

Highway Superintendent eport - March 2024

Roads: Miscellaneous general maintenance to our roads, shoulders, ditches and culverts will continue through the spring as weather permits.

All snow removal equipment is ready.

Snow and ice ops - 12 times for snow and no ice.

On February 28, 2024 we encountered some storm damage due to very high winds received over night. All roads impacted by falling trees and limbs have been cleaned up.

Highway Business: At this time, I am Appealing FEMA's denial on 2026 Clark Hollow Road. 2026 Clark Hollow Road was denied funds of \$101,699.00. We were partially approved for work completed (forced account labor, equipment and materials) of \$14,865.04.

Deer Run Road was denied for \$22,500.00. After consulting with our NY State DHSES representatives, I am retracting our appeal of denial and now applying for FEMA Mitigation Funds. We were approved for \$278,150.00 of \$300,650.00 to complete necessary repairs to this location.

I am still working diligently after almost 3 years to secure over \$ 417,213.00 of FEMA funding to mitigate future issues with the assistance of Homeland Security Emergency Services and C&S Engineer's.

Effective March 6, 2024 the Highway Dept. will no longer accept any Electronic Waste at our facility or during Town Clean -up Days. This is due to the risks associated with accepting anything that contains Lithium-Ion Batteries. I am working diligently to reinstate accepting electronic waste without taking anything with Lithium-Ion Batteries to mitigate the risk to our employees and facility. The regulations that are set by The New York State Department of Environmental Conservation to be listed as a "Registered NYS Electronic Waste Collection Site" clearly states that we must accept all electronic waste and cannot pick and choose what we accept at this time.

Miscellaneous parts and equipment that I listed on Auctions International is at over \$2900.00. This auction will end on March 7, 2024 at 6:30pm. I will advise the Town Board during the meeting of the final total.

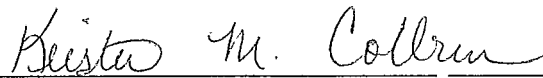
Account#	Account Description	Fee Description	Qty	Local Share
		Mass Gathering	1	50.00
	Clerk Fees	Building Permit	2	500.00
		Planning Board	1	100.00
		Stafford Park	4	550.00
	Interest	Account Interest Received	1	0.03
	Marriage License	Marriage License	2	35.00
	Passport Fee	Passport	5	175.00
	Subdivision	Subdivision	2	200.00
		Sub-Total:		\$1,610.03
A1255	Conservation	Conservation	2	1.66
		Sub-Total:		\$1.66
A2544	Dog Licensing	Female, Spayed	9	119.00
		Male, Neutered	8	91.00
		Male, Unneutered	3	51.00
		Sub-Total:		\$261.00
Total Local Shares Remitted:				\$1,872.69
Amount paid to: NYS Ag. & Markets for spay/neuter program				39.00
Amount paid to: NYS Environmental Conservation				28.34
Amount paid to: State Health Dept. for Marriage Licenses				45.00
Total State, County & Local Revenues:				\$1,985.03
		Total Non-Local Revenues:		\$112.34

To the Supervisor:

Pursuant to Section 27, Sub 1, of the Town Law, I hereby certify that the foregoing is a full and true statement of all fees and monies received by me, Kristin M. Colburn, Town Clerk, Town of LaFayette during the period stated above, in connection with my office, excepting only such fees and monies, the application of which are otherwise provided for by law.

Supervisor

Date



Town Clerk

Date

Agenda

Date of Call:

LAFAYETTE FACILITIES USAGE RESERVATION

☒ Resident ☐ Non-Resident /// ☐ Business ☐ Profit ☐ Non-Profit

☐ Community Center ☒ PAVILLION 1 (Near Playground) ☐ PAVILLION 2 (Near Optimist Ball Fields)
(Tables / Chairs) (17 Picnic Tables / 2 Serving Tables) (6 Picnic Tables / 1 Serving Table)

