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authorized for Lake Placid seminar

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"Belcher" vs "Belscher" Road
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"Children at Play"-Creative Playgr.

Speed limit establishment
guidelines

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Snow Removal Contract with County
New design & construction require-
ments for roads
Patchin Road bridge

Request for resurfacing Eckhardt Rd
Back Creek Rd. speed reduction asked
Crestwood Circle restoration work
Abbott Road reconstruction complaints
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Boston State Road-condition of
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Route 219 Assn.
Pinecrest-Block Party 7/21/90
Old Orchard-Block Party 8/4/90
Abbott Road speed limit
Keller Rd. & Patchin Rd.-completion
dates

Patchin Road Block party
Dunn Road
Pfarner Road guiderail
1991 Snow removal contract w/County
Portions of Lower E. Hill and
Boston-Colden Rd. to be reconstructed
Back Creek Road guiderail

HIGHWAY DEPARTMENT - MISC.

Christmas trees may be brought to
brush pit for disposal

Highway garage serial bonds
Auction for old garage
NY Telephone easement at old garage
Highway garage fuel island
Expenditure of funds approved
Inquiry about salt leachage

Wage increases

Bids for chipper

Brush pickup report

Butternut Road survey

Topsoil sale-new highway garage

NY Telephone-easement for concrete
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submittal of gasoline storage records

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1

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Corner Kevin Dr. & Glenn Terr.

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Rate for 1990 - \$.21 per mile

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11

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Terrace-fire repairs completed

20

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for Memorial Day services

21

Assemblyman Reynolds-forum-Town Hall

21

Old chemical supplies storage

24

State Revenue Sharing

27

Erie Co. Consortium Section 8 Program

30

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31

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being named Boston Chamber of

Commerce Citizen of the Year

36

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19, 21, 30

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7, 16

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10

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15

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Mary L. Thurber appointment - term to expire 1/1/97

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Boston Welcome Wagon

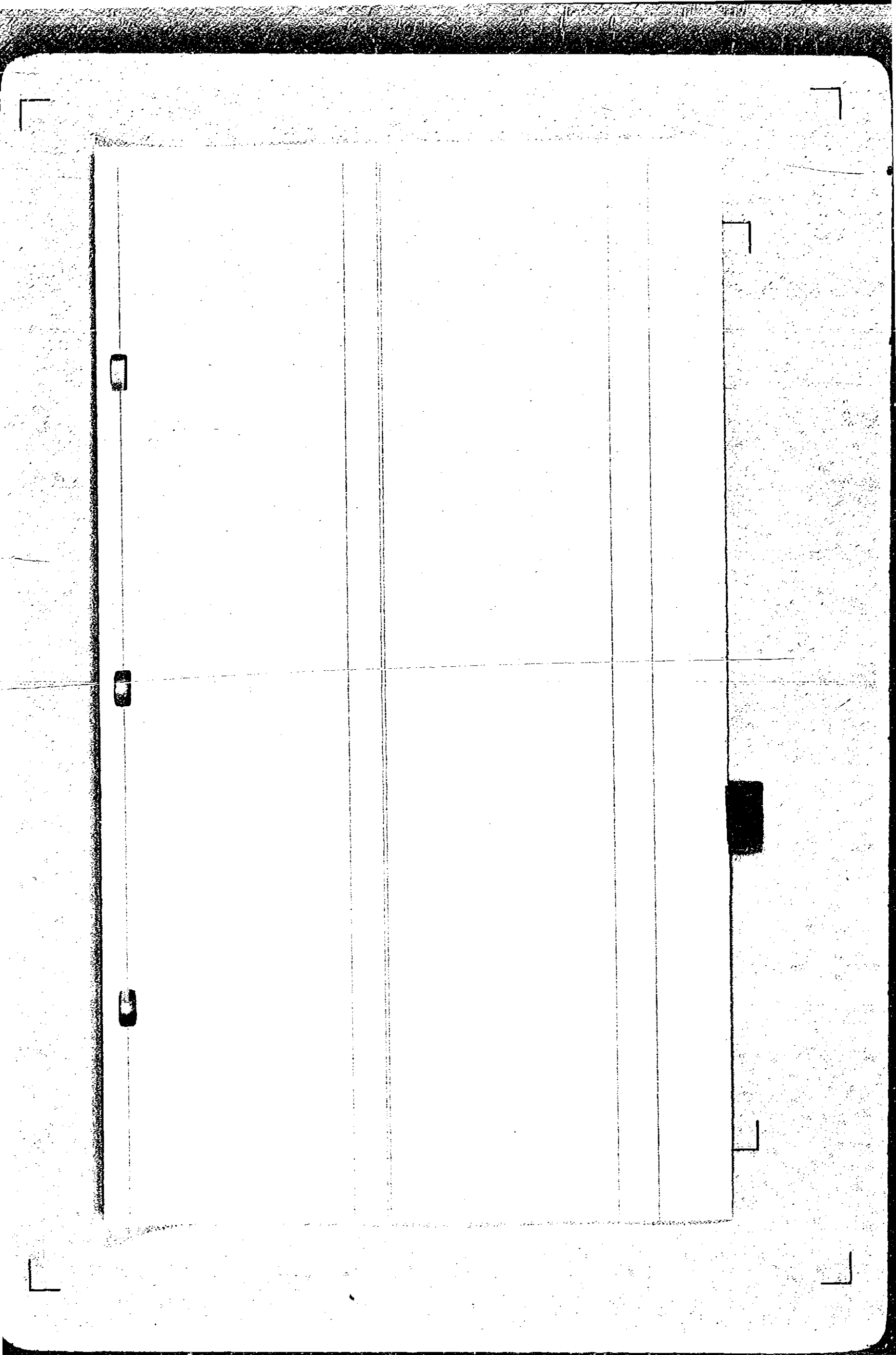
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TOWN PROSECUTOR

Position created 1

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Numbers to call prior to digging

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Patchin Road bridge-waterline extension to Back Creek Road	24, 72
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Article X, Section 10
Article X, Section 2 Pub. Hearing
Decker rezoning
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39,

Heinrich & Zimmerman Road
Boston State, near Chestnut Ridge
Mobile Home Court District
Moratorium

42,
52,72,74,81
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89

Webber-7482 Boston State Road-
14 acres from A-1 to Mobile Home Ct.
Falkides- Mobile Home Court Dist.
Mitscher - 7942 Back Creek Rd.

63
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ZONING BOARD OF APPEALS

1990 Officers
Garver, Burgwardt,Thurber request
appointment-interviews
Randy Burgwardt-appreciation letter

16
28,41
53

ZONING COMMISSION (See Codification Comm.also)

Meeting to schedule hearing dates
Comprehensive Zoning Law of 1990
and Preliminary Report received
Preliminary Report to be distribu-
ted townwide
Charge for copies of Zoning Law
Public hearings scheduled

77
85
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87
87,
90,96,117

Local Laws and Amendment for 1990
received by Town Board
Zoning Commission formally abandoned
Final Generic Impact Statement
Adoption of Local Law #6 of 1990,
entitled "Zoning Law" and of
Local Law #7, #8, #9, #10, #11,
#12, #13 and Amendment to Junkyard
Ordinance

113
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RECORD

Regular Meeting
January 3, 1990

Town Hall
7:30 P.M.

1

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy, Town Attorney Michael Perley and Highway Superintendent Eugene Ruchalski.

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski that the Minutes of the Special Meeting of December 29, 1989 be approved.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman that the Town Clerk's Monthly Report be accepted.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman that the General Fund and Special District Bills on Abstract #1, January 3, 1990, in the amount of \$24,432.72 be paid.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer that the Highway Bills on Abstract #1, January 3, 1990, in the amount of \$8,048.70 be paid.

five (5) ayes

Carried

Received a Stipulation of Discontinuance in the matter of Bell vs. Town of Boston, et al. Attorney Perley explained that the attorney for the plaintiff agreed that there was no basis for claim against the Town of Boston after affidavits were filed from Highway Superintendent Ruchalski stating this accident, which occurred at Taylor and Eckhardt Roads, was on county, and not town, property.

Received a resolution from the Erie County Legislature approving the recertification of the Eden-Boston Agricultural District, including modifications requested by the committee appointed by Supervisor Kennedy to review the district.

Erma Kern, 6692 Mill Street, asked if it was possible to receive police reports of activity in Boston, much the same as the published police reports in neighboring community newspapers. She said a home on her street was burglarized five times in 1989, and yet residents in the area are not aware of it. Supervisor Kennedy said the Sheriff's Department is providing the town with a monthly activity report and that the State Police could be asked to provide one also, which would be available for residents to review. Councilman Wittmeyer suggested that the State Police be contacted by anyone wishing to start a "Neighborhood Crime Watch" program and they will arrange for someone to come to the area and discuss with residents how the program works.

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to create the position of Town Prosecutor, PT.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Lisowski to appoint Milton I. Wittmeyer as Deputy Supervisor, term to expire December 31, 1991.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to appoint Jean Kleis as Bookkeeper to the Supervisor, term to expire December 31, 1991.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to appoint Michael F. Perley as Town Attorney, term to expire December 31, 1990.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to appoint Joseph G. Terrizzi as Town Prosecutor, term to expire December 31, 1990.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to

January 3, 1990

appoint David Wilson as Deputy Town Attorney, term to expire December 31, 1990.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to appoint Joyce E. Thurber as Clerk to Town Justice, term to expire December 31, 1993.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to appoint Wendy S. Kummer as Clerk, PT, term to expire December 31, 1990.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman to appoint Wendy S. Kummer and Jean Kleis as Deputy Town Clerks, PT, terms to expire December 31, 1991.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to appoint Lucille C. Genzel as Deputy Town Clerk, term to expire December 31, 1991.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to appoint Joyce A. Carr as Registrar of Vital Statistics, term to expire December 31, 1991.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to appoint Joyce A. Carr as Marriage Officer, term to expire December 31, 1991.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to appoint Lucille C. Genzel as Deputy Registrar of Vital Statistics, term to expire December 31, 1991.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to appoint Lucille C. Genzel as Secretary to Planning and Zoning Boards, term to expire December 31, 1990.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to appoint Nussbaumer & Clarke, Inc. as Town Engineer, term to expire December 31, 1990.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Supervisor Kennedy to appoint Dennis J. Kramer as Code Enforcement Officer, term to expire December 31, 1990.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to appoint Clayton G. Schunk as Deputy Code Enforcement Officer, term to expire December 31, 1990.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to appoint Gerald W. O'Brien as Recreation Director, PT, term to expire December 31, 1990.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to appoint Robert E. Steiner as Dog Control Officer, term to expire December 31, 1990.

five (5) ayes

Carried

January 3, 1990

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to appoint Claude P. Fagnan as Deputy Dog Control Officer, term to expire December 31, 1990.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to appoint Marjorie F. Steiner as Deputy Dog Control Officer, term to expire December 31, 1990.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski to appoint Margaret Edington as Bingo Inspector, PT, term to expire December 31, 1990.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to appoint Doris Follman as Cleaner, PT, term to expire December 31, 1990.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to appoint James J. Jehle as Historian, term to expire December 31, 1990.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to appoint Gregory L. Stromecki as Constable, PT, term to expire December 31, 1990.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to appoint Wayne A. Kreitzbender as Highway Working Crew Chief, term to expire December 31, 1990.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to appoint the following as Fire Police, terms to expire December 31, 1990:

Boston: LeRoy Pfarner, David Emerling, Robert Weber,
Raymond Worth

North Boston: Randy Seufert, Robert Karcher, Paul Duffett,
Joseph Gern

Patchin: Norman Gagne, Bernard Liebier, Duane Brock,
Paul Whittemore, Rodney Roll, Mark Brock,
Richard Chambers

five (5) ayes

Carried

Supervisor Kennedy appointed the following Town Board Liaisons for 1990:

Councilman Wittmeyer: Fire Companies, Codification, Traffic Safety

Councilman Zimmerman: Emergency Squad, Chamber of Commerce

Councilman Wohlhueter: Conservation Advisory Council, Southtowns
Solid Waste

Councilman Lisowski: Senior Citizens, Planning Board, Parks and
Recreation, Youth Service

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to designate Evans National Bank for the Supervisor, Town Clerk, Town Justice and Tax Collector accounts.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to

January 3, 1990

schedule the date and time of the Regular Monthly Meetings and Work Sessions as follows:

Town Board Meetings: First and Third Wednesday of each month at 7:30 P.M.

Work Sessions: Monday prior to the first Wednesday of each month at 7:30 P.M.; and if this is a holiday, the session will be held on the following day at 7:30 P.M., and on the third Wednesday at 6:15 P.M.

five (5) ayes

Carried

A letter was read from the Hamburg Sun, requesting the designation of official newspaper of the Town of Boston for 1990.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to not designate an official newspaper for 1990, in order to allow the Town Clerk to use the flexibility of different deadlines of the Hamburg Sun, Orchard Park Suburban Press and Springville Journal.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to set salaries for 1990 as follows:

TOWN OF BOSTON SALARY SCHEDULE FOR 1990

Supervisor	Richard L. Kennedy	19,225
Dep. Supervisor	Milton I. Wittmeyer	825
Councilman	Milton I. Wittmeyer	5,300
	David G. Zimmerman	5,300
	Don A. Wohlhueter	5,300
	Frank H. Lisowski, Jr.	5,300
Town Justice	Robert W. Tills	16,250
Clerk to Town Justice	Joyce E. Thurber	14,000
Town Clerk	Joyce A. Carr	25,950
Dep. Town Clerk	Lucille C. Genzel	7.10 hr
Clerk, PT	Wendy Kummer	5.90 hr
Superintendent of Hwys	Eugene E. Ruchalski	30,825
Assessor	William H. Kleis, Jr.	19,550
Town Attorney	Michael F. Perley	16,000
Town Prosecutor PT	Joseph G. Terrizzi	7,850
Dep. Town Attorney	David Wilson	2,000
Book to Supr/Assess Clerk	Jean Kleis	17,050
Dog Control Off/Constable	Robert E. Steiner	3,730
Dep Dog Con Off/Constable	Claude P. Fagnan	3,730
Code Enforcement Officer	Dennis J. Kramer	7,350
Dep Code Enforce Officer	Clayton G. Schunk	3,730
Constable/Ct Officer	Gregory L. Stromecki	2,400
Recreation Director	Gerald W. O'Brien	5,250
Cleaner Pt	Doris Follman	5.90 hr
Group Leader, Sen Citizens		
Town Historian	James J. Jehle	475
Dep Dog Cont Off	Marjorie F. Steiner	450
Bingo Inspector	Margaret Edington	20 per inspec
Election Inspectors - PER DAY		
Registration		38
Primary		70
Chairman		15
Election Day		70
School		15
HIGHWAY DEPARTMENT		
Working Crew Chief		11.33 hr
M.E.O.'s		10.67 hr
Laborers	4.00 -	6.60 hr
M.E.O. Trainees (incremental raises)	6.60 -	10.67 hr
Laborer's PT	4.00 -	6.60 hr

five (5) ayes

Carried

January 3, 1990.

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to schedule the payment of salaries for 1990 as follows:

On a monthly basis, except the Supervisor, Town Clerk, Assessor, Highway Superintendent, Highway Department, Bookkeeper, Clerk to Town Justice, Deputy Town Clerk and Clerk PT, which will be bi-weekly.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter to authorize the Supervisor and the Tax Collector to invest surplus monies.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to permit the Supervisor to invest surplus funds, subject to the following conditions and restrictions:

Idle town monies may be invested in:

1. Obligations of the federal government, eg. Treasury Notes, Treasury Bills, etc.
2. Obligations of federal agencies, if guaranteed by the federal government
3. Obligations of New York State
4. Certificates of Deposit in Commercial Banks - FDIC insured
5. Regular savings accounts or money market accounts in commercial banks, if proper securities are provided for all monies invested in excess of the amounts secured by the FDIC
6. Tax Anticipation Notes and Revenue Anticipation Notes of another municipality, district corporation or school district

Any other investments not listed will require prior approval by the Town Board and be in conformance to all state statutes. The town Supervisor will keep a record of such investments and provide a report to all Town Board members monthly.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to authorize the use of a signature stamp for the Supervisor.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to set the rate paid by the town for mileage at \$.21 per mile.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to schedule the Annual Audit Meeting for January 17, 1990.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to direct the Town Clerk to send notices for collection of Trailer Park annual fees and to contact the owners of the parks to let them know the annual inspection is scheduled for January 20, 1990 at 10:00 A.M.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman

January 3, 1990

to set Petty Cash funds as follows:

Supervisor	\$ 30.00
Town Clerk	\$200.00
Town Justice	\$ 25.00

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to appoint Councilman Wohlhueter as Delegate and Attorney Perley as Alternate to the Association of Towns Meeting in New York City in February, 1990.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to allow the lending of money from one fund to another.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to approve the form and sufficiency of bonds, as follows:

Town Clerk, Town Justice, Highway Department	\$20,000.00
Supervisor	\$30,000.00
Tax Collector	\$80,000.00

five (5) ayes

Carried

Supervisor Kennedy appointed the following committees for 1990 and noted that he, as Supervisor, is also a member of each of them:

Capital Improvements:	Milton Wittmeyer, David Zimmerman, Don Wohlhueter, Frank Lisowski, Eugene Ruchalski, Dennis Kramer, Gerald O'Brien, Charles Pettit, Jean Kleis, Patricia Maxwell, Edward Krollman, Michael Perley
Codification:	Herbert Klein, Michael Perley, William Kleis, Dennis Kramer, Joyce Carr, David Zimmerman, Milton Wittmeyer, David Wilson, Joseph Santonocito
Senior Citizens Council:	Michael Czechowski, Jack Seufert, Delores Seufert, Harold Rockwood, Joseph Meraluff, Dorothy Overhoff, Irving Overhoff, Mary Yoder, Caroline Burkard, Dick Sacilowski
Traffic Safety:	Milton Wittmeyer, Eugene Ruchalski, James Carr, Alan Carpenter, Frank Lisowski, William Hubert
Insurance:	William Hubert, Milton Wittmeyer, Joyce Carr, Don Wohlhueter, Michael Perley, Don Meyer, Frank Lisowski
Creative Playground:	Gordon Blomquist, Mike Mandiville, Michael Perley, Barbara Wagner, Judy Gutekunst, David Nathan, LeRoy Pfarnier, Dennis Kramer, Frank Lisowski, Jr.

RESOLUTION - BAD CHECK CHARGES

A copy of a letter was received from the Division of Highways to New York State Department of Environmental Conservation, in which they requested advice for the possibility of deer crossing signs in the vicinity of 7681 Boston State Road, per the request of Norman Pfeffer at that address.

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to designate the Supervisor as appointing officer.

five (5) ayes

Carried

TOWN OF BOSTON



At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 3rd day of January, 1990 at 7:30 P. M. Eastern Standard Time, there were present:

Richard L. Kennedy
Milton I. Wittmeyer
David G. Zimmerman
Don A. Wohlhueter
Frank H. Lisowski, Jr.

