

Mexico Town Board Agenda
Monday, November 11, 2023
Town Hall, 64 S Jefferson St. Mexico, 7:00pm

1. Approval of Minutes
2. Communications
 - o Letter of Resignation
 - o Et cetera Newsletter
 - o Oswego County Health Dept. Letter- Gunther
 - o Oswego County Health Dept. Letter- Kleiman
3. Public Comment
4. Reports
 - o Town Clerk, Water Clerk
 - o Dog Control
 - o Zoning Officer/ Building Inspector
 - o Highway Superintendent
 - o Community Park Manager
 - o Mexico Point Park
 - o Planning Board
 - o Zoning Board of Appeals
 - o Water Commissioner
 - o Supervisor and Third Quarter Report
 - o Assessor
 - o Water District Update
 - o McAuslan Hall Update
 - o Co Rt 64 Cemetery Update
5. Consider October Payroll
6. 2024 Budget
7. 2024 Ambulance Contract
8. 2024 Fire Department Contract
9. 2024 Library Contract
10. Post Roads
11. Authorize Prepays
12. Authorize 2nd Tax Notice
13. 2021 Hyundai Loader BAN
14. Consider McAuslan Hall Window Bid
15. Young Explosives 2024 Contract
16. Authorize Clerk to the Supervisor to Transfer Funds
17. Other Business
18. Audit & Approve Abstracts
19. Adjourn

Richard Diehl
3477 State Route 104
Mexico, New York 13114

Town of Mexico
Town Board
PO Box 98
Mexico, New York 13114

RE: Letter of Resignation

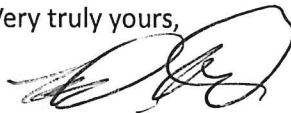
To whom it may concern:

I, Richard Diehl, hereby tender my resignation as Mexico Town Park Manager, effective as of December 31, 2023. My wife, Patti Diehl, also tenders her resignation as my assistant effective approximately November 1, 2023.

It has been my pleasure to serve the Town of Mexico in this capacity for over 33 years. In that time, I feel that I have been able to make significant improvements and enhancements to the Park, and I will truly miss my position. However, the situation has become untenable.

We thank you for the opportunity to serve my community for all of these years, and we hope you are able to find a suitable replacement for us in the very near future.

Very truly yours,

A handwritten signature in black ink, appearing to be a cursive combination of the names Richard and Patti Diehl.

Richard Diehl and Patti Diehl

november 2023

et cetera

A member-focused, digital round-up
of breaking news and timely updates

Regulating Temporary Signs in Municipalities

It is election time, which means that temporary signs are aplenty in New York, and with them, questions regarding how local governments can regulate political signs in their locality. Political signs are both a physical structure – a sign – and a form of speech that is protected by the First Amendment. While all temporary signs are a form of speech, political speech is entitled to the highest form of protection. Any content-based regulations – that is, local laws that address the content of signs – are subject to strict scrutiny in court and will be invalidated unless the locality can demonstrate that the regulation is narrowly tailored serves a compelling governmental interest. This standard is difficult to meet, and any sign regulations that are content-based will likely be invalidated. Instead, local governments can adopt time / place / manner regulations that are content-neutral, meaning that it applies to all signs regardless of the content of the sign. Content-neutral regulations are subject to a lower level of judicial review and will be upheld in court if they are narrowly tailored, leave open alternative channels of communication, and serve a significant government interest, such as public safety or the preservation of aesthetics. A significant government interest is a much lower standard than the compelling government interest required for a content-based regulation. To put this in practice, a sign regulation that provides “all temporary signs must be removed after 45 days” (content-neutral) will survive constitutional scrutiny over “all political signs



must be removed after 45 days” (content-based and unlikely to demonstrate compelling government interest).

In 2022, the United States Supreme Court found that a local regulation that treats signs differently based on whether they have a connection to the site where they are located – e.g., is the sign a commercial sign located on commercial premises or in the municipal right-of-way – is not a content-based regulation, and was therefore subject to the content-neutral standard. While this opinion expanded what constitutes content-neutral, it is still recommended to approach sign regulations under the premise that if one has to read the sign to implement the regulation, it is content-based.

For further reading/listening: The Supreme Court decision can be found [here](#), and Legislative Director and Counsel Sarah Brancatella and Counsel Katie Hodgdon’s Town Tea on sign regulations can be found [here](#).