Reserved For: NYS OPWD central NY office w/ People w/ Developmental Disabilities

Date(s): Wed May 15th

Time(s): 9am - 2³⁰pm

Name of Applicant (must 21 yrs or older): Paulette Bucktooth

Address: 187 Northern Concourse Syracuse 13212

Email Address: paulette.x.bucktooth@opwdd.ny.gov

Telephone: 35-412-9969 # of Attendees: _____

Deposit Amount: \$ 50⁰⁰ Form: Cash/ Check # _____ Date: _____

Fee Amount: \$ 100⁰⁰ Form: Cash / Check # _____ Date: _____

☐ Fee Waived by Town Board

Approved By: _____ Date: _____

PERMIT HOLDER'S SIGNATURE

Permit Holder's Signature (signature MUST BE SAME AS THE NAME listed on Reservation Form)

Person listed on this form and signing below is representing the above names group and is legally responsible for any and all actions of the group members while they are on the town property. This person will be held financially responsible for any and all damages to the property caused by a member of his/her group. This person is responsible for his/her group's adherence to all policies/guidelines including those pertaining to alcohol use.

I hereby acknowledge that I have read, understand and agree Town of LaFayette Park usage. I further verify that I am 21 years of age and am capable of performing the action of those attending under my supervision.

Name: _____

PLEASE CHECK ON BOX:

☐ PLEASE SHRED MY DEPOSIT CHECK

☐ I WILL PICK UP MY DEPOSIT

DEPOSIT WAS PICKED UP ON _____

BY _____

(Signature)

Key # _____

Key # _____

Waive the fee for
any people w/ developmental
disabilities picnic.

for the
ity for

PLEASE MAKE ARRANGEMENTS TO PICK UP YOUR DEPOSIT CHECK AT THE TOWN OF LAFAYETTE
CENTER KEY THE WEEK PRIOR TO YOUR RESERVATION DATE

Emergency Contact: 315-374-1075 or 315-307-0030

03/08/2024
14:09:17
Kristin Colburn

Town Of LaFayette
Miscellaneous Cash Report
For Transaction Type: Building
For: All Fee Types
Date Range: 02/01/2024 to 02/29/2024

Transaction Type	Fee Type	Receipt #	Date	Customer	Qty	Total
Building	Building Permit	000001	02/28/2024	Hoxie, Greg 2065 Deer Run Rd LaFayette, NY 13084	1	\$450.00
<u>Notes</u> 2/28/24 3 bedroom house pd \$450 ck# 1076 (tif)						
Building	Building Permit	000002	02/28/2024	Woodford Bros., Inc. P.O. Box 108 650 State Route 80 Apulia Station, NY 13020	1	\$50.00
<u>Notes</u> 2/28/24 repair basement wall-Owner Lindsay Cahill 5925 Maple Grove Dr. Tully NY Pd \$50 Ck# 3738 (tif)						
					Total Quantity:	2
					Grand Total:	\$500.00

March 2024 Library Director's Report

Personnel –

- Leslie offered to do a story time on Saturday about once a month. This will allow some families that are not available during the week to attend. The first one, on February 17, was about maple syrup. Four children and three adults attended. We hope to grow this group over time. I appreciate Leslie's willingness to take this on.
- We are fully staffed at this point. There is good coverage for hours now, with the weekend staff being able to substitute when needed.

Facilities -

- The wall in the back storage room has been repaired, and just needs painting. The library will take care of the painting.
- The bathroom walls are not done yet. Ashlie has been in touch with the people who are repairing the walls to let them know that the work needs to be done in a timely manner.
- We continue to resolve the few remaining safety issues. When the wall is painted and we can move the bookcases back, we will finish reorganizing that that should take care of the back room.

Financial/ Grants –

- Nothing of note this month, as spending is normal and we have not received any sizeable income from non-town sources.

Programming –

- The library had a very busy month, with lots of programming. In addition to five story times, special events included "Follow the Drinking Gourd" embroidery and making ice ornaments. Both of these programs were for children.
- Dr. Brian Kloss provided a well-received display on Dungeons and Dragons.
- The community room was used 21 times in February. Groups included a 4-H group that is now bused to the library from Grimshaw. The group leader is responsible for making sure the kids arrive safely, and they all have permission slips. The children are very full of energy and enthusiasm!

