days of operation. This is something we haven't seen in Boston in a long time. There is a growing identified need for our senior population that needs Rural Transit to get back and forth to doctor appointments. If anyone has a few hours of time, are retired or work a different shift, Rural Transit is looking for drivers.

If you have seen some construction on a few of our County roads, ErieNet is getting closer. ErieNet is dark fiber and is going out to our municipal buildings, fire halls, State Trooper barracks, and our Post Offices. All these buildings are considered as anchor points up and down Boston State Road, it is under way.

Thanked Mr. Mulé, he has served our Town for many years. Wished him all the best in retirement. We will be conducting interviews. Judge Bender and I have one lined up for next Tuesday. If anyone has any interest, I know it has not hit the papers yet, please have a resume and a letter of interest, drop it off at my office or the Town Clerk's office to be clocked in and added to that group of candidates.

I wish everyone Happy Thanksgiving and safe travels if you are traveling. We will see everybody in December. Hopefully no snow.

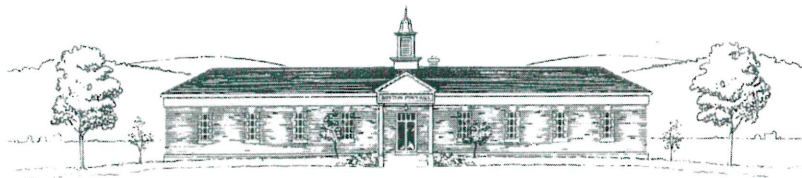
A motion was made by Supervisor Keding and was seconded by Councilwoman Lucachik to adjourn the meeting at 8:05 p.m.

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

four (4) Yes

Carried

SANDRA L. QUINLAN, BOSTON TOWN CLERK



TOWN OF BOSTON

Town Board Meeting: December 4, 2024

Abstract #1 – 2024 Payables	Journal #AP-4729	\$ 294,317.23
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Abstract #2 – Solar Escrow	Journal #AP-4730	\$ 9,182.50
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Total Payables Due	\$ 303,499.73
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Breakout by Fund:

General (A) Fund:	\$ 130,100.20
Highway (DB) Fund:	\$ 73,089.38
Lighting (L30) Fund:	\$ -
Fire (SF) Fund:	\$ 782.32
Ambulance (SM) Fund:	\$ 587.59
Refuse & Garbage (SG) Fund:	\$ -
Water Funds:	\$ -
Trust & Agency (TA):	\$ 9,182.50
Capital Projects (H):	\$ 89,757.74

Total expenses submitted for approval:	\$ 303,499.73
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TOWN HALL, 8500 BOSTON STATE ROAD, BOSTON, NEW YORK 14025
PHONE: (716) 941-6113 FAX: (716) 941-6116 TDD: 1-800-662-1220

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

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

December 4, 2024 - A B S T R A C T – 2024 Payables

Town of Boston Journal Proof Report Fiscal Year: 2024

Created By: epericak

Journal Number: AP - 4729		Journal Desc: AP Batch 42		Journal Date: 12/4/2024		Account Period: 12 - Dec		Status: Currently Active	
Account#	Account Description	Trans Description	Date	Reference	Debit	Credit	ENC/LIQ	Seq #	
A00-0480-0000-0000	PREPAID EXPENDITURE	NYS & LOCAL EMPLOYEE RETIREMEN 30471 ERS 2025 2025 Annual ERS Invoice - Prepaid in Dec. 2024	12/4/2024	Vendor#: 404	\$26,741.60	\$0.00	\$0.00	31	
A00-0600-0000-0000	ACCOUNTS PAYABLE	Fund A00 AP Account	12/4/2024	Fund A00 AP Account	\$0.00	\$130,100.20	\$0.00	84	
A00-0690-0000-0000	CLEARING ACCT-JUSTICE	OFFICE OF STATE COMPTROLLER 1430830-2024-10-01 October 2024 - Justice Court Funds to State/County	12/4/2024	Vendor#: 178	\$2,735.00	\$0.00	\$0.00	43	
A00-1110-4000-0000	TOWN JUSTICE-CONTR	WILLIAMSON LAW BOOK CO. 203907 Receipt Books for Judge Bender (5)	12/4/2024	Vendor#: 106	\$88.03	\$0.00	\$0.00	79	
A00-1220-0400-0000	SUPERVISOR- CONTR	Jason Keding 11/21/24 Association of Erie County Gov't Meeting - 11/21/24	12/4/2024	Vendor#: 1568	\$60.00	\$0.00	\$0.00	40	
A00-1220-0400-0000	SUPERVISOR- CONTR	Jason Keding 11/13/24 WNY Stormwater Coalition Lunch & Learn Meeting - 11/13/24	12/4/2024	Vendor#: 1568	\$15.00	\$0.00	\$0.00	13	
A00-1420-0401-0000	ATTORNEY- CONTR	Ryan F. McCann, Esq. October 2024 October 2024 - Attorney for the Town Retainer Agreement (3 hrs) additional services	12/4/2024	Vendor#: 2099	\$2,250.00	\$0.00	\$0.00	18	
A00-1420-0401-0000	ATTORNEY- CONTR	Ryan F. McCann, Esq. October 2024 October 2024 - Attorney for the Town Retainer Agreement (3 hrs) additional services	12/4/2024	Vendor#: 2099	\$495.00	\$0.00	\$0.00	19	
A00-1440-0400-0000	ENGINEER- CONTR	LaBella Associates 245689 Project No. 2190909.032 - MS4 Annual Report (9/21/24 - 10/18/24)	12/4/2024	Vendor#: 1901	\$295.30	\$0.00	\$0.00	46	
A00-1620-0400-0000	BUILDINGS- CONTR	Charter Communications 142054301111424 Acct. #142054301 - Elevator Phone (11/15/24 - 12/14/24)	12/4/2024	Vendor#: 1242	\$39.99	\$0.00	\$0.00	42	
A00-1620-0400-0000	BUILDINGS- CONTR	SHANOR ELECTRIC SUPPLY, INC. 3096760 Parks Building - 15A Switch with pilot light	12/4/2024	Vendor#: 29	\$16.70	\$0.00	\$0.00	49	
A00-1620-0400-0000	BUILDINGS- CONTR	Amazon Capital Services 1KX1-YVLP-N9LH Buildings - Floor Mats (2) for Community Room Computer Desk	12/4/2024	Vendor#: 2003	\$75.98	\$0.00	\$0.00	72	
A00-1620-0400-0000	BUILDINGS- CONTR	Charter Communications 141759701 Acct. #141759701 - Town Hall - Fax/internet/alarms (11/29/24-12/28/24)	12/4/2024	Vendor#: 1242	\$339.98	\$0.00	\$0.00	73	
A00-1620-0400-0000	BUILDINGS- CONTR	Charter Communications 141759701 Acct. #141759701 - Town Hall - Fax/internet/alarms (11/29/24-12/28/24)	12/4/2024	Vendor#: 1242	\$49.99	\$0.00	\$0.00	74	
A00-1620-0400-0000	BUILDINGS- CONTR	Charter Communications 141759701 Acct. #141759701 - Town Hall - Fax/internet/alarms (11/29/24-12/28/24)	12/4/2024	Vendor#: 1242	\$99.98	\$0.00	\$0.00	75	

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

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Account#	Account Description	Trans Description	Date	Reference	Debit	Credit	ENC/LIQ	Seq #	
A00-1620-0400-0000	BUILDINGS- CONTR	John W. Danforth Company SRVCE00057019 Service Call - Replace Boiler Parts	12/4/2024	Vendor#: 1897	\$1,078.13	\$0.00	\$0.00	20	
A00-1620-0400-0000	BUILDINGS- CONTR	SHERWIN-WILLIAMS CO. 8531-3 Paint for EMS door	12/4/2024	Vendor#: 294	\$149.95	\$0.00	\$0.00	14	
A00-1620-0400-0000	BUILDINGS- CONTR	Cintas 4211925522 Town Hall - Sig Hardwound White Large (6)	12/4/2024	Vendor#: 1758	\$60.29	\$0.00	\$0.00	1	
A00-1620-0400-0000	BUILDINGS- CONTR	Cintas 4211925504 Town Hall - (14) Mats	12/4/2024	Vendor#: 1758	\$213.57	\$0.00	\$0.00	4	
A00-1620-0400-0000	BUILDINGS- CONTR	Constellation NewEnergy, Inc. 69595019401 Acct. #15447649 - NYSEG Energy Supply-Town Hall (11/24) 7140 kwh	12/4/2024	Vendor#: 2100	\$600.29	\$0.00	\$0.00	7	
A00-1620-0402-0000	BUILDING- CONTR-REC CENTER	Constellation NewEnergy, Inc. 69605965501 Acct. #15446179 - NYSEG Energy Supply - Boys & Girls Club (11/24) 3192 kwh	12/4/2024	Vendor#: 2100	\$267.84	\$0.00	\$0.00	10	
A00-1650-0200-0000	CENTR COMM- EQUIP	Kiercom Communications Inc. 4555 Install New Camera System at the North Boston Park Shelter (Res. 2024-56)	12/4/2024	Vendor#: 1893	\$3,700.00	\$0.00	\$0.00	27	
A00-1650-0200-0000	CENTR COMM- EQUIP	Amazon Capital Services 1F6W- XCWP-GNHR Celebrations - Holiday Light Outlets & LED Replacement Bulbs / Central Communications - 8-Port Switch for Parks	12/4/2024	Vendor#: 2003	\$59.98	\$0.00	\$0.00	71	
A00-1650-0400-0000	CENT COMMUNICATIONS- CONTR	Kiercom Communications Inc. 4575 Troubleshoot Cameras at Snack Shack	12/4/2024	Vendor#: 1893	\$130.00	\$0.00	\$0.00	50	
A00-1650-0400-0000	CENT COMMUNICATIONS- CONTR	Vaspian, LLC INV-025486 December 2024 Billing - VOIP Phone Systems (20 extensions)	12/4/2024	Vendor#: 1947	\$408.00	\$0.00	\$0.00	77	
A00-1670-0403-0000	CENT PRINT/MAIL- CONTR	GreatAmerica Financial Svcs. 37903946 Agreement #018- 1753664-000 - Lease for Kyocera TASKalfa 4054ci Copier; Late Fee	12/4/2024	Vendor#: 2039	\$193.39	\$0.00	\$0.00	33	
A00-3310-0400-0000	TRAFFIC CONTROL-CONTR	Constellation NewEnergy, Inc. 69601618001 Acct. #15446175 - NYSEG Energy Supply - Boston Colden Signal (11/24) 10 kwh	12/4/2024	Vendor#: 2100	\$0.84	\$0.00	\$0.00	9	
A00-3310-0400-0000	TRAFFIC CONTROL-CONTR	Constellation NewEnergy, Inc. 69601624301 Acct. #15446178 - NYSEG Energy Supply - Boston Cross Signal (11/24) 239 kwh	12/4/2024	Vendor#: 2100	\$20.10	\$0.00	\$0.00	11	
A00-3310-0400-0000	TRAFFIC CONTROL-CONTR	Constellation NewEnergy, Inc. 69601615601 Acct. #15446171 - NYSEG Energy Supply - Boston State Signal (11/24) 47 kwh	12/4/2024	Vendor#: 2100	\$3.95	\$0.00	\$0.00	12	
A00-3620-0400-0000	SAFETY INSPECT- CONTR	Amazon Capital Services 1F1L- C4CD-MHJ9 Code Enforcement - White-Out, File Folders, Ballpoint Pens	12/4/2024	Vendor#: 2003	\$39.29	\$0.00	\$0.00	28	

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

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Journal Number: AP - 4729		Journal Desc: AP Batch 42		Journal Date: 12/4/2024		Account Period: 12 - Dec		Status: Currently Active	
Account#	Account Description	Trans Description	Date	Reference		Debit	Credit	ENC/LIQ	Seq #
A00-5010-0400-0000	HIGHWAY SUPT-CONTR	Cintas 5240453803 Medicine Cabinet Inspection & Supplies	12/4/2024	Vendor#: 1758		\$79.05	\$0.00	\$0.00	60
A00-5010-0400-0000	HIGHWAY SUPT-CONTR	Ryan Baker 11/24/24 Reimb. 2024 Boot Allowance (per HWY Contract)	12/4/2024	Vendor#: 2111	\$0.00	\$175.00	\$0.00	\$0.00	80
A00-5132-0400-0000	GARAGE-CONTR	Charter Communications 144899501112124 Acct. #144899501 - HWY - Fax/Alarm/Cable (11/29/24-12/28-24)	12/4/2024	Vendor#: 1242		\$90.67	\$0.00	\$0.00	76
A00-5132-0400-0000	GARAGE-CONTR	Cintas 4212163763 Highway - Uniforms	12/4/2024	Vendor#: 1758		\$65.84	\$0.00	\$0.00	66
A00-5132-0400-0000	GARAGE-CONTR	Constellation NewEnergy, Inc. 69595019701 Acct. #15446170 - NYSEG Energy Supply - HWY Barn (11/24) 2580 kwh	12/4/2024	Vendor#: 2100		\$216.91	\$0.00	\$0.00	8
A00-5132-0400-0000	GARAGE-CONTR	Cintas 4211925521 Highway - (7) Mats, (660) Shop Towels	12/4/2024	Vendor#: 1758		\$96.33	\$0.00	\$0.00	2
A00-5132-0400-0000	GARAGE-CONTR	Cintas 4211925521 Highway - (7) Mats, (660) Shop Towels	12/4/2024	Vendor#: 1758		\$108.72	\$0.00	\$0.00	3
A00-6410-0400-0000	PUBLICITY-CONTR	ERIE COUNTY CLERK 24166848 Acct #314 - Recording fee for Lighting District	12/4/2024	Vendor#: 1110		\$80.00	\$0.00	\$0.00	45
A00-6772-0400-0000	PROGRAMS FOR AGING-CONTR	DOLORES VALENTINE 11/19/24 Reimb. Nutrition Program - Holiday Party Supplies	12/4/2024	Vendor#: 1289		\$301.87	\$0.00	\$0.00	47
A00-7110-0400-0000	PARKS- CONTR	NYSEG 11/24 - Acct. #1009-1678-366 Acct. #1009-1678-366 - N. Boston Park (359 kwh)	12/4/2024	Vendor#: 37		\$66.59	\$0.00	\$0.00	48
A00-7110-0400-0000	PARKS- CONTR	Constellation NewEnergy, Inc. 69651503701 Acct. #15446167 - NYSEG Energy Supply - N. Boston Park (11/24) 359 kwh	12/4/2024	Vendor#: 2100		\$30.26	\$0.00	\$0.00	44
A00-7110-0400-0000	PARKS- CONTR	LandPro Equipment 3131081 Oil filters, Wheel, Fuel filters, Blades, Axle, Filter Element, Oil	12/4/2024	Vendor#: 1719		\$531.25	\$0.00	\$0.00	62
A00-7110-0400-0000	PARKS- CONTR	LandPro Equipment 3132562 Bowl, Round belt, Hy-Gard Hydraulic Oil	12/4/2024	Vendor#: 1719		\$152.46	\$0.00	\$0.00	63
A00-7110-0400-0000	PARKS- CONTR	LandPro Equipment 3133116 Hydraulic Filter, Bowl	12/4/2024	Vendor#: 1719		\$90.54	\$0.00	\$0.00	64
A00-7110-0400-0000	PARKS- CONTR	Constellation NewEnergy, Inc. 69624516801 Acct. #15446177 - NYSEG Energy Supply - Town Park (11/24) 659 kwh	12/4/2024	Vendor#: 2100		\$55.47	\$0.00	\$0.00	5
A00-7110-0400-0000	PARKS- CONTR	ERIE COUNTY WATER AUTHORITY Q4 2024 - Acct. #60687373-4 Acct. #60687373-4 - North Boston Park (Sept. - Nov. 2024)	12/4/2024	Vendor#: 96		\$271.23	\$0.00	\$0.00	21
A00-7110-0400-0000	PARKS- CONTR	NYSEG 11/24 - Acct. #1001-6047-333 Acct. #1001-6047-333 - Town Park (659 kwh)	12/4/2024	Vendor#: 37		\$93.33	\$0.00	\$0.00	23

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

Created By: epericak

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Account#	Account Description	Trans Description	Date	Reference	Debit	Credit	ENC/LIQ	Seq #	
A00-7110-0400-0000	PARKS- CONTR	ERIE COUNTY WATER AUTHORITY Q4 2024 - Acct. #60687326-5 Acct. #60687326-5 - Town Hall Park (Oct. - Nov. 2024) Seasonal Acct.	12/4/2024	Vendor#: 96	\$35.99	\$0.00	\$0.00	34	
A00-7110-0400-0000	PARKS- CONTR	ERIE COUNTY WATER AUTHORITY Q4 2024 -Acct. #60687373-4 Final Acct. #60687373-4 - North Boston Park (Nov. 2024 - Shutoff)	12/4/2024	Vendor#: 96	\$32.79	\$0.00	\$0.00	35	
A00-7110-0400-0000	PARKS- CONTR	BOSTON HIGHWAY DEPT. November 2024 - Parks November 2024 - Parks Gas (54.8 gallons)	12/4/2024	Vendor#: 90	\$153.99	\$0.00	\$0.00	81	
A00-7550-0400-0000	CELEBRATIONS- CONTR	Amazon Capital Services 1F6W-XCWP-GNHR Celebrations - Holiday Light Outlets & LED Replacement Bulbs / Central Communications - 8-Port Switch for Parks	12/4/2024	Vendor#: 2003	\$94.27	\$0.00	\$0.00	70	
A00-8410-0200-0000	Electric & Power - Equipment	Graybar Electric Company, Inc. 9339711838 Blink Charger - Freight & Handling (Res. 2024-45)	12/4/2024	Vendor#: 2108	\$39.00	\$0.00	\$0.00	15	
A00-8710-0400-0000	CONSERVATION- CONTR	Mitch Tucker 11/16/2024 CAC - Snapfish: Beauty of Boston Postcards	12/4/2024	Vendor#: 1982	\$497.59	\$0.00	\$0.00	26	
A00-8710-0400-0000	CONSERVATION- CONTR	SHARON STUART 6/29/24 Reimb. CAC - Paint Supplies: Yellow & Green Quarts of paint	12/4/2024	Vendor#: 1403	\$32.88	\$0.00	\$0.00	55	
A00-8710-0400-0000	CONSERVATION- CONTR	Amazon Capital Services 174X-RFH9-F4MW CAC - Prizes for Events (tackle boxes, kids fishing rods, kids outdoor science & art kits)	12/4/2024	Vendor#: 2003	\$466.68	\$0.00	\$0.00	56	
A00-9010-0800-0000	STATE RETIREMENT	NYS & LOCAL EMPLOYEE RETIREMEN 30471 ERS 2025 2025 Annual ERS Invoice - Prepaid in Dec. 2024	12/4/2024	Vendor#: 404	\$80,224.80	\$0.00	\$0.00	29	
A00-9060-0800-0000	HOSPITAL AND MEDICAL INSURANCE	Aflac 533355 Employee Funded Supplemental Health Ins. - November 2024	12/4/2024	Vendor#: 1887	\$315.72	\$0.00	\$0.00	24	
A00-9060-0800-0000	HOSPITAL AND MEDICAL INSURANCE	Lifetime Benefits Solutions, Inc. A070257-IN HRA Admin Fee - November 2024	12/4/2024	Vendor#: 2054	\$56.57	\$0.00	\$0.00	36	
A00-9060-0800-0000	HOSPITAL AND MEDICAL INSURANCE	Highmark BCBSWNY 241120367584 Health Insurance Premiums - December 2024	12/4/2024	Vendor#: 1378	\$5,416.23	\$0.00	\$0.00	38	
DB0-0480-0000-0000	PREPAID EXPENDITURE	NYS & LOCAL EMPLOYEE RETIREMEN 30471 ERS 2025 2025 Annual ERS Invoice - Prepaid in Dec. 2024	12/4/2024	Vendor#: 404	\$15,042.15	\$0.00	\$0.00	32	
DB0-0600-0000-0000	ACCOUNTS PAYABLE	Fund DB0 AP Account	12/4/2024	Fund DB0 AP Account	\$0.00	\$73,089.38	\$0.00	88	