Supervisor
Councilman
Councilman
Councilman
Councilman

Supervisor Kennedy presented the following resolution and moved its adoption.

RESOLVED that Town Officials collecting money from persons doing business in the Town of Boston shall hereby charge \$15.00 for any check returned for insufficient funds, in accordance with Chapter 203 of the Laws of New York, 1989.

FURTHER RESOLVED, that any person having had a check which was returned for insufficient funds shall be required to remit any future payments only in the form of cash or by certified or cashier's check.

FURTHER RESOLVED, that such fee may only be waived for those persons who can prove that it was through no fault of their own that a check was returned for insufficient funds.

Seconded by Councilman Zimmerman and put to a vote which resulted as follows:

Supervisor Kennedy	Voting	aye
Councilman Wittmeyer	Voting	aye
Councilman Zimmerman	Voting	aye
Councilman Wohlhueter	Voting	aye
Councilman Lisowski	Voting	aye

AYES:

5

NOES:

0

ABSENT:

0

Joyce Carr
Joyce Carr, Town Clerk

January 3, 1990

A letter was received from John P. Falkides, requesting emergency assistance in obtaining approvals and correction to remedy the creek bank erosion that occurred during heavy flooding in the Irish Gulf, adjacent to Boston Hills Mobile Home Park, last spring. A meeting was arranged for 6:00 P.M. on January 17, 1990 at the Town Hall between the Town Board and Mr. Falkides and Attorney Perley requested Mr. Falkides provide him with documents pertaining to the planned corrective action prior to this meeting for his review.

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman to authorize the Supervisor to purchase a Cannon FAX Machine, at a total cost of \$1400.00.

five (5) ayes

Carried

Supervisor Kennedy reported he received a letter from James P. Keane, Commissioner of the Department of Emergency Services, relative to a Snowmobile Emergency Response Team for use during snow emergencies. Supervisor Kennedy said that the fire companies have received this information and requested it also be sent to the Emergency Squad.

Town Clerk Carr said she has received numerous inquiries relative to a HEAP program being scheduled at the Town Hall and has contacted Erie County in this regard, but has not yet received a reply.

Highway Superintendent Ruchalski said residents may bring their Christmas trees to the brush pit behind the Lions Shelter and a path has been cleared for this purpose, as the refuse service will not pick them up.

Town Justice Monthly Financial Report was received.

Town Attorney Perley said he contacted an official of the Town of Hamburg relative to their policies and procedures when scheduling the Chamber of Commerce Art Show and he will report at the next meeting his findings, relative to the Boston Chamber of Commerce's request to use the Town Park for a craft fair in the summer.

Attorney Perley said he is preparing Flood Plain legislation amendments and will have them ready for review prior to the next meeting.

Councilman Wittmeyer said he has learned that a southtowns unit of the Haz-Mat Team has been formed, with Armor Volunteer Fire Company heading it and companies under Hamburg Fire Control being included. Councilman Wittmeyer will ask for additional information on this subject prior to the next meeting.

Councilman Zimmerman asked if any reply has been received regarding his request for "School Ahead" signs near the Boston Valley School on Back Creek Road; no reply has been received from the county to date.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to authorize Councilman Zimmerman to attend the New York State Supervisors and Legislators Association Conference in Corning on January 21-24, 1990, with all appropriate expenses to be paid by the town.

five (5) ayes

Carried

Code Enforcement Officer and Deputy Code Enforcement Officer Monthly Reports were received.

Dog Control Officer Monthly Report was received.

Town Engineer Monthly Report was received.

Received and filed notification from the Planning Board that the following were elected as officers for 1990:

Chairman	Herbert H. Klein
Vice Chairman	William Boltz
Secretary	Damian Wiktor

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to adjourn at 8:21 P.M.

Joyce Carr
Joyce Carr
Town Clerk

Regular Meeting
January 17, 1990

Town Hall
7:30 P.M.

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy, Town Attorney Michael Perley and Highway Superintendent Eugene Ruchalski.

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski that the Minutes of the Regular Meeting of January 3, 1990 be approved.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Lisowski that the General Fund and Special District Bills on Abstract #1A, January 17, 1990, in the amount of \$100,627.28 be paid.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter that the Highway Bills on Abstract #1A, January 17, 1990, in the amount of \$25,536.23 be paid.

five (5) ayes

Carried

Received and filed a letter from Adelphia Cable Communications stating they will begin construction in February to upgrade with fiber optic equipment their cable plant in Western New York. Attorney Perley said he has not received a reply to his request for a status report on additional streets in town that have been requested to be included for cable service, but he will follow up this matter and have a report at the next meeting.

Received the executed contract from the County of Erie of the 1989-1992 Snow Removal Contract between the county and the town.

Received and filed membership changes as of January 1, 1990 from the North Boston Volunteer Fire Co., Inc.

Received and filed list of officers for 1990 from the Boston Emergency Squad, Inc.

Sgt. Fox of the Erie County Sheriff's Department submitted a December, 1989 Activity Report for the Town of Boston. Supervisor Kennedy said these reports are appreciated and he will contact the State Police relative to obtaining copies of their reports also, which have been requested by some town residents.

Raymond Bubar, 6162 Wildwood Drive, submitted snapshots of the damage that was done in the flooding of Irish Gulf this past June. He said several trees were uprooted from the creek bank onto his property. Supervisor Kennedy said the Town Board met with John Falkides, owner of the Boston Hills Mobile Home Park, earlier this evening relative to the flood damage and that he, together with Town Clerk Carr, will draft letters to Senator Stachowski and Assemblyman Reynolds to inquire about state funding availability, contingent that Mr. Falkides obtains necessary approvals for this remedial work.

Received information from the New York State Department of Transportation that the yield signs will be removed and stop signs installed at the corners of Meadow Drive and Ripple Drive at Boston State Road. Councilman Wittmeyer said he is puzzled by this information, as these changes were requested about five or six years ago, with no recent inquiry as to the status.

Upon the request of Recreation Director Gerald O'Brien, a motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to grant permission for the Boston Youth Baseball Association to use the Town Park and Lions Shelter on Saturday, August 4, 1990 from 8:00 A.M. to dusk for the annual baseball all-star games and family picnic.

five (5) ayes

Carried

Received an addendum to the site selection letter of November 20, 1989 from People, Inc., identifying the location as 8169 Boston State Road for a proposed group home. A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to schedule a public hearing for February 7, 1990 at 8:05 P.M., with residents of this area being notified of this proposed construction.

five (5) ayes

Carried

TOWN OF BOSTON



TOWN OF BOSTON
GENERAL AMBULANCE SERVICE CONTRACT
FOR
AMBULANCE SERVICE WITH BOSTON EMERGENCY SQUAD, INC.

AN AGREEMENT made this 7th day of February, 1990 between the Town of Boston, Erie County, New York, hereinafter designated as the "Town" and the Boston Emergency Squad, Inc., a New York membership corporation of Boston, New York, hereinafter designated as the "Squad".

WITNESSETH:

WHEREAS, prior hereto, private ambulance service and first aid service previously furnished to the residents of the Town of Boston was discontinued and, thereafter, the Boston Emergency Squad, Inc., a membership corporation, was formed and personnel trained to furnish said ambulance service to the residents of the Town of Boston; and,

WHEREAS, the Town of Boston, through its Town Board, duly authorized a contract with the party of the second part for furnishing general ambulance service and first aid to persons within the boundaries of the Town of Boston, upon certain terms and provisions; and,

NOW, THEREFORE, the Town does hereby engage the Squad for the year 1990 from January 1, 1990 to December 31, 1990, to furnish general ambulance service and first aid to the sick or injured persons found within the boundaries of the Town of Boston, pursuant to the provisions of Sections 122 and 122(b) of the General Municipal Law of the State of New York, in the manner following, to wit:

1. The Boston Emergency Squad, Inc. shall at all times during the period of this Agreement, be subject to the call for providing and furnishing general ambulance service and first aid assistance for the purpose of transporting sick and injured persons found within the boundaries of the Town of Boston, Erie County, to a hospital, sanitarium, or other place for the treatment of such illness or injury as this person may require.
2. The Squad shall respond and attend upon such sick or injured persons as soon as practicable without delay, with available trained personnel and equipment, and shall proceed diligently and every way reasonably calculated to assist and transport said sick or injured person found within the boundaries of the municipality, to a hospital, sanitarium, or other place for treatment of such illness or injury.
3. The Squad further agrees to adequately supply sufficiently trained and experienced personnel for the services required as set forth in Paragraph "1" herein.
4. This Contract is entered into pursuant to the provisions of Sections 122 and 122(b) of the General Municipal Law of the State of New York; and all terms, provisions and conditions of said statute are herein incorporated by reference as though fully stated in this Agreement.
5. In consideration of furnishing of general ambulance service and first aid assistance, as herein specified, the Town shall pay the Squad, and the Squad shall receive, the sum of \$9,500.00 for the calendar year 1990, and the party of the first part covenants and agrees to pay the said annual sum to the party of the second part on or before April 1 in each contract year.

6. In arriving at the determination of the annual payment for the furnishing of ambulance service, the Town shall consider as proper expense any reimbursement paid to a member of the Squad for wage or economic loss incurred in responding as a witness to a court subpoena, resulting from his duties as a member of the Squad, and any reasonable charges for outside legal advice in connection therewith, upon prior approval of the Town Board.
 7. The Town further agrees to furnish the Squad, without charge, a proper and adequate ambulance motor vehicle or vehicles, adequately equipped, for the exclusive operation and use of the Squad in carrying out the terms and conditions of this Agreement. The Town further agrees to furnish, without charge, an adequate structure or garage for the storage of said vehicle and equipment while same is in the custody of the Squad and, further, the Town assumes the cost of utilities of said structure. The Town further agrees, without charge, to furnish dispatching service for the Squad, through Hamburg Fire Control, and further agrees to furnish and maintain a Radio Repeater system for dispatching purposes, which shall be limited specifically to the Regency Radio Repeater, including cables and antennae, and shall not include any other radio equipment used by the Squad.
 8. The Town of Boston further agrees to defray the expense of, and to pay the cost of, insurance indemnifying against liability for the operation of said ambulance service, and any premium or premiums for compensation of members and personnel of the Squad for medical expenses, loss of wages, compensation benefits, or other claims arising by reason of injury to, or death of, a member of the said Squad, sustained while answering, attending, upon, or returning from any such call, or while engaged in any other volunteer duty within the terms of this Agreement, and, in the case of the Squad, shall be compelled or required to pay any such claim, the Town shall reimburse the Squad the amount paid within thirty (30) days of making such payment.
- The Town of Boston further agrees to effect and pay the expense of the following insurance for the benefit of the Squad and its members, as follows:
- (a) Automobile non-ownership coverage to the extent of \$500,000.00.
 - (b) Comprehensive General Liability Insurance, including incidental malpractice coverage to the extent of \$500,000.00.
 - (c) Fidelity Bond coverage of President and Treasurer of the Squad to the extent of \$5,000.00.
 - (d) Medical Equipment Floater in the amount of \$5,000.00, subject to \$100.00 deductible.
9. The Squad agrees to furnish the Town Board of the Town of Boston a written itemized statement of its disbursements and expenses, no later than September of each year during the term of this Agreement. It is further agreed by the Squad that no monies paid hereunder to the Squad shall be used for the purchase of radio equipment, except upon prior approval of the Town Board of the Town of Boston.
 10. This Agreement shall continue for a period of one (1) year from January 1, 1990 and from year to year thereafter unless either party shall determine to terminate this agreement by notifying the other party, in writing, before the 20th day of September that it elects

to terminate the contract on December 31 of that year; thereafter the contract may be amended or terminated and a new contract entered into in lieu thereof, pursuant to the procedural directives of the Town Law of the State of New York.

IN WITNESS WHEREOF, the parties have duly exercised and delivered this agreement the day and year above first written.

THE TOWN BOARD OF THE TOWN OF
BOSTON, ERIE COUNTY, NEW YORK

Richard L. Kennedy
Supervisor - Richard L. Kennedy

Milton J. Wittmeyer
Councilman - Milton J. Wittmeyer

S E A L

David G. Zimmerman
Councilman - David G. Zimmerman

Attest:

Joyce Carr
Town Clerk - Joyce Carr

Don A. Wohlhueter
Councilman - Don A. Wohlhueter

Attest:

Frank H. Lisowski, Jr.
Councilman - Frank H. Lisowski, Jr.

Joyce Carr
Town Clerk - Joyce Carr

BOSTON EMERGENCY SQUAD, INC.

Dorothy S. Berger
President

TOWN OF BOSTON



CONTRACT WITH BOSTON HISTORICAL SOCIETY, INC.

THIS AGREEMENT, made the 7th day of February, 1990, between the TOWN OF BOSTON, Erie County, New York, hereinafter referred to as "party of the first part", and BOSTON HISTORICAL SOCIETY, INC., a membership corporation of the State of New York, hereinafter referred to as "party of the second part",

W I T N E S S E T H :

WHEREAS, the Boston Historical Society, Inc., party of the second part, desires to furnish the following services for the benefit of the people of the Town of Boston, consisting of the preservation and protection of places, buildings, works of art, and other objects of historical value having a special character or aesthetic interest or value to the history of the Town of Boston, and

WHEREAS, the Town Board of the Town of Boston, pursuant to the authority granted to it by statute, Section 64, Subdivision 17A of the Town Law, has heretofore appropriated a sum of money to carry out the purposes of this agreement, and to enable the party of the second part to carry out its activities and to render such service and aid for the year 1990,

NOW, THEREFORE, the Town of Boston, party of the first part, does hereby engage the party of the second part for the year 1990 from January 1, 1990 to December 31, 1990 to render services for the benefit of the people of the Town of Boston for the preservation and protection of places, buildings, works of art and other objects of historical value having a special character or aesthetic interest or value to the history of the Town of Boston, pursuant to the authority granted by Section 64, Subdivision 17A of the Town Law, for which services the said Town of Boston, party of the first part, shall pay to the Boston Historical Society, Inc. the sum of \$3,400.00, payable on or before April 1 during each year during the term of this agreement.

The party of the second part further agrees to furnish the Town Board of the Town of Boston a written itemized statement of its disbursements and expenses, not later than August 20, 1990.

This agreement shall continue for a period of one year and from year to year thereafter unless either party shall determine to terminate this agreement by notifying the other party, in writing, before the 20th day of August, that it elects to terminate the contract on December 31 of that year; thereafter the contract may be amended or terminated and a new contract entered into in lieu thereof, pursuant to the procedural directives of the Town Law of the Town of Boston.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals
the day here above first written.

Richard L. Kennedy
Supervisor - Richard L. Kennedy

Milton I. Wittmeyer
Councilman - Milton I. Wittmeyer

David G. Zimmerman
Councilman - David G. Zimmerman

S E A L

Don A. Wohlhueter
Councilman - Don A. Wohlhueter

Attest:

Frank H. Lisowski, Jr.
Councilman - Frank H. Lisowski, Jr.

Joyce Carr
Town Clerk - Joyce Carr

BOSTON HISTORICAL SOCIETY, INC.

Attest:

Joyce Carr
Town Clerk - Joyce Carr

By *Dorothy S. Berger*
President

January 17, 1990

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to schedule a public hearing for the 1990 contract with the Boston Emergency Squad for 7:55 P.M. on February 7, 1990; and for the 1990 contract with the Boston Historical Society for 8:00 P.M. on February 7, 1990.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to accept the Annual Audit of the Town Clerk for 1989, showing the total monies collected as \$33,332.01.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to accept the Annual Audit of the Town Justice for 1989, showing the total completed cases as 3,979.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman to approve the attendance at the Association of Towns Meeting in New York City from February 18-21, 1990 of Councilman Wohlhueter, Attorney Perley, Prosecutor Terrizzi, Highway Superintendent Ruchalski, Deputy Code Officer Schunk and Planning Board Members Klein and Dodge; with \$200.00 advance monies for each attendee.

five (5) ayes

Carried

A letter of complaint was received from Arthur F. Reiter, 7937 Burr Road, relative to the inability of Joe Ball Sanitation Service, Inc. to pick up his garbage on collection days when the road is in a slippery condition. Mr. Reiter signed an agreement with Joe Ball Sanitation on February 7, 1989 to give permission to turn around in his driveway, however he said this damages his property. In a related matter, Town Clerk Carr reported she has spoken with representatives at Joe Ball Sanitation relative to their inability to pick up on Dunn Road when weather conditions make it unsafe for their truck to negotiate this road and they gave her two options to clear up the problem. One option is that they have a letter from the Town Attorney stating the town is liable for any damage to their truck and will arrange for a professional tow service if they are stuck. The second option is that they, for a fee of \$100 per month from December to April, will pick up Dunn Road trash without any other stipulations as to the town's liability.

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to pay Joe Ball Sanitation, Inc. an additional \$100.00 per month for the months of December through April, for trash and garbage pickup on Dunn Road, with the stipulation that they will include the pick up of the Reiter residence on Burr Road also for this monthly extra charge.

five (5) ayes

Carried

A letter of complaint, signed by seven property owners, was received relative to the garage located at 9467 Boston State Road. Late night noise complaints, many abandoned vehicles at the site, and interrupted utility services relative to the work being done at this garage were outlined. Glenn E. VanBuskirk, 9462 Boston State Road, said they have contacted the owner of the property, who states the persons working at the garage tell him they don't work later than 10:00 P.M. and although they have also talked with the persons working, nothing is changed and they are now appealing to the town for assistance. Attorney Perley said he will contact the owner of the property by letter relative to the violations and the complaints about the operation at this property.

Supervisor's Monthly Report was received.

Town Clerk Carr said that personnel from the Home Energy Assistance Program will take applications at the Town Hall on Thursday, February 1, 1990 from 9:00 A.M. to 4:00 P.M.

Upon the request of Highway Superintendent Ruchalski, a motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to approve the expenditure of Highway #1 monies.

five (5) ayes

Carried

January 17, 1990

Upon the request of Attorney Perley, a motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to schedule a public hearing at 8:00 P.M. on February 21, 1990 on a Local Law amending the Flood Damage Prevention Law of 1977, in conformance with federal regulations relative to flood plain insurance.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to adopt new design and construction requirements for Town of Boston roads, ditches and appurtenant structures, as recommended by Town Engineer Nussbaumer & Clarke, Inc. and Highway Superintendent Ruchalski.

five (5) ayes

Carried

Attorney Perley submitted an opinion letter from Alessi & Neill, Attorneys and Counselors, relative to the issuance of \$300,000 in Highway Garage Serial Bonds, dated October 1, 1989. A copy of this final approving opinion will be forwarded to Evans National Bank.