OCSLD /OCPL –

- The library has a few possibilities to fill the trustee opening left by Daphne. Daphne had to leave the Board of Trustees after serving 10 years, according to the board's bylaws. We hope to fill the opening soon. Any interested person may contact the library for details about being a trustee.
- The OCPL system is now actively considering resuming the books-by-mail service for the county. If they decide to do this, LaFayette would definitely ask to be included. This outreach service would be valuable to some members of our community that lack transportation, are housebound for other reasons, etc. I am not sure of the timeline for this decision.

LaFayette Community Council
February 2024

Youth wrestling and basketball seasons are wrapping up. Over 100 participants between the two sports. Big thank you to all volunteer coaches and assistants.

Volleyball underway for 3rd through 6th grade - about 40 participants.

Registration is ongoing for base/soft/tee ball until the end of March.

Lacrosse registration will be live mid March.

Summer swim program with Tully expected, details TBA.

LaFayette Town Clerk

From: Sean Doolittle <seandoolittle14@gmail.com>
Sent: Friday, March 1, 2024 9:53 AM
To: LaFayette Town Clerk; LaFayette Deputy Town Clerk
Subject: Re: Monthly Report

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

LaFayette had 20 fire/rescue calls for February. 1 mutual aid to onondaga nation for a chimney fire. 1 to onondaga nation for a vehicle fire and 2 requests for our rescue to nation for vehicle accidents. We had 6 accidents of our own(none were serious) and rest were medical calls.

On Thu, Feb 29, 2024, 11:57 LaFayette Town Clerk <townclerk@townoflafayette.com> wrote:

Kindly get your monthly report to myself & Tonya by March 7th at the latest (***sooner would be better as I have treatment that week***) so that we can distribute to the Town Board on March 8th.

Have a Delightful Day!!!

Kristin Shute Colburn

Town Clerk

Town of LaFayette

2577 US Route 11 N

PO Box 193

LaFayette, NY 13084

Phone: 315-677-3674

Fax: 315-677-7806

Website: www.townoflafayette.com



LaFayette Ambulance Department, Inc.

P.O. Box 329 – 2444 Route 11 South

LaFayette, New York 13084-0329

Phone (315)677-3400 Fax (315)677-3417



March Town board meeting report

Call data for February 2024

Total Calls: 29

15 calls transported to Hospital.

6 patient refusals.

8 Cancels.

14 calls missed opportunity due to no staff on.

Current staff is 4 Full time employees and 4 rotating part time employees.

Current Average hours being covered weekly is 120.

- We are currently seeking a county grant for replacement updates to all our radios.

Ambulance Administration

- President – David Hoxie
- Vice President – Jon Battelle
- Treasurer – Ashlie Carrier
- Director of Administration – David Corey
- Director of Operations – Rich Roberts

www.lafayette-ambulance.com

“First To Serve”

Monthly Dog Control Officer Report February 2024

Submitted by: Ken Johnson, Dog Control Officer

Laura Holt Deputy Control Officer

Dogs @ Large = 2

Dog Complaints = 5

Miscellaneous Calls = 2

Dog returned to owners - 0

Dogs Apprehended and transported to CNY SPCA - 1

Other calls - 1 for dead skunk and 1 for dead deer, both calls referred to county for possible further investigation

The dog complaint calls were related to dogs barking constantly that were left outside for long periods of time by their owners. These complaints are addressed with the owners on a one to one basis whenever possible and hopefully resolved with education on proper care and handling of the dog, i.e. not leaving them outside unattended for long periods of time and proper housing during cold weather.

Also, residents should continue to be vigilant about watching and protecting their dogs from predators such as fox and coyotes. March is a big month for predators searching for food and grabbing cats and dogs as the result. Owners need to stay close to their pets. Recently there was a Jack Russel that was reported missing and was not found so please be aware.