Reminder! DWSP2 Now Accepting Applications to Protect New York's Public Drinking Water Sources

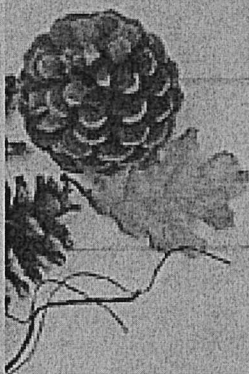
The New York State Departments of Environmental Conservation (DEC) and Health (DOH) announced the availability of **free technical assistance** for municipalities to protect their public drinking water sources through the Drinking Water Source Protection Program (DWSP2). For additional announcement details visit: <https://www.dec.ny.gov/press/128501.html>

Up to 30 volunteer communities will work with technical assistance providers to develop and implement programs that proactively protect public drinking water sources.

Community public water suppliers are encouraged to apply for free technical assistance to develop and implement a Drinking Water Source Protection Program. To

apply, visit the DWSP2 webpage and complete an online application. **The deadline to apply is Tuesday, November 14th at 4pm.**

On Wednesday, October 25, the DEC and DOH held a virtual information session to provide an overview of the Drinking Water Source Protection Program (DWSP2) and the application period.



NEW YORK STATE
TOWN CLERKS
ASSOCIATION

November Live Training
November 14 at 10:30 AM

Hot Topics in Real Property
Tax Collection: The
Intersection of Law and
Practicality

Presented By: Kate Hodgdon



Join via https://zoom.us/webinar/register/WN_xaUfQqbSVmaYENsNigAKA

Hey Ho, Hey Ho, Your Sign has Got to Go **Regulating Signs in Town Hall and Other Limited Public Fora**

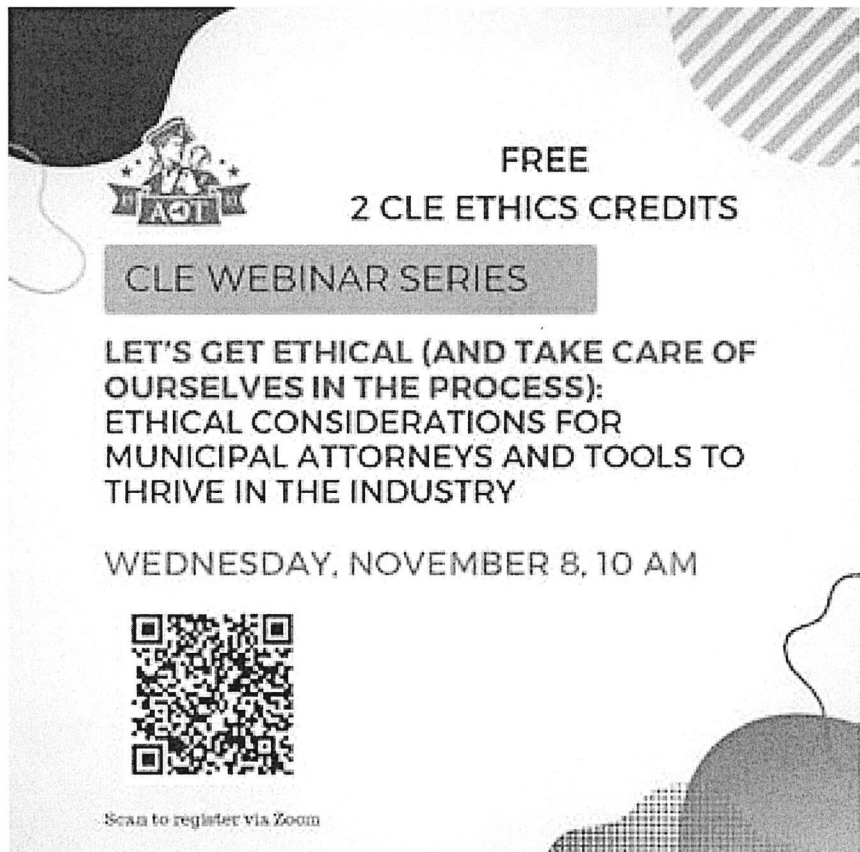
In July 2023, the Second Circuit – New York’s federal appellate court – handed down a decision upholding a local government’s prohibition of signs at city hall during common council meetings. Specifically, in *Tyler v. City of Kingston*, (74 F4th 57 [2023]), the plaintiffs sued the city after they were unable to bring signs protesting certain topics on the city’s agenda into the common council meeting, asserting that the city’s regulation prohibiting signs inside city hall violated the First Amendment. The city countered that City Hall is a limited public forum, which thereby allows the city to reasonably restrict speech that falls outside the “types of speech”

for which the forum had been opened. The court agreed, finding that government entities are permitted to restrict the form or manner of speech in a limited public forum – even if the speech addresses topics on the agenda – so long as the restriction is reasonable and viewpoint-neutral. In this instance, the court found it was reasonable for the city to assert a common-sense interest in prohibiting signs at common council meetings in order to run efficient and orderly meetings. This holding confirms that local governments can confidently regulate speech in limited public fora, so long as the regulation is reasonable and viewpoint-neutral.