A motion was made by Councilman Lisowski and seconded by Councilman Wittmeyer to schedule a new date for the auction of the old town highway garage. New date, which will allow more time for the negotiations with Patchin Fire Company to properly define lot lines, was scheduled for Saturday, February 24, 1990 at 10:00 A.M.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to appoint Ruth Garrison as Senior Citizens' Group Leader for 1990, at a rate of \$38.00 per month.

five (5) ayes

Carried

Erie County Legislator Joseph Desmond was present and stated he plans on attending one Town Board meeting per month and he offered his assistance and service to the town. He said he is opening a district office at 184 Buffalo Street in Hamburg on January 22 and he will let us know the telephone number at that address as soon as it is installed.

Code Enforcement Officer's Annual Report was received, showing that 139 building permits were issued in 1989, at an estimated value of \$4,712,366.00.

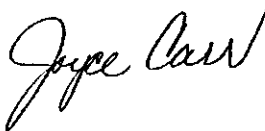
A letter was received from the Planning Board, requesting that the unused Police Office be made available to them for use as an office, with all maps, files and records to be transferred to this room. Supervisor Kennedy said he wishes to explore other requests for the use of this room after arrangements are made for the removal of the counter and this request was tabled for a future meeting.

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski to reappoint Harold Dodge to the Planning Board, term to expire February 1, 1997.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to adjourn at 8:14 P.M.



Joyce Carr
Town Clerk

Regular Meeting
February 7, 1990

Town Hall
7:30 P.M.

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy, Town Attorney Michael Perley and Highway Superintendent Eugene Ruchalski.

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski that the Minutes of the Regular Meeting of January 17, 1990 be approved.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman that the Town Clerk's Monthly Report be accepted.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter that the General Fund and Special District Bills on Abstract #2, February 7, 1990, in the amount of \$36,890.56 be paid.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman that the Highway Bills on Abstract #2, February 7, 1990, in the amount of \$27,252.39 be paid.

five (5) ayes

Carried

Received a resolution from the Town of North Collins relative to jury duty exemption for volunteer ambulance service members. Supervisor Kennedy said this resolution is in support of the resolution adopted by the Boston Town Board and noted that in towns that include the ambulance service in the fire department this exemption is already in effect.

Received correspondence from Assemblyman Thomas Reynolds, relative to the Springville Hospital being eliminated as a medical residency training site; this correspondence included a copy of a letter written by Dr. Timothy Siepel, requesting the state reconsider the elimination of Springville as a training site. Supervisor Kennedy said he will contact Assemblyman Reynolds to offer assistance in this matter.

Received information from Erie County Division of Highways stating they are advertising for bids for the Patchin Road bridge project. Supervisor Kennedy said there is a pre-let bid meeting on Thursday, February 15 and he and Councilman Wittmeyer will attend in order to discuss the possibility of including a water-line crossing at the time of construction, due to the fact the line terminates at the end of Patchin Road. Councilman Wittmeyer will also contact the Boston Emergency Squad and the fire companies, relative to scheduled bridge repairs on Keller Road in Eden and arrangements for emergency vehicles during that construction.

Received a letter from Senator William Stachowski regarding the Southtowns Haz Mat Team and noting that his office spearheaded the team in 1987. Councilman Wittmeyer said that he has spoken with Joe Wells of the Boston Fire Company, who has been active in the formulation of a Haz Mat team for the southtowns. Mr. Wells told him it is difficult to get members interested in the County Haz Mat organization, as most are volunteers in the separate team in the south towns area, and these organizations overlap.

Received a letter from John Falkides stating that arrangements have been made to move a mobile home on Lot #16 at the Boston Hills Mobile Home Park about fifteen feet to the rear, with the owner agreeing to the arrangements for the move. Supervisor Kennedy said this suggestion was made at the annual inspection of the park, and that heavy erosion from last spring's flooding of Irish Gulf occurred in this area. He also said that sources of funding are being explored to aid in the repair of the erosion problem.

Received a letter from Angelo Bellitriere, 8406 Zimmerman Road, requesting the Town Board to consider the extension of Water District #2 to at least Shero Road. Supervisor Kennedy said that, at the time Mr. Bellitriere first requested this extension, the density in the area did not warrant the extension. The Capital Improvements Committee has been evaluating the construction of a tank and pump

February 7, 1990

in this area and noted that the Hywood Drive area has low pressure in the summer months. He also stated there are water problems on both the east and the west hills and he will contact Mr. Bellittiere to further discuss this matter with him.

An application and check, in the amount of \$600.00 for 40 units, was received from Sprague Trailer Park. A motion was made by Councilman Zimmerman and seconded by Councilman Lisowski to approve the Trailer Park License for 1990 of Sprague Trailer Park, with the stipulation that within one year, and prior to the next annual inspection, the skirting of all the trailers be brought into conformance.

five (5) ayes

Carried

An application and check, in the amount of \$1125.00 for 75 units, was received from Boston Hills Mobile Home Park. A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to approve the Trailer Park License of Boston Hills Mobile Home Court for 1990.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to authorize the Town Clerk to advertise for bids for buses for the Summer Recreation and Ski Programs; bids to be opened February 28, 1990 at 10:00 A.M. in the Town Clerk's Office.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to make the following Corrections of Abstract #1A, January 17, 1990:

Voucher #38	Coyne Textile Services
From:	A5132.4 \$280.98
To:	A5132.4 \$ 56.28
	DA5130.4 224.70
Voucher #39	Herman Office Furniture
From:	A1620.4
To:	A1620.2
Voucher #61	New York State Electric & Gas Corp.
From:	SM4540.4
To:	A4540.4
Voucher #62	National Fuel Gas
From:	SM4540.4
To:	A4540.4

five (5) ayes

Carried

At 7:55 P.M. a Public Hearing was held on a contract with the Boston Emergency Squad for 1990. The Legal Notice was read by Town Clerk Carr and Supervisor Kennedy opened the hearing. There were no comments or questions.

A motion was made by Councilman Zimmerman and seconded by Councilman Lisowski to close the public hearing at 7:57 P.M.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to approve the contract with the Boston Emergency Squad, Inc. for the purpose of furnishing Ambulance Service in the amount of \$9,500.00 for the year 1990.

five (5) ayes

Carried

At 8:00 P.M. a Public Hearing was held on a contract with the Boston Historical Society, Inc. for 1990. Supervisor Kennedy opened the hearing, at which there

LEGAL NOTICE
TOWN OF BOSTON
PLEASE TAKE NOTICE that a Public Hearing will be held by the Town Board of the Town of Boston, at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 7th day of February, 1990 at 7:55 P.M., Eastern Standard Time for the purpose of considering and entering into a contract with the BOSTON EMERGENCY SQUAD, INC. for the purpose of furnishing of Ambulance Service in the amount of \$9,500.00 per annum for the year 1990 and a further Public Hearing by said Town Board at 8:00 P.M. Eastern Standard Time on the same date and place as listed above for the purpose of considering and entering into a contract with the BOSTON HISTORICAL SOCIETY, INC. for the preservation of historical places and objects, in the amount of \$3,400.00 per annum for the year 1990. All persons interested in the matter shall be heard at such time and place. Dated: January 18, 1990

Town Board
Town of Boston
Joyce Carr
Town Clerk

February 7, 1990

were no comments.

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski to close the public hearing at 8:02 P.M.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to enter into a contract with the Boston Historical Society, Inc. for the preservation of historical places and objects, in the amount of \$3400.00 for the year 1990.

five (5) ayes

Carried

At 8:05 P.M. a public information meeting was held, pursuant to the Mental Hygiene Law Section 41.34, for the purpose of considering the application of People, Inc. to construct a 10 bed supervised Community Residence for developmentally disabled persons at 8169 Boston State Road. The legal notice was read by the Town Clerk, who also stated that 48 letters were sent to residents in the vicinity informing

LEGAL NOTICE
TOWN OF BOSTON
NOTICE IS HEREBY GIVEN that pursuant to Mental Hygiene Law Section 41.34 the Town Board of the Town of Boston will hold a Public Information Hearing on Wednesday, February 7, 1990 at 8:05 P.M. Eastern Standard Time at the Boston Town Hall, 8500 Boston State Road, Boston, New York for the purpose of considering the application of People, Inc., 737 Delaware Avenue, Buffalo, New York to construct a 10 bed supervised Community

Residence for developmentally disabled persons at 8169 Boston State Road in the Town of Boston, New York.

At this hearing, at the time and place mentioned above, all interested persons will be heard for or against said application.

Dated: January 19, 1990

Town Board
Town of Boston
Joyce Carr
Town Clerk

1-25

them of this hearing. Mrs. Carr stated that she received a call from Reba Endress, 8105 Boston State Road, saying she has no objection to the planned construction. Supervisor Kennedy opened the hearing by introducing Cynthia Barnowski, Deputy Director of People, Inc., who answered questions from those present. Ms. Barnowski said that People, Inc. was established in 1970 and the planned residence for Boston is for 10 residents over the age of 55, who are not acutely ill, as this is not a nursing home facility. They will be persons who are developmentally disabled and are retired from day work programs. A minimum of two staff persons, with three to four maximum, will be present at all times, as there are three working shifts. The home is planned for woodframe construction, one floor, seven bedrooms, with four wheelchair residents, maximum. Richard Stadelmaier, 6296 May Drive, asked what measures would be taken that the residents did not wander onto Boston State Road. Ms. Barnowski said the doors will be buzzered, with panic bars, which will make it difficult to leave without being noticed, plus these persons are continually supervised. She said People, Inc. has 28 residences and never has there been an accident with a client as a pedestrian and a vehicle. She added that most of these residences are on much busier streets than Boston State Road. Shirley Hughey, 6686 Omphalius Road, said she has a son who could qualify in a few years for residence in a home like this and added that there are 45-50 persons aged 55 and older in the south towns area that are waiting for a home at this time. She added that her son lives with them and that he has never wandered onto the street. Sean Greene, 5750 Cloverfield Drive, asked why only 10 beds were planned. Ms. Barnowski said that this type of home limits residency to 14 persons, with 10 being the better philosophy, as a home-like setting is what the purpose is, not a nursing home or a developmental center. Mr. Stadelmaier asked if they would use the Boston Emergency Squad if the need arose and Ms. Barnowski said yes, just as all residents in the town are entitled to use it. Voit Drankhan, 8117 Boston State Road, asked how the program was administered and financed. Ms. Barnowski said there is a volunteer Board of Directors and they have a contract with New York State for the mortgages and that the clients contribute a portion of their SSI income. She said the staff has state-mandated training and added, with a question from Bob Keel of the Emergency Squad, the staff is trained in first aid and CPR and also the administration of medication. She stated the property is owned by People, Inc., which is a not-for-profit organization. Robert DeSantis, 6346 May Drive, asked what assurance there is that in five or ten years the standards will be lowered and violent-type persons will be housed. Ms. Barnowski said that residency is determined by the application in order to obtain an operating certificate and no changes could be made in the residency requirements under this certificate. In answer to another question, she said that any change would necessitate starting this process again, with a legal notice being published and persons notified of the change request. Don Hurtubise, who owns property to the rear of People, Inc., asked what tax base will be used in determining the

February 7, 1990

tax paid by People, Inc. Ms. Barnowski said that user taxes will be paid and a formula determined for payment in-lieu-of taxes, such as is used on other non-profit organizations. Ed Ryan, 8197 Boston State Road, asked if all building codes would be followed. Nancy Ryan said they live to the rear of this property and what would stop People, Inc. from building three or four homes. Nancy Boltz, 6326 May Drive, asked the size of the property and questions relative to the property being landlocked. Ms. Barnowski answered these questions by stating that all codes of the town and state have to be followed in the construction; the size of the property is 170 feet frontage by 175 feet in depth, which would not be large enough to build more than one residence and the seller has reserved an easement area, therefore the property will not be landlocked. A question was asked as to whether there would be outside activities for the residents, and if a fence will be erected. Ms. Barnowski said that a fence is not planned at this time and an outdoor patio will probably be constructed. She added that they project to have the construction completed by March, 1991. A zoning question was asked and the Supervisor stated this was a proper use for the property zoning. It was noted that there are several residences in the area that are operated by People, Inc. and arrangements can be made for anyone to visit any location. Supervisor Kennedy and the councilmen expressed an interest in arranging for a site inspection. Questions were asked of legal objections the town could raise concerning this development, which were answered by Attorney Perley. Richard Stadelmaier and Robert DeSantis both asked to be put on record as objecting to People, Inc.'s request to construct a 10 bed supervised community residence at 8169 Boston State Road. Attorney Perley said he will discuss with People, Inc. if a decision by the Town Board on this matter could be made at the February 21, 1990 Town Board Meeting and still be in a timely manner.

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to close the public information meeting at 9:19 P.M.

five (5) ayes

Carried

Upon the recommendation of Recreation Director Gerald O'Brien, a motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to appoint the following persons to the Boston Youth Service Advisory Board:

<u>Name</u>	<u>Area of Involvement</u>
Paul Becker	Parent
Gary Burdick	Softball
Linda Dion	Parent
Tina Frascella	Football
Dennis Kramer	Parent
Gerald O'Brien	Recreation Director
Ronald Smith	Soccer
Betty Vara	Skiing
Gary Vara	Basketball

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to assign the following work days to be reported for NYS Retirement purposes for elected and appointed town personnel, with six hours being designated as the work day:

Supervisor	20 days
Town Justice	12 days
Town Prosecutor PT	8 days
Councilmen	8 days
Councilman/Deputy Supervisor	12 days
Dep. Code Enforcement Officer	7 days
Assessor	20 days
Town Attorney	12 days
Constable (Court Officer)	5 days
Deputy Town Attorney	7 days

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to designate the following elected and appointed positions as full time, based on a

February 7, 1990

seven hour work day for NYS Retirement purposes:

Town Clerk
Superintendent of Highways

Bookkeeper to the Supervisor
Clerk to the Town Justice

five (5) ayes

Carried

Received an investigation report from the New York State Department of Environmental Conservation, relative to the George Schreiber property on Feddick Road, and designating it as an inactive hazardous waste site.

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to authorize the Supervisor to sign an easement agreement with New York Telephone for the installation of a panel box at the property line of the old highway garage at 8321 Boston State Road.

five (5) ayes

Carried

Received a request from Ellen R. Mitscher, 7942 Back Creek Road, for a variance in order to erect greenhouses for commercial purposes. Attorney Perley said he will discuss this matter with the applicant in order to ascertain whether a rezoning or use variance is being requested.

Supervisor's Monthly Financial Report was received.

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to refer to the Planning Board for their review and recommendation the application of Barrett Equipment, Inc. to construct an office addition to their building at 8032 Boston State Road.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to authorize the purchase of an IBM typewriter for the Justice Clerk, at a cost not to exceed \$1150.00.

five (5) ayes

Carried

Town Clerk Carr said a surplus food distribution will be held at the Town Hall, beginning at 9:00 A.M., on Thursday, February 8, 1990.

Town Justice Monthly Financial Report was received.

Attorney Perley said he is still negotiating with Adelpia Cable relative to the addition of five roads into the system, but that West Hill and Tillen Roads will definitely be cabled. He, together with Councilman Zimmerman, will meet with representatives to finalize other terms of the contract shortly.

Attorney Perley said a letter has been received from the attorney to Arthur Reiter, 7937 Burr Road, relative to the trash pickup at this location. Mr. Perley will contact Mr. Reiter's attorney in this matter.

Councilman Wohlhueter reported that the Solid Waste Committee held a meeting on February 6, 1990 with representatives from C.I.D. and B.F.I. relative to contract negotiations for trash pickup beginning January 1, 1991. Mr. Wohlhueter said both representatives indicated that the cost will be much higher than it is at this time and also noted that state-mandated recycling programs will begin in 1992. The next meeting of the committee is scheduled for March 1, 1990.

Councilman Wittmeyer said he researched the town's request for the removal of "Yield" signs and the installation of "Stop" signs at the corners of Ripple Drive and Meadow Drive, at Boston State Road. His research indicates that the request was made on August 17, 1982 and the state replied on September 10, 1982 that they would review the matter. At the January 17, 1990 Town Board meeting information was received stating the "Stop" signs will be installed.

Code Enforcement Officer and Deputy Code Enforcement Officer Monthly Reports were received.

Dog Control Officer Monthly Report was received.

Town Engineer Monthly Report was received.

Planning Board Annual Report for 1989 was received.

February 7, 1990

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to accept the following officers of the Planning Board for 1990, as read at the January 3, 1990 meeting:

Chairman
Vice Chairman
Secretary

Herbert H. Klein
William Boltz
Damian Wiktor

five (5) ayes

Carried

Received and filed a letter stating the 1990 Officers of the Zoning Board of Appeals are as follows:

Chairman
Vice Chairman
Secretary

Remy C. Orffeo
Randy Burgwardt
Joseph Santonocito

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to adjourn at 9:40 P.M.

Joyce Carr

Joyce Carr
Town Clerk

Special Meeting
February 14, 1990

Town Hall
6:00 P.M.

17

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy, and Town Attorney Michael Perley. Highway Superintendent Eugene Ruchalski was absent.

Supervisor Kennedy stated that a public informational meeting was held on February 7, 1990, pursuant to the Mental Hygiene Law, Section 41.34, for the purpose of considering the application of People, Inc. to construct a 10 bed supervised Community Residence for developmentally disabled persons at 8169 Boston State Road. He read into the record an opinion letter from Town Attorney Perley with respect to what objection, if any, the Town of Boston can raise regarding the application of People, Inc. Supervisor Kennedy reported that all the Town Board members have visited the People, Inc. facility on Grand Island since that time and that they had an opportunity to tour the residence and ask questions about the operation. Councilman Lisowski said he and Councilman Wohlhueter visited the site on a different day than the other three board members and also had an opportunity to tour the facility and ask questions. Councilman Lisowski stated they also talked to three neighbors across the street and also the closest neighbor to the facility, who all said that despite initial opposition, after three years in operation they have had no problems whatsoever, they have good rapport with the clients and owners, and they are considered very good neighbors. Supervisor Kennedy said a facility similar in size is being constructed on Eggert Road in Orchard Park and he and Councilman Wittmeyer drove to that site and observed that it is approximately the same size lot as the one proposed for Boston. He noted that there were persons present at this meeting that were not present for the public informational meeting on February 7 and asked if there were any questions.

Donald Luther, 6361 May Drive, asked the dimensions of the building and lot and was provided with a floor plan, which he reviewed. The building is proposed to be a single floor, with approximately 4500 square feet on a 170 foot X 175 foot lot. Mr. Luther was also told there would be a maximum of 10 clients, with 2 employees at any given time in residence. Mr. Luther also asked questions about property taxes and Attorney Perley explained what payment in lieu-of-taxes meant. Mr. Luther said he thought more taxes could be raised with a different type of use and Supervisor Kennedy noted that the Town Board can not dictate what use a person makes of vacant land, as long as it conforms to the zoning and building ordinances.