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

Created By: epericak

Journal Number: AP - 4729		Journal Desc: AP Batch 42		Journal Date: 12/4/2024		Account Period: 12 - Dec		Status: Currently Active	
Account#	Account Description	Trans Description	Date	Reference	Debit	Credit	ENCLIQ	Seq #	
DB0-5110-0410-0000	GEN REPAIRS-FUEL & DIESEL	THE PUMP DOCTOR 20004 Fuel Tank Tightness Testing + labor, travel time	12/4/2024	Vendor#: 198	\$1,200.00	\$0.00	\$0.00	57	
DB0-5110-0410-0000	GEN REPAIRS-FUEL & DIESEL	KURK FUEL COMPANY 18152 Diesel Fuel - 1800 gallons (\$2.5683 per gallon)	12/4/2024	Vendor#: 17	\$4,622.94	\$0.00	\$0.00	65	
DB0-5130-0400-0000	MACHINERY- CONTRACTUAL	EMERLING FORD, INC. 108923 Pipe	12/4/2024	Vendor#: 409	\$313.88	\$0.00	\$0.00	67	
DB0-5130-0400-0000	MACHINERY- CONTRACTUAL	Linde Gas & Equipment Inc. 46481050 Acetylene & Oxygen Cylinder Rental (10/20/24 - 11/20/24)	12/4/2024	Vendor#: 2009	\$157.78	\$0.00	\$0.00	68	
DB0-5130-0400-0000	MACHINERY- CONTRACTUAL	Kimball Midwest 102797233 Shrink Tubing, Gloves, Markers, S&H	12/4/2024	Vendor#: 1974	\$84.42	\$0.00	\$0.00	69	
DB0-5130-0400-0000	MACHINERY- CONTRACTUAL	SOUTHSIDE TRAILER SERVICE, INC 413752 Pipe Mount Jack	12/4/2024	Vendor#: 539	\$179.47	\$0.00	\$0.00	61	
DB0-5130-0400-0000	MACHINERY- CONTRACTUAL	VALLEY FAB & EQUIP, INC. 137162 Motor Solenoid for power unit w/ black plastic housing	12/4/2024	Vendor#: 134	\$45.50	\$0.00	\$0.00	58	
DB0-5130-0400-0000	MACHINERY- CONTRACTUAL	REGIONAL INTERNAT'L CORP. 033298641P Spring Washer	12/4/2024	Vendor#: 842	\$7.74	\$0.00	\$0.00	59	
DB0-5130-0400-0000	MACHINERY- CONTRACTUAL	Amazon Capital Services 1JHY- VVGX-1XVX Highway - Heavy duty lynch pin assortment kit, Pipe mount swivel trailer jack (3)	12/4/2024	Vendor#: 2003	\$156.25	\$0.00	\$0.00	51	
DB0-5130-0400-0000	MACHINERY- CONTRACTUAL	Amazon Capital Services 1VKP- XFD7-11DX Highway - Combination Wrenches, Rechargeable Flashlight, Vehicle Air Freshener, Replacement Desiccant	12/4/2024	Vendor#: 2003	\$101.85	\$0.00	\$0.00	52	
DB0-5142-0400-0000	SNOW REMOVAL- CONTRACTUAL	GERNATT ASPHALT PRODUCTS, INC. 12833 Abrasive sand for winter (41.39 tons)	12/4/2024	Vendor#: 212	\$101.03	\$0.00	\$0.00	53	
DB0-5142-0400-0000	SNOW REMOVAL- CONTRACTUAL	GERNATT ASPHALT PRODUCTS, INC. 12833 Abrasive sand for winter (41.39 tons)	12/4/2024	Vendor#: 212	\$103.85	\$0.00	\$0.00	54	
DB0-9010-0800-0000	STATE RETIREMENT	NYS & LOCAL EMPLOYEE RETIREMEN 30471 ERS 2025 2025 Annual ERS Invoice - Prepaid in Dec. 2024	12/4/2024	Vendor#: 404	\$45,126.45	\$0.00	\$0.00	30	
DB0-9060-0800-0000	HOSPITAL AND MEDICAL INSURANCE	Aflac 533355 Employee Funded Supplemental Health Ins. - November 2024	12/4/2024	Vendor#: 1887	\$458.74	\$0.00	\$0.00	25	
DB0-9060-0800-0000	HOSPITAL AND MEDICAL INSURANCE	Highmark BCBSWNY 241120367584 Health Insurance Premiums - December 2024	12/4/2024	Vendor#: 1378	\$5,344.90	\$0.00	\$0.00	39	
DB0-9060-0800-0000	HOSPITAL AND MEDICAL INSURANCE	Lifetime Benefits Solutions, Inc. A070257-IN HRA Admin Fee - November 2024	12/4/2024	Vendor#: 2054	\$42.43	\$0.00	\$0.00	37	

December 4, 2024 - A B S T R A C T – 2024 Payables

Town of Boston Journal Proof Report Fiscal Year: 2024

Created By: epericak

Journal Number: AP - 4729		Journal Desc: AP Batch 42		Journal Date: 12/4/2024		Account Period: 12 - Dec		Status: Currently Active	
Account#	Account Description	Trans Description	Date	Reference	Debit	Credit	ENC	LIQ	Seq #
H05-0600-0000-0000	ACCOUNTS PAYABLE	Fund H05 AP Account	12/4/2024	Fund H05 AP Account	\$0.00	\$1,841.00	\$0.00		86
H05-8020-0200-0000	COMPREHENSIVE PLAN UPDATE	CPL 104246 Project #R23.00231.00 - Comp Plan Update - Services Ending 10/25/24	12/4/2024	Vendor#: 1918	\$1,841.00	\$0.00	\$0.00		16
H06-0600-0000-0000	ACCOUNTS PAYABLE	Fund H06 AP Account	12/4/2024	Fund H06 AP Account	\$0.00	\$87,916.74	\$0.00		89
H06-1620-0200-0000	TOWN HALL GENERATOR	National Fuel c/o New Service Department 635733 Service Line Installation for Town Generator	12/4/2024	Vendor#: 2112	\$5,846.54	\$0.00	\$0.00		83
H06-1620-0200-0000	TOWN HALL GENERATOR	Industrial Power & Lighting 59083 Pay App #4 - Town Hall Generator (through 11/30/24)	12/4/2024	Vendor#: 2101	\$82,070.20	\$0.00	\$0.00		78
SF0-0600-0000-0000	ACCOUNTS PAYABLE	Fund SF0 AP Account	12/4/2024	Fund SF0 AP Account	\$0.00	\$782.32	\$0.00		87
SF0-3410-0401-0000	CONTRACTS	HEALTHWORKS-WNY, LLP 526882 Boston Fire Dept. - Respirator Test (11/8/24)	12/4/2024	Vendor#: 1499	\$40.00	\$0.00	\$0.00		41
SF0-9025-0400-0000	SERVICE AWARDS PROGRAM - Cont.	PENFLEX, INC. 2024-617 Plan Transfer - Data Processing Fee & Certify Benefits Payable Calculations	12/4/2024	Vendor#: 240	\$742.32	\$0.00	\$0.00		17
SM0-0600-0000-0000	ACCOUNTS PAYABLE	Fund SM0 AP Account	12/4/2024	Fund SM0 AP Account	\$0.00	\$587.59	\$0.00		85
SM0-4540-0400-0000	CONTRACTUAL	BOSTON HIGHWAY DEPT. November 2024 - EMS November 2024 - EMS Gas (84.3 gallons)	12/4/2024	Vendor#: 90	\$236.88	\$0.00	\$0.00		82
SM0-4540-0400-0000	CONTRACTUAL	NYSEG 11/24 - Acct. #1001-6047-341 Acct. #1001-6047-341 - Boston EMS Building (1440 kwh)	12/4/2024	Vendor#: 37	\$229.82	\$0.00	\$0.00		22
SM0-4540-0400-0000	CONTRACTUAL	Constellation NewEnergy, Inc. 69632007501 Acct. #15446173 - NYSEG Energy Supply - Boston EMS Building (11/24) 1440 kwh	12/4/2024	Vendor#: 2100	\$120.89	\$0.00	\$0.00		6
Total Number of 89 Transactions			No Errors		\$294,317.23	\$294,317.23	\$0.00		

AP - 4729 Summary By Fund Number

Fund	Debit	Credit	ENC	LIQ
A00	\$130,100.20	\$130,100.20	\$0.00	
DB0	\$73,089.38	\$73,089.38	\$0.00	
H05	\$1,841.00	\$1,841.00	\$0.00	
H06	\$87,916.74	\$87,916.74	\$0.00	
SF0	\$782.32	\$782.32	\$0.00	
SM0	\$587.59	\$587.59	\$0.00	
Total	\$294,317.23	\$294,317.23	\$0.00	

December 4, 2024 - A B S T R A C T – Solar Escrow

Town of Boston
Journal Proof Report
Fiscal Year: 2024

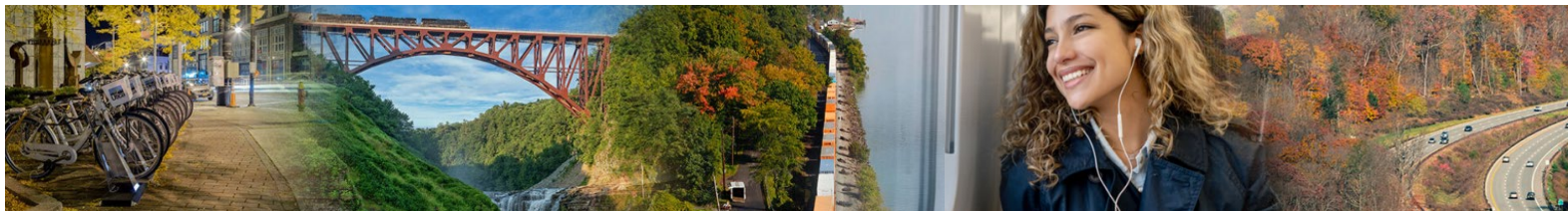
Created By: epericak

Journal Number: AP - 4730		Journal Desc: AP Batch 44		Journal Date: 12/4/2024		Account Period: 12 - Dec		Status: Currently Active	
Account#	Account Description	Trans Description	Date	Reference	Debit	Credit	ENCLIQ	Seq #	
TA0-0600-0000-0000	ACCOUNTS PAYABLE	Fund TA0 AP Account	12/4/2024	Fund TA0 AP Account	\$0.00	\$9,182.50	\$0.00	3	
TA0-1000-0031-0000	SOLAR ESCROW	Knauf Shaw LLP 01566 Delaware Solar Project Review - 7/30/24 - 10/16/24 (26.7 hrs)	12/4/2024	Vendor#: 2083	\$5,685.00	\$0.00	\$0.00	1	
TA0-1000-0031-0000	SOLAR ESCROW	Knauf Shaw LLP 01729 Delaware Solar Project Review - 10/25/24 - 11/21/24 (13.5 hrs)	12/4/2024	Vendor#: 2083	\$3,497.50	\$0.00	\$0.00	2	
Total Number of 3 Transactions			No Errors		<u>\$9,182.50</u>	<u>\$9,182.50</u>	<u>\$0.00</u>		

AP - 4730 Summary By Fund Number

Fund	Debit	Credit	ENCLIQ
TA0	\$9,182.50	\$9,182.50	\$0.00
Total	\$9,182.50	\$9,182.50	\$0.00

AUDITED & APPROVED BY TOWN BOARD, RECORDED BY TOWN CLERK _____ DATE _____



New York State Transportation Master Plan 2050 Fact Sheet

What is the New York State Transportation Master Plan?

The New York State Transportation Master Plan 2050 provides a long-range vision for the state's transportation network through the year 2050. The Transportation Master Plan is designed to guide statewide transportation policies and priorities for the state's entire transportation system, including roads, transit, rail, aviation, ports, bicycle and pedestrian infrastructure, and other infrastructure and services.

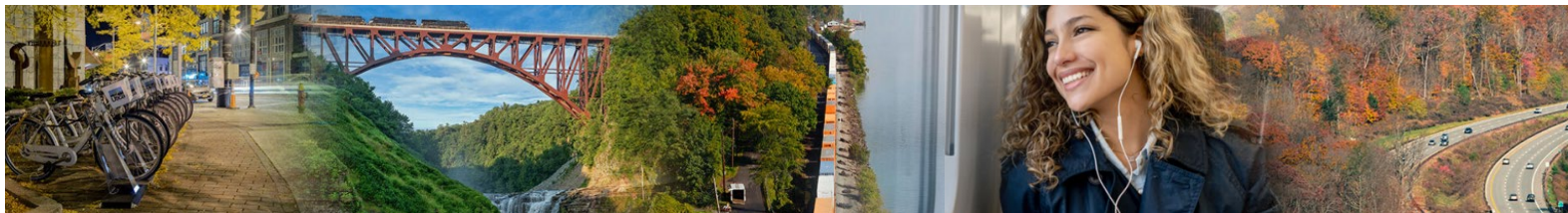
Being developed by New York State Department of Transportation (NYSDOT) in coordination with stakeholders from transportation agencies throughout the state, the Transportation Master Plan 2050 will:

- Describe New York's existing transportation system and how it is performing;
- Discuss key trends and issues affecting transportation and that are anticipated to be important in the future;
- Identify transportation goals, objectives, and performance measures for tracking progress; and
- Define strategic directions, policies, and priorities for New York State's multimodal transportation system.

The Transportation Master Plan provides a framework that will inform a wide array of transportation plans developed within New York State at the statewide, metropolitan, regional, and local levels. Other statewide transportation plans addressing safety, asset management, freight, active transportation, and other aspects of the transportation system will build off the Master Plan's policy direction and provide more detailed information about transportation investment needs and priorities.

Why is New York State Updating its Transportation Master Plan?

Transportation is about connecting people and places. Every day, millions of New York residents and visitors rely on the state's network of roads, public transit, bicycle trails, and sidewalks to access jobs, education, health care, and recreation. New York's highways, railways, airports, and ports support the movement of essential products and goods and connect communities across the state and the world. Transportation shapes our communities, environment, economy, and quality of life. And New York's transportation system is adapting to changes, such as new travel behaviors following the COVID-19 pandemic, technology advancements, and the impacts of climate change.



Reliable and High-Quality Transportation Network

When transportation is reliable and dependable, people gain confidence and assurance that they and/or their goods will arrive at their destinations within reasonable and predictable travel times. Travelers have accurate and timely information to make travel decisions, and systems are operated efficiently and coordinated across agencies. Transit stations, rail stations, airports, ferry terminals, sidewalks, bicycle facilities, and other infrastructure provide modern amenities, enhance visual appeal, and comfort, and reflect their communities, providing travelers with a high-quality experience.



Travel Choices and Accessibility for All

Transportation connects people to life's vital necessities—jobs, health care, groceries, each other—and provides opportunities for enriching lives, through access to places of education, worship, recreation, and more. Travel choices and accessibility means that people of all ages, abilities, incomes, and backgrounds have access to these opportunities. Throughout the state, and reflecting the local setting and demands, people have choices in how they travel, with opportunities to walk, bike, and use quality public transit.



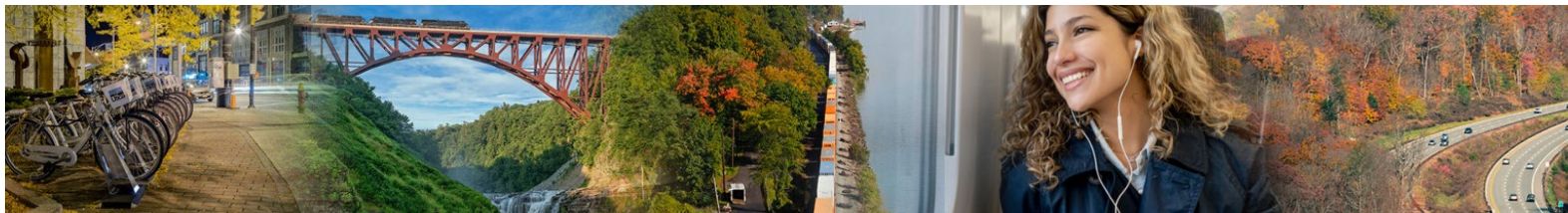
Environmental Stewardship and Climate Action

Building on New York State's 2019 Climate Leadership and Community Protection Act and Scoping Plan, New York is committed to action to reduce the emissions that contribute to climate change. Transportation will play a vital role in achieving economywide goals to reduce greenhouse gas emissions by 40% by 2030 and by 85% by 2050 from 1990s levels, which will put New York on a path toward carbon neutrality. This decarbonization transition will ensure that our transportation system adapts to the impacts of climate change and severe weather. Well thought-out transportation systems preserve natural biodiversity and habitat connectivity, support cleaner air and water, reduce waste, and improve public health outcomes.



Support for State, Regional, and Local Economies

Transportation enhances the economy by supporting efficient and reliable goods movement and access to global markets, which is vital to industry, including agriculture, and supports jobs across New York state. Transportation will support access to tourist destinations, strengthen the vitality of downtowns and business districts by developing streets that safely serve all users, and provide more active recreational opportunities through sidewalk networks, trails, and quality bicycling infrastructure.



Draft Vision

Recognizing the vital role in which transportation helps to shape our communities, the New York State Transportation Master Plan 2050 lays out a vision of **community-focused transportation**. This vision for the future is:



Transportation strengthens the health, safety, economic vibrancy, and livability of communities throughout New York State.



This vision recognizes that transportation is about more than infrastructure and services. It is about people, places, and experiences. Recognizing the unique aspects of communities across different regions of our state—from rural hamlets and recreational areas to urban centers—transportation will support thriving neighborhoods and communities and help to create great places for people.

Draft Goals

In support of the vision, transportation organizations and communities across the state will work towards the plan goals. Each of these goals will be supported by performance measures to track progress toward these outcomes.



Safe Travel for All

New York State strives for zero fatalities and serious injuries on our transportation systems. Achieving this goal involves partnerships between transportation agencies, law enforcement, mental health organizations, community planners, and others. Travelers will feel safe and will also be safe from harm, however they are traveling, whether walking, bicycling, using transit or other options.



