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(NOT FOR SERVICE)

December 31, 2024

VIA REGULAR MAIL

Jerome D. Schad
Chair
295 Main Street
Room 350
Buffalo, NY 14203-2494

Peggy A. LaGree
Vice Chair
295 Main Street
Room 350
Buffalo, NY 14203-2494

Michele M. Iannello
Treasurer
295 Main Street
Room 350
Buffalo, NY 14203-2494

Re: Providence Farm Collective: Water Service

Dear Commissioners:

The undersigned represents Providence Farm Collective (“PFC”), a nonprofit organization located at 5701 Burton Road in the Town of Orchard Park. PFC is situated on thirty-seven (37) acres of prime farmland within a New York State Agricultural District. We write to inform the Board of Commissioners of PFC’s pending request for public water service, and the actions of Town of Orchard Park (“Town”) and its Town Engineer in refusing to allow the Erie County Water Authority (“Authority”) to make a water service connection to PFC.

As way of introduction, PFC proudly hosts two hundred and fifty (250) farmers, most of whom are immigrants, who in 2023 produced over 100,000 pounds of locally grown produce for the Western New York Community, feeding 11,000 people. See, <https://providencefarmcollective.org>. To enhance its efforts and better provide for its farmers, PFC built a new 5,400 square foot barn. This new barn houses equipment and produce storage space, a produce wash and pack area, a kitchen, a produce store, office space, and two bathrooms with showers. The purpose behind obtaining the grant money and funding over several years to construct this \$1.4 million dollar barn was to streamline and modernize PFC’s operations. Part of that goal has always included a clean, reliable, and affordable public water for non-irrigation purposes.

For the past three years, PFC has done everything necessary in working with the Town to obtain public water service for its new barn. Originally, PFC contacted Orchard Park to inquire about public water service and was informed that the actual water service provider was the Authority.

As you know, the Authority services, maintains and provides water to residents, businesses and farms in the Town through the Authority's Lease-Management Agreement with the Town. However, the Town mistakenly posited that the only way for PFC to access water from the Authority was through a new Town Water District, purportedly designated as Town of Orchard Park Water District #17-4. The cost to undertake such an effort was prohibitive.

However, PFC subsequently learned a new water district was not the only option to access public water. A much simpler and cost efficient connection could be made via a Reduced Pressure Zone /Hotbox ("RPZ") built within the northern portion of PFC's property, located within Water District #17. The Authority services and maintains a 24" water main and a 10" distribution line along Powers Road in the Town. From the RPZ connection point, PFC would run a private lateral service line across its property to the new barn building. Given PFC's limited resources as a nonprofit, this option was the only feasible one.

Subsequently, PFC submitted all the necessary paperwork with the Authority in order for the Authority to connect PFC to Authority water. It is PFC's understanding that the Authority accepted this application. PFC then submitted a permit application to the Town in order to construct a RPZ in its property along Power Road. The Town *approved* the RPZ permit application and the private lateral service line. A copy of the approved RPZ permit is attached hereto. Based upon the Town's approval, PFC built the RPZ and constructed a private lateral service line from the RPZ to the barn.

It is PFC's understanding that through the Lease-Management Agreement the Authority services all distribution and transmission water lines in the Town. It is also PFC's understanding that property owners in the Town seeking to connect to public water service do so by submitting a request for connection to the Authority. The Town is not involved in this application process. PFC submitted that application, and the required materials, and communicated with Authority engineers to ensure that the Powers Road RPZ connection described above was amenable to the Authority. It is our understanding that the Authority has the water service application material in its files. Unfortunately, while the Authority and PFC agree that this connection would create no problem or strain on water service in District #17, the Town has refused to allow the Authority to make the connection. PFC believes that under the Lease-Management Agreement the Authority is exclusively responsible for the determination to approve a water connection.

The Town and Town Engineer Wayne Bieler, rather than allow water service connection to that RPZ, have taken a course which would see PFC and three other property owners pay for the establishment of a new Town Water District. PFC has reached out to each of the property owners, all of whom have expressed that they have no interest in being part of a new Town Water District. However, this plan would involve the construction of a water main extension running from Powers Road down Burton Road to Neuman Creek, approximately four-tenths (4/10) of a mile. Based upon knowledgeable estimates, that cost would exceed \$400,000.00. The

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Town has made PFC's agreement to a new Water District, and its concomitant lion's share of the cost, a condition precedent to PFC's water connection at the RPZ in District #17. PFC is concerned that unless it acquiesces in and bears the cost of a new Water District, the new barn will be left without a clean, safe, reliable and affordable source of water.