James King, 8219 Boston State Road, asked about the traffic flow and whether a traffic signal will be installed at the site. Supervisor Kennedy said that there probably won't be any more traffic in and out of the facility as is in his driveway each day; the clients don't have vehicles and there will be three shifts of two or three employees each day.

Beverly Hess, 8192 Boston State Road, said she viewed the site on Grand Island this past weekend, but only from the outside, and was impressed with the attractiveness of the house. She said she is in favor of the construction in Boston, however, she made the suggestion that the parking lot be constructed to the side of the house, rather than in the front, for aesthetic reasons. Councilman Lisowski said he thought the Whitehaven driveway was constructed in the front as a horseshoe shape in order that no traffic would have to back onto the busy highway.

Mr. Luther said he was the first resident of May Drive and perhaps some day he will need to live in the proposed residence, which he would not mind because he could still view his May Drive home from that site.

A motion was made by Supervisor Kennedy, seconded by Councilman Wittmeyer and carried that the Town Board not voice any objections, nor suggest any alternative sites in the town in the application of People, Inc. to construct a 10 bed supervised Community Residence for the developmentally disabled at 8169 Boston State Road.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to adjourn at 6:28 P.M.

Joyce Carr
Joyce Carr
Town Clerk

Regular Meeting
February 21, 1990

Town Hall
7:30 P.M.

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Wohlhueter, Councilman Frank Lisowski, Town Attorney Michael Perley and Highway Superintendent Eugène Ruchalski. Supervisor Richard Kennedy was absent.

Councilman Wittmeyer, acting in his capacity as Deputy Supervisor, chaired the meeting.

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter that the Minutes of the Regular Meeting of February 7, 1990 and the Special Meeting of February 14, 1990 be approved.

four (4) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman that the General Fund and Special District Bills on Abstract #2A, February 21, 1990, in the amount of \$22,998.84 be paid.

four (4) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski that the Highway Bills on Abstract #2A, February 21, 1990, in the amount of \$14,913.71 be paid.

four (4) ayes

Carried

A letter was read from Erie County Department of Emergency Services, advising that the Erie County Mobile Decontamination Unit will be put in service on February 21, 1990. Councilman Wittmeyer directed the Town Clerk to send copies of this notification to the three fire companies and the Emergency Squad.

Received notification from Erie County Water Authority that an unrepairable hydrant located at 7246 Heinrich Road was replaced on January 15, 1990 and that the costs of the replacement will be billed to the town. A copy of this letter will be sent to the North Boston Fire Company for their information.

Received and filed a membership change from the North Boston Fire Company.

A letter was read from Hogan & Hogan, Attorneys at Law, expressing appreciation to the Town Board for their efforts in the analysis of the site selection process of People, Inc. to build a residence for the developmentally disabled. The letter commended the Town Board for the fact that each of them visited another site location of People, Inc.

Sgt. Fox of the Erie County Sheriff's Department submitted an activity report for the month of January, 1990.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to schedule a Public Hearing on Local Law #2 of 1990 - Sign Law, for March 7, 1990 at 8:05 P.M.

four (4) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to schedule a Public Hearing on Local Law #3 of 1990 - Parking on Public Highway, for March 7, 1990 at 8:15 P.M.

four (4) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to schedule a Public Hearing on Article X, Section 10 - Amendment to the Zoning Ordinance, for March 7, 1990 at 7:55 P.M.

four (4) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to schedule a Public Hearing on the Senior Citizen Tax Exemption for March 7, 1990 at 7:45 P.M.

four (4) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to schedule bid openings for the Highway Garage Fuel Island for March 9, 1990

TOWN OF BOSTON



At a regular meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Town Hall, 8500 Boston State Road, in said town on the 21st day of February, 1990 at 7:30 P. M. Eastern Standard Time, there were

Present:	Milton I. Wittmeyer	Councilman
	David G. Zimmerman	Councilman
	Don A. Wohlhueter	Councilman
	Frank H. Lisowski, Jr.	Councilman
Absent:	Richard L. Kennedy	Supervisor

Councilman Wohlhueter presented the following resolution and moved its adoption:

The following are designated as polling places for 1990:

District #1	Back Creek Road School
District #2	North Boston Fire Hall
District #3	Boston Town Hall
District #4	Catholic Church School
District #5	Back Creek Road School
District #6	Boston Town Hall
District #7	North Boston Fire Hall

Motion was seconded by Councilman Lisowski and put to a vote, which resulted as follows:

Councilman Wittmeyer	Voting	aye
Councilman Zimmerman	Voting	aye
Councilman Wohlhueter	Voting	aye
Councilman Lisowski	Voting	aye

AYES:

4

NOES:

0

ABSENT:

1

Joyce Carr
Joyce Carr, Town Clerk

February 21, 1990

at 10:00 A.M. in the Supervisor's Office.

four (4) ayes

Carried

A letter was read from John P. Falkides relative to funding for assistance in remedial work in the Irish Gulf Creek, and also stating that the home located on Lot #16 has been moved back 15 feet from the creek bank. Councilman Wittmeyer said Supervisor Kennedy has had contact with sources for possible funding grants for this project and that this matter will be tabled until the Supervisor's return from vacation. Attorney Perley pointed out that the awarding of grant monies could take a year. Councilman Zimmerman suggested that County Legislator Joseph Desmond, who was present at the meeting, could possibly assist in this matter and Mr. Desmond asked that information be supplied him for his review.

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski to appoint Leo Jensen as Laborer PT at a rate of \$5.50 per hour.

four (4) ayes

Carried

Councilman Wittmeyer said he, in his capacity as Deputy Supervisor, this date signed a right-of-way agreement with New York Telephone Company, as authorized at the February 7, 1990 Town Board meeting, with the town receiving the sum of \$1500.00 from New York Telephone for the right-of-way at the old highway garage property.

Received a letter from John Falkides relative to a proposed community development for manufactured homes and requesting a meeting with the Town Board. Councilman Wittmeyer said a meeting will be arranged with Mr. Falkides for Monday, March 5, 1990 at 7:00 P.M.

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman to accept the Supervisor's 1989 Annual Report.

four (4) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman to authorize Recreation Director Gerald O'Brien to attend a recreation conference on March 15, 1990 at the State University of New York at Buffalo and a second conference on March 25-28, 1990 at Kiamesha Lake, New York, with all appropriate expenses to be paid by the town.

four (4) ayes

Carried

Received an application from Wittmeyer Bros. for a Soil Removal Permit for property on Zenner Road. Prior to action on this matter, an inspection of the property will be made by members of the Town Board on February 24, 1990.

RESOLUTION - POLLING PLACES

A letter was received from the Planning Board, recommending approval of Roy Emerling's application for a multi-family apartment complex, contingent on conditions outlined in the letter and subject to approval by the town engineer. A letter from Frandina Engineering to Nussbaumer & Clarke, Inc. and a letter from Nussbaumer & Clarke, Inc. were also read. The town's engineer stated he has not had sufficient time to review the drawing submitted on February 20, 1990 from Frandina Engineering prior to this Town Board Meeting. Councilman Wittmeyer said this matter will be tabled until the March 7, 1990 Town Board Meeting in order to enable the members to review the town engineer's findings.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to refer to the Planning Board for review and recommendation the application of George Decker to rezone from Agriculture A-1 to Residence Restricted Business RRB a portion of land located on the south side of Aspen Drive and the west side of Pin Oak Drive.

four (4) ayes

Carried

Supervisor's Monthly Report was received.

Attorney Perley said town representatives returned late this afternoon from the Association of Towns meeting in New York City and that he found this conference to be very beneficial and expressed his appreciation for the town authorizing him to attend. He added there were a series of resolutions that were passed by the association, however they did not pass a resolution in support of the Environmental Bond

February 21, 1990

Act, which is an important issue. He noted there were numerous developments in case law that were discussed, which was also very informative.

Councilman Wohlhueter reported he attended sessions dealing with Town Boards and also on solid waste and recycling problems, which he also considered a major topic at the conference. He noted the sessions relating to the 1990 Census outlined the importance of obtaining the correct information of the population, as these figures determine many important issues facing the town. Councilman Wohlhueter also expressed his appreciation to the town for authorizing his attendance.

At 8:00 P.M. a Public Hearing was held on Local Law #1 of the Year 1990, entitled "An Amendment to Local Law Number 1 of the Year 1987 - Flood Plain Regulations." Town Clerk Carr read the Public Notice, which was published in the Hamburg "Sun" and Councilman Wittmeyer opened the hearing for public comment. Town Attorney Perley explained that the proposed amendment would keep the town eligible for federally funded flood plain insurance and that the town would lose its qualifications without the update.

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman to close the public hearing at 8:04 P.M.

four (4) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Lisowski to adopt "An Amendment to Local Law Number 1 of the Year 1987 - Flood Plain Regulations."

four (4) ayes

Carried

Angelo Bellittiere, 8406 Zimmerman Road, asked what provisions have been made to insure that all Town of Boston residents are counted correctly in the 1990 Census, due to the fact that several different post offices service the town. Town Clerk Carr said that preliminary work has been completed on the boundary lines of the town, with every street in town identified; this list has been forwarded to the Census Bureau. Councilman Wohlhueter stated that the seminar he attended in New York City gave information that the town will have an obligation to review the results of the census again after it is completed. Mrs. Carr said the town has retained the Erie & Niagara Regional Planning Board to oversee the census and to ascertain the results are reported correctly.

Councilman Wittmeyer stated the auction of the old highway garage will be held on Saturday, February 24, 1990 at 10:00 A.M.

Councilman Wittmeyer reported the trailer that was on the premises at 5248 Glenn Terrace while the house was being repaired after a fire has now been removed.

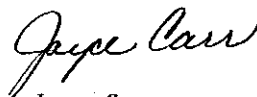
Councilman Wittmeyer noted that bids will be opened on February 28, 1990 at 10:00 A.M. for bus transportation for summer recreation and next year's ski program.

Attorney Perley reported he contacted the Town of Hamburg relative to their procedure when a private organization requests use of town property for a fundraising event for the organization. He said Hamburg has no special regulations, but does require a Certificate of Insurance from the sponsor. A motion was then made by Councilman Zimmerman and seconded by Councilman Lisowski to grant the use of the Town Park to the Boston Chamber of Commerce for a craft show in conjunction with their annual outdoor music program during the summer months. This permission is contingent that a Certificate of Insurance and a list of the regulations that are given to exhibitors be provided to the town.

four (4) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to adjourn at 8:12 P.M.



Joyce Carr
Town Clerk

**PUBLIC NOTICE
TOWN OF BOSTON**

NOTICE IS HEREBY GIVEN that there has been presented to the Town Board, Town of Boston, Erie County, New York on January 17, 1990 a copy of Local Law Number 1 of the year 1990, entitled An Amendment to Local Law Number 1 of the year 1987 - Flood Plain Regulations.

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston will conduct a Public Hearing on the aforesaid proposed Local Law at the Boston Town Hall, 8500 Boston State Road, Boston, New York on Wednesday, February 21, 1990 at 8:00 P.M. Eastern Standard Time, at which time all persons interested will be heard.

Dated: February 5, 1990

Joyce Carr
Town Clerk
Town of Boston

2-8

Regular Meeting
March 7, 1990

Town Hall
7:30 P.M.

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy, Town Attorney Michael Perley and Highway Superintendent Eugene Ruchalski.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman that the Minutes of the Regular Meeting of February 21, 1990 be approved.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski that the Town Clerk's Monthly Report be accepted.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman that the General Fund and Special District Bills on Abstract #3, March 7, 1990, in the amount of \$41,274.79 be paid.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski that the Highway Bills on Abstract #3, March 7, 1990, in the amount of \$14,750.89 be paid.

five (5) ayes

Carried

Received and filed a letter of appreciation from VFW Cpl. David Finger Tri Town Memorial Post No. 2556 for grant received from the town in the amount of \$150.00 for Memorial Day services.

Received a letter from John Falkides relative to affordable housing in the town. Supervisor Kennedy said the Town Board has met informally with Mr. Falkides and have discussed the HUD matching funds availability for this type housing.

Referred to Councilman Wohlhueter for reply a letter from Susan R. Sullivan, 7844 Zimmerman Road, relative to recycling implementation in the town.

Received a letter from New York State Comptroller's Office relative to the distribution of vehicle and traffic fines. Supervisor Kennedy will work with Attorney Perley to draft a resolution to the state imploring an increase in the revenue retained by the town in the disposition of fines.

Received notification from Assemblyman Thomas M. Reynolds that he will be at the Town Hall on Thursday, March 22, 1990 from 7:00 - 9:00 P.M. for a "Budget Listen In" open meeting.

Michael Czechowski, 8734 Boston State Road, said he has had two garbage containers broken by BFI Sanitation, Supervisor Kennedy told him it should be reported to them, as they will be replaced. Mr. Czechowski asked if there was any truth to a rumor he heard about a factory being built on the west hill, members of the Board are not aware of any plans. Mr. Czechowski also had complaints about construction debris and tires that come downstream to his road ditch and asked that persons littering should be fined. Supervisor Kennedy said that he would recommend to our state representatives that littering be considered a felony, as it is in the State of Florida.

Lisa Rood, 8798 Zimmerman Road, asked if the town had plans to extend the water district, as her property is serviced by two wells, and the water from both is poor in both quality and quantity. Supervisor Kennedy told her that the extension of water districts is top priority and that a tank and pump station is planned for the Wywood Drive area in order to upgrade the service there. He added that it is extremely costly without grant monies and that the town is working with a grants-person at this time to explore all sources of funding. In response to a timeframe requested by Mrs. Rood, Supervisor Kennedy said it would probably be a minimum of five years before she could even anticipate the extension of water to her property.

Nicholas Ceglia, 8708 Boston State Road, inquired about the possible leaching of salt into the Eighteen Mile Creek from the pile by the highway garage. Supervisor Kennedy said the salt is stored on soil to prevent this, however, he would have the Town Engineer test for this possibility.

March 7, 1990

At 7:55 P.M. a public hearing was held to consider the adoption of a resolution pursuant to Section 467 of the Real Property Tax Law of the State of New York whereby certain tax exemptions up to 50 percent of assessed valuation may be granted to real property owners within the town of 65 years of age or over. The public notice was read by Town Clerk Carr and Supervisor Kennedy opened the hearing for comment. Michael Czechowski, 8734 Boston State Road, asked what taxable income the county would use on their portion of the tax and the Supervisor said it would be the same as the town's formula. Mr. Czechowski said this resolution sounded good to him. There were no further comments.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to close the public hearing at 7:58 P.M.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to adopt a resolution pursuant to Section 467 of the Real Property Tax Law of the State of New York whereby certain tax exemptions up to 50 percent of assessed valuation may be granted to real property owners within the Town of Boston of 65 years of age or over, all in accordance with the provisions of Section 467 of the Real Property Tax Law.

five (5) ayes

Carried

At 7:59 P.M. a public hearing was held to consider an amendment of Article X, Section 10 - Orders, of the Zoning Ordinance of the Town of Boston. The public notice was read by the Town Clerk and the Supervisor opened the hearing. Town Attorney Perley outlined the provisions of the proposed amendment. There were no comments or questions.

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to close the hearing at 8:08 P.M.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to amend Article X, Section 10 - Orders, of the Zoning Ordinance of the Town of Boston.

five (5) ayes

Carried

At 8:08 P.M. a public hearing was held to consider the adoption of Local Law Number 2 of the year 1990, entitled An Amendment to Local Law Number 1 of the Year 1974 - Sign Law. Town Clerk Carr read the public notice and Supervisor Kennedy opened the hearing. Attorney Perley stated this amendment is proposed in order to have both the text and the diagrams of the Sign Law conform. There were no comments.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to close the public hearing at 8:11 P.M.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to adopt Local Law Number 2 of the Year 1990, entitled An Amendment to Local Law Number 1 of the Year 1974 - Sign Law.

five (5) ayes

Carried

LEGAL NOTICE TOWN OF BOSTON

PLEASE TAKE NOTICE that the Town Board of the Town of Boston, Erie County, New York on Wednesday, March 7, 1990 at 7:45 P.M. Eastern Standard Time, at the Boston Town Hall, 8500 Boston State Road, Boston, New York, will hold a public hearing to consider the adoption of a resolution pursuant to Section 467 of the Real Property Tax Law of the State of New York whereby certain tax exemptions up to 50 percent of assessed valuation may be granted to real property owners within the Town of Boston of 65 years of age or over, all in accordance with the provisions of Section 467 of the Real Property Tax Law.

At said public hearing all interested persons shall be given an opportunity to be heard on said subject.
Dated: February 21, 1990

Town Board
Town of Boston
Joyce Carr
Town Clerk

2-22

PUBLIC NOTICE TOWN OF BOSTON AMENDMENTS TO ZONING ORDINANCE OF THE TOWN OF BOSTON

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston, Erie County, New York, will hold a public hearing on the 7th day of March, 1990 at 7:55 P.M. Eastern Time, in the Town Hall of the Town of Boston, 8500 Boston State Road, on the following proposed amendment to the Zoning Ordinance of the Town of Boston.

BE IT RESOLVED that the Zoning Ordinance of the Town of Boston be, and the same is hereby amended as follows:

ARTICLE X

Section 10 - Orders: The Code Enforcement Officer or the Deputy Code Enforcement shall have the power to issue such order as may be necessary to enforce this ordinance including, but not limited to: orders issued requiring any individual or corporation to cease and desist from any violation of this ordinance or any other local law or ordinance enacted by the Town of Boston or from constructing any structure in a matter not in conformance with the building permit application, the plans or specifications provided therewith or any State, County, Local or Federal statute, ordinance or regulation.

This amendment to this ordinance shall be effective as provided by law and shall be applicable to all applications or amendments to application for building permits filed after the adoption of this ordinance.

Dated: February 21, 1990

Joyce Carr
Town Clerk

2-22

TOWN OF BOSTON



2/90

At a Regular Meeting of the Town Board of the Town of Boston, Erie county, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 7th day of March , 1990 at 7:45 p.m. Eastern Time, there were

PRESENT:	Richard L. Kennedy	Supervisor
	Milton I. Wittmeyer	Councilman
	David G. Zimmerman	Councilman
	Don A. Wohlhueter	Councilman
	Frank H. Lisowski, Jr.	Councilman

Councilman Wohlhueter presented the following resolution and moved its adoption:

WHEREAS, Section 467 of the Real Property Tax Law of the State of New York provides that after publication and public hearing, the Town Board of the Town of Boston may adopt a resolution granting certain tax exemptions for owners of real property within the Town of Boston, age 65 or over, who do not have a taxable income in excess of \$15,625.00 per annum; and

WHEREAS, the Town Board of the Town of Boston, after publication, has conducted a public hearing relative to the granting of said tax exemptions pursuant to said Section 467 of the Real Property Tax Law of the State of New York.