Last Call: Town Attorneys Earn 2 Free Ethics CLE Credits

The role of local government attorneys is unique, as one client – the town – may in fact have many different interests and representation needs, be it the planning board, the zoning board, even amongst members of the town board. This free, virtual course is on Wednesday, Nov. 8 from 10:00 – 11:40 a.m. and will explore the rules of professional conduct of particular importance to local government attorneys, including conflicts of interest between current clients, special conflicts of interest for former and current government officers and employees, and the risks and rules regarding copying clients on emails and replying to all. The session will conclude with an overview of the unique stressors for attorneys, grievances associated with these stressors and recommendations and resources to thrive.

Registration is free to all members, and attorneys that attend will receive two Continuing Legal Education credits in ethics. To register, please visit <https://us02web.zoom.us/join/9510916RPaGw>


A graphic for a webinar series. It features a stylized illustration of a person's head in profile, facing right, with a thought bubble containing a small figure. The background has abstract shapes and patterns, including a striped circle and a wavy line. The text is centered and reads: "FREE 2 CLE ETHICS CREDITS", "CLE WEBINAR SERIES", "LET'S GET ETHICAL (AND TAKE CARE OF OURSELVES IN THE PROCESS): ETHICAL CONSIDERATIONS FOR MUNICIPAL ATTORNEYS AND TOOLS TO THRIVE IN THE INDUSTRY", "WEDNESDAY, NOVEMBER 8, 10 AM", and a QR code. At the bottom, it says "Scan to register via Zoom".

FREE
2 CLE ETHICS CREDITS

CLE WEBINAR SERIES

**LET'S GET ETHICAL (AND TAKE CARE OF OURSELVES IN THE PROCESS):
ETHICAL CONSIDERATIONS FOR
MUNICIPAL ATTORNEYS AND TOOLS TO
THRIVE IN THE INDUSTRY**

WEDNESDAY, NOVEMBER 8, 10 AM



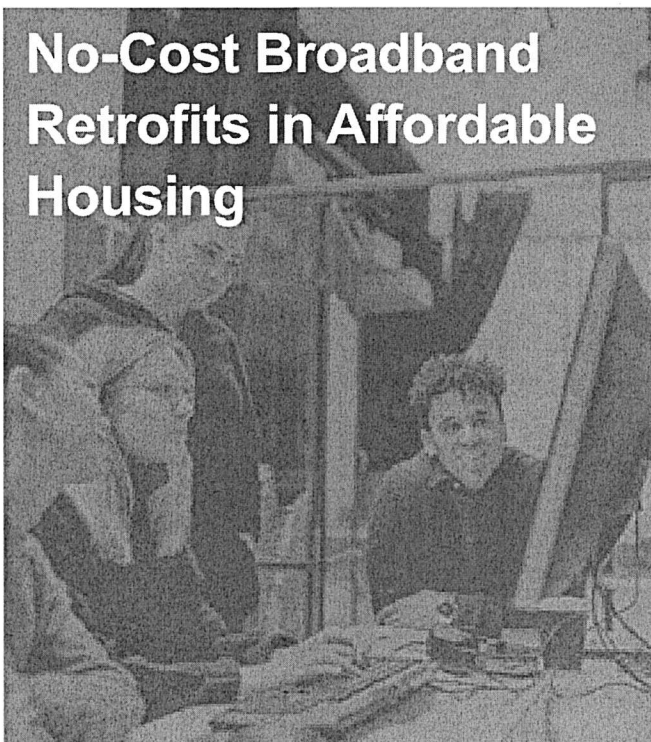
Scan to register via Zoom

When Zillow Doesn't Cut It Appellate Court Upholds Assessor's Findings

On Nov. 2, 2023, the Third Department – one of four of New York's appellate courts – issued a decision upholding a challenge to the assessor's valuation of a residential property, finding that the plaintiff's evidence was insufficient to rebut the assessor's determination. In *Matter of Channin v. Minoia*, a property owner grieved their 2021 real property assessment in front of the Board of Assessment Review, and following a determination in favor of the assessor, commenced a small claims assessment review (SCAR) proceeding. The hearing officer agreed with the Board of Assessment Review and denied the property owner's grievance. In 2022, the property owner received notice that their property assessment was increasing by approximately 13 percent. The property owner went through the grievance process again, this time producing a self-generated list from Zillow.com that included all sales within 4 miles of the property, asserting that this information demonstrated that price per square foot of their house warranted an assessment that was nearly \$60,000 less than the value the assessor put forth. The Board of Assessment Review and SCAR hearing officer upheld the assessor's valuation again, with the hearing officer finding that the property owner's Zillow.com data did not indicate that the properties listed were of similar age, style, land size, and condition of the property at issue, among other things and, in this regard, failed to rebut the presumption of validity attached to the 2022 assessment.