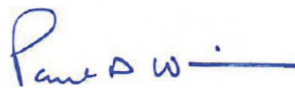
PFC respectfully requests that this Board and its officers formally review the application of PFC submitted to the Authority on or about July 25, 2024 and approve PFC's access to water. However, should the Authority not take such action, PFC would kindly request a formal declaration of the Authority's position. It is PFC's belief that where a water connection may be made efficiently and with ease, then such a connection should be made *as soon as possible*.

PFC, its Board, Staff and 250 farmers thank you in advance for your consideration of this request.

Should you have any other questions or concerns, please reach out to the undersigned via telephone at (716) 873-8833, ext. 215, or by email at pweiss@bhwtlaw.com. Alternatively, the Board may reach PFC's Executive Director, Kristin Heltman-Weiss, via telephone at (716) 913-7243 or via email at kristin@providencefarmcollective.org.

Very truly yours,

BARTLO, HETTLER, WEISS & TRIPI

By: 
Paul D. Weiss

PDW/dtp

Copy to: Charles Eaton, ECWA Chief Operating Officer (via email only)
Terrence D. McCracken, ECWA Secretary (via email only)
Karen A. Prendergast, PFC Co-President (via email only)
Zelalem Gemmeda, PFC Co-President (via email only)
Kristin Heltman-Weiss, PFC Executive Director (via email only)



Town of Orchard Park

Building Inspectors Office
4295 South Buffalo St.
Orchard Park, NY 14127

Tel (716) 662-6430 Fax (716) 662-6419

BUILDING PERMIT

Permit # **2024-00204**

Permit Date: 04/12/2024
Permit Type: Commercial New Construct
Address: **5701 Burton Rd**

SBL#: 184.15-1-5.13
LOT: L20T9R7
Lot Percentage:

PERMISSION IS HEREBY GRANTED TO:
Providence Farm Collective
5701 Burton Rd
Orchard Park, NY 14127

SETBACKS
Front - 75'
Side - 30'+-
Rear - 750'+-

DESCRIPTION OF PROJECT:

Construct a 30' x 40' unattached Accessory structure, located in the rear of the Northwest parking lot. The Pole Barn is accessory to the existing Factory/Business Occupancy. Planning Board File # 9-2024.
Construct an 88' x 60' SF. Group U Occupancy, VB Construction agriculture building. The permit includes electrical, plumbing systems and mechanical systems. The structure is utilized in the many facets of commercial agriculture. The permit includes electrical and plumbing applications.
Planning Board and Town Board stipulations are provided on the permit.
Building Permit Revised 9/4/2024- Install a RPZ, with a 2" water line, shut offs and accessory equipment, Install a grease interceptor regarding the concept of future planning expansion.

THE FOLLOWING INSPECTIONS ARE REQUIRED:

- Footer
- Foundation
- Under floor plumbing
- Electrical Service
- Rough
- Insulation
- Fire
- Final
- Miscellaneous

BY ORDER OF THE TOWN BOARD
FEE - \$4048.00


BUILDING INSPECTOR

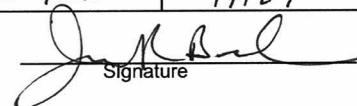


Application for Approval of Backflow Prevention Devices

PRINT OR TYPE ALL ENTRIES EXCEPT SIGNATURES
Please completed items 1 through 12a + Block and Lot Numbers