NOW, THEREFORE, be it resolved that the Town Board of the Town of Boston, after public hearing, hereby grants to taxpayers within the Town of Boston, 65 years of age or over, exemption from real property taxation within the town, with taxable income as follows:

<u>Annual Income of Owner(s)</u>	<u>Percentage Assessed Valuation Exempt from Taxation</u>
\$12,025 or less	50%
More than \$12,025, but less than \$12,625	45%
\$12,625 or more, but less than \$13,225	40%
\$13,225 or more, but less than \$13,825	35%

\$13,825 or more, but less than \$14,425	30%
\$14,425 or more, but less than \$15,025	25%
\$15,025 or more, but less than \$15,625	20%

BE IT FURTHER RESOLVED, this resolution shall be accordance with the provisions of Section 467 of said Real Property Tax Law and in compliance with the requirements therein specified as to the extent and the eligibility of said tax exemption, which is effective retroactive to March 1, 1990.

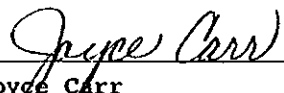
Motion was seconded by Councilman Lisowski and put to a vote, which resulted as follows:

Supervisor Kennedy	Voting <u>aye</u>
Councilman Wittmeyer	Voting <u>aye</u>
Councilman Zimmerman	Voting <u>aye</u>
Councilman Wohlhueter	Voting <u>aye</u>
Councilman Lisowski	Voting <u>aye</u>

Ayes: 5

Noes: 0

Absent: 0


 Joyce Carr
 Town Clerk

March 7, 1990

Supervisor Kennedy said the Councilmen and the Code Enforcement Officer made an on-site inspection of the property on Zenner Road that a Soil Removal Permit has been applied for by Wittmeyer Bros. A motion was made by Councilman Lisowski and seconded by Councilman Wittmeyer to recommend this permit be issued, not to exceed 600 cubic yards, with the additional recommendation this soil removal be monitored to conform to the provision of the law stating the banks must be sloped after removal occurs, with the Town Clerk advising Wittmeyer Bros. of this provision.

five (5) ayes

Carried

At 8:15 P.M. a public hearing was held to consider an Amendment to Local Law Number 2 of the Year 1976 - Parking on Public Property. The public notice was read by the Town Clerk and the Supervisor opened the hearing. There were no questions on the proposed amendment.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to close the public hearing at 8:19 P.M.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski to adopt Local Law Number 3 of 1990, entitled An Amendment to Local Law Number 2 of the year 1976 - Parking on Public Property.

five (5) ayes

Carried

Received a letter from Gerald T. Nowatka, 6394 Omphalius Road and Joseph Simmeth, 6410 Omphalius Road, requesting that their two homes be included in the waterline extension that was recently completed by Alois Kopczynski at 6415 Omphalius Road. Supervisor Kennedy said Mr. Kopczynski installed this waterline at his own expense and if other property owners now want to tap-in to it, Mr. Kopczynski should recoup some of his expense from these owners. Attorney Perley said both these properties are on the opposite side of the street from Mr. Kopczynski and the waterline extension boundary is the center line of Omphalius Road, therefore, Mr. Nowatka and Mr. Simmeth would have to apply as out-of-district customers. Supervisor Kennedy said he will work with Town Clerk Carr in formulating a reply to Mr. Nowatka and Mr. Simmeth.

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to schedule a public hearing on April 4, 1990 at 7:45 P.M. to consider an amendment to Article X, Section 2 of the Boston Zoning Ordinance.

five (5) ayes

Carried

Upon the request of the Boston Lions Club, a motion was made by Councilman Zimmerman and seconded by Supervisor Kennedy to grant permission to the Lions Club to use the Lions Shelter and parking area on July 23 - July 28, 1990 for their annual Oktoberfest; with the additional authorization that beer and wine may be served. Said permission contingent that a certificate of insurance is forwarded to the town.

five (5) ayes

Carried

A letter was received from Nussbaumer & Clarke, Inc., Town Engineers, relative to the proposed multi-family development of Roy Emerling on Boston State Road. This matter had been tabled from the February 21, 1990 meeting when a recommendation on the project was received from the Planning Board. Mr. Emerling said he felt the Town Board was delaying the project, as he has been meeting since October with the Planning Board and that they seemed to keep adding stipulations to their site plan review requirements. Supervisor Kennedy said the Town Board does not want to delay his project, however there are several concerns that have not been rectified on the plan. He told Mr. Emerling a meeting will be arranged next week between the Town Board, Town Attorney, Town Engineer, Code Enforcement Officer, Mr. Emerling and his engineer in order to attempt to resolve certain issues with the project.

PUBLIC NOTICE TOWN OF BOSTON

NOTICE IS HEREBY GIVEN that there has been presented to the Town Board, Town of Boston, Erie County, New York on February 7, 1990, a copy of Local Law Number 2 of the year 1990, entitled An Amendment to Local Law 1 of the year 1974 - Sign Law.

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston will conduct a Public Hearing on the aforesaid proposed Local Law at the Boston Town Hall, 8500 Boston State Road, Boston, New York on Wednesday, March 7, 1990 at 8:05 P.M. Eastern Standard Time, at which time all persons interested will be heard.

Dated: February 21, 1990

Joyce Carr
Town Clerk
Town of Boston

2-22

PUBLIC NOTICE TOWN OF BOSTON

NOTICE IS HEREBY GIVEN that there has been presented to the Town Board, Town of Boston, Erie County, New York on February 7, 1990, a copy of Local Law Number 3 of the year 1990, entitled An Amendment to Local Law Number 2 of the year 1976 - Parking on Public Property.

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston will conduct a Public Hearing on the aforesaid proposed Local Law at Boston Town Hall, 8500 Boston State Road, Boston, New York on Wednesday, March 7, 1990 at 8:15 P.M. Eastern Standard Time, at which time all persons interested will be heard.

Dated: February 21, 1990

Joyce Carr
Town Clerk
Town of Boston

2-22

March 7, 1990

Upon the recommendation of the Solid Waste Committee of the Town of Boston, a motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy that the town enter into an agreement with Integrated Waste Systems, Inc. for services for the disposal of tires.

five (5) ayes

Carried

Received notification from Erie County Division of Highways that delineators will be installed in the vicinity of Norman Pfeffer's residence at 7681 Boston State Road; copy of this notification has been sent Mr. Pfeffer by the county.

Received a request from Martin J. Belscher that the road sign from the Town of Boston to the Town of North Collins have the spelling corrected to show "Belscher Road", rather than "Belcher Road." Mr. Belscher said the road was named for his great-grandfather and the correct spelling should include the "s". Supervisor Kennedy noted this requested change would have no impact on anyone in town, as there are no residents on this section of the road. Town Clerk Carr was directed to contact Town Clerk Margaret Orrange of North Collins and state that the Town of Boston will conform to the spelling they use on their signs.

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski to authorize the Supervisor to enter into a contract with Nussbaumer & Clarke, Inc. for engineering specifications for the extension of the waterline at the Patchin Road bridge.

five (5) ayes

Carried

RESOLUTION - COMMUNITY DEVELOPMENT FUNDS

Supervisor's Monthly Financial Report was received.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman that the current Codification Committee members be known as members of the Zoning Commission, which would conform to Section 266 of Town Law.

five (5) ayes

Carried

A letter was received from Erie County Executive Dennis Gorski relative to chemicals, such as ether, which may have been stored in old Civil Defense shelters. As the Town Hall has no such storage, this letter was referred to the Emergency Squad for their review.

Councilman Wittmeyer reported that Attorney Perley auctioned the highway garage at a public sale on February 24, 1990 and the price for which it was sold was \$126,000.00 and that there were two bidders for the property.

Town Clerk Carr thanked the Town Board members for authorizing the purchase of a computer for the collection of taxes, as it is an efficient method of taking tax collection payments.

Town Justice Monthly Financial Report was received.

Upon the recommendation of Highway Superintendent Eugene Ruchalski, a motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to approve the following highway department wage increases, effective March 7, 1990:

Joseph Wierzbic - MEO Trainee	\$7.00 per hour
Jerome Krencik - MEO	\$9.65 per hour
Ronald Smolinski- MEO Trainee	\$7.00 per hour

five (5) ayes

Carried

Attorney Perley said there is a possibility that Adelphia Cable may ask the town to consider that the extension of the cable contract be written on a ten year, rather than a five year basis and he will keep the Town Board advised.

Attorney Perley said he has contacted Donald Mitscher relative to his request to construct greenhouses on property at 7942 Back Creek Road and advised him to file the necessary papers to request a rezoning of this property from Residence R-2 to Agriculture A-1.

TOWN OF BOSTON



At a regular meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 7th day of March 1990 at 7:30 P. M. Eastern Time, there were present:

Richard L. Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Don A. Wohlhueter	Councilman
Frank H. Lisowski, Jr.	Councilman

Councilman Zimmerman presented the following resolution and moved its adoption: BE IT RESOLVED, that the Town Board of the Town of Boston, authorizes the Supervisor of the Town of Boston to execute the Cooperation Agreement with the County of Erie, pursuant to the Housing and Community Development Act of 1974, as amended, for continued participation for the 1989-90 program year.

Seconded by Councilman Wohlhueter and put to a vote, which resulted as follows:

Supervisor Kennedy	Voting <u>aye</u>
Councilman Wittmeyer	Voting <u>aye</u>
Councilman Zimmerman	Voting <u>aye</u>
Councilman Wohlhueter	Voting <u>aye</u>
Councilman Lisowski	Voting <u>aye</u>

AYES: 5

NOES: 0

ABSENT: 0

Joyce Carr
Joyce Carr, Town Clerk

TOWN OF BOSTON



The undersigned, EUGENE E. RUCHALSKI, Town Superintendent of Highways of the Town of Boston, County of Erie, State of New York, hereby certifies:

That the highway in the said Town of Boston, known and described as Dunn Road, beginning at a point measured along Dunn Road a distance of 5,380 feet from Boston-Colden Road and continuing in a southerly direction thereafter to the southerly end thereof has not been travelled or used as a highway for six and more years prior to the date of this certificate and said highway is hereby declared abandoned, pursuant to Section 205 of the Highway Law as a highway and a Public Right-of-Way.

In Witness Whereof, the undersigned Town Superintendent of Highways, EUGENE E. RUCHALSKI, has executed and the undersigned Supervisor and members of the Town Board of said Town constituting the majority of said Board, have consented to this certificate and the filing and recording thereof.

Dated at Boston, New York March 7, 1990

Eugene E. Ruchalski
Eugene E. Ruchalski
Town Superintendent of Highways
of the Town of Boston, County of Erie

Richard L. Kennedy
Richard L. Kennedy, Supervisor

Hilton I. Wittmeyer
Hilton I. Wittmeyer

David G. Zimmerman
David G. Zimmerman, Councilman

Don A. Wohlhueter
Don A. Wohlhueter, Councilman

Frank H. Lisowski, Jr.
Frank H. Lisowski, Jr., Councilman

Filed and recorded in the
Town Clerk's Office of the
Town of Boston,
County of Erie, New York

Joyce Carr
Joyce Carr, Town Clerk

Being the Supervisor and Members of the
Town Board of the Town of Boston,
County of Erie, New York

March 7, 1990

RESOLUTION - ABANDONMENT OF A PORTION OF DUNN ROAD

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to schedule a public hearing for April 4, 1990 at 8:00 P.M. to consider a Local Law establishing a Recreation Trust Fund as part of site plan requirements for multiple housing applications.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to schedule a public hearing for April 4, 1990 at 8:15 P.M. to consider an amendment to a Local Law regulating Subdivision of Land.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to authorize Reed Garver of the Solid Waste Committee to attend a state conference on recycling in Syracuse on March 22-23, 1990, with all appropriate expenses to be paid by the town.

five (5) ayes

Carried

Councilman Wittmeyer requested Code Enforcement Officer Kramer to check a complaint he received from Judy Pfarner, 5674 Herman Hill Road, that work is being done throughout the night on trucks at property owned by Joseph DeMarco, 5647 Herman Hill Road.

Code Enforcement Officer and Deputy Code Enforcement Officer Monthly Reports were received.

Dog Control Officer Monthly Report was received.

Received a letter from the Planning Board which scheduled the March meetings for Tuesday, March 13, 1990 and Monday, March 26, 1990, both at 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to appoint Robert J. Ganey, 6003 Thornwood Drive, to the Assessment Board of Review, term to expire September 30, 1993.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to adjourn at 9:06 P.M.



Joyce Carr
Town Clerk

Regular Meeting
March 21, 1990

Town Hall
7:30 P.M.

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don A. Wohlhueter, Councilman Frank Lisowski, Jr., Supervisor Richard Kennedy, Town Attorney Michael Perley and Highway Superintendent Eugene Ruchalski.

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski that the minutes of the March 7, 1990 Regular Meeting be approved.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter that the General and Special District Fund Bills on Abstract 3A dated March 21, 1990 in the amount of \$9,605.59 be paid.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wittmeyer that the Highway Bills on Abstract 3A dated March 21, 1990 in the amount of \$9,752.57 be paid.

five (5) ayes

Carried

A letter was read from Advance Metals Recycling advising that they will accept scrap iron and metal. Supervisor Kennedy directed this letter be referred to Councilman Wohlhueter for future reference.

A letter was received from Congressman Paxon advising of a Town meeting at the Boston Town Hall on Saturday, March 31 at 10:30 A.M.

A letter was received from the Erie County Highway Department advising of a pre construction meeting for the Patchin Road Bridge on Tuesday, March 27 at 3:00 P.M. Councilman Wittmeyer stated he had notified the Patchin Fire Company of this meeting so they could send a representative.

The monthly activity report was received from Sgt. Fox of the Erie County Sheriff's Department. Supervisor Kennedy advised that these reports are on file in the Town Clerk's Office.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman granting permission to the Boston Democratic Club to use the Town Hall Community Room and Town Park for their annual Easter Egg Hunt on April 14, 1990 at 1:00 P.M.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wittmeyer granting permission to the Boston Youth Softball Association to use the Lions Shelter and Town Park for their All Star Games and Picnic on Saturday, July 21, 1990 from 9:00 A.M. to 4:00 P.M.

five (5) ayes

Carried

A letter was received from residents and property owners on Butternut Road expressing concern about their road being used for partying by a large number of teen and young adults. Residents of Butternut were in attendance at the meeting and expressed concern about this problem and also pointed out that the dead end area is being used for dumping. The letter asked that a No Parking Zone be established and Town Attorney Perley noted that this has already been done. Under the direction of the Town Board Highway Superintendent Ruchalski was asked to put up No Parking signs and also No Dumping signs. It was further agreed that the New York State Police and Erie County Sheriff's Department will be asked to monitor the situation and issue tickets for any violations.

On March 9, 1990 at 10:00 A.M. Bids were received and opened for a Fuel Island Installation at the Boston Highway Garage as follows:

Marshall Tank Company, Inc. 51 Botsford Place Buffalo, New York 14216	\$21,900.00
Dan Marzec Plumbing & Heating, Inc. P.O. Box 14 Depew, New York 14043	\$32,909.00

TOWN OF BOSTON



At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 21st day of March, 1990 at 7:30 P.M. Eastern Standard Time, there were present:

Richard L. Kennedy
Milton I. Wittmeyer
David G. Zimmerman
Don A. Wohlhueter
Frank H. Lisowski, Jr.

Supervisor
Councilman
Councilman
Councilman
Councilman

Councilman Wittmeyer presented the following resolution and moved its adoption:

BE IT RESOLVED that the Town of Boston purchase and install a fire hydrant located at the intersection of Back Creek and Shero Road in the position shown on plans prepared by Nussbaumer & Clarke, Inc. entitled: "Patchin Road Bridge Crossing" and be it

FURTHER RESOLVED that the expense for said purchase and installation and all future rentals, charges and expenses including but not limited to maintenance, repair and/or replacement be charged to the Town of Boston Fire District.

Seconded by Councilman Zimmerman and put to a vote which resulted as follows:

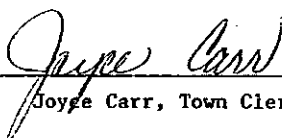
Supervisor Kennedy
Councilman Wittmeyer
Councilman Zimmerman
Councilman Wohlhueter
Councilman Lisowski

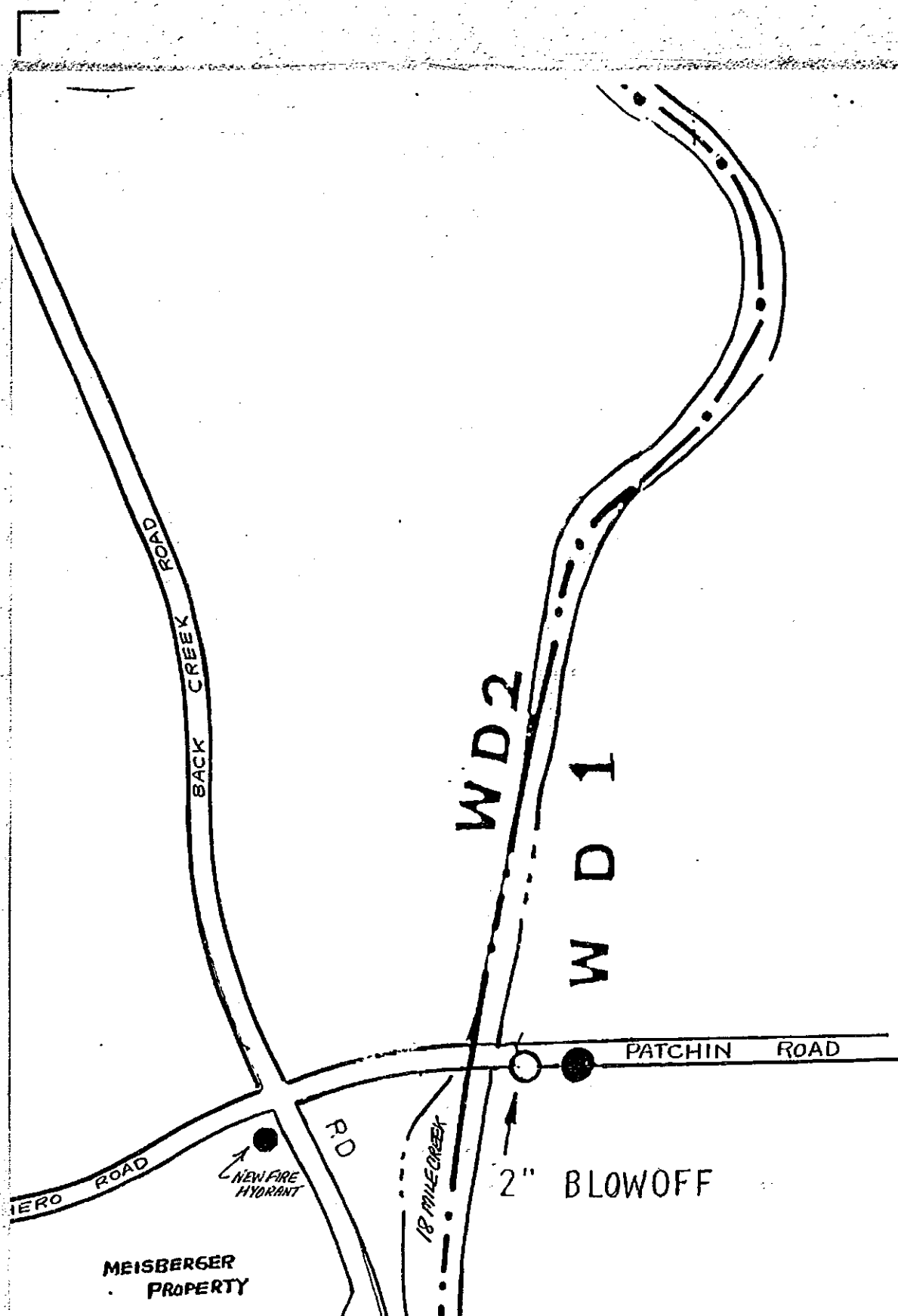
Voting aye
Voting aye
Voting aye
Voting aye
Voting aye