The property owner then commenced an Article 78 proceeding challenging the assessment. The lower court found that the property owner's Zillow.com data failed to include pertinent information to make an informed comparison with the property at issue. On appeal, the Third Department agreed, finding that a rebuttable presumption of validity attaches to the valuation of property made by the taxing authority, and the property owner failed to overcome this presumption. Indeed, the court found that the self-generated, unverified list from Zillow.com lacked the evidentiary value necessary to rebut the assessor's valuation, nor was it rebutted by the fact that the 2021 valuation was lower, as the valuation of a property does not remain static and must be reassessed each year, as required by Real Property Tax Law. Accordingly, should a property owner challenge their assessment with a self-generated list from Zillow.com, the owner is unlikely to prevail on that information alone.

No-Cost Broadband Retrofits in Affordable Housing



New York State's ConnectALL Office, in consultation with NYS Homes and Community Renewal, is launching a program to provide \$100 million for internet retrofits for affordable housing rental units across the state to support high-speed internet.

If you are a building owner interested in receiving no-cost new or upgraded internet-to-the-unit installations, please complete the [survey](#) today. This survey is the first step for property owners to receive infrastructure upgrades.

About New York's Digital Divide

Affordable housing—whether in urban, suburban, or rural settings—is linked with low broadband adoption rates and slower internet speeds, and more than one-third of low-income New Yorkers overall do not have home broadband. Families and individuals of all ages living in affordable housing will benefit from improved internet connectivity, improving access to critical services, healthcare, educational resources, and job opportunities.

Learn more by visiting [ConnectALL](#) and [HCR](#)

Safety is a driver's responsibility anytime they get behind the wheel of a car, truck, or commercial motor vehicle. It can be especially dangerous during the school year with children walking or riding bikes and inexperienced drivers heading to school. Motor vehicle accidents are a leading cause of injuries and deaths in the country. A few reminders on how to be safe behind the wheel can help to prevent future incidents.



Drive defensively to avoid dangerous conditions. This means driving with the expectation that others may not adhere to the rules of the road. Instead of speeding up to get through intersections quickly, cover your brake when ap-

proaching one. Expect that other drivers may not stop for the red light, may not stop for a right-turn-on-red, and that young pedestrians may enter crosswalks without looking. Notice that drivers backing out of driveways may not completely yield to oncoming traffic and bikers you are passing may not always continue in a straight line. Be prepared to take evasive maneuvers if such situations occur. Obey the rules of the road, yield the right-of-way when necessary, maintain manageable speeds especially through school zones, and always wear your seat belt. Perhaps most importantly, avoid distractions like your cell phone. Put it away! No call or text is more important than your and others' safety.



Association of Towns



UPCOMING TRAINING

JAN

10-12
17-19

Newly Elected Town Official Schools

Two convenient locations in Rochester and Albany. Everything you need to hit the ground running as you enter office; also a great refresher for town officials entering their second terms. **Registration info coming soon.**

FEB

18-21

Annual Meeting & Training School

Training and certification for all town officials, including Continuing Legal Education (CLE) for attorneys, code enforcement officer training and town justice training. Plus you'll want to check out our extensive trade show and networking events! Online registration is open now on www.nytowns.org.

FOR MORE INFORMATION

(518)465-7933
info@nytowns.org
www.nytowns.org

DID YOU KNOW?

Actual and necessary expenses incurred in attending training events and conferences (the Association of Towns training events, for example) including the registration fee are proper municipal charges under Town Law section 116(12) and General Municipal Law section 77(b).

OSWEGO COUNTY

VERA DUNSMOOR, DIRECTOR OF PUBLIC HEALTH
PHONE 315.349.3545



HEALTH DEPARTMENT

70 BUNNER STREET, OSWEGO, NEW YORK 13126-3357
FAX 315.349.3435

November 3, 2023

David Gunther
410 Shonnard Street
Syracuse, NY 13204

Re: Public Health Nuisance Complaint # C23-10-083
(T) Mexico

Dear David Gunther:

In response to a complaint filed with this office on October 23, 2023, representatives of the Department visited your property located at 101 Countryman Road in the Town of Mexico on October 25, 2023.

This complaint was filed with regard to garbage. At the time of the site visit, the inspectors noticed accumulations of household garbage in several areas of the property. They took photographs at the time of the inspection.

Garbage and debris provide food and harborage for rats and other vermin. If not cleaned up, this problem may develop into a rat infestation that may be a public health nuisance to the surrounding neighborhood.