Block #	Lot #	FOR DEPARTMENT USE ONLY Log No.
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1. Name of Facility <u>Providence Farm Collective</u>		2. City, Village (Town) <u>Orchard Park</u>		3. County <u>Erie</u>	
4. Location of Facility <u>Orchard Park</u>		City	state <u>NY</u>	zip <u>14127</u>	
4a. Phone Numbers <u>716 473 9338</u>		5. Contact Person <u>Isaac Frisina</u>			
5. Approx. Location of Device(s) <u>NORTH SIDE OF SITE, R.O.W. POWERS ROAD</u>		6. Mfg. Model # <u>WATTS LF009 MTQT</u>		Size of Device(s) <u>2" DOMESTIC</u>	
# of Fire Services <u>0</u>	# of Domestic Services <u>1</u>	# of Combined Services <u>0</u>	Total # of Services <u>1</u>	Total # of Buildings <u>1</u>	
7. Name of Owner <u>Providence Farm Collective, Corp.</u>		Title	Phone Number <u>716 473 9338</u>		8. Nature of works <input checked="" type="checkbox"/> Initial Device Installation <input type="checkbox"/> Replace Existing Device
Full Mailing Address Address <u>5701 Burton Rd</u>		City <u>Orchard Park</u>	state <u>NY</u>	zip <u>14127</u>	
Owner's Signature 		Date <u>6/12/23</u>	8a. <input checked="" type="checkbox"/> New Service <input type="checkbox"/> Existing Service		
		8b. <input checked="" type="checkbox"/> New Building <input type="checkbox"/> Existing Building <input type="checkbox"/> Major Renovations			

9. Name of Design Engineer or Architect <u>JAMES R. BAMMEL, RA</u>		10. NYS License # <u>019440</u>	
Street <u>6264 W. QUAKER ST.</u>		<input type="checkbox"/> PE <input checked="" type="checkbox"/> RA <input type="checkbox"/> Other	
City <u>ORCHARD PARK</u>		10a. Telephone Number(s) <u>716-662-2982</u>	
State <u>NEW YORK</u>		Date <u>11/14/2023</u>	
Zip <u>14127</u>		M D Y	
Signature 			

11. Water System Pressure (psi) at Point of Connection Max <u>99</u> Avg <u>94</u> Min <u>89</u>		12. Estimate Installation Cost <u>3,000.00</u>		12a. Estimate Design Cost <u>1000.00</u>	
13. Degree of Hazard <input checked="" type="checkbox"/> Hazardous <input type="checkbox"/> Aesthetically Objectionable		List of processes or reasons that lead to degree of hazard checked: <u>ECLWA DEPARTMENT REQUIREMENT</u>			

14. Public water supply name		Name of supplier's designate representative	
Mailing Address <u>3030 UNION ROAD</u>		Title	
City <u>NEW TOWN</u>		Signature	
state <u>NY</u>		M / D / Y	
zip <u>14227</u>			
Telephone No. <u>(716) 864-1510</u>			

Note: All applicants must be accompanied by plans, specifications and an engineer's report describing the project in detail. The project must first be submitted to the water supplier, who will forward it to the local public health engineer. This form must be prepared in quadruplicate with four copies of all plans, specifications and descriptive literature.

Town of Orchard Park

Date: _____

BUILDING INSPECTOR'S OFFICE
S 4295 South Buffalo Street
Orchard Park, New York 14127-2609



Phone: 716-662-6430
Fax: 716-662-6419
www.orchardparkny.org

Plumbing Permit Application

Address: 5701 Burton Rd, Orchard Park Zone: _____

Value of Work: \$ 40,385.00 S.B.L.# _____ Lot No _____

Contractor: Huron Plumbing

Address: 601 Fillmore Ave.

Tonawanda City NY State 14150 Zip

Phone: 716-692-3950 Email: mark@huronplumbingny.com ✓

Type: New Plumbing Sanitary Sewer # _____ Fixtures # _____ Alterations/ Repairs
 Storm Sewer # _____ Water Service Other _____

Description of Work: RPZ grease interceptor

Date Work Will Begin: Mid-September, 2024

Applicant hereby affirms that all work shall be performed in accordance with applicable codes, regulations, and manufacturer's installation instructions and authorizes the Code Enforcement Officer(s) to enter the premises listed herein in any reasonable time to perform all required inspections of the permitted work.

Property Owner: Providence Farm Collective
Print and Sign

Address: _____ Phone: _____

City _____ State _____ Zip _____

Letter of Authorization Submitted

PAID

SEP - 4 2024

TOWN CLERK

Town Clerk Stamp

Official Use Only:

Items supplied: 2 Sets of Plans Disability 11/25 Workers Compensation 11/25
 Insurance Waiver _____ Lenience # _____

Building Inspector: _____ Issued: _____

Permit #: 2024-00204 Permit Fee 200.00 + Additional Fee Add to building permit = 200.00

plumbing