Well-Maintained, Right-Sized, and Resilient Transportation System

When all transportation systems and components—roadways, bridges, transit, rail, airports, and more—are well maintained and function well, they better serve the people and the communities of New York state. Transportation agencies will look at the current and future needs of our communities and consider alternative or new uses for older infrastructure. In many cases, this may involve reimagining or rethinking the design, speeds, and features of transportation infrastructure, as well as redressing harms caused by past infrastructure decisions. As more severe storms, heat, and sea level rise are creating stresses on our transportation system, our infrastructure and systems also must adapt to a changing climate. Transportation agencies will be proactive in addressing both human-caused threats and natural disasters.

The Transportation Master Plan will establish a vision and priorities to guide coordinated, forward-thinking planning and decision-making, with an outlook to 2050.

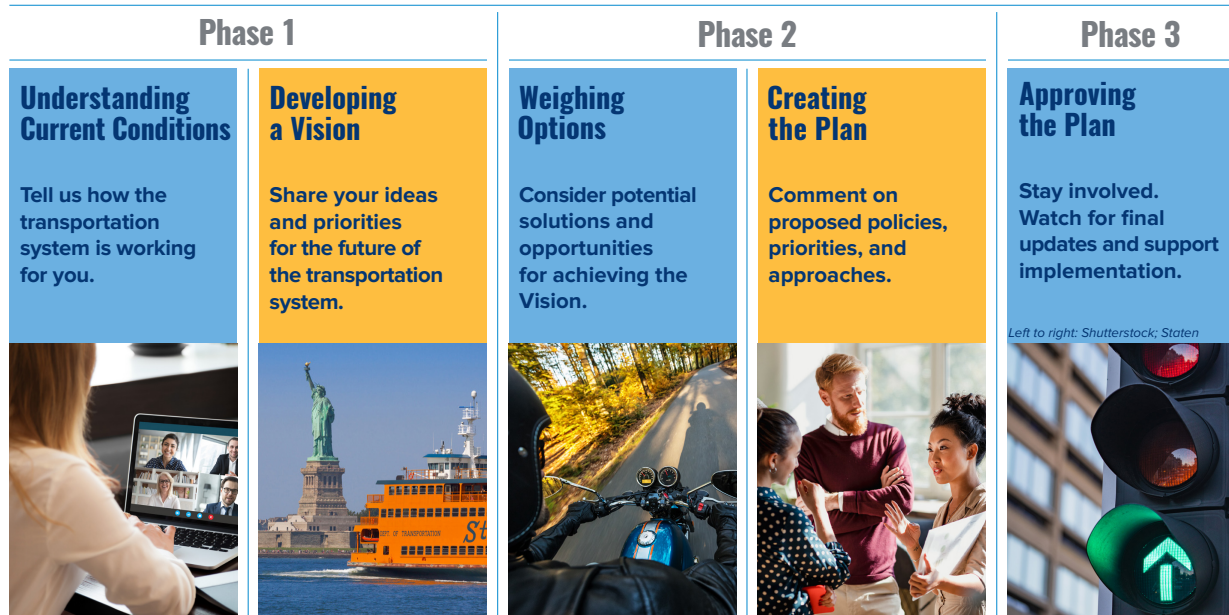
Who will be Involved in the Process of Developing the Plan?

Stakeholder and public engagement is critical to developing the plan. Public participation will occur through a diverse range of activities, including surveys, virtual meetings, and events throughout the state. NYSDOT is committed to equitable engagement across all regions of the state, including outreach to historically underserved communities and providing opportunities for people of all ages and abilities to participate.

In addition, NYSDOT will be coordinating with transportation agencies and planning organizations throughout the state, including metropolitan planning organizations (MPOs), transit operators, port authorities, bridge authorities, and others. To ensure alignment with state priorities, New York State agencies focused on economic development, environmental conservation, health, energy, agriculture, parks, and more also will be involved. Consultation will be conducted with Native Nations, and NYSDOT will be reaching out to stakeholders involved in freight, health, education, economic development, the environment, and other issues of importance to transportation.

What are the Steps in the Process of Updating the Plan?

Developing the plan will involve several steps, with opportunities for engagement.



Island Ferry, iStock by Getty Images; all other photos Shutterstock

How Can I Learn More and Participate?

Visit the project website at nysrtransportationmasterplan.com to learn more about New York State's Transportation Master Plan and to complete a quick survey. Sign up to receive updates on the plan and learn of opportunities to provide input throughout the plan development process.



Environmental Facilities Corporation | Department of Environmental Conservation
Department of Health | Department of State | Homes and Community Renewal

THE STATE REVOLVING FUNDS AND FUNDING OPPORTUNITIES FOR WATER INFRASTRUCTURE PROJECTS

Community Assistance Teams

NOVEMBER 20, 2024

1

AGENDA

- o About EFC
- o The State Revolving Funds (SRFs)
- o Federal Bipartisan Infrastructure Law (BIL)
- o EFC/DOH Grant Programs
- o The Bond Act
- o Technical Assistance Opportunities
- o DEC Grant Programs
- o CDBG: Public Infrastructure Funding Opportunities for Municipalities
- o DOS: Infrastructure Funding
- o Q&A

ENVIRONMENTAL FACILITIES CORPORATION 2

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ABOUT EFC

Clean Water State Revolving Fund

Low-cost capital for sewer and wastewater treatment projects. Short- and long-term financing with varied interest rates.

Drinking Water State Revolving Fund

Low-cost capital for drinking water projects. Short- and long-term financing with varied interest rates.

State Water Grants

Ease the cost burden of capital infrastructure projects.

Federal Bipartisan Infrastructure Law Funding

Administered through the State Revolving Funds.

ENVIRONMENTAL FACILITIES CORPORATION 3

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EFC: WE FUND NEW YORK STATE WATER INFRASTRUCTURE

Nation-Leading Investment

**\$37.1
Billion**

Provided to
Wastewater Projects
Since 1990

**\$10.1
Billion**

Provided to Drinking
Water Projects
Since 1996

**\$2.9 ^{MCO}
Billion**

EFC Water Grants
Awarded to over 1,000
Projects Since 2015

ENVIRONMENTAL FACILITIES CORPORATION 4

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Slide 4

MCO This had \$8.4 - that's total project cost and not grant awarded; I've updated.

Máire Cunningham, 2024-11-20T14:31:14.016

EFC FINANCING



Short-Term Financing

- o Provides recipients with funding to design and construct projects
- o Up to 5-Year Term



Long-Term Financing

- o Amortized up to a term of 30 years



Interest Rates

- o Interest-Free (0%)
- o Subsidized (50%/33.13% of Market-Rate)
- o Market-Rate

ENVIRONMENTAL FACILITIES CORPORATION 5

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GRANT OPPORTUNITIES

Engineering
Planning
Grant

EPG

Water
Infrastructure
Improvement
Grant

WIIA

Intermunicipal
Grant

IMG

Resiliency
Programs

**GRG
&
GIGP**

Bipartisan
Infrastructure
Law Grants

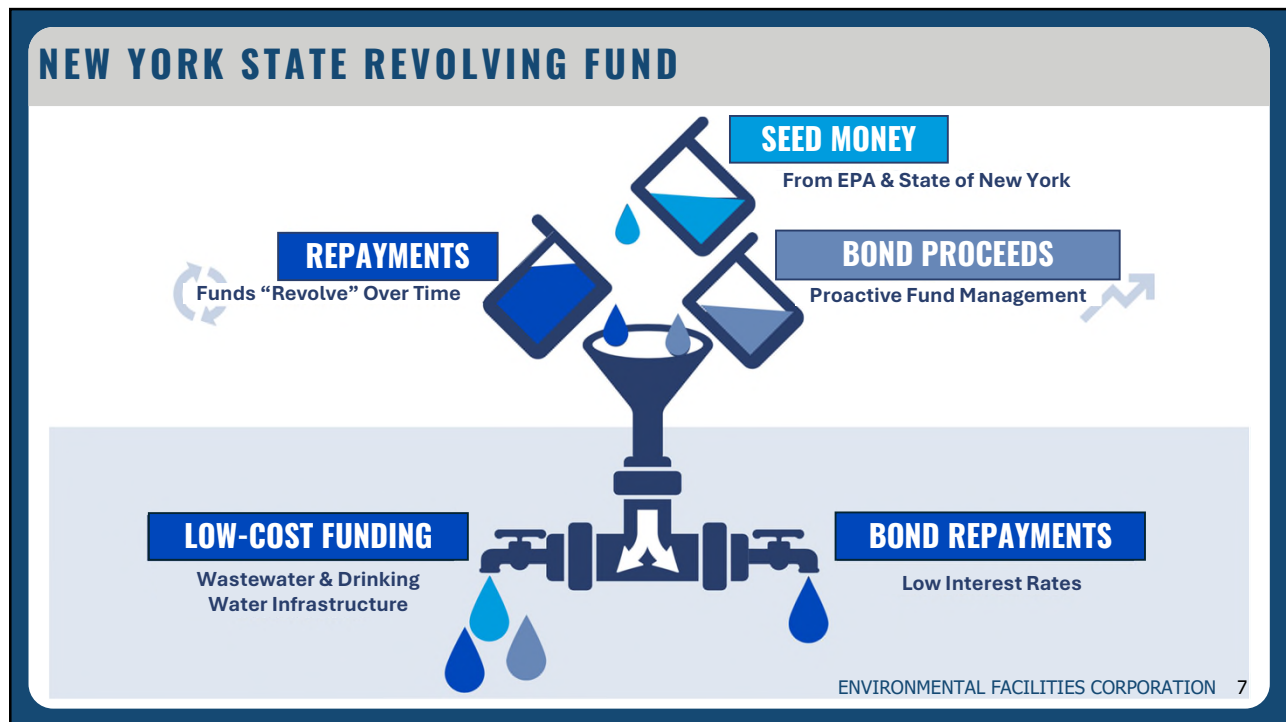
BIL

State
Revolving
Fund Grants

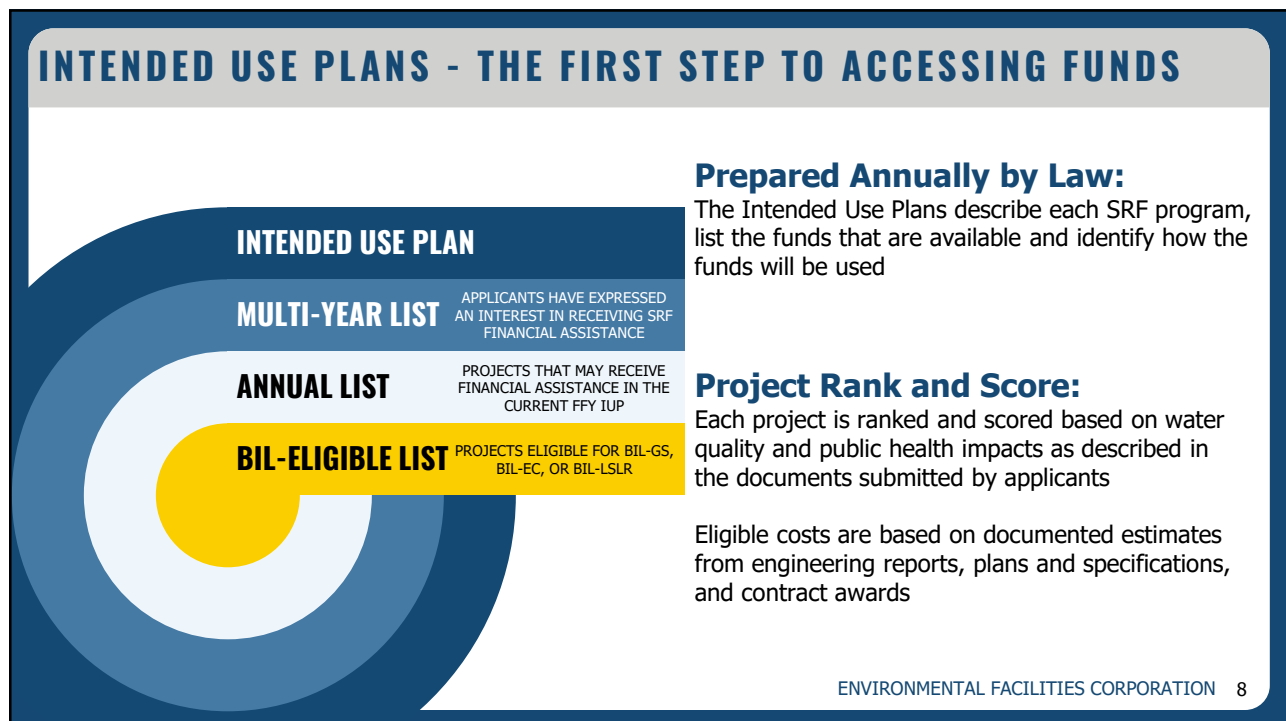
SRF

ENVIRONMENTAL FACILITIES CORPORATION 6

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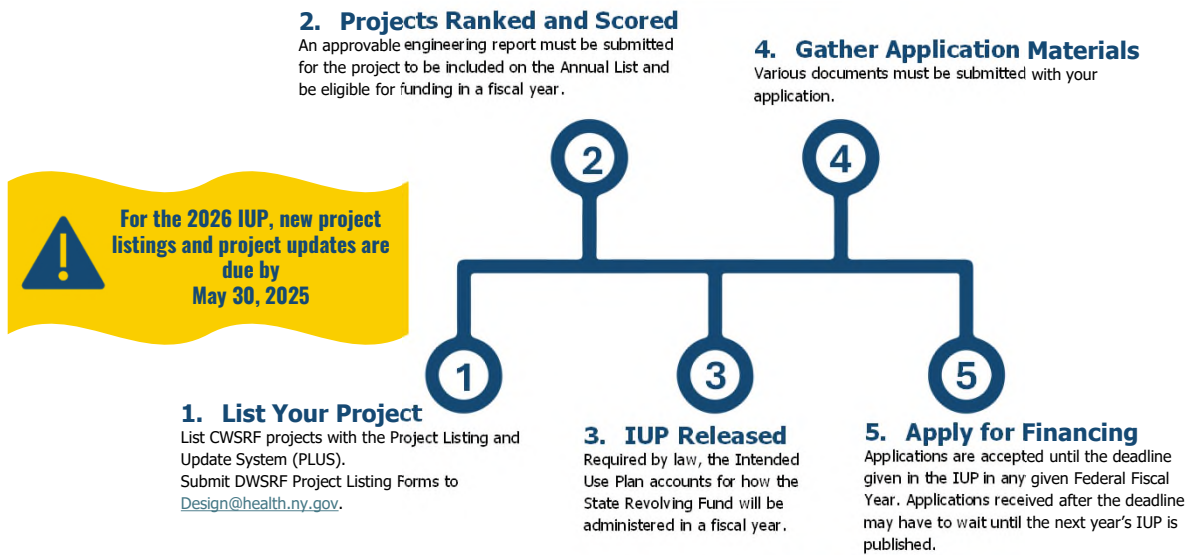


7



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INTENDED USE PLANS - TIMELINE



ENVIRONMENTAL FACILITIES CORPORATION 9

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ELIGIBLE PROJECTS

Clean Water State Revolving Fund (CWSRF)

Administered by EFC in coordination with the State Department of Environmental Conservation

Affordable financing for communities and public authorities for sewer projects such as:

- o Repairing and upgrading wastewater treatment plants
- o Correcting combined and sanitary sewer overflows
- o Protecting water bodies from runoff pollution

Drinking Water State Revolving Fund (DWSRF)

Co-administered by EFC and the State Department of Health

Affordable financing for communities for drinking water projects, such as:

- o Improving drinking water treatment, including removal of emerging contaminants such as PFAS
- o Fixing leaky or old water distribution lines
- o Improving water supply source
- o Replacing or constructing finished water storage tanks

ENVIRONMENTAL FACILITIES CORPORATION 10

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ENGINEERING REPORT OUTLINE

Each SRF program has its own Engineering Report Outline, which includes:

- ✓ Project background and history, incl. description of the problem
- ✓ Alternatives analysis
- ✓ Project objectives including Environmental Justice, Resiliency, and Green infrastructure
- ✓ Consideration of future climate impacts
- ✓ Discussion of security and cybersecurity

Acceptability reviews will be performed to ensure all required items are included before a project can be placed on the Annual List.

ENVIRONMENTAL FACILITIES CORPORATION 11

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ENGINEERING REPORT - REQUIREMENTS

Acceptable engineering reports must:

- ✓ Be final and stamped by a professional engineer
- ✓ Identify the problem: Enforcement action, aging infrastructure, consolidation
- ✓ Include analysis of alternatives: Do nothing, replacement in kind, upgrade
- ✓ Recommend a capital improvement project
- ✓ Estimate total project costs
- ✓ Include project location maps
- ✓ Have an engineering report certification

ENVIRONMENTAL FACILITIES CORPORATION 12

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ENGINEERING REPORT OUTLINE – ADDITIONAL ITEMS

You may also need to include:

- ✓ Present Worth Life Cycle Analysis
 - Compare Capital Costs + O&M over 30-year period
- ✓ Environmental Justice (EJ) maps
- ✓ FEMA Flood Maps
- ✓ Soils mapping
- ✓ Consent Orders, SPDES permits, Long Term Control Plans, Notices of Violation, etc.
- ✓ Manufacturer cut sheets for evaluated technologies
 - UV systems, Filtration systems, mechanical bar screens, grit removal systems
- ✓ Flow data and Hydraulic modeling
- ✓ Sizing and Design calculations



ENVIRONMENTAL FACILITIES CORPORATION 13

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MANDATORY TERMS & CONDITIONS (T&Cs)

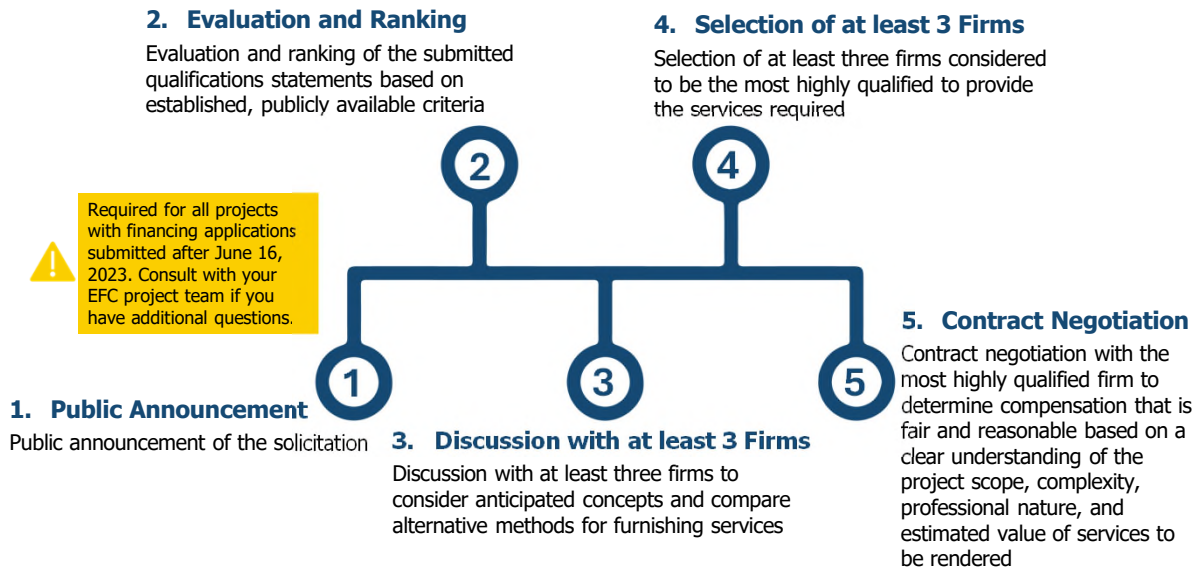


- ✓ Contracts paid for with EFC funds must include T&Cs
- ✓ Program requirements include: MWBE/EEO/DBE, Service-Disabled Veteran Owned Business, American Iron & Steel, Build America Buy America, Davis-Bacon Prevailing Wage
- ⚠ Any contract that does not include the required language is ineligible for funding!