All garbage must be cleaned up within ten (10) days of receipt of this letter. In the future, all garbage should be stored in containers with tight-fitting lids and disposed of weekly. This department will re-inspect your property after the ten (10) day compliance period ends to assure that the nuisance complaint is abated.

Please note that under NYS Department of Environmental Conservation Law (Part 215: Open Fires, effective 10/14/09), Section 215.2 states, "...no person shall burn his/her residential or commercial garbage, trash, debris or any other materials in either an open fire or a burn barrel". The NYSDEC is fining violators of this law and, should the Health Department discover that your garbage has been burned as an attempt at disposal, we will be obliged to notify the DEC of our findings.

Should you have any questions concerning this matter, please feel free to contact us at the Environmental Health Office at 315-349-3557.

Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Vera J. Dunsmoor".

Vera J. Dunsmoor
Director of Public Health

VD/gq

c: Ron Marsden, Code Enforcement
Eric Behling, Town Supervisor
File

OSWEGO COUNTY

VERA DUNSMOOR, DIRECTOR OF PUBLIC HEALTH
PHONE 315.349.3545



HEALTH DEPARTMENT

70 BUNNER STREET, OSWEGO, NEW YORK 13126-3357
FAX 315.349.3435

November 3, 2023

Steve Kleiman
3113 State Route 580 #53
Safety Harbor, FL 34695

CERTIFIED

Re: Public Health Nuisance Complaint # C23-10-084
(T) Mexico

Dear Steve Kleiman:

In response to a complaint filed with this office on October 23, 2023, with regard to garbage, a representative of the Department visited your property located at 2921 US Route 11 in the Town of Mexico on October 27 and November 2, 2023.

On October 27, the inspector observed a trailer on site being filled with household garbage. However, on November 2, the inspector observed that the trailer remained on site, and an accumulation of household garbage also remained on the property. Photographs were taken at the time of the inspection.

Garbage and debris provide food and harborage for rats and other vermin. If not cleaned up, this problem may develop into a rat infestation that may be a public health nuisance to the surrounding neighborhood.

All garbage must be cleaned up within ten (10) days of receipt of this letter. In the future, all garbage should be stored in containers with tight-fitting lids and disposed of weekly. This department will re-inspect your property after the ten (10) day compliance period ends to assure that the nuisance complaint is abated.

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Thank you.

Sincerely,

Vera J. Dunsmoor
Director of Public Health

VD/gq

c: Ron Marsden, Code Enforcement
Eric Behling, Town Supervisor
File

TOWN CLERK'S MONTHLY REPORT

TOWN OF MEXICO, NEW YORK

OCTOBER, 2023

TO THE SUPERVISOR:

PAGE 1

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

A1255

<u>5</u>	DECALS	<u>27.62</u>
<u>1</u>	MARRIAGE LICENSES NO. 23021 TO 23021	<u>17.50</u>
<u>9</u>	CERTIFIED COPIES	<u>90.00</u>

TOTAL TOWN CLERK FEES 135.12

A2544

<u>29</u>	DOG LICENSES	<u>235.00</u>
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TOTAL A2544 235.00

A2555

<u>11</u>	BUILDING PERMITS	<u>1,209.00</u>
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TOTAL A2555 1,209.00

F1234

<u>4</u>	WATER PAYMENTS	<u>843.80</u>
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TOTAL F1234 843.80

TOWN CLERK'S MONTHLY REPORT

OCTOBER, 2023

page 2

DISBURSEMENTS

PAID TO SUPERVISOR FOR GENERAL FUND	<u>1,579.12</u>
PAID TO TOWN FOR WATER PAYMENTS	<u>843.80</u>
PAID TO NYS DEC FOR DECALS	<u>1,500.38</u>
PAID TO NYS ANIMAL POPULATION CONTROL PROGRAM	<u>47.00</u>
PAID TO NYS HEALTH DEPT FOR MARRIAGE LICENSES	<u>22.50</u>

TOTAL DISBURSEMENTS 3,992.80

Report by District

11/01/23

Payment History Write Off 's

Grand- Totals :

Town of Mexico Dog Control Officers Report

November 13, 2023

Report for the month of October 2023

14 notices of unlicensed dogs were issued

One dog was picked up

Respectfully,

Jack Spriggs, DCO

Town of Mexico

Mother of Towns

(315) 963-7633 Town Office
(315) 963-8794 Zoning
(315) 963-3491 Assessor
TTY 1-800-662-1220

Fax (315) 936-8806
64 South Jefferson St.
PO Box 98
Mexico, NY 13114

Code Enforcement Officers Report October 2023

10 building permits issued.