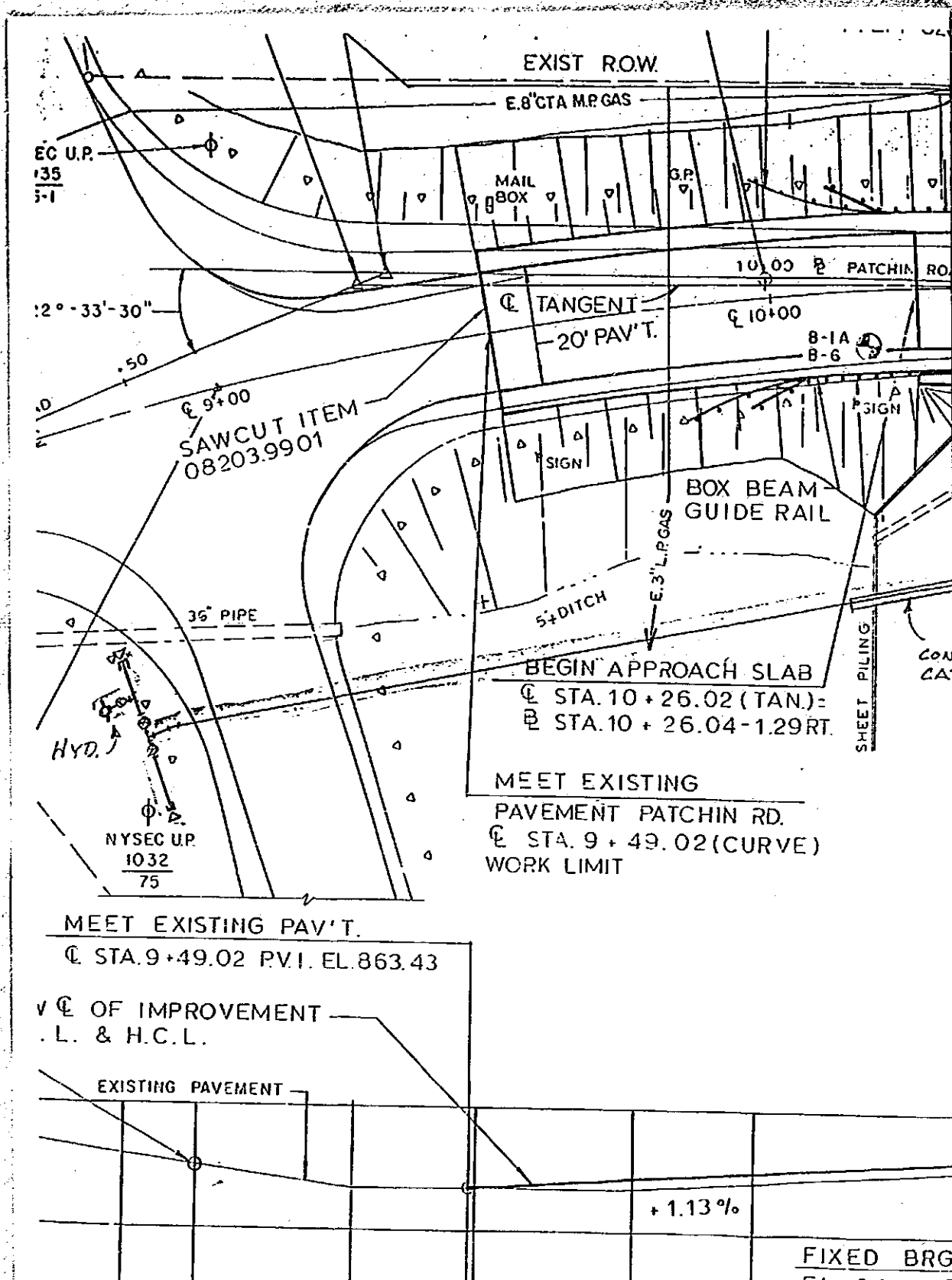
AYES: 5

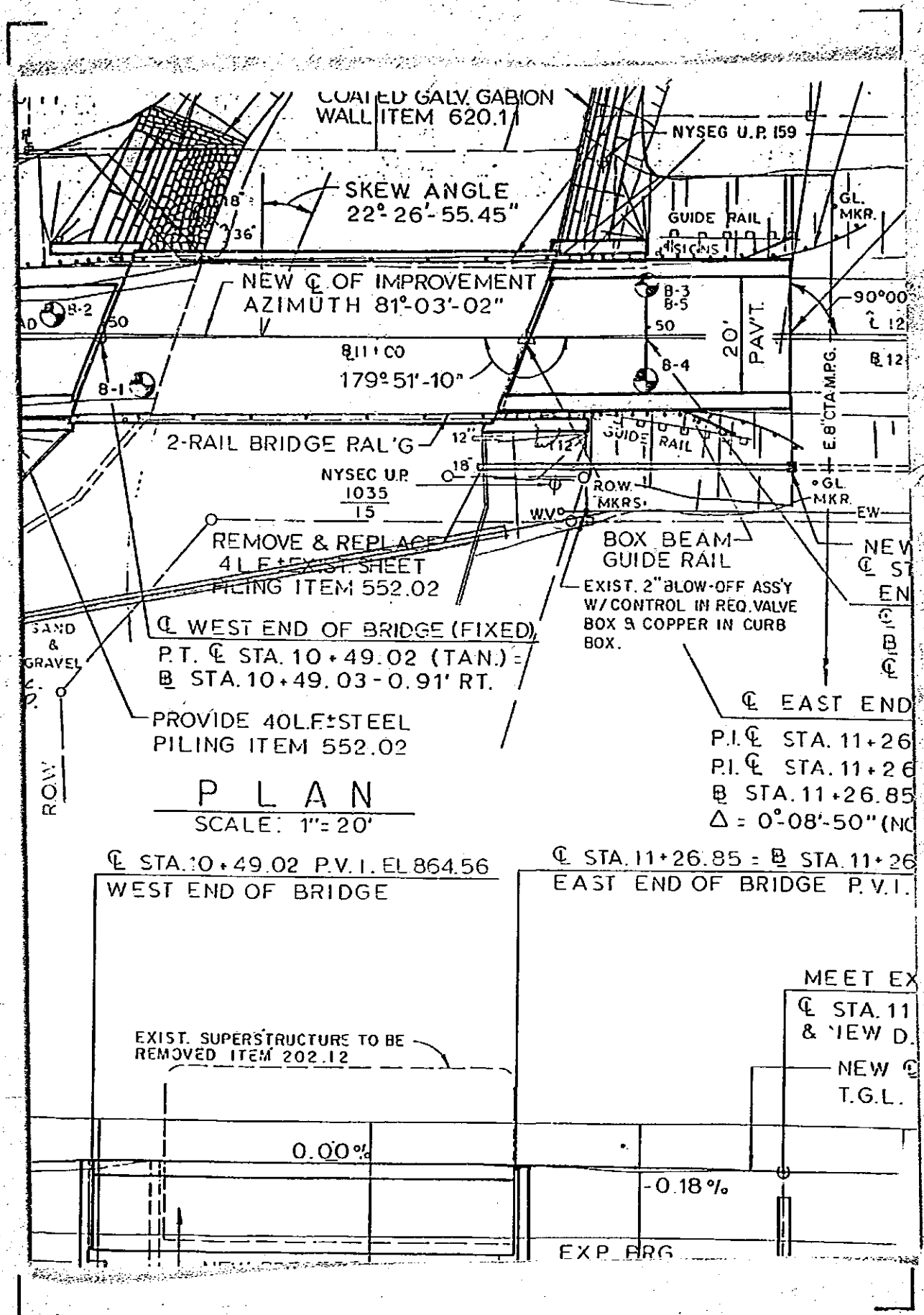
NOES: 0

ABSENT: 0


Joyce Carr, Town Clerk







March 21, 1990

Butler Mechanical
63 Zoar Valley Road
Springville, New York 14141

\$32,857.00

Upon the recommendation of Nussbaumer & Clarke, Inc. a motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to accept the low bid of \$21,900.00 from Marshall Tank Company, Inc. for the installation of a fuel island at the Boston Highway Garage.

five (5) ayes

Carried

Applications for Soil Removal Permits were received from Joseph Simmeth, 8010 Boston State Road and Martin and Mildred Logel, 7784 Boston State Road. A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to approve the Soil Removal Permits for Joseph Simmeth and Martin and Mildred Logel contingent upon a favorable inspection by Code Enforcement Officer Kramer.

five (5) ayes

Carried

A letter was read from Town Engineer Nussbaumer & Clarke, Inc. advising that the information requested to make the preliminary plan of Roy Emerling's Apartments acceptable has been received and the Town Board approval to proceed should be contingent upon submittal and approval of detailed design site and utility plans. A motion was made by Councilman Lisowski and seconded by Supervisor Kennedy to approve the site plan of Roy Emerling for an apartment complex east of the Homer Bond residence on Boston State Road subject to submission of detailed construction plans including plans involving drainage, landscaping and utility installation and upon further condition that any substantial deviation in the construction plans from the preliminary site plan must be submitted to the Town Board for approval.

five (5) ayes

Carried

RESOLUTION - INSTALLATION OF FIRE HYDRANT - BACK CREEK ROAD AND SHERO ROAD

A letter was received from Mr. & Mrs. Howard Griffey, 6556 Colonial Drive pointing out a potential serious situation with erosion that is occurring at the Hillcroft Road Bridge. Supervisor Kennedy advised that this has been a problem for many years and the County representatives have been out to check into it different times in the past, but have not done anything to rectify the problem. Supervisor Kennedy also advised that he has sent a letter to Deputy Commissioner Gugino appraising him of the problem and asking that he look into it.

Town Clerk Carr reported to the Town Board that she had talked to Margaret Orrange the North Collins Town Clerk relative to a letter from Martin J. Belscher requesting the spelling of Belcher Road be changed to Belscher Road which is the correct spelling of his family name. North Collins has decided not to change the name as it will cause a hardship to the property owners as all of their legal papers will have to be changed. A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to leave the name of Belcher Road as it now stands.

five (5) ayes

Carried

A memorandum was received from G. Jeffrey Haber, Secretary of the Association of Towns alerting the Towns to the possibility of a reduction in State Revenue Sharing which could mean an increase in property tax. Letters will be sent to Governor Cuomo, Senator Stachowski and Assemblyman Reynolds and to also talk to Assemblyman Reynolds when he is at the Town Hall On Thursday, March 22, 1990.

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to advertise for bids for a new chipper to be opened on April 9, 1990 at 10:00 A.M.

five (5) ayes

Carried

Councilman Wohlhueter stated that portions of Eckhardt Road are in bad condition and asked that a letter be sent to County Executive Gorski and Deputy Commissioner of Highways Gugino advising them of the road and ask that steps be taken to resurface it. Councilman Wohlhueter also pointed out that this is a very heavily traveled road due to the Expressway entrance. Councilman Wittmeyer asked that it also be requested in the letter that signs be put up in the vicinity of 7050 Eckhardt Road as Mr. Crowley has problems with drivers failing to negotiate the sharp curve and ending up on his lawn.

March 21, 1990

Councilman Wohlhueter advised the Board he has read an article in the Buffalo News relative to an environmental surcharge proposed by Governor Cuomo to be paid by users of the energy to waste plant and also by legal landfills. He asked that a letter be sent to Governor Cuomo, Senator Stachowski and Assemblyman Reynolds expressing our disapproval of this proposed surcharge. Supervisor Kennedy stated he would also discuss this with Assemblyman Reynolds tomorrow evening.

The Town Engineers Monthly Report was received.

A letter was read from the Planning Board advising of a walk-through on North Greenbriar Terrace on Saturday, March 24, at 1:00 P.M.

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy setting April 18, 1990 at 7:45 P.M. to hold a public hearing on the request of George Decker to rezone a parcel of land on the south side of Aspen and west side of Pin Oak Drive.

five (5) ayes

Carried

Upon the recommendation of the Boston Planning Board a motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to approve the granting of a building permit to Barrett Equipment for a new office addition to the north side of their showroom at 8032 Boston State Road.

five (5) ayes

Carried

Letters were read from Reed Carver, Randy Burgwardt and Mary Thurber requesting appointment to the Zoning Board of Appeals. The Town Board set April 2, 1990 from 6:30 to 7:00 P.M. to interview each applicant.

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter to adjourn at 8:32 P.M.

Joyce Carr

Joyce Carr
Town Clerk

Regular Meeting
April 4, 1990

Town Hall
7:30 P.M.

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy, Town Attorney Michael Perley and Highway Superintendent Eugene Ruchalski.

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman that the Town Clerk's Monthly Report be accepted.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski that the General Fund and Special District Bills on Abstract #4, April 4, 1990, in the amount of \$11,804.41 be paid.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman that the Highway Bills on Abstract #4, April 4, 1990, in the amount of \$57,124.91 be paid.

five (5) ayes

Carried

Received a letter from Assemblyman George E. Pataki, 91st District, relative to the 1986 Environmental Quality Bond Act and requesting support of an amendment he is sponsoring relative to landfill closure projects. Supervisor Kennedy said the Town Board will further review this proposed legislation to determine if they are in support of it.

Received and filed resolution from the Town of Sardinia relative to their opposition to any further taxation for the sole purpose of benefitting the Niagara Frontier Transportation Authority. Also received a letter from County Executive Dennis Gorski stating his opposition to the use of sales tax as a source of subsidy for the NFTA; this letter is on file in the Town Clerk's Office.

Received and filed a letter from Assemblyman Thomas M. Reynolds relative to a bill calling for new fees for private waste facilities, which in turn would be passed back to local municipalities. Councilman Wohlhueter stated the town has already gone on record as being in opposition to this proposed legislation.

Received and filed a letter from Erie County Water Authority relative to amendments to the rules for the sale of water, which becomes effective April 15, 1990.

At 7:45 P.M. a public hearing was held on proposed amendments to the Zoning Ordinance of the Town of Boston. Town Clerk Carr read the Public Notice and Supervisor Kennedy opened the hearing. Attorney Perley summarized the proposed amendments by stating that Section 1 pertains to the submission of a survey showing the actual location of the structure being erected; the remainder of the proposed amendments consist of the renumbering of certain sections. Sean Greene, 5650 Cloverfield Drive, asked if this survey will be necessary if the construction is more than 50 feet from the front lot line, for example, 200 feet. Attorney Perley said a stamped, redated survey will be necessary, even in this example. There were no further comments or questions.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to close the public hearing at 7:53 P.M.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to approve the amendments to the Zoning Ordinance of the Town of Boston pertaining to Section 1, Section 2 and Section 3, as read by the Town Clerk.

five (5) ayes

Carried

Received and filed a letter from Brunco, Inc., d/b/a Boston Garden, 7115 Boston State Road, stating they have requested a renewal of their liquor license from the State Liquor Authority.

**PUBLIC NOTICE
TOWN OF BOSTON
AMENDMENTS TO ZONING
ORDINANCE OF THE
TOWN OF BOSTON**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston, Erie County, New York, will hold a public hearing on the 4th day of April, 1990 at 7:45 P.M. Eastern Time in the Town Hall of the Town of Boston, 8500 Boston State Road, on the following proposed amendment to the Zoning Ordinance of the Town of Boston.

BE IT RESOLVED that the Zoning Ordinance of the Town of Boston be, and the same is hereby amended as follows:

Section 1: That the Town of Boston Zoning Ordinance be amended in Article X by deleting the period and by adding the following wording at the end of the first full paragraph of Section 2 of said Article:

except that in the case of an application (1) to erect a structure on an unim-

Notice of Appeal to Section 7

e) Section 7 - Board of Appeals Powers to Section 8

f) Section 8 - Amendments to Section 9

g) Section 9 - Violations and Penalties to Section 10

h) Section 10 - Validity to Section 12

i) Section 11 - Effective Date to Section 13

Section 3: These amendments shall take effect as provided by law.

Dated: March 16, 1990

Joyce Carr
Town Clerk
Town of Boston

Referred to Attorney Perley for review a letter from the Town of Amherst relative to Erie County Consortium Section 8 Program. Mr. Perley said the town has never had, nor do they expect to have, a Section 8 Program, however he will review the correspondence.

Received a letter from John Falkides inquiring the procedure for his proposed community development of manufactured homes/affordable housing. Supervisor Kennedy said the Town Board has had preliminary discussions with Mr. Falkides and Kenneth Decker on this project and have scheduled a meeting for Monday, April 30, 1990 at 7:00 PM. with the applicant. He added that, if plans for this development are received prior to this meeting date, they can be reviewed before the meeting; after which time the development will be referred to the Planning Board for their review and recommendation.