ENVIRONMENTAL FACILITIES CORPORATION 14

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ARCHITECTURAL & ENGINEERING (A/E) PROCUREMENT



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FEDERALLY DESIGNATED PROJECT REQUIREMENTS

- o Professional Services (A/E) Procurement
- o American Iron and Steel (AIS) or Build America, Buy America (BABA)
- o Disadvantaged Business Enterprise (DBE)
- o Davis-Bacon Prevailing Wage
- o Telecom Exclusion
- o Single Audit and federal thresholds (\$750,000)
- o Additional coordination for Environmental Review



Equivalency projects are identified on CWSRF IUP with an "E" notation



American Iron and Steel (AIS): Requires recipients to use iron and steel products produced in the United States in construction

Disadvantaged Business Enterprise: Goals applied to contracts and subcontracts to promote participation opportunities for certified DBEs in governmental procurement contracts

Davis-Bacon Prevailing Wage: Requires contractors and subcontractors to pay laborers and mechanics not less than the prevailing wage

ENVIRONMENTAL FACILITIES CORPORATION 16

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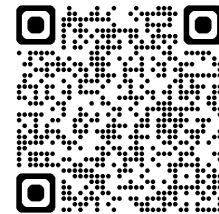
BUILD AMERICA, BUY AMERICA (BABA) ACT:

- o Expands domestic preference procurement requirements
- o All iron, steel, manufactured products, and construction materials used in the project must be produced in the United States. BABA was effective May 14, 2022



o What this means:

- Iron, steel, and construction materials: All manufacturing processes occurred in the US
- Manufactured products: The product was manufactured in the US, and the cost of components that are mined, produced, or manufactured in the US is greater than 55% of the product cost



<https://www.epa.gov/cwsrf/build-america-buy-america-baba>

ENVIRONMENTAL FACILITIES CORPORATION 17

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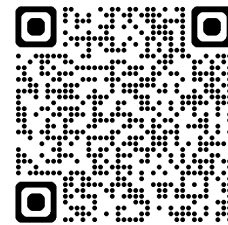
STATE REVOLVING FUND APPLICATION

Project must be on Annual List

Used for both CWSRF and DWSRF

Required Documents

- ✓ SRF Financing Application
- ✓ Bond Resolution
- ✓ Environmental Review
- ✓ SHPO Letter
- ✓ District Formation, if applicable



<https://efc.ny.gov/apply>

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FEDERAL BIPARTISAN INFRASTRUCTURE LAW (BIL)



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BIPARTISAN INFRASTRUCTURE LAW & SRFs

BIL funding for water infrastructure is being administered through the SRFs over five years.

Required additional subsidy is based on the full EPA Capitalization Grant amounts and are not necessarily the percentage available per project.

2024 FFY Funding By Category



\$251M

CWSRF

General Supplemental
Required Additional Subsidy: **49%**



\$23M

CWSRF

Emerging Contaminants
Required Additional Subsidy: **100%**



\$107M

DWSRF

General Supplemental
Required Additional Subsidy: **49%**



\$35M

DWSRF

Emerging Contaminants
Required Additional Subsidy: **100%**



\$129M

DWSRF

Lead Service Line Repl.
Required Additional Subsidy: **49%**

EFC & DOH 20

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ELIGIBLE PROJECTS – CWSRF BIL

BIL General Supplemental (GS)

Funds municipal water pollution control projects:

- o Wastewater treatment facilities, pumping stations and sewers, combined sewer overflow abatement
- o Stormwater pollution abatement
- o Other projects that maintain, protect or improve water quality



BIL Emerging Contaminants (EC)

Funds CWSRF eligible projects whose primary purpose is to address emerging contaminants:

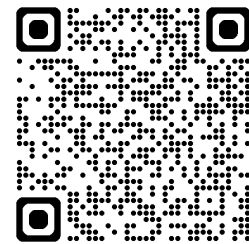
- o Manufactured or naturally occurring
- o Physical, chemical, biological, radiological, or nuclear materials
- o Known or anticipated
- o Pose newly identified or re-emerging risks to human health, aquatic life, or the environment
- o Focus on perfluoroalkyl and polyfluoroalkyl substances (PFAS), pharmaceuticals, personal care products, and micro/nanoplastics.

ENVIRONMENTAL FACILITIES CORPORATION 21

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CWSRF BIL GS

- o Grants of **50%** of costs up to **\$25 million** available to projects eligible for hardship funding
- o Project must be in a hardship community listed in category D of the IUP to be considered for BIL General Supplemental grants
- o Municipalities have 2 years to close on a project financing agreement to secure their BIL grant



<https://efc.ny.gov/BIL>



Did you know...

Under Congress, funding from the Bipartisan Infrastructure Law is targeted at disadvantaged communities

ENVIRONMENTAL FACILITIES CORPORATION 22

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CWSRF BIL EC

- o Grants of **100%** of costs up to **\$25 million** available to projects undertaken primarily to address emerging contaminants
- o EFC partners with the NYS Department of Environmental Conservation to identify potential recipients and eligible projects
- o Many projects targeted to receive BIL EC grant funding are investigating PFAs at landfill sites across New York State



<https://efc.ny.gov/BIL>

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ELIGIBLE PROJECTS – DWSRF BIL

BIL General Supplemental (GS)

Funds municipally owned and privately-owned community water systems and non-profit non-community water projects serving disadvantaged communities:

- o Construction, rehabilitation, and upgrades of
 - Water treatment plants
 - Transmission and distribution mains
 - Storage facilities
- o Pump stations
- o Rehabilitation or development of new drinking water sources
- o Consolidation of water supply services
- o Capital investments to improve security of drinking water systems

BIL Emerging Contaminants (EC)

Funds DWSRF eligible projects that address emerging contaminants in drinking water, with a focus on PFAS.

BIL Lead Service Line Replacement (LSLR)

Funds DWSRF eligible projects for the identification or replacement of lead service lines, including planning and design.



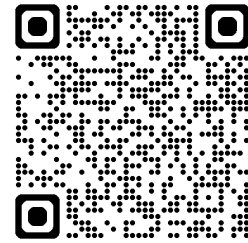
Any project funded under this category involving the replacement of lead service lines must replace the entire line, not just a portion.

DEPARTMENT OF HEALTH 24

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DWSRF BIL GS

- o Grants of **70%** of costs up to **\$5 million** available to disadvantaged communities
- o Projects on the BIL-GS Eligible Project List awarded additional subsidy and interest-free financing in public health priority score order
 - Must not have closed a short-term financing before **October 1** of the FFY in which the assistance is awarded
 - Additional subsidy may not be used to forgive debt that was incurred prior to **November 15, 2021**
- o Of the **85** DWSRF projects identified as BIL-GS eligible in the 2024 IUP, **12** were awarded funding



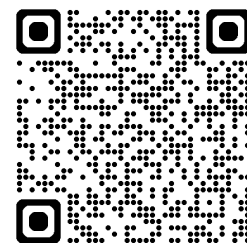
<https://efc.ny.gov/BIL>

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DRINKING WATER SRF BIL EC

- o Grants of up to **100%** of costs up to **\$5 million** for disadvantaged communities
- o Grants of **70%** of costs up to **\$5 million** for non-disadvantaged communities
- o Priority given to projects that address PFAS
- o Of the **23** DWSRF projects identified as BIL-EC eligible in the 2024 IUP, **10** projects were awarded funding.



<https://efc.ny.gov/BIL>



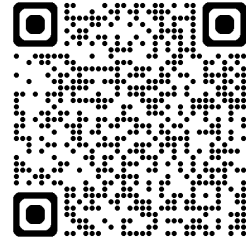
At least **25%** of BIL-EC funds go to state-defined disadvantaged communities or systems with populations under 25,000

DEPARTMENT OF HEALTH 26

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DWSRF BIL LSLR

- o Grants of **70%** for replacement projects up to **\$10 million**
- o Grants of **100%** for inventory projects up to **\$2 million**
- o Grants awarded to applicants that meet state's disadvantaged community criteria
- o Remainder of funding offered as interest-free loan to eligible applicants
- o Communities are limited to **\$14M** in interest-free financing in a Federal Fiscal Year
- o Projects will be awarded in public health priority score order until the available funds have been exhausted



<https://efc.ny.gov/BIL>

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GRANT PROGRAMS

ENVIRONMENTAL FACILITIES CORPORATION 28

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GRANT OPPORTUNITIES



ENVIRONMENTAL FACILITIES CORPORATION 29

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ENGINEERING PLANNING GRANTS

Funding for hardship communities to pay for the initial planning of eligible CWSRF projects

- o Helps develop **Engineering Reports**, which are required to list your project on the Annual List
- o Grant awards of up to **\$100,000** for inflow/infiltration studies required by enforcement action
- o Grant awards of up to **\$50,000** for all other projects

Communities must meet Median Household requirements to be eligible	
Median Household Income*	Regions
Equal to or less than \$100,000	Long Island Mid-Hudson New York City
Equal to or less than \$80,000	Capital District Central NY Finger Lakes Mohawk Valley North Country Southern Tier Western NY

*According to the United States Census American Community Survey

ENVIRONMENTAL FACILITIES CORPORATION 30

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WATER INFRASTRUCTURE IMPROVEMENT GRANTS

WIIA provides competitive grants to help communities affordably undertake critical wastewater and drinking water projects

Eligible Entities:

- o City, Town, or Village
- o County or Town Improvement District
- o Indian Nation or Tribe (with Reservation wholly or partly within NYS)
- o Public Authority
- o Public Benefit Corporation
- o School District



Grants for Clean Water Projects

For sewer projects. Stormwater projects are eligible if related to sanitary sewer.

Grants of **25%** of costs up to **\$25M**



Grants for Drinking Water Projects

For drinking water infrastructure projects including treatment plants and distribution mains.

Grants of **60%** of costs up to **\$5M**



Grants for Emerging Contaminants Projects

For projects that address emerging contaminants above the State Maximum Contaminant Level

Grants of **70%** **NO CAP**

ENVIRONMENTAL FACILITIES CORPORATION 31

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INTERMUNICIPAL GRANTS

Available for both clean water and drinking water projects undertaken jointly by multiple municipalities

- o Grants of **40%** of costs, up to **\$30 million**
- o One lead municipality must apply on behalf of all cooperating municipalities



Must have a current, valid, and binding project Intermunicipal Agreement (IMA) between at least two cooperating municipalities related to the financing and implementation of the project.



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GREEN RESILIENCY GRANTS (GRG)

**Grants for
Flood
Prone
Communities**

Grants of up to
90%
of costs up to
\$10M

For communities to undertake innovative green infrastructure projects such as:

- o Restoration of non-instream features recommended in the Resiliency NY Program
 - o Creation or enhancement of nature-based landscape features:
 - flood plains
 - riparian buffers
 - streams
 - wetlands
 - o Installation of green infrastructure features:
 - Bioretention and bioswales
 - Cisterns
 - Green roofs and green walls
 - Permeable pavement or other permeable surfaces
 - Stormwater street trees
 - Urban forestry programs
 - Stormwater retention, retrofits, and slow-release designs
- Projects must be designed to capture, treat, or reduce time of concentration of a minimum of 100,000 cubic feet of stormwater runoff annually

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GREEN INNOVATION GRANT PROGRAM (GIGP)

Supports water quality projects that utilize EPA-designated green stormwater infrastructure to mitigate the effects of climate change.

- o Grants of up to **90%** of costs up to **\$3 million**
- o Projects that implement one or more of the following green practices:



- **Green stormwater infrastructure:** Maintain and restore natural hydrology by infiltration, evapotranspiration, and harvesting stormwater
- **Energy efficiency:** Reuse, conserve, or improve water efficiency
- **Water efficiency:** Reduce energy consumption or produce renewable energy for a wastewater treatment plant
- **Environmental innovation**

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TECHNICAL ASSISTANCE

ENVIRONMENTAL FACILITIES CORPORATION 35

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WHAT IS TECHNICAL ASSISTANCE?

Governor's Priority

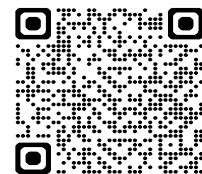
Governor Hochul announced the creation of Community Assistance Teams to build on EFC's history of assisting communities with accessing funding for water infrastructure projects

Virtual and In-person Support

EFC staff and staff from our partner agencies are available to provide support through one-on-one consultations and community events to those interested in accessing our funding opportunities

Visit Our Website

For information about upcoming events and how to request assistance



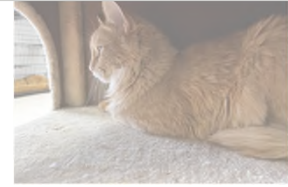
<https://efc.ny.gov/cat>

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COMMUNITY ASSISTANCE TEAMS (CATs)

Community Assistance Teams work with municipalities to help them access water infrastructure funding, with a focus on small, rural, and disadvantaged communities.



Coordinate with partner Agencies:

- o Department of Environmental Conservation
- o Department of State
- o Department of Health
- o Homes and Community Renewal

Scan to Connect with EFC

- o Request a meeting
- o Signup for emails to learn about local outreach events and the latest funding opportunities
- o Register for our monthly virtual Q&A sessions



<https://efc.ny.gov/cat>

Contact Us

(518) 402-7081 or
efc.dl.CommunityAssistance@efc.ny.gov

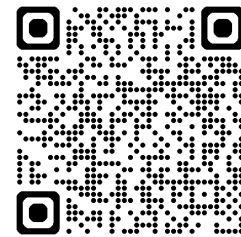
ENVIRONMENTAL FACILITIES CORPORATION 37

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NEWS FROM EFC

Sign up for our emails to be notified of:

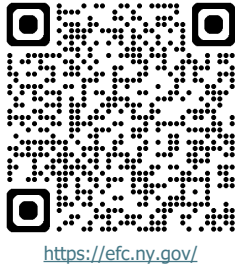
- o Grant Announcements
- o Webinars
- o Events
- o Deadlines



<https://lp.constantcontactpages.com/su/xJs1HzD/signup>

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THANK YOU!

- ✓ CWSRFinfo@efc.ny.gov
- ✓ design@health.ny.gov
- ✓ www.efc.ny.gov

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TEST YOURSELF

A municipality in New York is experiencing issues with unprecedented flooding during wet weather events. Runoff from these events is also polluting a local water source.

The flooding disproportionately affecting historically low-income areas in the town. However, the MHI of the municipality is too high to apply for an EPG grant.

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TEST YOURSELF

What could they do to start the process of solving the issue?

- A. Submit an application to the Water Infrastructure Improvement program
- B. Call the Community Assistance Teams and ask for help
- C. Self-fund an engineering report to list to apply for the Green Innovation Grant Program

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TEST YOURSELF

What could they do to start the process of solving the issue?

- A. Submit an application to the Water Infrastructure Improvement program
- B. Call the Community Assistance Teams and ask for help**
- C. Self-fund an engineering report to list to apply for the Green Innovation Grant Program**

ENVIRONMENTAL FACILITIES CORPORATION 42

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TEST YOURSELF

Once they have an engineering report that identifies a solution to address their flooding problems, what should they do?

- A. Identify all relevant funding opportunities and begin applying to eligible programs
- B. Hire a firm to start construction
- C. Decide to wait until the situation gets worse to act

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TEST YOURSELF

Once they have an engineering report that identifies a solution to address their flooding problems, what should they do?

- A. Identify all relevant funding opportunities and begin applying to eligible programs**
- B. Hire a firm to start construction
- C. Decide to wait until the situation gets worse to act

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TEST YOURSELF

When is the best time to consider funding?

- A. Before starting engineering and design
- B. After starting construction
- C. As soon as possible
- D. Once the project is completed

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TEST YOURSELF

When is the best time to consider funding?

- A. Before starting engineering and design
- B. After starting construction
- C. As soon as possible**
- D. Once the project is completed

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TEST YOURSELF

A Water District in New York has PFAS levels less than the state Maximum Contaminant Level (MCL, 10 ppt) but above the federal MCL (4 ppt).

DEPARTMENT OF HEALTH 47

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TEST YOURSELF

What funding is the Water District eligible for?

- A. Drinking Water State Revolving Fund?
- B. Bipartisan Infrastructure Law-Emerging Contaminants (BIL-EC)?
- C. Water Infrastructure Improvement Act (WIIA)?
- D. Water Infrastructure Improvement Act – Emerging Contaminants (WIIA-EC)?

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TEST YOURSELF

What funding is the Water District eligible for?

- A. Drinking Water State Revolving Fund?**
- B. Bipartisan Infrastructure Law-Emerging Contaminants (BIL-EC)?**
- C. Water Infrastructure Improvement Act (WIIA)?**
- D. Water Infrastructure Improvement Act – Emerging Contaminants (WIIA-EC)?

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TEST YOURSELF

What Terms & Conditions (T&Cs) are required?

- A. State Revolving Fund Mandatory T&Cs?
- B. State Financial Assistance Mandatory T&Cs?
- C. State Revolving Fund Equivalency Project Mandatory T&Cs?

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TEST YOURSELF

What Terms & Conditions (T&Cs) are required?

It Depends...

If project is awarded a WIIA grant and DWSRF loan:

A. State Revolving Fund Mandatory T&Cs?

B. State Financial Assistance Mandatory T&Cs?

C. State Revolving Fund Equivalency Project Mandatory T&Cs?

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TEST YOURSELF

What Terms & Conditions (T&Cs) are required?

It Depends...

If project is awarded only a WIIA grant (i.e., no DWSRF funding):

A. State Revolving Fund Mandatory T&Cs?

B. State Financial Assistance Mandatory T&Cs?

C. State Revolving Fund Equivalency Project Mandatory T&Cs?

DEPARTMENT OF HEALTH 52

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TEST YOURSELF

What Terms & Conditions (T&Cs) are required?

It Depends...

If project is awarded BIL-EC grant (with or without WIIA Grant):

- A. State Revolving Fund Mandatory T&Cs?
- B. State Financial Assistance Mandatory T&Cs?
- C. State Revolving Fund Equivalency Project Mandatory T&Cs?**

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TEST YOURSELF

If awarded BIL-EC, and construction starts without Equivalency T&C, what happens?

- A. The contracts can be amended to include the Equivalency T&C requirements and then the project will be eligible for funding.
- B. The project will not be able to move forward with BIL-EC funding. The BIL-EC award will be rescinded and reallocated to another project.
- C. The project can use State Revolving Fund Mandatory T&Cs instead.

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TEST YOURSELF

If awarded BIL-EC, and construction starts without Equivalency T&C, what happens?