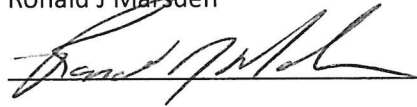
Issued 8 violations

Inspections are ongoing for 128 open permits

The office received \$1174.00 in fees.

Reports are attached.

Ronald J Marsden



Town of Mexico

Building Permits by Issued Date: 10/01/2023 - 10/31/2023

Permit# Applicant Name	Issued	Final	Property Owner & Location	Tax Map# Lot#	Fee	Project Cost	Description
23-0081 Holden Dylan	10/02/23		Holden Dylan 236 Tubbs Rd	117.00-01-13.12	50.00	1,500.00	10 x 16 shed
23-0082 Rood Kevin	10/02/23		Rood Kevin 247 Fravor Rd	115.00-01-30.01	30.00	2,500.00	Replace existing entrance way
23-0083 Loomis James W	10/03/23		Loomis James W 23 Fish Rd	170.00-01-03.1	67.00	9,000.00	24 x 28 pole barn/ replacing existing burned out garage
23-0084 Upham Walter	10/04/23		Upham Walter 6476 st rt 3	099.00-03-30.08	114.00	12,000.00	16 x 36 storage barn
23-0085 Lallier Peggy	10/05/23		Lallier Peggy 512 Tubbs Rd	135.00-01-04	25.00	1,000.00	repair septic system
23-0086 Stevens Justin	10/10/23		Stevens Justin 167 Fort Leazier Rd	116.00-02-32.09	57.00	3,000.00	12 x 16 mud room
23-0087 Cartier Tyler	10/12/23		Cartier Tyler 300 Tubbs Rd	117.00-01-31.02	600.00	200,000.00	2000 Sq Ft single family home / three beds / two baths/ full basement/ septic included
23-0088 Marsden Ronald Jr	10/25/23		Marsden Ronald Jr 272 Cole Rd	100.00-02-04.06	68.00	7,500.00	1987 14 x 66 manufactured home / one bed/ one bath
23-0089 Coit Randall	10/30/23		Coit Randall 5145 St Rt 3	152.00-01-11	35.00	750.00	furnace in garage
23-0090 Bartell Nathan	10/31/23		Bartell Nathan 3153 Us Rt 11	136.00-02-19	128.00	5,000.00	16 x 40 pole barn
Total Count:				10	Total:	\$1,174.00	\$242,250.00

Town of Mexico

Violation Summary by Date Range: 10/01/2023 - 10/31/2023

Violation#	Violator Name	Violation Date	Property Owner & Location	Tax Map#	Offense	Comply by Date	Corrected Date
23-0044	1015 Hiawatha Blvd LLC	10/04/23	1015 Hiawatha Blvd LLC 298 St Rt 104B	082.00-01-18	Excessive night time lighting effecting other prop	10/14/23	/ /
23-0045	Waite Jonathan	10/11/23	Waite Jonathan 50 La Casse Rd	154.00-01-02	camper being used for a home	10/15/23	/ /
23-0046	Altman Todd	10/17/23	Altman Todd 2704 us Rt 11	173.00-01-24.06	storage container (pods), roll off dumpster,tracto	10/27/23	/ /
23-0047	Altman Todd	10/17/23	Altman Todd 2704 us Rt 11	173.00-01-24.06	camper being used for a home	10/27/23	/ /
23-0048	Altman Todd	10/17/23	Altman Todd 2704 us Rt 11	173.00-01-24.06	Rubbish and Debris	10/17/23	/ /
23-0049	Mc Lean Vicki	10/17/23	Mc Lean Vicki 101 Countryman Rd	099.00-03-15.12	unsafe equipment	10/17/23	/ /
23-0050	Gunther Jay R Sr	10/30/23	Gunther Jay R Sr 3154 Us Rt 11	136.00-04-25	junk vehicle law	11/15/23	/ /
23-0051	Gunther Jay R Sr	10/30/23	Gunther Jay R Sr 3154 Us Rt 11	136.00-04-25	Recreational vehicles located outside recreational	11/15/23	/ /
Total Count:		8					

Highway Superintendent Report Oct 2023

General maintenance on equipment

Getting snowplows ready for winter

Putting out snow poles throughout the town

Painting projects at Highway Garage

Ditch work throughout the town

Picking up roadside trash

Highway Superintendent

A handwritten signature in black ink, appearing to read "D. Paul", followed by a long horizontal flourish.