We have had a complaint about a neighbor's dog being a nuisance by continuing to come on another neighbor's property. There has been an ongoing issue between these neighbors for the past 10-12 years. In the past the complaints have prompted a sound study to determine how much the dogs were barking and if it was incessant. The dogs in question are guard dogs and are trained to alert the owners if there are dangers to their sheep. The study that was performed by the NY State Department of Agriculture and Market to determine if the dogs were barking incessantly as stated in the complaint. The study determined that the dogs were not and no further action was taken at that time. The problem between these neighbors has been an issue and many phone calls and hours have been used to try and alleviate the issues. It was finally addressed by a letter that was sent to one owner giving him direction that he had thirty days to address the issue of his dog going on the other person's property or there would be a ticket given and a court appearance required. As of the date of this report there has only one occurrence of the dog being off his property since the letter. Phone call to the owner was made and we have been informed that the dog now has tracking collar and training is in process to keep the dog within his owner's property lines. We are hoping that no further action will be necessary.

There was also an incident of a person taking a dog to the CNYSPCA and reporting that it was picked up in the Town of Lafayette. The shelter took the dog in without notifying the Town Dog Control Officer. As a result, the charge for the shelter of this dog was refused. Dogs can only be brought to shelter by the Dog Control Officer or the Deputy Dog Control Officer. This is to prevent others from dropping dogs off from other areas and the town bring charged.

Respectfully submitted: Ken Johnson
Chief Dog Control Officer

Monthly Report to LaFayette Town Board

LaFayette Advisory Conservation Commission (LACC)

March 7, 2024

Submitted by: Mark Distler, LACC Chair

These are the LACC activities between February 3 and March 7, 2024:

1. **Membership** – No membership changes during this period. We ask that you approve Mark Distler for another 1-year term. In April, we plan to ask for your approval of a new LACC chairperson.
2. **Meetings** – No meeting was held during this time period. The next meeting is scheduled for March 26.
3. **Projects & Programs** - See attached status summary of projects requested by the Town Supervisor and programs selected to build a community conservation culture. Of note:
 - a. **Tree Program:** The program team is developing two recommendations: (1) a plan to plant new trees on Town properties, and (2) a plan to become a designated Tree City USA community by meeting its criteria that focus on caring for trees in our Town.