- A. The contracts can be amended to include the Equivalency T&C requirements and then the project will be eligible for funding.
- B. The project will not be able to move forward with BIL-EC funding. The BIL-EC award will be rescinded and reallocated to another project.**
- C. The project can use State Revolving Fund Mandatory T&Cs instead.

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NEW
YORK
STATE

Department of
Environmental
Conservation

**WATER QUALITY IMPROVEMENT
PROJECTS AND NON-AG NONPOINT
SOURCE PLANNING AND MS4
MAPPING GRANT**

DEPARTMENT OF ENVIRONMENTAL CONSERVATION 56

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WATER QUALITY IMPROVEMENT PROJECT (WQIP) PROGRAM

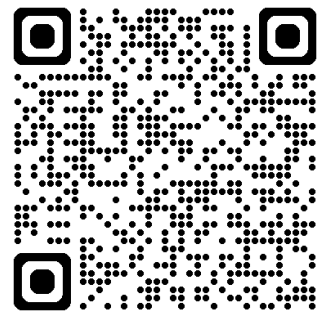


DEPARTMENT OF ENVIRONMENTAL CONSERVATION 57

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WQIP OVERVIEW – 2024

- o Competitive reimbursement grant program funding projects that:
 - Directly improve water quality or habitat
 - Promote flood risk reduction, restoration, and enhanced flood and climate resiliency
 - Protect a drinking water source
- o At least \$75 million available in 2024
- o 2024 Round closed 7/31, but is offered annually as part of the Consolidated Funding Application (CFA)



<https://on.ny.gov/wqip>

DEPARTMENT OF ENVIRONMENTAL CONSERVATION 58

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FUNDING OVERVIEW

- o Dollar amounts available each year is based on NYS Budget and Appropriations
 - Clean Water Infrastructure Act
 - Environmental Protection Fund
 - Clean Water, Clean Air, and Green Jobs Environmental Bond Act
- o Maximum awards differ by project type
 - Ranges from \$100,000-\$15 million
- o Match is based on award amount – not total project cost
 - Match is 25% for all project types



DEPARTMENT OF ENVIRONMENTAL CONSERVATION 59

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ELIGIBLE APPLICANTS

- o Municipalities (ECL §56-0101): Includes municipal corporations and Indian Nations
- o Soil and water conservation districts
- o Not-for-profit corporations*

*Note that not-for-profits are not eligible to apply for wastewater treatment improvement, nonpoint source abatement/control, vacuum trucks in MS4 areas nor salt storage/road salt reduction projects.



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ELIGIBLE ACTIVITIES - 2024

- o Wastewater Treatment Improvement
- o Non-agricultural Nonpoint Source Abatement and Control
- o Land Acquisition for Source Water Protection
- o Salt Storage and Road Salt Reduction *
- o Dam Safety Repair/Rehabilitation and Dem Removal *
- o Vacuum Trucks in Municipal Separate Storm Sewer System (MS4) Areas
- o Aquatic Connectivity Restoration
- o Marine District Habitat Restoration
- o Fish and Wildlife Habitat Restoration and Enhancement *

**new or expanded in 2024*

DEPARTMENT OF ENVIRONMENTAL CONSERVATION 61

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NON-AGRICULTURAL NONPOINT SOURCE PLANNING & MS4 MAPPING GRANT (NPG)



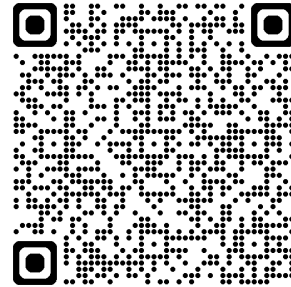
DEPARTMENT OF ENVIRONMENTAL CONSERVATION 62

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NPG OVERVIEW - 2024

Grants to help pay for:

- Planning reports needed for nonpoint source projects
- Municipal Separate Storm Sewer System (MS4) mapping
- o Up to \$3 Million available in 2024
- o 10% local match
- o 2024 Round closed 7/31, but is offered annually as part of the Consolidated Funding Application (CFA)



<https://on.ny.gov/npg>

DEPARTMENT OF ENVIRONMENTAL CONSERVATION 63

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NONPOINT SOURCE PLANNING REPORTS

Eligible Applicants:

- o Municipalities (ECL §56-0101), including Indian Nations
- o Soil and water conservation districts

Maximum awards:

- o Up to \$50,000 for planning reports
- o Up to \$75,000 for comprehensive stream corridor studies



DEPARTMENT OF ENVIRONMENTAL CONSERVATION 64

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NONPOINT SOURCE PLANNING REPORTS CONT'D

Categories:

- o Decentralized Wastewater Treatment Facilities for Failing On-site Treatment Systems
- o Green Infrastructure
- o Stormwater Retrofits
- o Streambank/Shoreline Stabilization
- o Comprehensive Stream Corridor Assessment
- o Stream Sediment and Debris Management Plans
- o In-Waterbody Controls for Nutrients
- o Bathing Beach Restoration
- o Stream Culvert Repair & Replacement
- o Berm Removal
- o Floodplain Creation/Restoration/Reconnection
- o Wetland Creation/Restoration
- o Coastal Storm and Erosion Risk Management
- o Dam Safety Repair/Rehabilitation and Dam Removal*
- o Winter Road Maintenance*

**new or expanded in 2024*

DEPARTMENT OF ENVIRONMENTAL CONSERVATION 65

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MS4 MAPPING

Eligible Applicants:

- o Municipalities regulated by the MS4 General Permit
- o Soil and water conservation districts on behalf of regulated MS4 operators

Maximum awards:

- o If applying as a municipal collaborative: Up to \$60,000 per municipality, with up to \$400,000 per collaborative
- o If applying alone, maximum of \$75,000



DEPARTMENT OF ENVIRONMENTAL CONSERVATION 66

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MS4 MAPPING CONT'D



- o Final deliverables:
 - Final map product
 - Final summary report
- o Applicants encouraged to cooperate with other regulated municipal MS4 operators
- o Mapping must meet MS4 permit requirements
- o Must create, use, or expand on GIS mapping
- o Basic mapping must be done before other mapping

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GENERAL INFORMATION AND TIPS

DEPARTMENT OF ENVIRONMENTAL CONSERVATION 68

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PROJECTS IN PEJA & DAC

Projects Affecting Water Quality in Potential Environmental Justice Areas and/or Disadvantaged Communities

- o DEC is committed to serving underserved and vulnerable populations
- o Review points added for a proposed project that:
 - Demonstrates it improves water quality or positively impacts drinking water serving an **Environmental Justice (EJ) community** or **Disadvantaged Community (DAC)**
 - Protects EJ or DAC areas that are within a dam failure inundation area
- o Review points added for applicants that are municipalities serving a DAC population

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RESILIENCY

Flood and Climate Resiliency

- o DEC encourages:
 - Projects that will reduce flood risk or enhance flood resiliency
 - Projects that will increase resiliency from the effects of climate change
- o Review points added for a proposed project that meets specific criteria for climate resilience and/or flood resilience
- o Updated flood resilience requirements for awarded projects within the 100-year and 500-year floodplains

DEPARTMENT OF ENVIRONMENTAL CONSERVATION 70

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APPLICATION TIPS

General Application Tips

- ✓ Start Early!
- ✓ Review entire Program Overview
- ✓ Attach everything required
 - DEC will not contact you if something is missing or if a form is not filled in correctly
- ✓ Make the connections to water quality
 - Show how your project fits the grant
- ✓ Self score your application
- ✓ Fill out and attach expenditure-based budget
 - Include only costs to be reimbursed

DEPARTMENT OF ENVIRONMENTAL CONSERVATION 71

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THANK YOU

Division of Water Grants Team

Water Assessment and Implementation

Division of Water, NYS DEC

(518) 402-8179

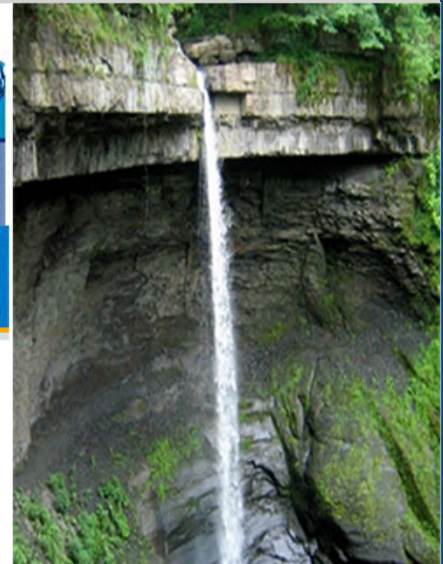
user.water@dec.ny.gov



On the web:

WQIP: <https://on.ny.gov/wqip>

NPG: <https://on.ny.gov/npg>



DEPARTMENT OF ENVIRONMENTAL CONSERVATION 72

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TEST YOURSELF

A municipality has previously received a WQIP grant award to add disinfection to their wastewater treatment plant. Additional funding is needed to complete other upgrades to the facility and collection system, including adding phosphorus treatment to meet permit requirements, fixing broken lateral connections, and improving a pump station. The municipality has a limited user base.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION 73

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TEST YOURSELF

What could they do to start the process of addressing the remaining needs at the plant?

- A. Submit another application to WQIP
- B. Call the Community Assistance Teams and ask for assistance
- C. Self-fund the remaining work
- D. Apply for an Engineering Planning Grant (EPG)

DEPARTMENT OF ENVIRONMENTAL CONSERVATION 74

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TEST YOURSELF

What could they do to start the process of addressing the remaining needs at the plant?

- A. Submit another application to WQIP
- B. Call the Community Assistance Teams and ask for assistance**
- C. Self-fund the remaining work
- D. Apply for an Engineering Planning Grant (EPG)

DEPARTMENT OF ENVIRONMENTAL CONSERVATION 75

75

A graphic with a dark blue background featuring an aerial view of a road and industrial buildings. In the top left, there is a white outline of New York State with the text 'NEW YORK STATE' inside. To the right of the state outline, the text 'Department of State' is written in white. In the center, the words 'INFRASTRUCTURE FUNDING OPPORTUNITIES' are written in large, bold, white capital letters. In the bottom right corner, the text 'DEPARTMENT OF STATE 76' is written in white.

NEW YORK STATE | Department of State

INFRASTRUCTURE FUNDING OPPORTUNITIES

DEPARTMENT OF STATE 76

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LOCAL GOVERNMENT FUNDING PROGRAMS

Local Government Efficiency (LGE) and Shared Services Programs

- Local Government Efficiency Grant (LGE)
- Citizens Reorganization and Empowerment Grant (CREG)

Community Development Programs

- Northern Border Regional Commissions (NBRC)
- Appalachian Regional Commission (ARC)

DEPARTMENT OF STATE 77

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LGE PROGRAM MISSION

Assist local governments develop and implement new opportunities for savings and modernize service delivery; inform local government officials and boards.



DEPARTMENT OF STATE 78

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LGE GRANT FUNDING

\$4 million in 2023 (\$1.5M re-release)

- o Up to \$3.6 million for implementation
- o Up to \$400,000 for planning projects
- o Application in the CFA



\$8 million in FY 2024-25 Budget

DEPARTMENT OF STATE 79

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LGE GRANT FUNDING

Planning Projects

- o \$12,500 per municipality, per project
- o Maximum of \$100,000 for a project
- o 50% Match: 50% State Funds, 50% Local Funds

Implementation Projects

- o Capped at \$200,000 per municipality, per project
- o Maximum of \$1,000,000 for a project
- o 90% State Funds/10% Local Funds

DEPARTMENT OF STATE 80

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ELIGIBILITY

Local Governments Applicants

- o Towns, villages, cities, counties
- o School districts, BOCES, and public libraries
- o Special districts, water and sewer authorities, regional planning boards

Expenses

- o Contractual and professional services
- o Capital and equipment
- o Transitional personnel

DEPARTMENT OF STATE 81

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CITIZENS REORGANIZATION AND EMPOWERMENT GRANT

Implements General Municipal Law Article 17-A

- o Local Government, Special District Consolidation and Dissolution
- o Non-Competitive, Monthly Deadline
- o Maximum of \$100,000 per project
 - \$50,000 maximum for a study
 - \$25,000 expedited for petitioned local governments
 - \$50,000 maximum for implementation

DEPARTMENT OF STATE 82

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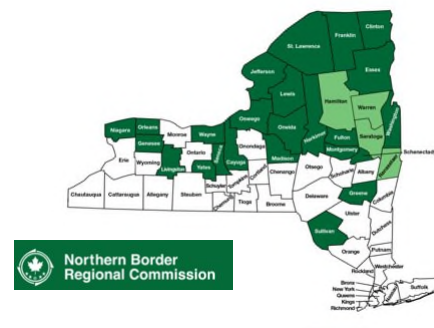
NORTHERN BORDER REGIONAL COMMISSION (NBRC)

DEPARTMENT OF STATE 83

83

NORTHERN BORDER REGIONAL DEVELOPMENT

- **Four-state Partnership Program**
- **Federal Funding/State Priorities**
- **Municipalities and non-profits**
- **Match (80/20 or 50/50)**
- **Planning and implementation**



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NORTHERN BORDER REGIONAL DEVELOPMENT

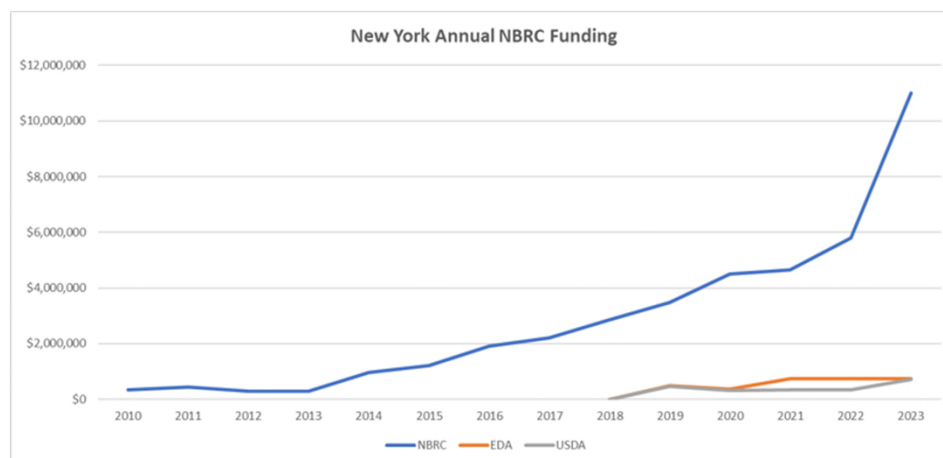
- o Infrastructure Priorities
 - Transportation
 - Water and Sewer
 - Telecommunications
 - Renewable and alternative energy
- o Workforce, entrepreneurship, and business development
- o Basic health care for distressed areas
- o Conservation, tourism, and recreation for economic development



DEPARTMENT OF STATE 85

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NORTHERN BORDER FUNDING



DEPARTMENT OF STATE 86

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NBRC – CATALYST PROGRAM

2024 Funding - \$60 million available across 4 states

- o \$30 million in Spring (\$7.5 MM per state)
 - Pre – Applications - Due 3/22/24 @ 5:00 PM
 - Applications by invitation – Due 5/3/24 @ 5:00 PM
- o \$30 million in Fall – (\$7.5 MM per state)
 - Pre – Applications - Due 9/6/24 @ 5:00 PM
 - Applications by invitation – Due 10/18/24 @ 5:00 PM

Pre-application and Application submission through
NBRC Application Portal.

DEPARTMENT OF STATE 87

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NORTHERN BORDER FEDERAL PARTNERSHIPS

Federal Agency Partnerships

- o EDA – Economic Development Projects
- o USDA – Economic Development/Outdoor Recreation
- o DOL – WORC Program Partnership
- o FHWA - Pilot projects that demonstrate the capabilities of wood-based infrastructure
- o HRSA - Rural Health Outreach/Rural Communities Opioids Response Program



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NORTHERN BORDER REGIONAL DEVELOPMENT

Project Funding and Match

- o \$1,000,000 for an infrastructure project
- o \$500,000 for all other project types

Grants are reimbursements of previously paid and eligible expenses

Up to 80% federal funding per project



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NEW YORK 2023 NBRC INFRASTRUCTURE PROJECTS

Cayuga County Water and Sewer Authority

- o \$605,385
- o Cayuga County Industrial Park Water Line
- o Economic Development/Business Expansion

Town of Henderson

- o \$1,000,000
- o Wastewater Treatment and Collection
- o Outdoor Recreation/Tourism

Fort Ticonderoga Association

- o \$200,000
- o Water Line Replacement
- o Economic Development/Tourism

Town of Lawrence

- o \$750,000 (EDA Funds)
- o St. Lawrence County - Wastewater Upgrades
- o Economic/Hamlet Development



DEPARTMENT OF STATE 90

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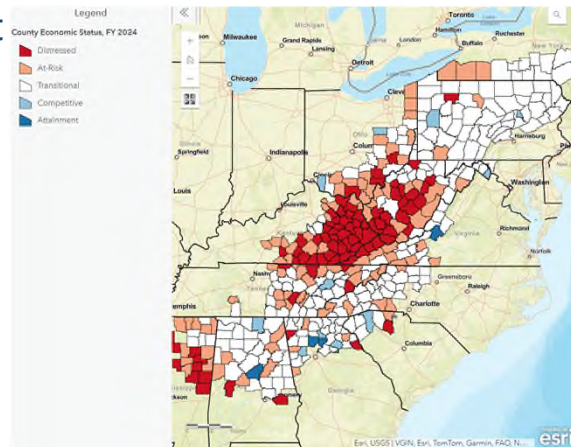
APPALACHIAN REGIONAL COMMISSION (ARC)

DEPARTMENT OF STATE 91

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THE APPALACHIAN REGION COMMISSION CONSTITUENCY TODAY

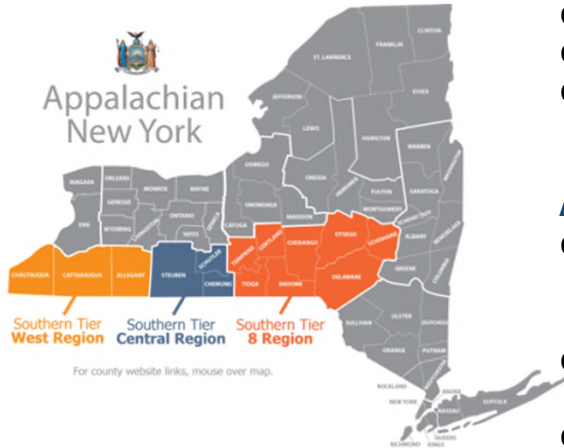
- o 205,000 square miles
- o 13 States, 74 Local Development Districts (LDDs), 423 Counties and 8 independent cities, 25 million residents
- o Economic Status vs. All US Counties
 - 82 counties distressed (low 10%)
 - 101 at-risk (low 25%)
 - 225 transitional (mid 50%)
 - 11 competitive (upper 25%)
 - 4 attainment (upper 10%)



DEPARTMENT OF STATE 92

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NEW YORK STATE'S APPALACHIAN REGION TODAY



NY Statistics:

- o 14 counties; 3 Local Development Districts
- o 1 Million Residents
- o Approximately 12,600 sq. miles area (~300 mi. x ~42 mi.)