SUPERVISOR

To the Mexico Town Board, pursuant to section 119 of the Town Law, I hereby render the following detailed statement of all moneys received and disbursed by me, as Supervisor, during the month of October 2023

	Prev Balance	\$ 2,052,906.15
23-Oct	Water Deposit	\$15,963.87
	Clerk Fees/Vital Records	\$68.80
	Dog Licenses	\$252.00
	Fines and Bail	\$4,103.00
	Building Permits	\$823.00
	October Interest	\$1,468.66
	TNH Fuel Reimbursement	\$82.53
	Sub Total	\$22,761.86
	October Capital Interest	\$410.46
	Sub Total	\$410.46
		\$ 2,076,078.47
HIGHWAY RECEIPTS	Prev Balance	\$1,462,688.88
23-Oct	October Interest	\$616.48
	Sub Total	\$616.48
		\$1,463,921.84
GENERAL EXPENSES		
	EEHC	(\$167.42)
	Vouchers	\$58,313.50
	Payrolls	\$28,355.30
	NH H.I. Reimbursement	(\$851.76)
	Sub Total	\$85,649.62
HIGHWAY EXPENSES		
	EE CURRENT HC CONTRIBUTION	(\$469.95)
	Paid Vouchers	\$32,247.47
	Payrolls	\$32,487.04
	Retiree Supplemental H.I. Reimbursement	(\$102.62)
	Sub Total	\$64,161.94
	GENERAL Balance	\$1,990,428.85
	HWY Balance	\$1,399,759.90
	Total	\$3,390,188.75



Eric Behling, Supervisor



Date

CASH REPORT

FUND	23-Oct	22-Oct	21-Oct	20-Oct	19-Oct
A	857,084.88	852,360.27	760,647.51	577,859.00	744,007.33
Cap Reserve	626,817.86	623,789.05	533,191.17	442,784.99	360,967.96
B	-330,353.42	-29,286.44	110,415.30	124,968.34	133,122.57
DA	928,589.64	869,306.29	675,867.74	487,803.84	506,123.98
DB	520,799.99	411,794.84	368,262.78	608,937.76	498,344.48
SF	5,531.29	5,758.29	14,985.29	22,131.29	18,652.29
SM	3,774.02	3,282.49	2,729.81	1,962.54	1,321.40
SS	3,814.15	2,878.15	2,878.15	2,614.15	3,566.30
ST	2,103.39	2,618.44	3,021.48	3,113.80	3,161.90
FO	399,619.51	388,218.61	379,452.60	356,409.04	343,280.94
F2	263,490.76	249,064.26	238,343.23	217,927.40	188,896.91
F3	33,493.08	32,839.28	33,754.95	39,623.46	37,357.67
F5	83,956.47	83,197.82	10,733.36	-1,869.01	1,082,711.52
TA	29,246.21	25,862.79	21,816.14	16,440.14	7,319.04
TOTAL	\$3,427,967.83	\$3,521,684.14	\$3,156,099.51	\$2,944,830.74	\$3,928,834.29

YOUNG EXPLOSIVES CORPORATION

Fireworks Exhibition Agreement

This agreement made this 6th day of November, 20 23 by and between Young Explosives Corporation of Rochester, NY, hereafter designated **Young**, and

Town of Mexico

P.O. Box 326

Mexico, NY 13114

hereafter designated the **customer**, providing for the sale of and an exhibition of fireworks to be located at

Mexico Point State Park: County Route 40, Mexico, NY 13114

on the date of Sunday, July 14, 20 24 in a location to be designated by the customer and approved by Young.

The parties hereto mutually agree, one with the other, as follows:

1. Guaranteed Exhibition of Fireworks

Young agrees to furnish an exhibition of fireworks substantially in accordance with the program submitted and that it shall be of first quality and properly made. Young shall supply a sufficient number of technicians to execute the display in a safe and artistic manner. Young guarantees that the display will be performed to any specifications outlined in this contract or in any approved addendums.

2. Spectator Control

The customer agrees to furnish sufficient protection, by either barricades, rope lines, or other dividers, at all points from the discharge area to prevent and keep spectators from entering the area and agrees to furnish ample police protection to Young's property and for the assembly, firing and dismantling of the exhibition without interference from the public. The customer shall defend, indemnify and hold Young harmless for any liability because of the customer's negligent breach of this Section 2.

3. Permits

The customer agrees to procure and pay for all necessary permits and licenses which may be required by the municipal authorities. Young will apply for and obtain necessary permits and licenses on behalf of the customer if noted on page 2 of the contract or if notified by written notice from the customer. In that event, customer will pay in advance to Young the amount needed to pay for the permits and licenses. Permit and licensing fees are non-refundable unless refunded by the licensing authority. Customer assumes the responsibility for seeking a refund when applicable.

4. Insurance

a) Young agrees to procure liability insurance for \$ 2,000,000.00 coverage and zero deductibility on behalf of the customer. The insurance cost is included in the payable sum shown on this agreement.

b) Young will provide Workers' Compensation and Disability for the fireworks technicians.