Attachment: LACC Project Status Summary

LACC Project & Program Status Summary

Projects	Objective	Project Team	Current Actions	Previous Actions
Parks	Propose concepts to increase visitor's awareness of nature and/or environment	Amy, Keith, Mark	-Conceive next project for parks	<u>Bailey Park Memorial Program - COMPLETED</u> -Selected tree & bench locations, with input from Parks -Obtained TB approval to expand program -Launched program on website & via social media <u>Stafford Park Memorial Program - COMPLETED</u> -Drafted tree/bench memorial program for Stafford Park -Received Supervisor prior approval to obtain cost estimates -Worked out transaction details w/ Bookkeeper & Optimists -Designed tree and bench locations -Obtained latest cost estimates & finalized details -Got program approved by TB -Launched program on website via social media
Electric Vehicle Charging Stations	Develop scope & cost for stations on Town property	Mark, Kelly	<u>On hold</u> until proper location is identified -Develop ROI with input from other pay-4-use -Submit recommendation for TB approval -If approved, apply for funding grants	-Contacted CNVRPDB to learn about funding options -Got Supervisor approval to contact contractors -Met with MakeReady contractor at Town office to start cost estimate process -Discussed concepts with Supervisor -Received cost estimates from two contractors
Invasives	Propose approaches to manage the risk of invasives in our community	Kelly, Craig	-Repost wild parsnip posters in parks each Summer (late June)	-Discussed with Supervisor prior to identification -Prepared warning signs for installation at parks -Developed fact sheet -Wrote newsletter article highlighting 3 invasives -Reposted wild parsnip signs at parks (where found)
Clean Energy*	Earn CEC designation under NYSERDA program and recommend energy reduction and clean energy projects	Mark, Craig, Keith	-Follow up on LED conversion project & check savings (1Q25) -Request free energy study of one Town building -Identify energy saving project from study to use \$10k grant -Begin clean heating/cooling community education -Plan CSC certification -Complete municipal fleet inventory	-Submitted TB's benchmarking resolution to NYSERDA -Received NYSERDA CEC designation & \$5k grant -Identified cost & energy saving for Town's street lighting conversion to LED -Recommended street lighting LED conversion for TB approval -Applied for & received \$5k CEC grant to cover LED conversion cost -Authorized LED conversion project w/ Nat Grid -Collected Town building data for benchmarking setup -Submitted NYSERDA application for high impact action for Town's community solar subscriptions -Completed set up of Town's benchmarking program, apply for NYSERDA grant credit -Applied for & received \$5k grant from NYSERDA for Comm Ctr lighting upgrades
Land Use Independent Study (AI 2-1)	Conduct an independent study of regulatory techniques and land use controls to manage future development in order to preserve the Town's public lands and critical environmental and agricultural areas	Mark, Kelly, Craig, Doug	-Identify need -Create communication plan to TB -Obtain funding for study -Establish review committee -Conduct study -Draft recommendations to TB	-Developed SOW for expert consultant & requested proposals -Received proposal from land use expert
UNA & CEA (AI 2-10)	Inventory and identify sensitive environmental areas in the Town and designate <u>Unique-Natural Areas (UNAs)</u> or Critical Environmental Areas (CEAs) as defined by the NYSDEC	Amy, Darcy, Mark, Payton	-Survey experts & town residents for potential CEAs -Write description & rationale of potential CEAs -Review draft recommendations with review boards -Submit recommendations to TB	-Decided UNAs are the same as CEAs -Drafted initial list -Spoke with NYSDEC -Spoke with some experts about potential CEAs
Tree Program (AI 2-12)	Establish a tree planting program for Town-owned properties and public ROWs	Mark, Darcy, Doug, Keith, Gregg, Julie, Payton	-Obtain quotes for tree maintenance and submit for TB approval -Develop recommendation for new trees -Consider application for Tree City USA designation -Develop tree care program -Submit program recommendation to TB -Apply for NYSDEC funding for maintenance -Implement new tree planting and care program	-Decided to exclude ROWs from program since they are private properties -Identified properties and prepared maps of each -Worked with CCE for free trees at Stafford Park -Organized Arbor Day celebration during Stafford plantings on April 22, 2023 -Applied for & received \$1k grant from NYUFC for Arbor Day celebration -Surveyed trees on Town properties and delivered report to TB
Residential Stormwater Control	Educate about residential stormwater control (and/or habitat creation)	Amy, Darcy, Doug	-Identify control techniques	
Repurpose C&D Materials	Educate contractors working in Town how to repurpose C&D materials	Keith, Craig	-Learn about already available programs and outlets (perhaps starting with talking with Jerry Marzot) -Decide how to educate via newsletter article or handout for all new building permits	

Other Culture Building Programs

Town Newsletter Articles	Provide communications that increase resident's awareness to nature and environmental conservation	Rotating authors	-Write 24Q2 article on air quality trends -Future topics: clean heating & Cooling, Tree program, land use needs, stormwater control techniques	24Q1 - 2023 accomplishments 23Q4 - Recycling rules 23Q3 -Spotted Lanternfly 23Q2- Honey bees 23Q1 - Community solar campaign 22Q4 - Invasive species 22Q3 - Community solar 22Q2 - Solar farm law 22Q1 - People & plastics 21Q4 - LACC update, plastic recycling 21Q3 - LACC update, tick safety
Town Website	Post conservation topics on a LACC web page	Mark	-Continually update content	-Obtained Supervisor & IO approvals -Added existing content to the site page -Updated monthly

Completed Projects (since April 2021)