At 8:00 P.M. a public hearing was held to consider Local Law Number 4 of the Year 1990, entitled Recreation Trust Fund. Town Clerk Carr read the public notice and Supervisor Kennedy opened the hearing. Attorney Perley said this law will provide the requirement to site plan approval that recreational land be set aside by a developer of any structure containing three or more dwelling units. The percentage of the site to be set aside is designated as 10% for the provision of a park and/or recreational facilities, or a fee of \$300.00 per unit shall be submitted by the developer in lieu of the recreational land. These funds will become part of a Recreation Trust Fund for the purpose of improving existing land owned by the town or for acquiring additional land. Supervisor Kennedy said he is a firm supporter of user fees and that the funds would be used to develop facilities that will be utilized by the occupants of the property. A resident of the Boston Hills Mobile Home Court asked if the recreation trust fund requirements would apply to mobile homes, as they need green space for designated play areas. Attorney Perley said it would not apply to mobile home parks. Councilman Wittmeyer asked if it would apply to the multiple dwelling complex that Roy Emerling is developing and Mr. Perley said it would not affect this development, as this project has already received site plan approval. Sean Greene asked if it would be a Town Board decision whether a developer accepted the recreational land or paid a fee and Mr. Perley told him it would be a Town Board decision. There were no further questions.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to close the public hearing at 8:16 P.M.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to table a decision on the adoption of Local Law Number 4 of the Year 1990 until the next meeting in order for the Town Board to have an opportunity to review the provisions of the proposed law.

five (5) ayes

Carried

At 8:17 P.M. a public hearing was held to consider an Amendment to the Subdivision Regulations of §104-7, which would add a subsection F stating that a developer shall set aside 10% of the site for the provision of park and/or recreational facilities, or in lieu, a recreation fee of \$300.00 per subdivision lot shall be submitted prior to final approval of the subdivision plat. Town Clerk Carr read the public notice and Supervisor Kennedy opened the hearing. Attorney Perley said the fee payment could be phased in over the development period of the subdivision, rather than the developer having to pay the entire amount up front. Maurice Emerling, 9824 Trevett Road, said he understands that the towns of Hamburg and Amherst have these provisions, however, he feels it is premature to compare Boston to these towns. He added that playgrounds within subdivisions cause many problems, such as vandalism and nuisance to adjoining homes, plus a big problem of insurance for the owner of the property. He said the town already has a fine playground and he is proud of the Recreation Department for its programs. Supervisor Kennedy said that, besides the playground at the Town Hall, the town has the North Boston Stadium land and will be developing the property acquired from the League for the Handicapped in Boston. Attorney Perley said a capitol improvements

PUBLIC NOTICE
TOWN OF BOSTON
NOTICE IS HEREBY GIVEN that there has been presented to the Town Board, Town of Boston, Erie County, New York on March 7, 1990 a copy of Local Law Number 4 of the Year 1990, entitled Recreation Trust Fund.

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston will conduct a Public Hearing on the aforesaid proposed Local Law at the Boston Town Hall, 8500 Boston State Road, Boston, New York on Wednesday, April 4, 1990 at 8:00 P.M. Eastern Time, at which time all persons interested will be heard.
Dated: March 16, 1990

Joyce Carr
Town Clerk
Town of Boston

PUBLIC NOTICE
TOWN OF BOSTON
AMENDMENT TO
SUBDIVISION REGULATIONS
NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston, Erie County, New York, will hold a public hearing on the 4th day of April, 1990 at 8:15 P.M. Eastern Time in the Town Hall, 8500 Boston State Road, on the following proposed Amendment to the Subdivision Regulations of the Town of Boston:
BE IT RESOLVED that the Subdivision Regulations of the Town of Boston be, and the same is hereby amended as follows:
Be it enacted by the Town Board of the Town of Boston as follows:
Section 1. That the Subdivision Regulations adopted by the Town Board of the Town of Boston and codified at Chapter 104 of the Boston Town Code be amended in §104-7 by adding a new Subsection F to read in its entirety as follows:

fund is necessary to continue the development of park land, which an influx of people to the town necessitates. Councilman Wittmeyer said he would like more time to review this proposed amendment, as well as the proposed local law previously heard.

A motion was made by Councilman Lisowski and seconded by Councilman Wittmeyer to close the public hearing at 8:26 P.M.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to table a decision on an amendment to §104-7 of the Subdivision Regulations until the next Town Board meeting.

five (5) ayes

Carried

Received a copy of a letter Assemblyman Thomas Reynolds wrote to the Chief of the Local Government Records Bureau in Albany asking for their approval of the Town of Boston's application for funds for a records management project. Supervisor Kennedy said the Town Board appreciates Mr. Reynold's support of our grant request and that he is hopeful the amount requested will be approved.

Received notification from NYS Department of State that they have received and filed on March 12, 1990 Local Law Number 1 of 1990 from the Town of Boston.

Received a letter from the New York State Department of Transportation requesting they be notified under the State Environmental Quality Review Act of all projects that will require access to state highways or will impact traffic on the state highway system. Supervisor Kennedy directed Town Clerk Carr to correspond with the Department of Transportation, stating the town has always complied with the SEQR requirements in this respect, and will continue to do so.

Norman Pfeffer, 7681 Boston State Road, asked if any member of the Board read an article in the past Sunday's newspaper relative to wooden bridges being constructed in place of steel bridges; he added the article cited many advantages with wood construction. Supervisor Kennedy said he also read the article and that it would be a good topic to discuss with Jerome Hawkins of the Erie County Division of Highways.

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to authorize the Supervisor to contribute a sum, not to exceed \$400.00, to the Amvets Boston Post No. 219. The Amvets have requested this amount to offset expenses for the annual Memorial Day ceremonies on May 28, 1990.

five (5) ayes

Carried

Received a letter from Charles R. Pettit of Nussbaumer & Clarke, Inc., Town Engineers, stating that he has determined that there is adequate water pressure to service the first two houses on the south side of Omphalius Road. Supervisor Kennedy said a meeting with Karl Simmeth and Gerald Nawotka, owners of the properties, will be arranged and that a committee consisting of himself, Attorney Perley, Councilman Wittmeyer and any other Councilman interested will discuss with these homeowners a proper payment to be made to Alois Kopczynski, as he paid for the installation of the entire line.

Received notification from John J. Gugino of Erie County Division of Highways stating they are in the process of getting estimates for a mobile crane to start work on the creekbank at the Hillcroft Road bridge this spring. Supervisor Kennedy said the Town Board is delighted to receive this letter, as this much-needed project has been delayed for many years.

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to grant permission for the Boston Day Home Bureau to use the Town Hall Community Room on the first and third Wednesdays of each month from September to June from 10:00 A.M. to 1:30 P.M. for their meetings.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to authorize Assessor William Kleis to attend a seminar on assessment administration in Cheektowaga on Wednesday, April 25, 1990, with all appropriate expenses to be paid by the town.

five (5) ayes

Carried

F. As a condition of final approval of the Subdivisions plot, the developer shall set aside 10% of the site for the provision of park and/or recreational facilities. If provisions of such facilities within the judgment of the Planning Board is impractical because of the particular layout of the development or for other reasons, a recreation fee of \$300.00 per subdivision lot shall be submitted prior to final approval of the subdivision plot.

Section 2: The amendment shall take effect as provided by law and shall be applicable to all subdivisions which have not received preliminary approval on the effective date hereof.

Dated: March 16, 1990

Joyce Carr, Town Clerk
Town of Boston

3-22

RESOLUTION - AUTHORIZE SUPERVISOR TO CONTRACT FOR ENERGY AUDIT

RESOLUTION - IMPROVEMENT OF TOWN PARK

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to schedule a public hearing for May 16, 1990 at 8:15 P.M. to consider a map plan and report concerning the formation of Water District #3 for the Town of Boston.

five (5) ayes

Carried

Upon the recommendation of the Code Enforcement Officer, a motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to grant a Soil Removal Permit to Roy L. Emerling for property on Boston State Road near Omphalius Road, not to exceed 600 cubic yards; permit contingent that a temporary construction fence be erected around the perimeter of the removal area for safety reasons, due to the large number of all terrain vehicles that use that area.

five (5) ayes

Carried

RESOLUTION - PUBLISH AUTHORIZATION FOR SALE OF HIGHWAY GARAGE

Upon the request of Wayne Kreitzbender, President, a motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to permit the Patchin Volunteer Fire Company to hold their annual 25 Week Club party at the Lions Club Shelter on July 29, 1990, with permission to serve beer.

five (5) ayes

Carried

Supervisor's Monthly Financial Report was received.

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter to authorize the Town Clerk to advertise for bids for a Van for the Dog Control Officer, with bids to be opened on April 23, 1990 at 10:00 A.M. in the Supervisor's Office.

five (5) ayes

Carried

Supervisor Kennedy directed the Town Clerk to notify the Creative Playground Committee of a meeting scheduled for Thursday, April 19, 1990 at 7:30 P.M.

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to authorize Town Clerk Carr to attend the New York State Town Clerks' Association annual conference in Albany from April 22-25, 1990, with all appropriate expenses to be paid by the town.

five (5) ayes

Carried

Town Justice Monthly Financial Report was received.

Highway Superintendent Ruchalski reported that the 1990 John Deere loader has been received. He also had the reminder that the bids for the Chipper will be opened on April 9, 1990 at 10:00 A.M.

Attorney Perley reported that Supreme Court Justice Doyle has granted a 180 day extension to Glenn McKillen for the cleanup of his junk vehicles. He also said a deposition hearing has been scheduled for May 1, 1990 in the matter of junk vehicles on the premises of Edward Dzierzanowski and he will keep the Town Board advised of these cases.

Attorney Perley said tv cable lines on Tillen and West Hill Roads are expected to be completely installed by April 30, with Rockwood Road projected completion date by June 30. He also noted that Congressman Paxon has reported that hearings on the possibility on cable television again being regulated are taking place and he will report on any changes.

Councilman Wittmeyer said that a meeting was held on March 27 relative to the Patchin Road bridge reconstruction, which will begin in mid-April, with a completion date scheduled for mid-September. He said the first phase will be to construct a walk bridge on the north side and a small fire station for Patchin will be constructed on the west side of the bridge for the construction period.

Councilman Wittmeyer reported that on the afternoon of March 29 a 10-wheeler truck, carrying 18 tons of stone, lost brakes while driving down Omphalius Road and sailed through the intersection of Boston State Road and into a vacant field. Mr. Wittmeyer

10

TOWN OF BOSTON



At a regular meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Town Hall, 8500 Boston State Road, in said town on the 4th day of April, 1990 at 7:30 P. M. Eastern Daylight Saving Time, there were

Present:	Richard L. Kennedy	Supervisor
	Milton I. Wittmeyer	Councilman
	David G. Zimmerman	Councilman
	Don A. Wohlhueter	Councilman
	Frank H. Lisowski, Jr.	Councilman

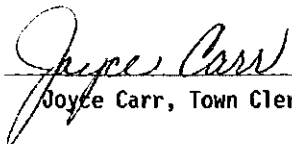
Councilman Lisowski presented the following resolution and moved its adoption:

RESOLVED to hereby authorize the Supervisor to enter into a contract with Babinski and Klein Engineering for \$2,600.00 to conduct an energy audit of the Boston Town Hall.

Seconded by Councilman Wittmeyer and put to a vote, which resulted as follows:

Supervisor Kennedy	Voting <u>aye</u>
Councilman Wittmeyer	Voting <u>aye</u>
Councilman Zimmerman	Voting <u>aye</u>
Councilman Wohlhueter	Voting <u>aye</u>
Councilman Lisowski	Voting <u>aye</u>

AYES: 5 NOES: 0 ABSENT: 0


Joyce Carr, Town Clerk

TOWN OF BOSTON



At a regular meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 4th day of April, 1990 at 7:30 P.M. Eastern Daylight Savings Time, there were

Present: Richard L. Kennedy
Milton I. Wittmeyer
David G. Zimmerman
Don A. Wohlhueter
Frank H. Lisowski, Jr.

Supervisor
Councilman
Councilman
Councilman
Councilman

Councilman Lisowski presented the following resolution and moved its adoption:

WHEREAS, the Town of Boston is in need of numerous improvements in our Town Park, and

WHEREAS, there are private and public organizations willing to contribute materials and funding for the furtherance of this worthwhile endeavor.

NOW, THEREFORE, BE IT RESOLVED, that all funds in-kind services spent for any and all improvements effected after the date of this resolution (April 4, 1990) to town owned properties used for park purposes be and the same shall be credited to satisfy the Town's financial obligations of fifty (50%) percent matching funds toward the Municipal Park Project Grant through the office of New York Parks, Recreation and Historical Preservation under the Environmental Quality Bond Act for future development of said project.

Seconded Councilman Wohlhueter and duly put to a vote which resulted as follows:

Supervisor Kennedy
Councilman Wittmeyer
Councilman Zimmerman
Councilman Wohlhueter
Councilman Lisowski

Voting aye
Voting aye
Voting aye
Voting aye
Voting aye

AYES: 5 NOES: 0 ABSENT: 0

Joyce Carr
Joyce Carr, Town Clerk

TOWN OF BOSTON



At a regular meeting of the Town Board of the Town of Boston held on the 4th day of April, 1990 at 7:30 p.m., Councilman Zimmerman offered the following resolution and moved its adoption:

WHEREAS, the Town of Boston has entered into a contract for the sale of certain property to June M. Bonerb, as Agent for corporation to be formed, and;

WHEREAS, Town of Boston has entered into further agreement with the Patchin Fire and Community Association, Inc., also known as the Patchin Volunteer Fire Company, to exchange certain lands situated in the Town of Boston, and;

WHEREAS, Section 64 of the Town Law requires the adoption and publication of a resolution with respect to the transactions set forth above,

NOW, THEREFORE, be it resolved that the Town of Boston obtain from the Patchin Fire and Community Association, Inc., also known as the Patchin Volunteer Fire Company, the following described land:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Boston, County of Erie, State of New York, being part of Lot 13, Township 8, Range 7 of the Holland Land Company's survey and being more particularly described as follows:

BEGINNING at a point in the centerline of Boston State Road (also known as Hamburg-Springville Road, Route 391 and formerly U.S. Route 219) at the Southwest corner of lands formerly conveyed to De Lee B. Churchill and wife by Liber 1801 of Deeds at page 18; thence northeasterly along the southeasterly line of Churchill, being the northerly line of Jacob Haab, 264.00 feet to a point; thence continuing northeasterly, 8.24 feet to a point; thence southwesterly, 295.25 feet to a point which is 3.000 feet southeasterly of the northeast corner of lands formerly conveyed to Churchill; thence continuing southwesterly parallel to and 3.00 feet southeasterly there from the northerly line of Jacob Haab, 264.00 feet to the centerline of Boston State Road; thence northwesterly along the centerline of Boston State Road; thence northwesterly along the centerline of Boston State Road, 3.00 feet to the point or place of beginning,

Excepting therefrom that portion of the above described property currently owned by the Town of Boston, and be it further;

RESOLVED, that the Supervisor of the Town of Boston be hereby authorized to execute all documents necessary to convey the following described land to the Patchin Fire Community Association, Inc., also known as the Patchin Volunteer Fire Company:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Boston, County of Erie, State of New York, being part of Lot 13, Township 8, Range 7 of the Holland Land Company's survey and being more particularly described as follows:

BEGINNING at a point in the centerline of Boston State Road (also known as Hamburg-Springville Road and Route 39, formerly U.S. Route 219), 3.0 feet southeast of the southwest corner of lands now or formerly conveyed to De Lee B. Churchill wife by Liber 1801 of Deeds at Page 18; thence northeasterly at right angles 98.00 feet; thence southeasterly parallel to the centerline of Boston State Road 22.00 feet; thence southwesterly at right angles to said road 98.00 feet to a point in the centerline of said road; thence northwesterly along the centerline of road 22.00 feet to the point of beginning; and be it further;

RESOLVED, that the Supervisor be and he is hereby authorized to execute all documents necessary to convey the following described property to June M. Bonerb.

Parcel "A"

All that tract or parcel of land situate in the Town of Boston, County of Erie and State of New York, being part of Lot No. 13, Township 8, Range 7 of the Holland Land Company's Survey, described as follows:-

Beginning on the line of the Highway at the northwest corner of land now owned by Jacob Haab; thence easterly along the said Jacob Haab's line forty (40) feet; thence southerly twenty-five (25) feet; thence westerly to the center of the Highway; thence northerly along the center of said Highway twenty-five (25) feet; thence easterly to the place of beginning

Parcel "B"

All that tract or parcel of land situate in the Town of Boston, County of Erie and State of New York, being part of Lot No. 13, Township 8, Range 7 of the Holland Land Company's Survey, described as follows:-

Beginning at a point which is the northeast corner of land conveyed by Jacob Haab and Frances Haab his wife to The Town of Boston, County of Erie, State of New York by warranty deed dated February 24 1904 and recorded in Erie County Clerk's Office in liber 985 of Deeds page 152 on March 10 1904; running thence easterly and along a line which is the continuation of the north line of above described property conveyed by Jacob Haab and Frances Haab his wife to The Town of Boston, twenty-five (25) feet; thence southerly and parallel to the east line of said property so conveyed by Jacob Haab and Frances Haab his wife to The Town of Boston, twenty-five (25) feet; thence westerly twenty-five (25) feet to a point which is the southeast corner of property so conveyed by Jacob Haab and Frances Haab his wife to The Town of Boston and thence northerly along the east line of said property so conveyed

by Jacob Haab and Frances Haab his wife to The Town of Boston twenty-five (25) feet to the point or place of beginning

Parcel "C"

All that tract or parcel of land situate in the Town of Boston, County of Erie and State of New York, being part of Lot No. 13, Township 8, Range 7 of the Holland Land Company's Survey, described as follows:-

Beginning at a point in the center of the highway leading from Buffalo to Springville seventy-four and sixty-eight hundredths (74.68) feet southerly from the southwest corner of lands owned by Peris Cobb: ¹thence southerly along the center of said highway eighty-nine (89) feet to the southwest corner of the lands conveyed to De Lee B. Churchill and one by deed recorded in Erie County Clerk's Office in liber 1801 of Deeds page 18:

²thence at right angles easterly and along the said southerly line of the lands so conveyed as aforesaid four (4) chains to the southeast corner thereof: ³thence northerly parallel with the center line of said highway eighty-nine (89) feet: ⁴thence westerly in a straight line four (4) chains to the place of beginning

Parcel "D"

All that tract or parcel of land situate in the Town of Boston, County of Erie and State of New York, being part of Lot No. 13, Township 8, Range 7 of the Holland Land Company's Survey, described as follows:-

Beginning at a point in a southwesterly line of lands conveyed to Joseph Bursztynski and Helen Bursztynski his wife by deed recorded in Erie County Clerk's Office in liber 5060 of Deeds page 365 on October 20 1955, said southwesterly line being along the fifth course of the lands described in said deed above mentioned and said point of beginning being distant

seventy-eight (78) feet southeasterly from the intersection of said fifth course of the lands described in deed above mentioned with the fourth course of the lands therein described: running thence southeasterly parallel with the Hamburg Springville State Road (U. S. Route No. 219) and along the fifth course of the lands described in deed above mentioned, one hundred fifty-two and fifty-five hundredths (152.55) feet to the terminus of said fifth course: thence northeasterly at an interior angle with the last described line of $91^{\circ} 57'$ and along the northwest line of lands deeded to William F. Henry Jr. and Bernice E. Henry his wife by deed recorded in said Clerk's Office in liber 4020 of Deeds page 562 on November 18 1946, two hundred ninety-five (295) feet to an angle point in said line: thence northwesterly at an interior angle of $87^{\circ} 55'$ one hundred forty-four and four tenths (144.4) feet: thence southwesterly at an interior angle of $93^{\circ} 41'$, two hundred ninety-five (295) feet to the point of beginning

4-13-25,25-1
4-13-12



Parcel "E" ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Boston, County of Erie, State of New York, being part of Lot 13, Township 8, Range 7 of the Holland Land Company's survey and being more particularly described as follows:

BEGINNING at a point in the centerline of Boston State Road (also known as Hamburg-Springville Road, Route 391 and formerly U.S. Route 219) at the southwest corner of lands formerly conveyed to De Lee B. Churchill and wife by Liber 1801 of Deeds at page 18; thence northeasterly along the southeasterly line of Churchill, being the northerly line of Jacob Haab, 264.00 feet to a point; thence continuing northeasterly along the northeasterly line of lands conveyed to William F. and Bernice E. Henry by Liber 4020 of Deeds at Page 562, 295.00 feet to a point; thence southeasterly, 8.24 feet to a point; thence southwesterly, 295.25 feet to a point which is 3.00 feet southeasterly of the northeast corner of lands formerly conveyed to Churchill; thence continuing southwesterly parallel to and 3.00 feet southeasterly there from the northerly line of Jacob Haab, 264.00 feet to the centerline of Boston State Road; thence northwesterly along the centerline of Boston State Road, 3.00 feet to the point or place of beginning.

and excepting therefrom the following described property:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Boston, County of Erie, State of New York, being part of Lot 13, Township 8, Range 7 of the Holland Land Company's survey and being more particularly described as follows:

BEGINNING at a point in the centerline of Boston State Road (also known as Hamburg-Springville Road and Route 39, formerly U.S. Route 219), 3.0 feet southeast of the southwest corner of lands now or formerly conveyed to De Lee B. Churchill and wife by Liber 1801 of Deeds at Page 18; thence northeasterly at right angles 98.00 feet; thence southeasterly parallel to the centerline of Boston State Road 22.00 feet; thence southwesterly at right angles to said road 98.00 feet to a point in the centerline of said road; thence northwesterly along the centerline of road 22.00 feet to the point or place of beginning.

and be it further resolved;

That, this resolution be and the same is hereby subject to a permissive referendum, and be it further;

RESOLVED, that pursuant to §82 and §90 of the Town Law within 10 days from the date of this resolution, the Town Clerk shall publish a notice which will set forth the date of the adoption of the resolution, shall contain an abstract of such resolution concisely setting forth a purpose and effect thereof, shall specify that this resolution was adopted subject to a permissive referendum; and shall publish such notice as provided by law and in addition thereto, the Town Clerk shall post or cause to be posted on the sign board of the Town of Boston, a copy of such notice within 10 days after the date of adoption of this resolution.