Administration:

- o Administered for Governor by NYS Dept. of State, Division of Local Government Services (Albany)
- o Governor's Alternate: Deputy Secretary of State Mark Pattison
- o Program Manager: Kyle Wilber
- o Asst. Program Manager: George Korchowsky

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ARC INVESTMENT PRIORITIES



Strengthen Businesses and Entrepreneurs



Develop a Workforce Ecosystem



Build Critical Infrastructure



Invest in Culture and Tourism



Foster Leadership and Community Capacity

DEPARTMENT OF STATE 94

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FEDERAL FISCAL YEAR 2023



- o **\$9.8M** ARC Investment
- o **\$18.9M** Project Match
- o **\$28.7M** Total Project Investment
- o **53** Projects
- o **150** Jobs Created or Retained
- o **525** Students and Workers Trained and Educated
- o **280** Households/Businesses Served with Infrastructure

DEPARTMENT OF STATE 95

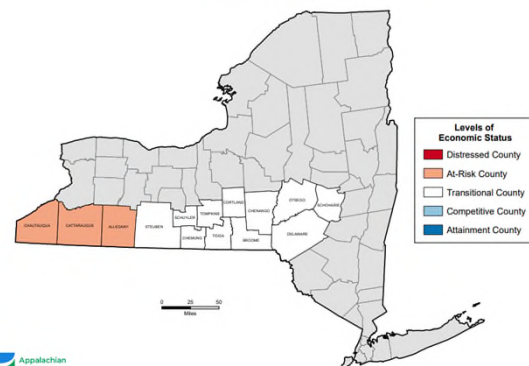
95

APPALACHIAN REGION COMMISSION

US Expenditure \$200 Million/Year

- o **NYS 2024 Allocation:**
 - \$3.4 Million - Area Development
 - \$3.9 Million - IIIJA (thru FFY-26)
- o **Competitive Opportunities for all ARC locations:**
 - **\$65 Million - POWER** (Partnerships for Opportunity & Workforce & Economic Revitalization)
 - **\$13 Million - INSPIRE** (Investments Supporting Partnerships In Recovery Ecosystems)

County Economic Status in Appalachian New York,
Fiscal Year 2025



DEPARTMENT OF STATE 96

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IIJA – INFRASTRUCTURE INVESTMENT AND JOBS ACT, 2021

\$1 Billion over 5 Years

\$100 Million Annually for Regional Development

\$3.9M/year for NYS

\$80 Million Annually for ARISE
(Appalachian Regional Initiatives for Stronger Economies)

\$10 Million – Capacity Development



DEPARTMENT OF STATE 97

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CONTACT INFORMATION



Kyle Wilber, Program Manager

New York State Division of Local Government

518-473-3355

kyle.wilber@dos.ny.gov

www.dos.ny.gov



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TEST YOURSELF

Two adjacent local governments both operate and maintain a wastewater treatment system. They are relatively small systems, but each have existing unused capacity. In addition, both systems are operated by one full-time operator, with part-time assistants.

While currently sustainable, both systems need upgrades to the treatment capacity. In addition, each of the operators have told their governing bodies that they will be retiring in the next 5 years.

Collectively, there have been discussions recently about infrastructure upgrades and hiring replacement staff before pending retirements.

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TEST YOURSELF

What are some options for the governments to begin planning and designing upgrades to a shared WWT system ?

- A. Call the Community Assistance Teams and ask for assistance
- B. Self-fund an engineering report to list on the CWSRF
- C. Investigate the requirements to apply to the Green Resiliency Grant
- D. Explore the Local Government Efficiency Program at the New York Department of State

DEPARTMENT OF STATE100

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TEST YOURSELF

What are some options for the governments to begin planning and designing upgrades to a shared WWT system ?

A. Call the Community Assistance Teams and ask for assistance

B. Self-fund an engineering report to list on the CWSRF

C. Investigate the requirements to apply to the Green Resiliency Grant

D. Explore the Local Government Efficiency Program at the New York Department of State

DEPARTMENT OF STATE101

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TEST YOURSELF

If they decide to self-fund an engineering report to address the issues of a shared system and its impacts, could the cost be reimbursed through the LGE program?

A. No, costs incurred before applying are not eligible to receive reimbursement

B. Yes, as long as the engineering services are procured in accordance with A/E procurement requirements and the correct terms and conditions are included in the contract

C. Yes, any costs associated with the project are automatically eligible for reimbursement

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TEST YOURSELF

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TEST YOURSELF

Once they have an engineering report that identifies a solution to address their problem of failing systems, what should they do?

A. Identify all relevant funding opportunities and begin applying to eligible programs

B. Hire a firm to start construction

C. Decide to wait until the situation gets worse to act

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TEST YOURSELF

Once they have an engineering report that identifies a solution to address their problem of failing systems, what should they do?

- A. Identify all relevant funding opportunities and begin applying to eligible programs**
- B. Hire a firm to start construction
- C. Decide to wait until the situation gets worse to act

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TEST YOURSELF

When is the best time to consider funding?

- A. Before starting engineering and design
- B. After starting construction
- C. As soon as possible
- D. Once the project is completed

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TEST YOURSELF

When is the best time to consider funding?

- A. Before starting engineering and design
- B. After starting construction
- C. As soon as possible - LGE will have \$ 8 million available**
- D. Once the project is completed

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Homes and
Community Renewal

CDBG PUBLIC INFRASTRUCTURE FUNDING OPPORTUNITIES FOR MUNICIPALITIES

HOMES AND COMMUNITY RENEWAL108

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NYS HOMES & COMMUNITY RENEWAL

- o Division of Housing & Community Renewal (DHCR)
- o Housing Trust Fund Corporation (HTFC)
- o Housing Finance Agency (HFA)
- o State of New York Mortgage Agency (SONYMA)
- o Affordable Housing



Development Offices:

- o **Office of Community Renewal (OCR)**

"Local" grant programs – awarded through municipalities & not-for-profits

NYS Community Development Block Grant (CDBG), HOME Program, New York Main Street (NYMS), the Neighborhood and Rural Preservation programs, Access to Home, MMHR, RESTORE

- o **Office of Finance and Development (F&D)**

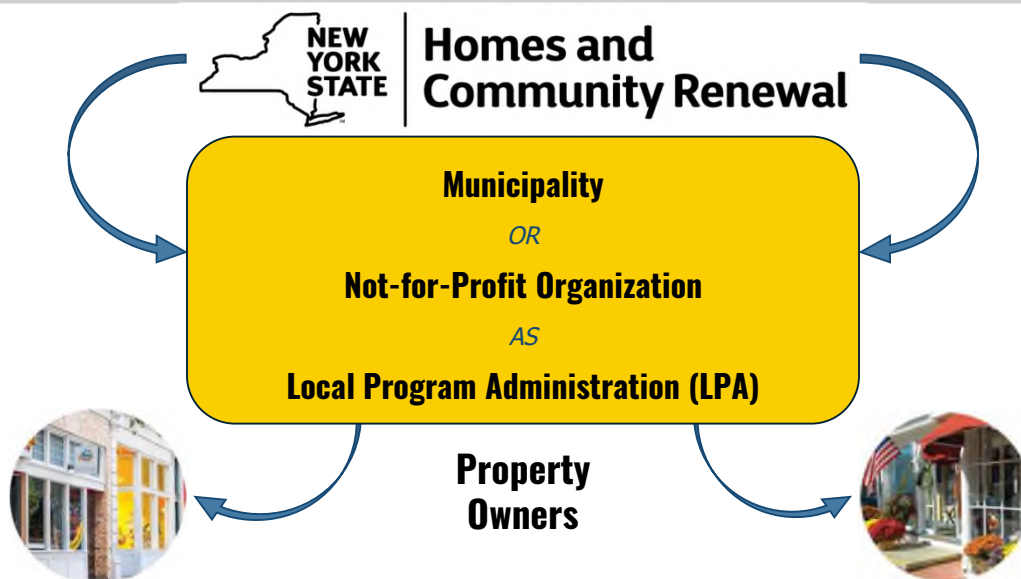
Multi-family development – direct award and oversight

HOME Capital, Federal and State Low Income Housing Tax Credits, tax exempt bonds, and state sources include HTF and CIF

HOMES AND COMMUNITY RENEWAL109

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GRANTS AND LOCAL PROGRAM ADMINISTRATION



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MCO This doesn't seem to match the formatting on other slides?
Maire Cunningham, 2024-11-20T14:35:57.228

FEDERAL AND STATE FUNDING OVERVIEW



HOMES AND COMMUNITY RENEWAL111

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OCR PROGRAMS



- o NYS Community Development Block Grant (CDBG)
- o HOME – Local Programs

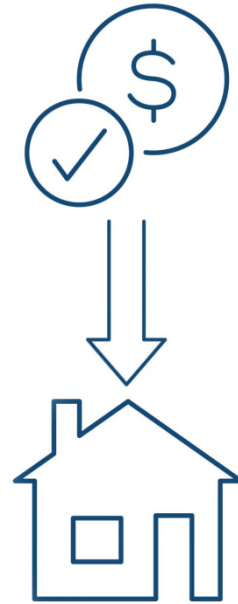


- o Access to Home Programs
- o Affordable Housing Corporation (AHC)
- o Healthy Homes Program
- o Mobile and Manufactured Home Replacement (MMHR) Program
- o New York Main Street Programs
- o RESTORE Program
- o Targeted Home Improvement Program

HOMES AND COMMUNITY RENEWAL112

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CDBG PROGRAM



HOMES AND COMMUNITY RENEWAL113

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OVERVIEW

Develops viable communities by providing a suitable living environment principally for persons of low-and-moderate income.

NYS must ensure that at least 70% of its CDBG grant funds are used for activities that benefit persons of low-and-moderate income (at or below 80% of median) and meet one of the following National Objectives:

- **Benefit low-and-moderate income persons**
- **Aid in the prevention or elimination of slums or blight**
- **Meet an urgent community development need**

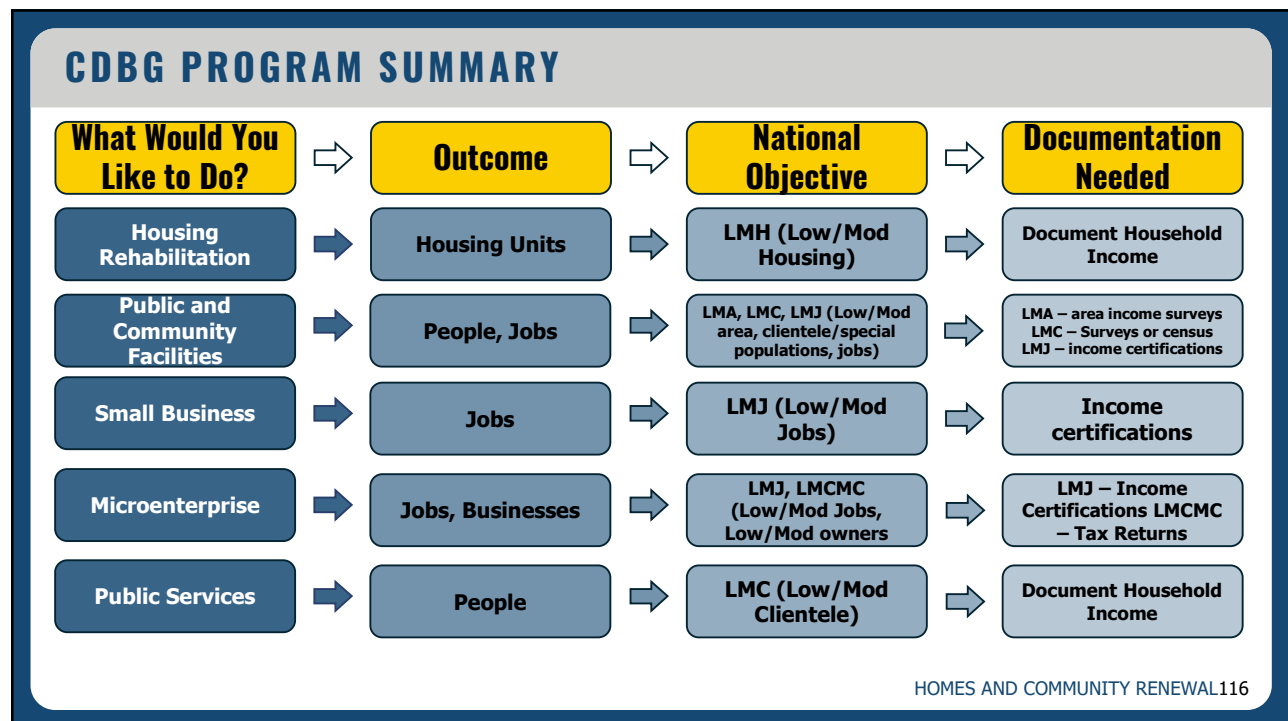


HOMES AND COMMUNITY RENEWAL114

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FUNDING FOR PUBLIC INFRASTRUCTURE PROJECTS



HOMES AND COMMUNITY RENEWAL117

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PUBLIC INFRASTRUCTURE FUNDING SOURCE

Public Water/Sewer/Storm Water Management

NYS CDBG

- o Eligible applicants may apply for up to \$2,000,000
- o May require consultation with Co-Funding Initiative
- o Need to address target user rate of 1.5% of MHI

Typical activities

- o Public Water Systems
 - Water source development, storage, and distribution
- o Public Sanitary Sewer Systems
 - Sanitary sewage collection and treatment
- o Storm Water Systems
 - Flood control and storm water drainage

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FUNDING FOR PUBLIC FACILITY ACTIVITIES



HOMES AND COMMUNITY RENEWAL119

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PUBLIC FACILITY FUNDING SOURCE

NYS CDBG Funding

Up to \$1,000,000
for Cities, Towns,
Villages and
Counties



Health Care Centers



Senior, Community,
and Day Care Centers



Accessibility
Modifications



Tree
Planting



Street
Lighting

HOMES AND COMMUNITY RENEWAL120

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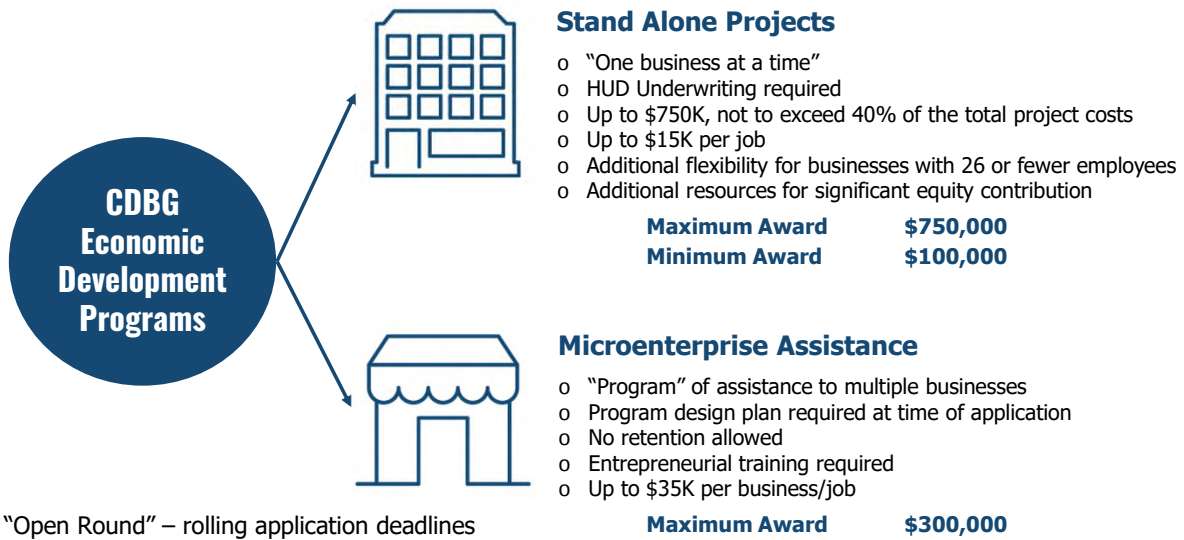
FUNDING FOR ECONOMIC DEVELOPMENT ACTIVITIES



HOMES AND COMMUNITY RENEWAL121

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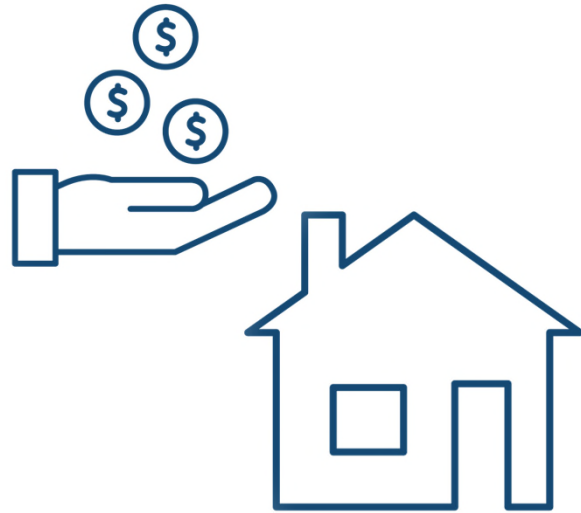
NYS CDBG ECONOMIC DEVELOPMENT



HOMES AND COMMUNITY RENEWAL122

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FUNDING FOR HOUSING ACTIVITIES



HOMES AND COMMUNITY RENEWAL123

123

NYS CDBG WATER AND SEWER IN SUPPORT OF EXISTING HOUSING

- o Assistance to manufactured housing parks
- o Assistance to large multi-unit housing complex (no rehabilitation)
- o Lateral connection assistance, drinking water and sanitary sewer
- o Well and septic replacement for eligible property owners



Maximum Award: \$1,500,000

HOMES AND COMMUNITY RENEWAL124

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FUNDING FOR COMMUNITY PLANNING ACTIVITIES

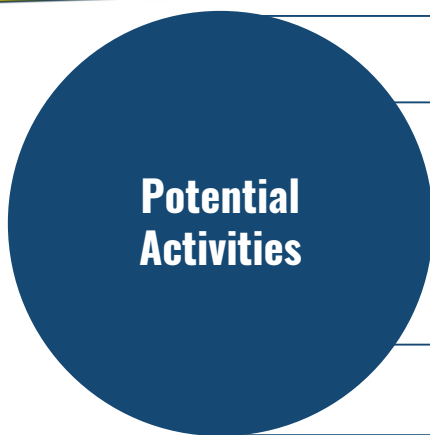


HOMES AND COMMUNITY RENEWAL125

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COMMUNITY PLANNING FUNDING SOURCE

Up to \$50,000 for Cities, Towns, Villages and Counties



**Preliminary Engineering
for Water or Sewer**



Asset Management



Community Needs Assessments



Downtown Market Analysis



Housing Needs Assessments

HOMES AND COMMUNITY RENEWAL126

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APPLY FOR FUNDING



HOMES AND COMMUNITY RENEWAL127

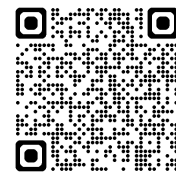
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HOW TO APPLY FOR FUNDS



NYS Consolidated Funding Application (CFA)

- o Public Infrastructure/Facilities (Annual)
- o Community Planning (Annual)
- o Microenterprise (Open Round)
- o Economic Development (Open Round)
- o Small Business Assistance (Open Round)

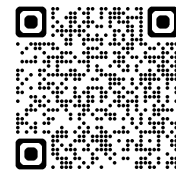


<https://regionalcouncils.ny.gov/>



Community Development Online (CDOL)

- o All CDBG Housing Activities



<https://hcr.ny.gov/funding-opportunities>

HOMES AND COMMUNITY RENEWAL128

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ADDITIONAL INFORMATION



HOMES AND COMMUNITY RENEWAL129

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CDBG WEB SITE

Homes and
Community Renewal

Rental Housing

Homeownership

Development Resources

Funding & Awards

About

Community Development Block Grant



SHARE ■ f x



<https://hcr.ny.gov/community-development-block-grant>

HOMES AND COMMUNITY RENEWAL130

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TEST YOURSELF

The Village of Calamity Falls has developed engineering and design for improvements to the wastewater treatment plant to address a Consent Order.