SEQR Enhancement (AI 2-6)	Enhance understanding of the SEQR process by all review boards to protect our natural resources from the potential negative impacts of development	Mark, Kelly, Doug	COMPLETED	-Evaluated needs by interviewing those conducting SEQR reviews -Developed focused enhancement purpose -Researched enhancement options to meet needs -Recommended enhancement program to Supervisor -Prepared recommendation for program with SMEs -Delivered enhancement program to Town Board, PB & ZBA
Agritourism	Recommend approaches to create a Town initiative	Isabella, Larkin, Markus	COMPLETED	-Discussed possible scopes with Supervisor -Discussed possible projects with Palmer & McConnell
Solar Farms Law	Propose recommendations to revise and update the solar farms law (§290-32 (H))	Carole, Kelly, Doug	COMPLETED	-Researched other towns' guidance -Drafted recommendation edits to current law -Completed internal review -Submitted recommendations memo to Supervisor -Submitted recommended edits to Town Attorney -Present proposed recommendations to Town Board
Comprehensive Plan Goal #2	Lead the execution of the 12 action items listed under Goal #2 of the 2021 Comprehensive Plan	Mark	COMPLETED	-Prepared plan to complete Goal #2 action items -Identified volunteers and subject matter experts needed to conduct 5 action items for 2022 -Held kickoff meetings
Comprehensive Plan Update	Participate on Tiger Team to update 2012 Comprehensive Plan	Carole, Kelly, Mark	COMPLETED	-Submitted input on vision, goals, objectives, action items -Provided input on land use approaches -Wrote FAQs for public communication -Prepared for public open house & hearing (10/28) -Provided input on revisions to CP based on public input -Define and organize the Comprehensive Plan Implementation Committee (CPIC)
Bailey Park Tree Planting	Coordinate planting of trees at Bailey Park to replace those removed	Amy, Mark	COMPLETED	-Obtained cost quote to plant 5 trees -Received Supervisor's approval -Coordinated planting & residents' donation
Apple Valley Park Noise	Provide technical support of noise & noise ordinance	Mark	COMPLETED	-Conducted noise evaluation during concert, submitted report -Recommended revisions to noise ordinance
Community Solar	Promote NYS Community Solar program with residents	Mark, Amy, Kelly, Payton, Larkin, Keith	COMPLETED	-Wrote newsletter article -Obtained cost savings estimate for Town to subscribe to solar project -Recommended 3 opportunities to TB, all approved -Managed Town's subscription to solar project (started monthly savings) -Developed community campaign plan for TB & NYSERDA approval -Launched campaign -Submitted documentation to NYSERDA & receive more grant points -Presented at local group meeting -Held webinar on February 28 -Tracked new subscriptions & applied for CEC grant points
Senior Center	Develop landscaping design that will connect visitors to the nature of Stafford Park	Kelly, Larkin, Mark	ON HOLD -Design ravine landscape & new park plantings	-Met ESF to discuss their involvement -Received Supervisor's and Optimist's approval to proceed w/ ESF -Got construction ROM cost estimates for ravine & nature trail plantings

Facilities February 2024

Water system is operating normally.

Bathroom in library has been reopened. We are waiting for the construction contractor to repair the drywall.

Water leak.

Amidon construction has inspected the foundation wall downstairs and has repaired the drywall.

We are awaiting repair of the gutters on the front of the building, as well as the broken downspout in the rear by the library entrance.

The next couple weeks I will be working on the status of the fire alarm system in the building.

In the library I am working on hanging and signing the fire extinguishers that are just around the floor.

I am also going to be working with Steve to make sure all the exits are properly labeled in the building.

In the community center the basement door hole is being repaired and a new lock. Installed. I HIGHLY RECOMMEND we add a new fireproof door to the remodel. I can order and install if needed.

I am also aware of a mold issue in the community center due to the old basement. I will be getting quotes together for abatement, per Bill.

Thank you,

Ashlie

From: Stephen Pitoniak,

Chair, Town of LaFayette Safety and Building Maintenance Committee

I have had a lot of questions concerning PESH (Public Employees Safety and Health) and OSHA standards and regulations. Often, I cite an OSHA standard number in my communications. This is done because that particular standard was adopted by PESH and there is no other way to reference that standard. The chart below summarizes the major differences between OSHA and PESH. Please share this e-mail with your employees (e.g., discuss, or post, or handout, etc.).