5. Postponement or Cancellation

a) Young agrees that in the event of rain or inclement weather, a reasonable postponement may be made with **no extra charge**.

b) If the customer cancels the exhibition, Young reserves the right to bill the customer for travel expenses incurred, labor performed, and for the cost of the insurance.

c) If the customer cancels the exhibition before Young's technicians have been dispatched to the site, there will be **no charge**. However, customer is responsible for the actual expenses incurred by Young for special work and for nonrefundable fees outlined in this contract. Young may retain from any deposit or invoice the customer the amount necessary to reimburse it for expenses incurred on behalf of the customer when applicable.

6. Terms of Payment

a) Check box that applies: ☒ Young requires no down payment. ☐ Young requires a down payment of \$ 3,200.00, due by Day of Show 20 24. If the exhibition is canceled the deposit will be refunded, less the expenses for which Young is entitled to reimbursement under Paragraph 5 above.

b) The customer agrees to pay Young, or his agent, the total sum of three thousand two hundred Dollars for an exhibition of fireworks, which will include fireworks, insurance and technicians and expenses incurred by Young, forthwith at the end of said exhibition.

c) In the event of customer's failure to pay when due all sums due Young under this contract, Young shall be entitled to collect from customer its reasonable cost of collection, including interest and reasonable attorney's fees.

7. Counterpart Execution; Electronic Signatures

This Agreement may be executed in any number of counterparts with the same effect as if all the Parties had signed the same document. All counterparts shall be construed together and shall constitute one agreement. Facsimile and electronic signatures shall be deemed original signatures for all purposes of this Agreement.

Total sum 3,200.00 Dollars
\$50 permit fee for NYSOFP permit included

Young Explosives Corp.

Display Fireworks

(800) 747-1781

(585) 394-1783

(585) 396-2663 Fax

P.O. Box 18653

Rochester, NY 14618

YoungExplosives.com

E-Mail: fireworks@youngexplosives.com

The parties sign below:

Young Explosives Corp.

James R. Young

(Print Name)

Customer Signature

(Print Customer Name)

President

Title

Title

8. Headings

Section and other headings contained in this Agreement are for reference purposes only and are not intended to describe, interpret, define or limit the scope, extent or intent of this Agreement or any provision hereof.

9. Entire Agreement

This Agreement for the fireworks Display constitutes the entire agreement between the Parties with respect to the subject matter here, of and there are no other understandings, whether oral or written, regarding the subject matter hereof.

Customer Contact Name(s)

Alicia Archer

Send Invoice to:

☒ Address on front OR ☐ Name/Address below

Additional Contact Name/Information

Laurie Barber - NYS Parks, Recreation and
Historical Preservation

Telephone (with Area Code)

Work: _____

Fax: _____

Home: _____

Cell: (315) 598-0629

Email: archeralicia4128@gmail.com

Work: (315) 298-5737

Fax: _____

Home: _____

Cell: _____

Email: laurie.barber@parks.ny.gov

Insurance Information: Please list all parties to be listed as additional insured. Young will extend coverage to the entities listed below as additional insured. **Customer is responsible for providing all information needed for full insurance coverage.**

Town of Mexico, NY; NYS Parks and Recreation Department; 5320 South Jefferson Street, Mexico, NY 13114;

NYS Office of Fire Prevention and Control

Customer Requests

Time of show: 9:00 ☐ AM ☒ PM

List special requests, such as ground pieces, shells, finale, quantity or time requirements. List any other special requests such as salutes at certain times (i.e., if the show is a surprise for someone), etc.

YEC will obtain permit through NYSOFFPC per NYS request

Customer will obtain permits through Town of Mexico and through

NYS Parks, Recreation, and Historical Preservation

Permits

☒ Customer to apply for the Permit(s) and provide Young with a copy 14 days prior to event

☐ Young to apply for the Permit(s) on your behalf and ADD the below permit costs to the show price on the front of the contract.
Customer to pay the amount of \$ _____. Includes permit cost and fees. (Permit costs subject to change by the municipality)

☐ Young to apply for the Permit(s) on your behalf and INCLUDE the below permit costs in the show price on the front of the contract

Customer to pay the amount of \$ _____. Includes permit cost and fees. (Permit costs subject to change by the municipality)

**This contract qualifies for the
10% in ADDITIONAL
FIREWORKS**

if contract is signed and received in the
YEC office on or before Friday, November
17, 2023 by 2:00pm.

Contracts may be physically mailed, faxed,
or emailed.

Send both page 1 and page 2 of the contract.
(Not valid for July 4th, July 6th, and
December 31st, 2024)