The estimated cost is \$10 million.

In pursuit of funding for this project, the Village has not obtained any funding yet but has identified CDBG as a potential source of funding.

HOMES AND COMMUNITY RENEWAL131

131

TEST YOURSELF

Is the right path for the Village to take at this time?

A. Yes, this is the appropriate course of action to take in building the financing package, the Village determines that “you have to start somewhere”.

B. No, the Village understands that CDBG funds must be last in, and that all other funds must be available and committed to determine the actual CDBG need.

HOMES AND COMMUNITY RENEWAL132

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TEST YOURSELF

Is the right path for the Village to take at this time?

B. No, the Village understands that CDBG funds must be last in, and that all other funds must be available and committed to determine the actual CDBG need.

The Village needs to develop a plan of finance and then request a consultation with CATS to determine, with the co-funders, how much room is available for NYS CDBG grant funding.

CDBG funds should be used to make a project more affordable or to fill a gap in funding.

HOMES AND COMMUNITY RENEWAL133

133

TEST YOURSELF

Calamity Falls just can't catch a break. While planning for the wastewater project, the Village has been undertaking upgrades to the drinking water system to the tune of over \$8 million.

The project is fully under contract and all construction began in early 2024. Everything is proceeding when the engineer informs the Village that there is an estimated budget gap of over \$2 million due to cost overruns.

Remembering the discussion the Village had for the wastewater project, the Village now decides to pursue CDBG funds thinking that "all other funds are available and committed".

HOMES AND COMMUNITY RENEWAL134

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TEST YOURSELF

Is the project eligible for NYS CDBG funding?

A. Yes, Calamity Falls has a financing package that includes DWSRF funding and a WIIA grant, the other funds qualifies the Village for up to \$2 million in CDBG.

B. No, Calamity Falls requested consultation with CATS and has concluded that CDBG cannot assist since the project is already under contract.

HOMES AND COMMUNITY RENEWAL135

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TEST YOURSELF

Is the project eligible for NYS CDBG funding?

B. No, Calamity Falls requested consultation with CATS and has concluded that CDBG cannot assist since the project is already under contract.

CDBG is subject to an Environmental Review under NEPA or the National Environmental Policy Act. All CDBG funded activities require completion of NEPA and obtaining approval for Release of Funds. In this instance, the Village has inadvertently committed a "choice limiting action", once a project awards contracts for construction, it is no longer eligible for NYS CDBG funding.

HOMES AND COMMUNITY RENEWAL136

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TOWN OF BOSTON
APPLICATION FOR
USE OF TOWN MEETING FACILITY

RECEIVED
BOSTON TOWN CLERK

NOV 26 PM 12:11

Name/Organization Town of Boston Date 12 / 4 / 2024

Name of person responsible for facilities Allison Koczur

Title Assistant to Supervisor

Applicant Address 8500 Boston State Rd. Boston NY 14025

Applicant Daytime Phone # 716-941-6518 # Of Attendees: 50

Date(s) Requested* Th. 12/19/24 Time 1-4pm Type of Event employee holiday party

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

☒ Town Hall Community Room w/o Kitchen

☐ Planning Board Room

☐ Court Room

I agree that all facilities used will be properly cleaned to the best of my ability upon completion of the event and that I will be responsible for any damages caused to any of the facilities or grounds .

SIGNATURE OF APPLICANT: Allison Koczur

Upon Completion, please submit to Town Clerk

APPROVED/DENIED : 11/26/2024
(date)

INSPECTION: _____
(date)

TOWN OF BOSTON

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Boston on the 4th day of December, 2024 at 7:35 p.m., at the Town Hall, 8500 Boston State Road, New York, on the adoption of a proposed Local Law entitled, “A Local Law Establishing a Moratorium on Battery Energy Storage Systems within the Town for a Period of Six Months,” an abstract of which is as follows:

The proposed Local Law would establish, by a period of six (6) months or until an amended Local Law concerning Battery Energy Storage Systems is passed, a moratorium on the permitting and construction of any battery energy storage devices and/or buildings within the Town of Boston to allow the Town Board to consider appropriate revisions or amendments to the Town Code concerning the same.

The complete text of said Law is on file at the Office of the Town Clerk, and is available for review by any interested person during business hours.

At such public hearing, all persons interested, who wish to be heard will be heard.

BY ORDER OF THE TOWN OF BOSTON TOWN BOARD

Sandra L. Quinlan
Town Clerk

TOWN OF BOSTON - RESOLUTION NO. 2024 -74

**ADOPTION OF LOCAL LAW NO. 2 OF 2024
MORATORIUM ON ALL BATTERY ENERGY STORAGE SYSTEMS**

WHEREAS, the Town of Boston Board is desirous of passing a local law to place a moratorium on all Battery Energy Storage Systems within the Town of Boston for a period of six months; and

WHEREAS, New York State Law provides that a public hearing must be conducted prior to the passage of such local law; and

WHEREAS, the Town Board of the Town of Boston duly called and held a public hearing at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 4th day of December, 2024, upon the question of the enactment of Local Law No. 2 of 2024 of the Town of Boston, Erie County, New York, being such a local law; and

WHEREAS, in accordance with Part 617.5(c)(26), State Environmental Quality Review (SEQR), the adoption of this local law is classified a Type II Action and is not subject to environmental review under SEQR.

NOW THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Boston, that Local Law 2 of 2024 of the Town of Boston, Erie Conty, New York, is hereby enacted as follows and is effective upon its filing with the New York Department of State:

**TOWN OF BOSTON
TOWN OF BOSTON TOWN BOARD**

**A LOCAL LAW ESTABLISHING A SIX (6) MONTH MORATORIUM PROHIBITING
THE REVIEW AND APPROVAL OF
APPLICATIONS AND ISSUANCE OF PERMITS FOR
“BATTERY ENERGY STORAGE SYSTEMS”
IN THE TOWN OF BOSTON**

LOCAL LAW NO. 2-2024

Be it enacted by the Town Board of the Town of Boston, Erie County, State of New York as follows:

Section 1: Purpose.

The purpose of this local law is to protect the public health, safety and welfare of the residents of the Town of Boston and to maintain the status quo by temporarily suspending the processing of land use approvals as provided herein and to further suspend the rights of landowners and their designees to obtain development approvals as identified below for a period of six (6) months from

the date of the adoption of this local law while the Town Board studies, analyzes and determines potential appropriate revisions and amendments to the Town Code regarding the propriety of Battery Energy Storage Systems (as defined below).

Section 2: Definitions.

BATTERY ENERGY STORAGE SYSTEM:

A rechargeable energy storage system consisting of one or more devices, including batteries, battery chargers, controls, power conditioning systems and associated electrical equipment, assembled together, capable of storing energy in order to provide electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle.

Section 3: Legislative findings.

This ordinance is adopted to impose a six-month moratorium on the issuance of permits and/or approvals for Battery Energy Storage Systems, which includes, but is not limited to, building-mounted and ground-mounted Battery Energy Storage Systems as well as the construction of dedicated-use buildings built for the primary intention of housing Battery Energy Storage Systems. The Town of Boston recognizes that Battery Energy Storage Systems are a key component to the viability and promotion of renewable energy sources. However, since the technology of these systems is still in its infancy, there is a significant amount of recent public concern about the potentially volatile nature of lithium-ion batteries, which stems from fires at three different Battery Energy Storage Systems facilities in the State of New York beginning in May 2023.

In response to these Battery Energy Storage Systems fires, New York State Governor Kathy Hochul found it necessary to form an Inter-Agency Fire Safety Working Group tasked with ensuring the safety of Battery Energy Storage Systems across New York. On February 6, 2024, Governor Hochul released initial recommendations from the Inter-Agency Fire Safety Working Group, outlining enhanced safety standards for battery energy storage systems. The draft recommendations include potential updates to the Fire Code of New York State as well as a list of additional opportunities for defining and implementing best practices. If adopted, the changes will codify enhanced safety standards and continue to position New York as a national leader in responsible and reliable battery energy storage development.

Therefore, the Town Board, Planning Board, and Zoning Board of Appeals need additional information and assurances about the safety of these types of facilities, including but not limited to best practices for fire suppression and emergency response, ensuring the technology and availability of equipment necessary for local fire departments should a fire occur, precautions to take related to gas emissions and deterring any necessary fire suppression chemicals from impacting groundwater, and the adequacy of location and other standards for siting of Battery Energy Storage Systems. The Town intends to study the safety and security of these energy storage systems, including thermal runaway, off gassing and toxicity, stranded energy, ways to prevent

fires, prevent by-product contamination, and ensure emergency responders have the necessary training and information to prepare and deploy resources in the event of a fire.

In addition, the Town is concerned about locating of Battery Energy Storage Systems in proximity to residential properties and in other areas where fires from such facilities could result in substantial harm and damage to property and residents in the Town of Boston. The Town is also concerned about other adverse environmental impacts that may result from locating Battery Energy Storage Systems on or in proximity to environmentally sensitive areas and with respect to adjacent properties.

In short, the Town is concerned about the detrimental effects Battery Energy Storage Systems on the health, safety, welfare and quality of life of the residents and citizens of the Town of Boston. Given these concerns and the current lack of relevant data and information on with respect to these issues, it is necessary for the Town Board to enact a six (6) month limited moratorium prohibiting the review and approval of applications and issuance permits for Battery Energy Storage Systems in the Town of Boston while these issues are further considered, and the Town Code is adequately revised to address any outstanding concerns.

Section 4: Moratorium.

Pursuant to the statutory authority vested in the Town to regulate and control land use and to protect the health, safety and welfare of its residents, the Town Board of the Town of Boston hereby declares a six (6) month moratorium on the review and approval of new as of yet unfiled and any and all pending applications for any and all land use approvals, including site plan approvals, subdivision plats, building permits, special use permits and variances (hereinafter “Land Use Approvals”) for all Battery Energy Storage Systems within the Town.

During the period of this local law:

1. The Planning Board shall not accept any application, grant any approval to, or continue the review of a subdivision plat, site plan, special use permit or other permit that includes the permitting, construction and/or development of a Battery Energy Storage System within the Town.
2. The Zoning Board of Appeals shall not accept any application or grant any approval for a variance or other permit that would have as a result the permitting, construction and development of a Battery Energy Storage System within the Town.
3. The Building Department shall not accept any building permit application or grant any Certificate of Occupancy or Certificate of Compliance for a Battery Energy Storage System within the Town.
4. Projects currently under construction and projects that have received final approvals are not subject to this moratorium.

Section 5: Term.

The moratorium imposed by this Local Law shall be effective six (6) months from the effective date of this Local Law.

Section 6: Hardship waiver.

- A. Should any owner of property in the Town of Boston affected by this Local Law suffer any unnecessary and extraordinary hardship due to the enactment and application of this Local Law, then the owner of said property may apply to the Town Board of the Town of Boston in writing for a variance from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. For the purposes of this Local Law, unnecessary or extraordinary hardship shall not be considered:
 1. the mere concern that regulations may be changed or adopted, or that the Town Code may be amended; or
 2. the mere delay in being permitted to make an application or waiting for a decision on the application for a variance, special permit, site plan, subdivision, or other permit during the period of the moratorium imposed by this Local Law.
- B. An application for an exception based upon unnecessary or extraordinary hardship shall be filed with the Town Clerk no earlier than the effective date of this Local Law, including a fee of Five Hundred and 00/100 (\$500.00) Dollars for each tax map parcel claimed to be subject to unnecessary or extraordinary hardship, by the landowner or the applicant upon the consent of the landowner.
- C. The application shall provide a recitation of the specific facts that are alleged to support the claim of unnecessary or extraordinary hardship and shall contain such other information and/or documentation as the Town Board, shall prescribe as necessary for the Town Board to be fully informed with respect to the application.
- D. Upon submission of a written application to the Town Clerk by the property owner seeking a hardship waiver from the provisions of this Local Law, the Town Board shall, within forty-five (45) days of receipt of a completed application, schedule a public hearing on said application upon five (5) days' written notice in the official newspaper of the Town of Boston. At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Town Board shall, within thirty (30) days of the close of said public hearing, render its decision either granting, denying, granting in part or denying in part, the application for a hardship waiver from the strict requirements of this Local Law. If the Town Board determines that a property owner will suffer an unnecessary or extraordinary hardship if this Local Law is strictly applied to a particular property, then the Town Board shall vary the application to this Local Law to the

minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

E. Standard of Review. In reviewing an application for an exception based upon a claim of necessary or extraordinary hardship, the Town Board shall consider the following criteria:

1. Whether the moratorium will expose a property owner or applicant to substantial monetary liability to a third person or would leave the property owner or applicable completely unable, after a thorough review of alternative solutions, to have a reasonable alternative use of the property.
2. The extent to which the proposed development activity would cause significant environmental harm, adversely impact surrounding natural resource areas, public health, comfort or safety concerns and/or have a negative impact upon the Town.
3. The emergency response plan including evacuation orders to be followed in the event of a fire or any other emergency at the facility and satisfactory evidence that precautions are in place to suppress a fire and mitigate the extent of damage to the surroundings and environment;
4. The size of subject parcel and the wattage of the Battery Energy Storage System facility;
5. The proximity of the applicant's proposed Battery Energy Storage System facility to residential areas as well as sensitive and high-risk populations including but not limited to hospitals, nursing homes, assisted living facilities, schools;
6. The extent of the proposed development and/or disturbance of the applicant's premises;
7. The environmental significance, if any, of the applicant's parcel and the proposed development's impact upon the environment, including existing transportation resources;
8. Compatibility of the proposed development with the aesthetic resources of the community or with the existing community or neighborhood character; and
9. Compatibility of the proposed development with the recommendations of the Master Plan, the Comprehensive Plan Update, and all adopted Comprehensive Plans and plan elements henceforth.

Section 7: Home rule.

Nothing in this Local Law is intended or shall be construed to limit the home rule authority of the Town under State Law or to limit the Town's discretion in setting fees and charges in connection with any applications requiring Town approval.

Section 8: Authority.

This moratorium is adopted pursuant to Article IX of the New York State Constitution, §2(c)(6) and (10), New York Statute of Local Governments, § 10, Subdivisions 1 and 7, §§ 261 through 263 of the Town Law, and § 10 of the Municipal Home Rule Law of the State of New York. In

particular, this chapter shall supersede those any provisions of the Town Code and New York State Law which require the Town Board, Planning Board, and/or Zoning Board of Appeals to accept, process, and/or approve applications or issue permits for the development of Battery Energy Storage Systems within specified statutory time periods.

Section 9: Severability.

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Boston hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 11: Effective date.

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

On December 4, 2024, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

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

Sandra L. Quinlan, Town Clerk

TOWN OF BOSTON – RESOLUTION NO. 2024-75

**A RESOLUTION EXPRESSING OPPOSITION TO THE DEVELOPMENT OF
OFFSHORE WIND ENERGY PROJECTS WITHIN
THE JURISDICTION OF THE GREAT LAKES**

WHEREAS, the government of the Town of Boston recognizes the need for multiple sustainable energy sources to combat climate change, reduce carbon emissions, and ensure energy security; and

WHEREAS, the Town of Boston understands it has no authority to regulate, zone, or permit any proposed projects in the great lakes due to the geographical location of the community; and

WHEREAS, offshore wind energy projects were discussed for development in waters of Lake Erie to increase the supply of renewable energy; and

WHEREAS, concerns have been raised by local Western New York Communities, environmental groups, fishermen, and other stakeholders regarding the potential adverse impacts of offshore wind projects, including but not limited to:

1. Environmental Impact: The disturbance of aquatic ecosystems, the disruption of migration patterns for aquatic wildlife, and potential harm to sensitive species such as fish, birds, and aquatic mammals.

2. Economic Impact: The potential negative consequences for the fishing industry, which is a vital economic activity in the region, including reduced access to fishing grounds and potential impacts on marine species populations that sustain local fisheries.

3. Visual and Tourism Concerns: The negative visual impacts on coastal landscapes, which could adversely affect property values and tourism-related activities, both critical to the local economy.

4. Cultural and Heritage Sites: The risk of disrupting historically or culturally significant areas, both onshore and offshore, including indigenous sites and those of archaeological importance.

5. Energy Efficiency and Reliability: Questions surrounding the efficiency, cost-effectiveness, and long-term reliability of offshore wind energy in comparison to alternative renewable energy sources or improvements to existing energy infrastructure.

WHEREAS, the Town of Boston believes it is critical to prioritize energy projects that balance environmental sustainability with minimal adverse effects on existing industries, communities, and ecosystems; and

CONTINUED ON NEXT PAGE

WHEREAS, extensive and independent environmental, economic, and social studies must be conducted to assess the full range of potential impacts of offshore wind projects, and such studies should include thorough consultation with local stakeholders, including coastal communities, indigenous groups, and environmental advocates; and

WHEREAS, The New York State Energy Research Development Authority (NYSERDA) released a feasibility study, NYSERDA Report 22-12, NYSERDA Contract 123452, on December 2022. The study concluded that offshore wind in Lake Erie and Lake Ontario were not feasible; and

WHEREAS, The province of Ontario, Canada at this time has a current moratorium on wind energy;

NOW, THEREFORE, BE IT RESOLVED, that the government of the Town of Boston formally expresses its opposition of future development of offshore wind projects within the Lake Erie until such time that new proposals are reviewed for:

1. Comprehensive and independent impact assessments are conducted to evaluate the environmental, economic, and social effects of offshore wind energy development;
2. Adequate safeguards and mitigation measures are put in place to protect aquatic ecosystems, the fishing industry, and coastal communities;
3. Government agencies having the authority and jurisdiction over new proposals establishes clear guidelines and regulations for the responsible development of renewable energy projects that prioritize sustainability, community involvement, and minimal harm to the environment and local industries;
4. Full and transparent public consultation processes are carried out to ensure that the voices of all affected stakeholders, including coastal residents, indigenous communities, and industry representatives, are heard and integrated into decision-making.

BE IT FURTHER RESOLVED, that this Resolution be communicated to the relevant federal, state, and international authorities involved in the planning and approval of offshore wind projects, and that the government of the Town of Boston actively advocates for a balanced approach to renewable energy development that takes into account the unique needs and concerns of coastal communities and the marine environment.