PESH	OSHA
1. PESH is not Federal. PESH is for NYS	1. OSHA is Federal
2. PESH only governs certain Public sector entities (see 6 below),	2. OSHA governs Public and Private sectors but not public state, county, town, and village governments. Federal government workers are covered.
3. PESH allows you to spend the money from a violation penalty to correct the violation.	3. OSHA requires that you pay the violation cost AND the correction costs.
4. PESH rarely creates regulations. (A few approved differences exist)	4. OSHA facilitates the adoption of regulations into law.
5. PESH uses the OSHA regulations except where it is allowed to adopt equal or more protective regulations.	5. OSHA is the basis for vast majority of all regulations except some more protective PESH regulations.
6. In NYS, PESH is the ruling administrator in the NYS public sector for state, county, town and village governments, public authorities, school districts, and paid and volunteer fire departments.	6. In NYS, OSHA is the ruling administrator establishes standards and governs the private sector (includes Post Office). An exception is firefighters. Minimum regs for firefighters are set by OSHA, however these regulations are enforced by PESH .
7. PESH inspections are unannounced.	7. OSHA inspections are unannounced, but there are many exceptions to this rule.
8. PESH uses a different reporting system for injuries and illnesses (forms 900, 900.1, and 900.2).	8. OSHA uses forms 300, 300.1, and 300.2.
9. PESH is equal to or more restrictive than OSHA.	9. OSHA is equal to or less restrictive than PESH.
10. NYS PESH has jurisdiction over state and local government agencies and a few other agencies (see 6 above).	10. OSHA does not have jurisdiction over federal agencies (partial)*, state, and local governments, those that are self-employed, and farmers that only employ immediate family members. *(OSHA monitors & cites, but does not fine federal agencies; federal agencies can not contest OSHA notices)
11. PESH has some unique programs that were developed by PESH. These are: a. Workplace Violence prevention b. Right to Know (chem. safety) c. Sexual harassment/discrimination d. DOT Flagger safety e. Permissible exposure limits (PEL) for	11. OSHA has extensive training programs covering at least 16 topics (not including the 6 PESH programs). OSHA has many PELs but OSHA states that they are outdated and often recommends other industrial standards be used. A good example of this a lack adequate regulations for lithium ion batteries.

12NYCRR Part 800.5 (This includes 100's of chemicals on an "A-Z" list) f. Emergency Escape and Self-Rescue Ropes and System Components for Firefighters (in cities below one million residents) – 12 NYCRR Part 800.7	In areas where OSHA has not set a standard addressing a specific hazard, employers are responsible for complying with the OSH Act's " General Duty " clause. The General Duty clause [Section 5(a)(1)] states that each employer "shall furnish . . . a place of employment which is free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees." It does say "his."
--	---

In summary, New York PESH has generally adopted **all** OSH "standards" applicable to **public** state and local government employment and must be "at least as effective" as Federal OSHA's protection of **private** sector employees. Where PESH and OSHA standards differ, **PESH standards are always more protective than OSHA standards**, and/or OSHA does not have those more protective PESH standards. Sometimes there are nuanced differences. For this reason, it is important to analyze and determine if any difference of substance exists and then apply the PESH standard.

NYS PESH standards are the standards that must be followed. You cannot pick and choose state and local government regulations from PESH or OSHA because OSHA does **not** have **public state and local** government safety regulations. OSHA **does** have jurisdiction over **Federal** government standards and regulations. My interpretation is that this arrangement might be a "State-Rights" issue over control of State public government functions.

PESH is the law for public state and local government safety standards. So, if anyone asks which state, county, town, or village government safety standard or regulation must be followed, tell them that it is the PESH standard since OSHA **does not** have jurisdiction (or even standards) over state, county, town, or village government standards. OSHA does monitor PESH standards to make sure they are being followed as was agreed upon but otherwise, there is no interference. Where no standards exist, the OSH Act applies the "*General Duty*" clause.

Currently, there are 21 states (and Puerto Rico) that have a plan that regulates, to some degree, **both** the private sector **and** public state and local government. Additionally, there are 5 states (and one US territory) that currently regulate **only public** state and local government (including NY). See the chart below concerning the different modes of safety regulations.

While I have not covered everything, I hope I have answered some of your questions. Please contact me if you have any further questions.

Reference Chart:

Jurisdiction	States and Territories
OSHA Federal	Alabama, American Samoa, Arkansas, Colorado, Delaware, District of Columbia, Florida, Georgia, Guam, Idaho, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Dakota, Northern Mariana Islands, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Texas, West Virginia, Wisconsin
State Plans (OSHA-approved, covers both private, state, and local government workers)	Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, Wyoming
Hybrid Federal-State Plans (OSHA-approved State Plans that cover state and local government workers only)	Connecticut, Illinois, Maine, Massachusetts, New Jersey, New York, Virgin Islands

Steve Pitoniak