On December 4, 2024, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

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

Sandra L. Quinlan, Town Clerk

TOWN OF BOSTON – RESOLUTION NO. 2024-76

AUTHORIZING PAYMENT OF NATIONAL FUEL UTILITY BILL PRIOR TO AUDIT

WHEREAS, pursuant to Town Law § 118(2), the Town Board may by resolution authorize the payment in advance of audit of claims for public utility services; and

WHEREAS, National Fuel has submitted a proposal dated November 20, 2024 for the installation of a service line at a total cost of \$6,358.11; and

WHEREAS, National Fuel is requiring payment of the entire amount before it will commence with work and the installation of the service line;

NOW THEREFORE BE IT

RESOLVED, that, pursuant to Town Law § 118(2), the Supervisor hereby is authorized, on behalf of the Town of Boston, to immediately pay the sum of \$6,358.11 to National Fuel for the installation of the service line as more fully set forth in the proposal dated November 20, 2024.

On December 4, 2024, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

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

Sandra L. Quinlan, Town Clerk



National Fuel®

November 20, 2024
NFG #: 635733
THIS IS AN INVOICE

TOWN OF BOSTON
KEDING
8500 BOSTON STATE RD
BOSTON, NY 14025

NOV 25 2024 PM12:41

Re: 8500 Boston State Rd
Boston, NY 14025

Dear KEDING:

Thank you for your interest in natural gas for your building's energy needs. The following is our proposal for installation of necessary facilities to meet your needs.

NECESSARY REQUIREMENTS:

0 feet of 3" NPS (3-1/2") Main Line
194 feet of 2" IPS Service Line

METER(S): CUSTOM

Delivery Pressure: 7 inches WC

A current load of 894 CFH plus an additional load of 1,473 CFH for a total of 2,367 CFH.

National Fuel will backfill the new service trench with original soil. You will be responsible for surface refinishing, fencing, restoring lawns, shrubbery, interior piping and the house line tie into the meter bar, driveways or walkways and the repair of any damage to unmarked underground facilities on your property, and the disposal of *excess* spoil.

PRIOR TO SERVICE LINE INSTALLATION:

A payment of \$5,846.54 plus 8.75% sales tax is required. This represents the total cost of \$6,358.11 reduced by tariff allowances. To ensure prompt handling, please submit the enclosed remittance form with your payment in the envelope provided to my attention.

Pricing is based on current operating and pricing policies and is valid for no more than 90 days from the date of the original correspondence. However, if special conditions (i.e. rock, select fill, pavement) are found to exist, then National Fuel reserves the right to alter the price quoted.



National Fuel®

A drawing will be enclosed if meter setting required is a SR-2 or SD-2 thru SD-14.

The proposed site of the service and meter will be at the front left of the building (as you face the building from the road).

PRIOR TO METER(S) INSTALLATION:

The house-line must be tied into the meter setting and pass a pressure test before the meter can be turned on.

The end user(s) of gas must contact National Fuel's Customer Response Center (CRC) at (716) 686-6123 or 1-800-365-3234 to apply for a gas account and schedule a date for the meter installation (turn on). The caller must provide their Federal Tax I.D. or Social Security number for a sole proprietorship or DBA.

You may be required to pay a security deposit.

If a security deposit is required, you may mail it or visit your local Consumer Assistance Center (CAC) listed below.

Payment can be made at any of
our Consumer Assistance Centers.

BUFFALO
BUFFALO PLACE
409 MAIN ST
BUFFALO, NY 14203

CHEEKTOWAGA
APPLE TREE BUSINESS PK
2875 UNION RD, SUITE 44
CHEEKTOWAGA, NY 14227

JAMESTOWN
1384 PECK SETTLEMENT
JAMESTOWN, NY 14701

If you need further assistance, please feel free to call me at 716-667-5590. We thank you for this opportunity and look forward to serving you.

Very truly yours,

Mitchell R Shafer
Operations Supervisor II

blf
NFG #: 635733



National Fuel® Remittance Form

Name: TOWN OF BOSTON

Service Address: 8500 Boston State Rd
Boston, NY

NFG Number: 635733

Invoice Date: November 20, 2024

TOTAL SERVICE INSTALLATION AMOUNT DUE: \$6,358.11

The above must be paid in order to get the gas service and meter fabrication installed.

A security deposit is *not* required for service line installation; however a security deposit of \$0.00 may be due upon activation of the meter. A decision regarding the security deposit will be made during the application for a gas account process.

Once this process is complete, the end user(s) of gas must contact National Fuel's Customer Response Center (CRC) at (716) 686-6123 or 1-800-365-3234 to apply for a gas account and schedule a date for the meter installation (turn on). The caller must provide their Federal Tax I.D. or Social Security number for a sole proprietorship or DBA.

Please make check payable to National Fuel.

This form MUST accompany the service installation payment.

If you do not have a return envelope, please send payment to:

National Fuel
c/o New Services Dept.
365 Mineral Springs Road Bldg. 3
Buffalo, N.Y. 14210

Office Use Only

Non-Residential New Service must be notified
of payment if customer elects to pay in person.

New Service Fax Number: 716-827-7322
Service Center: Orchard Park

TOWN OF BOSTON – RESOLUTION NO. 2024 - 77

**SECOND PROFESSIONAL SERVICES AGREEMENT
FOR ENGAGEMENT OF BARCLAY DAMON LLP**

WHEREAS, the Town of Boston Zoning Board of Appeals is handling a matter titled AML §305-a Review, Horseshoe Hill LLC, Erie County Agricultural District No. 15 which requires specialized knowledge in New York State Agriculture and Markets Law; and

WHEREAS, Barclay Damon, LLP possesses the necessary qualifications and expertise in Agriculture and Markets Law and has demonstrated a comprehensive understanding of legal issues that affect New York State Towns in this field; and

WHEREAS, by Resolution 2024-72, that Town Board of the Town of Boston authorized the Town Supervisor to accept the proposed retainer agreement from Barclay Damon, LLP, dated November 13, 2024, to represent the Town in the matter for a cost not to exceed \$2,500 without additional authorization from the Town; and,

WHEREAS, per Barclay Damon, LLP, the costs are now anticipated exceed the \$2,500 previously authorized; and

WHEREAS, the Zoning Board of Appeals has requested that the Town Board authorize a second retainer agreement with Barclay Damon LLP as specified in their proposal dated November 27, 2024 with work to be billed hourly at a cost not to exceed an additional \$5,000 for a total approved cost of \$7,500, without additional authorization from the Town.

NOW THEREFORE BE IT

RESOLVED, that Town Board of the Town of Boston hereby authorizes the Town Supervisor to accept the second proposed retainer agreement from Barclay Damon, LLP, dated November 27, 2024, to continue to represent the Town in the matter for a cost not to exceed an additional \$5,000.

On December 4, 2024, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

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

Sandra L. Quinlan, Town Clerk

BARCLAY DAMON ^{LLP}

Corey A. Auerbach
Partner

November 27, 2024

Via Email – supervisorskeding@gmail.com

Town of Boston, NY
c/o Jason Keding, Town Supervisor
Boston Town Hall
8500 Boston State Road
Boston, NY 14025

Re: Engagement of Barclay Damon LLP (the “Firm” or “we”) by
Town of Boston, NY (“Client” or “you”).

Dear Jason:

Thank you for engaging the Firm to represent the **Town of Boston, NY** in the following matter (“Matter”): **AML §305-a Review, Horseshoe Hill LLC, Erie County Agricultural District No. 15**. The Firm is pleased to undertake this representation.

As a matter of Firm policy, it is necessary that the Firm provide you with this engagement letter to set out the specific terms applicable to the representation. These terms consist of the terms set forth in this letter and in the Standard Terms of Engagement for Legal Services (“Standard Terms”) attached hereto (collectively, the “Engagement Letter”). Please be aware that we are not to be considered to be your attorneys on the Matter until this Engagement Letter has been signed and returned by you, so please respond promptly. You should not sign this Engagement Letter if you do not understand the terms of the representation or if they are unacceptable.

Thank you for allowing Barclay Damon to be of service to you in connection with this engagement. If the terms of this Engagement Letter meet with your approval, please so indicate by signing below.

We look forward to working with you.

Very truly yours,



Corey Auerbach

AGREED TO AND ACCEPTED:
Town of Boston, NY

By: _____
Jason Keding, Town Supervisor

Dated: _____

Standard Terms of Engagement for Legal Services ("Standard Terms")

Introduction

This Standard Terms of Engagement for Legal Services contains the standard terms of our engagement as your lawyers. Unless modified in writing by mutual agreement, these terms will be an integral part of the letter (the "Letter") to which this Standard Terms of Engagement is attached (collectively, the "Engagement Letter"). Therefore, we ask that you review this document carefully and contact us promptly if you have any questions.

1. **Parties.** This Standard Terms states the terms under which Barclay Damon LLP (we or "BD") shall provide and the client identified in the Letter ("Client") shall pay for legal services. If Client is a corporation, partnership, or limited liability company, BD represents only that entity and does not represent its parent company, subsidiaries, affiliates, shareholders, officers, directors, partners, members, managers, or employees. If Client is an individual, BD represents only that individual and not that individual's spouse or other family members, any entities in which the individual owns an interest nor any other owners of such entities.

2. **Scope of Services ("Matter").** BD shall provide legal services to Client in connection with the Matter described in the Letter. Legal services not required for the Matter as described therein will not be provided unless Client requests such services and BD agrees, in writing, to provide them.

This engagement calls for the Firm to represent Client in connection with the following matters and areas of practice: Land Use Practice Area. At this time, we are unaware of any matters involving the Firm that would prevent or limit us from serving Client or that would constitute actual or potential conflicts of interest or would risk the disclosure of confidential information or impingement of the duty of loyalty. However, in the interest of full disclosure, the Firm advises you that we are a full service law firm engaged in many different areas of practice. Thus, it is entirely possible, and we think likely, that issues may arise in connection with our representation of other clients that could put our Firm into a potential or actual conflict with Client. For example, it is possible that clients in our Energy, Project Development, Property Tax and Condemnation, Land Use and Zoning or Telecommunications Practice Areas may at some future point(s) in time represent clients in connection with the need for real property tax, zoning and other municipal approvals from Client as may be required for an existing or proposed development project. In that event, there would be a technical conflict of interest. Because of the nature of our practice, we believe that addressing this issue at this time is prudent.

In the event our Firm is engaged by Client and such other matters later emerge, we will do our utmost to achieve a resolution of those matters in an acceptable manner, including but not limited to the pursuit of a waiver from the other client. If we are unable to obtain a waiver, we will decline the engagement. However, we require that Client agree to an advance waiver for this limited category of practice upon our engagement. Absent this agreement to an advance waiver, the Firm will be unable to accept this engagement.

3. **Primary Attorney.** Corey Auerbach will be the attorney at BD who has primary responsibility for work on the Matter (the "Primary Attorney"). The Primary Attorney may use other BD attorneys and non-attorney staff (such as paralegals) to do work on the Matter, including but not limited to: Ari M. Goldberg. Client has the right, exercisable at any time, to require a change in the

Primary Attorney and other attorneys and staff working on the Matter. BD also reserves the right to make changes to such personnel at any time. The contact information is as follows:

<u>NAME</u>	<u>TELEPHONE</u>	<u>FACSIMILE</u>	<u>E-MAIL</u>
Attorney Corey A. Auerbach	(716) 858-3801	(716) 768-2801	cauerbach@barclaydamon.com
Attorney Ari M. Goldberg	(716) 858-3878	(716) 768-2878	agoldberg@barclaydamon.com

4. **Client Confidentiality.** BD will protect client confidences and secrets as required by law. Please use special care when communicating with BD via electronic mail or by cellular telephone because such methods of communication are not always secure and could lead to the inadvertent waiver of attorney-client privilege.

5. **Preservation of Evidence.** For litigated matters, you are required by law to preserve any evidence that may be relevant to the claim. This includes business records, correspondence, e-mail or other messages, photographs or video, or other physical evidence. You must take steps immediately to identify and locate any material and make sure that it is not discarded or deleted. You should err on the side of including material. If this claim involves a business and it has a practice of discarding material after a certain period of time, you must stop that process as it relates to any material relating to this claim. Further, any individual in the organization who may have any such material should be advised of this requirement of preservation. When we meet, we will discuss how to deal with this issue going forward.

6. **Conflicts of Interest.**

(a) **Client's "Affiliates".** In this engagement, BD represents only the person or entity that is identified as the "Client" in the Letter. "Client" does not include any "affiliates" of Client (*i.e.*, if Client is a corporation, limited liability company, or partnership, "affiliate" means any parent, subsidiary, employee, officer, director, shareholder, member or partner of the corporation, limited liability company, or partnership; or, if Client is a trade association, "affiliate" includes any member of the trade association). Accordingly, for conflict of interest purposes, Client agrees that BD may represent another client with interests adverse to any such affiliate, without obtaining Client's consent. Client further agrees that Client will not seek to disqualify BD from representing another client in a matter where such client is adverse to Client's affiliate. Upon BD's request, Client will use best efforts to arrange it so that none of Client's affiliates will seek to disqualify BD from representing another client in any such matter.

(b) **Other Clients Adverse to "Client".** BD is a large law firm which represents many clients in a variety of matters. It is possible that in the future, BD may be asked by one of those clients to represent it in a matter where Client is an adverse party or has an adverse interest. If such a future matter is substantially unrelated to the Matter in this engagement and if Client has not given BD any confidential information that is materially relevant to such a future matter, then Client agrees prospectively (1) to waive any conflict of interest in connection with BD representing another client in such a future matter even though it may be against Client or an interest of Client; and (2) not to seek to disqualify BD from representing another client in any such future matter.

7. **Fees.** The fees BD will charge for its services will be based on the amount of time spent by its attorneys and paralegals on the Matter. Time is charged in units of tenths of an hour. The fee will be

the time spent by attorneys and paralegals multiplied by their hourly billing rate in effect when the work is done. The hourly billing rates are subject to change at the beginning of each calendar year. **In addition to the 5 hours agreed upon in the Engagement Letter dated November 14, 2024, the time spent on this matter will not exceed an additional \$5,000 (roughly 10 hours of legal time) without further authorization from the Town.** The current hourly billing rates are as follows:

<u>NAME</u>	<u>TITLE</u>	<u>RATE</u>
Corey A. Auerbach	Partner	\$495.00
Ari M. Goldberg	Counsel	\$335.00

8. **Expenses.** In addition to the fees described above, BD will charge Client for expenses it incurs that are related to the Matter. Examples of such expenses are filing fees, expert witness fees, travel expenses, mileage, transcripts, judgments, lien searches, and the like. Expenses may either be incurred/paid by BD and billed to Client, the bill for the expense may be submitted to Client for payment directly to the billing party, or BD may assist Client in setting up a billing relationship between the third party vendor and Client so Client can pay the charges directly.

9. **Fee Estimates and No Guarantee of Outcome.** We may provide Client with an estimate or a proposed budget for the fees and expenses that are expected to be incurred for this engagement. Although we make every effort to be accurate in providing estimates and budgets, Client agrees that these projections and budgets are estimates only and that circumstances beyond our control may result in fees and expenses being larger than projected. Similarly, although we may be asked to comment on or predict the expected outcome of the matter, we are unable to guarantee any result for this engagement. Client agrees that such projections are just that, predictions.

10. **Billing and Payment.** BD's normal practice is to send Client a monthly bill for fees and expenses for the prior month, although that practice may vary. Payment is due on receipt of the bill. In the event of a fee dispute, Client may have the right to seek arbitration; we will provide Client with the necessary information regarding arbitration in the event of a fee dispute, or upon Client's request.

11. **Records Retention.** We will endeavor to return original documents and records to you at the termination of the engagement. Records are kept for at least seven years. Please inquire of your attorney as to the specific time period that records of your engagement will be retained. Following the expiration of the retention period, records are destroyed by confidential means.

12. **Attorney-Client Relationship.** We are very proud of our client relationships, and occasionally identify clients to others who ask about our client base, or in institutional materials. Unless you object in writing, we assume that you agree that we may state that we represent you in such matters as we deem appropriate, although of course we would not publish or disseminate any confidential information.

13. **Termination.**

(a) **By Client.** Client may terminate this engagement at any time for any reason by notifying BD in writing. Client shall be responsible for outstanding invoices, for unbilled fees and expenses incurred before termination, and for fees and expenses in connection with an orderly transition of the Matter.

(b) By BD. BD may terminate this engagement at any time for any reason, including Client's failure to pay BD's fees and expenses, provided, however, that BD's right to terminate is subject to the applicable rules of professional conduct and the rules of any court having jurisdiction of the Matter.

(c) On Completion of the Matter. BD's representation of Client on this Matter shall terminate automatically when the Matter is complete. The relationship of attorney-client between BD and Client thereafter shall continue only if Client has engaged BD on other matters or once again engages BD on this Matter.

14. **Entire Agreement.** This Engagement Letter constitutes the entire agreement between BD and Client as to the Matter and may be changed only by a written document, signed by both parties.

15. **Governing Law.** Any dispute arising under this Engagement Letter shall be governed by the laws of the State of New York. Client consents to the personal and subject matter jurisdiction of the Supreme Court of the State of New York in and for the County of Erie, to resolve any such disputes.

16. **Additional Services.** BD is a full-service law firm with a wide array of expertise as described in the enclosed list of our Practice Areas and Industry Teams. Please feel free to contact us about additional services offered by BD.

PRACTICE AREAS AND INDUSTRY TEAMS

PRACTICE AREAS

Corporate & Transactional

- Corporate
- Data Security & Technology
- Employee Benefits
- Environmental
- Financial Institutions & Lending
- Health Care
- Higher Education
- International
 - » Immigration
- Labor & Employment
- Professional Liability
- Project Development
- Public Finance
- Real Estate
- Restructuring, Bankruptcy & Creditors' Rights
- Tax
- Trusts & Estates

Financial Services

- Financial Institutions & Lending
- Public Finance
- Real Estate
- Restructuring, Bankruptcy & Creditors' Rights
- Trusts & Estates

Intellectual Property

- Intellectual Property Litigation
- Patents & Prosecution
- Trademarks, Copyrights & Licensing

Litigation

- Commercial Litigation
- Construction & Surety
- Employee Benefits
- Environmental
- Health Care Controversies
- Insurance Coverage & Regulation
- Intellectual Property Litigation
- Labor & Employment
- Mass & Toxic Torts
- Professional Liability
- Property Tax & Condemnation
- Restructuring, Bankruptcy & Creditors' Rights
- Telecommunications
- Torts & Products Liability Defense
- Trusts & Estates
- White Collar & Government Investigations

Real Estate & Land Use

- Land Use & Zoning
- Project Development
- Property Tax & Condemnation
- Real Estate
- Tax

Regulatory

- Energy
- Environmental
- Land Use & Zoning
- Lobbying & Election Law Compliance
- Project Development
- Property Tax & Condemnation
- Regulatory
- Telecommunications

FEATURED INDUSTRIES

Energy

- Energy
- Electric Power
- Energy Markets
- Linear Infrastructure
- Oil & Gas
- Renewable Energy

Health Care

- Health Care
- Health & Human Services Providers
- Health Care Controversies

Higher Education

Insurance & Reinsurance

Manufacturing

Technology

- Technology
- Communications & Networking Technology
- Emerging Technologies
- Medical Devices

NEW & EMERGING INDUSTRY PRACTICE AREAS

Canada-US Cross-Border

Cannabis

Elder Law & Medicaid Planning

Hotels, Hospitality & Food Service

Outdoor & Wildlife

Tax Credits

Transportation

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Appoint Court Officer,
term through 12/31/2024