Which said resolution was seconded by Councilman Lisowski and put to a vote which resulted as follows:

Voting Aye
Milton I. Wittmeyer

Voting Aye
David G. Zimmerman

Voting Aye
Don A. Wohlhueter

Voting Aye
Frank H. Lisowski, Jr.

aye 5

no 0 Voting Aye
Richard L. Kennedy, Supervisor

Dated: April 10, 1990

By Order of the Town Board
Town of Boston, Erie County,
New York
Joyce Carr, Town Clerk

said he checked the location on Omphalius Road where the steep grade sign is for trucks and he feels that once a driver reaches that location, it is too late to turn around and he suggests that the steep grade sign, and possibly weight limit signs, be posted further east on Omphalius, possibly near Cole Road.

Code Enforcement Officer and Deputy Code Enforcement Officer Monthly Reports were received.

Dog Control Officer Monthly Report was received.

Town Engineer Monthly Report was received.

A letter was read from the Planning Board, inviting members of the Town Board to a meeting on April 10, 1990 at 8:00 P.M. at which time Charles Dawson, Community Planner for the Town of Concord, will address the boards relative to a proposed Master Plan for Concord.

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to adjourn at 9:03 P.M.

Joyce Carr

Joyce Carr
Town Clerk

Regular Meeting
April 18, 1990

Town Hall
7:30 P.M.

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Frank Lisowski, Supervisor Richard Kennedy and Town Attorney Michael Perley. Councilman Don Wohlhueter and Highway Superintendent Eugene Ruchalski were absent.

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman that the Minutes of the Regular Meeting of April 4, 1990 be approved.

four (4) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer that the General Fund and Special District Bills on Abstract #4A, April 18, 1990, in the amount of \$32,098.21 be paid.

four (4) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman that the Highway Bills on Abstract #4A, April 18, 1990, in the amount of \$3,215.66 be paid.

four (4) ayes

Carried

Received and filed acknowledgement from New York State Department of State that Local Law No. 2 of 1990 - Sign Law, has been received and filed by them.

Received and filed acknowledgement from New York State Department of State that Local Law No. 3 of 1990 - Parking, has been received and filed by them.

Received a letter from Ernest P. Mettendorf, 3 Robin Drive, relative to a drainage problem on his property. Supervisor Kennedy said the town is acquiring park land to the rear of the Mettendorf property and that drainage work that will be done on the property should alleviate the problems. Insofar as the drainage problem that is occurring between the Mettendorf and Kosanovich properties, this is not a Town Board matter, but one that must be worked out between the owners. Supervisor Kennedy said he will contact Mr. Mettendorf regarding this matter.

Received and filed membership changes from North Boston Volunteer Fire Co., Inc.

Received Erie County Sheriff's Department activity report for March, 1990 from Sgt. Fox. Supervisor Kennedy said these reports are on file in the Town Clerk's Office for review.

Supervisor Kennedy welcomed Erie County Legislator Joseph Desmond to the Town Board meeting and Mr. Desmond said he is in attendance so as to offer his services to the town.

Received notification from Assemblyman Thomas M. Reynolds that the New York State Energy Office will award a technical assistance study grant in the amount of \$600.00 for an energy efficient study to be made at the Town Hall. Supervisor Kennedy said this study is necessary prior to applying for monies to proceed with insulation installation.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to approve the request of Good Shepherd Lutheran Church to use the Town Park for a kite flying event on Sunday, April 22, 1990 from 1:00 - 4:00 P.M.

four (4) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to grant the request of G.R.S. Enterprises, Inc. to use the Lions Shelter on Sunday, July 15, 1990 for a company picnic, with permission granted also to serve beer, contingent that a Certificate of Insurance is received from the company.

four (4) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to grant permission to the Boston Chamber of Commerce, Inc. to use the Lions Shelter and town park for a concert and craft show on Sunday, August 26, 1990 from 8:00 A.M. to 7:00 P.M.

four (4) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Supervisor Kennedy to make

April 18, 1990

the following Correction of Abstract #4, April 4, 1990:

Voucher #253
From A 5132.2
To H 5132.4

four (4) ayes

At 7:45 P.M. a public hearing was held on the request of George Decker to rezone a parcel of land on the south side of Aspen and west side of Pin Oak Drive from Residence Restricted Business RRB and Agriculture A-1 to Residence R-3. Town Clerk Carr read the public notice, which was published in the Hamburg "Sun" and a letter recommending the property be rezoned from the Planning Board. Supervisor Kennedy opened the hearing for questions or comments. Attorney Perley asked Mr. Kenneth Decker if the description of property was in accordance with the survey by Whitford & Koelmel and Mr. Decker said it was. There were no other questions.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to close the public hearing at 7:47 P.M.

four (4) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman to grant the request of George Decker to rezone property on the south side of Aspen and west side of Pin Oak Drive from Residence Restricted Business and Agriculture A-1 to Residence R-3, per the property description submitted by Whitford & Koelmel.

four (4) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to approve the application of Angelo DeGiuli to alter his existing business building at 9463 Boston State Road to include two apartment units, subject to the approval of the Code Enforcement Officer that all state and local building codes are met.

four (4) ayes

Carried

A letter was received from Highway Superintendent Eugene Ruchalski stating that on April 9, 1990 at 10:00 A.M. bids were received and opened for a 1990 Brush Chipper, as follows:

Lyons Equipment Company
P. O. Box 107
Little Valley, New York 14755

Price	\$15,986.39
Trade-in	- 4,000.00
Total Bid	\$11,986.39

Roberts Equipment Co.
829 Sheridan Drive
Tonawanda, New York 14150

Price	\$17,795.00
Trade-in	- 3,799.00
Total Bid	\$13,996.00

Wellington Bros. Equip.
7040 Ellicott Road
Orchard Park, New York 14127

Price	\$15,200.00
Trade-in	- 2,300.00
Total Bid	\$12,900.00

Upon the recommendation of Highway Superintendent Ruchalski, a motion was made by Councilman Lisowski and seconded by Councilman Zimmerman that the low bid be accepted

Carried

**PUBLIC NOTICE
TOWN OF BOSTON
AMENDMENT TO THE
ZONING ORDINANCE AND
ZONING MAP OF THE
TOWN OF BOSTON**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston, Erie County, New York, will hold a Public Hearing on the 18th day of April, 1990 at 7:45 P.M. Eastern Daylight Saving Time in the Boston Town Hall, 8500 Boston State Road, Boston, New York on the petition and request of George Decker to rezone the following described property, which is presently zoned Residence Restricted Business RRB and Agriculture A-1 to Residence R-3 under the Zoning Ordinance of the Town of Boston, said property being described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Boston, County of Erie, and State of New York, being part of Lot 3, Township 8, and Range 7 of the Holland Land Company's Survey and being more particularly bound and described as follows:

BEGINNING at the intersection of the Southerly boundary line of Aspen Drive (having a width of 60 feet) and the Westerly boundary line of Pin Oak Drive (having a width of 60 feet); THENCE West and along the Southerly line of Aspen Drive a distance of 229.77 feet to a point; THENCE Southerly at an interior angle of 90°51'09" a distance of 230.93 feet to the Westerly line of Pin Oak Drive; THENCE Northerly along the Westerly line of Pin Oak Drive, and along a curve having a radius of 140.77 feet a distance of 11.9 feet recorded, and 11.96 feet measured to a point; THENCE continuing along the Westerly line of Pin Oak Drive a distance of 332.1 feet to the point or place of beginning, containing 1.75 acres more or less.

At this hearing at the time and place noted, all interested parties will be heard for or against said petition.
Dated: March 28, 1990

Joyce Carr
Town Clerk
Town of Boston

4-5

April 18, 1990

and the bid be awarded to Lyons Equipment Company for a 1990 Morbark Eger Beaver, Model 290 Brush Chipper in the amount of \$11,986.39.

four (4) ayes

Carried

A letter was received from the Traffic Safety Committee, requesting the Town Board petition the county to place steep grade signs near the intersection of Omphalius and Cole Roads, as the present sign is at a point where the vehicles are already on their way down hill. Legislator Desmond requested a copy of the letter that will be sent to the county on this matter and stated he will attempt to expedite the request.

Upon the recommendation of the Traffic Safety Committee, a motion was made by Supervisor Kennedy and seconded by Councilman Lisowski that James R. Carr be approved as Chairman of this committee.

four (4) ayes

Carried

Supervisor Kennedy read a letter received this date from Annette Greene, 5750 Cloverfield Drive, requesting a reduction and enforcement of the speed limit on Back Creek Road. Councilman Wittmeyer stated that the Town Board requested a reduction in speed in this area on January 30, 1986 and the county complied with the request by lowering the speed to 40 mph on Back Creek Road from Zimmerman Road to approximately 1/5 of a mile north of Butternut Road. Councilman Wittmeyer said he doubted that the county would agree to lower the speed further and Supervisor Kennedy requested Sgt. Fox to convey to the Sheriff's Department that speed checks be made on Back Creek Road. The Traffic Safety Committee will formulate a reply to Mrs. Greene on this matter.

Supervisor Kennedy said three candidates have been interviewed by the Town Board for a Zoning Board of Appeals appointment - Mary Thurber, Randy Burgwardt and Reed Garver - and he is pleased that residents of the town are interested in serving on this board. He added that Councilman Wohlhueter, who is on vacation, has asked that this appointment be tabled until his return and it will be made at the first Town Board meeting in May.

Tax Collector Carr submitted a report of tax collected as of March 31, 1990, at which time there was a balance of \$230,823.31 to be collected from a total of \$3,253,505.44.

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to authorize the attendance of Highway Superintendent Ruchalski at a seminar on May 8, 1990 at Cornell University and the Association of Towns 1990 Highway School at Ithaca College on June 4-6, 1990, with all appropriate expenses to be paid by the town.

four (4) ayes

Carried

Attorney Parley reported he had a telephone conversation with a representative of C.I.D. Industries, who are interested in the town reviewing a standard contract for refuse pickup that is being presented to surrounding towns also. He will convey this information to the Solid Waste Committee for their discussion.

Supervisor Kennedy said that B.F.I., who has the present contract for refuse pickup in town, has contacted him relative to scheduling a recycling day in order to familiarize residents of the procedure involved; this information will be referred to the Solid Waste Committee so they can schedule a date for this demonstration.

Councilman Wittmeyer requested that Town Clerk Carr send a copy of the report from Sgt. Fox of the Erie County Sheriff's Department relating to complaints received from Butternut Road residents about youths loitering and drinking on this road to Robert Pryor, spokesman for the residents in that area.

Councilman Zimmerman said he wished to publicly congratulate Town Clerk Joyce Carr on her designation by the Boston Chamber of Commerce as "Citizen of the Year" and he added that it is an honor well deserved.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to adjourn at 8:09 P.M.

Joyce Carr

Joyce Carr
Town Clerk

Regular Meeting
May 2, 1990

Town Hall
7:30 P.M.

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy, Town Attorney Michael Perley and Highway Superintendent Eugene Ruchalski.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman that the Minutes of the Regular Meeting of April 18, 1990 be approved.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter that the Town Clerk's Monthly Report be accepted.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer that the General Fund and Special District Bills on Abstract #5, May 2, 1990, in the amount of \$16,209.41 be paid.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman that the Highway Bills on Abstract #5, May 2, 1990, in the amount of \$2,310.87 be paid.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to go on record in support of making a formal request to the County Legislature for a hearing on the 8th percent Erie County sales tax and the sharing of its revenues among local governments and school districts in the county. Town Clerk Carr was directed to forward our response in this matter to Edward J. Sakowski, Executive Director of the Erie County Association of School Boards, with the information that Supervisor Kennedy or a designated Town Board member will represent the town at the hearing.

five (5) ayes

Carried

Received and filed information that an on-premises liquor license has been applied for by Timothy J. Greenan for 9368 Boston State Road.

Received a letter from Gail M. Riggs, Village of Springville Clerk, relative to the scheduling of evening training for Code Enforcement training. Town Clerk Carr was directed to correspond with Clerk Riggs that the Town Board is in support of evening hours being established.

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to grant permission for New York Public Interest Research Group, Inc. to conduct door-to-door outreach between May 7 and August 31, 1990.

five (5) ayes

Carried

Received information from Erie County Water Authority that an amendment to their rules takes effect on May 1, 1990 relative to a fee that will be charged to municipalities for billing sewer use charges based on water consumption. Supervisor Kennedy noted that this amendment does not apply to the Town of Boston, as we do not have sewer charges based on water consumption.

Received a resolution from the Town of Colden that requests the Erie County Legislature to tour the county roads in their town on April 27, 1990. Supervisor Kennedy said he is sympathetic to the Town of Colden in their efforts to have the county roads repaired and Councilman Wittmeyer noted that results have been obtained in the Town of Boston by requesting county highway officials take a similar tour here.

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to waive an opportunity to object to the approval of the U.S. Department of Housing and Urban Development of the planned housing for the handicapped to be constructed by People, Inc. at 8169 Boston State Road. Town Clerk Carr was directed to so inform HUD of this decision and to also send copies of the Planning Board comment letter to them.

five (5) ayes

Carried

May 2, 1990

Received State Environmental Quality Review Negative Declaration from the Erie County Commissioner of Public Works relative to the abandonment of a 0.16 acre parcel of land located 1500 feet south of Route 391 and Route 277. Said parcel is abandoned to adjacent land owner, Alfons Wetzi. Attorney Perley said he expects the deed conveying the property to Mr. Wetzi will be filed in the Erie County Clerk's Office by the end of this week.

Received and filed from the Department of Environment and Planning an updated map of the agricultural districts in the town.

Received information from New York Public Service Commission that a public hearing will be held in Binghamton on May 22, 1990 to receive comments concerning pending rate proposals of New York State Electric & Gas Corporation.

A report was made by Recreation Director Gerald O'Brien on the transportation bids that were opened at 10:00 A.M. on February 28, 1990, summarized as follows:

<u>Bus Company</u>	<u>1st Bus</u>	<u>2nd Bus</u>	<u>Ave. Field Trip</u>	<u>Total Daily Ave.</u>
Charles	\$ 70.00	\$ 70.00	\$ 108.75	\$ 82.90
Laidlaw	\$ 85.30	\$ 82.90	\$ 88.84	\$ 85.68
National	\$107.00	\$107.00	\$ 94.72	\$ 102.90
Niagara Scenic	\$112.50	\$112.50	\$ 89.05	\$ 104.68
Quality	\$105.00	\$105.00	\$ 121.04	\$ 110.35

Upon the recommendation of Recreation Director O'Brien, a motion was made by Councilman Lisowski and seconded by Councilman Zimmerman to award the transportation for the summer recreation program to the low bidder, Charles Bus Company, 819 Davis Road, East Aurora, New York.

five (5) ayes

Carried

A letter was read from Charles P. Maxwell, Esq. relative to his opposition to the adoption of Local Law Number 4 of the Year 1990 - Recreation Trust Fund - which was tabled from the public hearing held on April 4, 1990. Maurice Emerling, 9824 Trevett Road, stated that he believes the taxes that will be generated when new construction occurs would add to the tax base, therefore making more funds available for park improvements. He added that not all persons purchasing homes in the town will be using the playgrounds. Supervisor Kennedy said that he believes a user fee, to be paid by developers, is a way to accommodate a large influx of persons that could impact on the park system. Councilman Zimmerman added that the park serves the whole town, not just the children. Attorney Perley stated that New York State has mandated that it is proper for local municipalities to impose a fee to developers for this purpose. Councilman Wohlhueter stated he is opposed to the adoption of a Recreation Trust Fund, which he said is similar to the transfer cost increase recently imposed by the county, insofar as it adds to the cost of the development, therefore is more costly for home buyers. He added that he felt the town has enough land for park use and that additional subdivisions would not be a burden on the parks. Councilman Lisowski said he is in favor of the trust fund, as it will provide funds for maintenance and capital projects in the parks. Councilman Wittmeyer said he is in support also, as it is a means of insuring there will be funds available for the development of the park being acquired in Boston, as well as for projects such as the installation of permanent restroom facilities at the Town Hall Park. Councilman Zimmerman said he agreed with Councilman Wittmeyer relative to funding for improvements to the existing parks and said he is in favor also, as the recreation trust fees would not have to be paid up front by the developer, but can be structured throughout the development of the project, perhaps payable at the time the certificate of occupancy is issued.

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to adopt Local Law Number 4 of the Year 1990 entitled Recreation Trust Fund, as tabled from the April 4, 1990 meeting. A vote was taken on the motion, as follows:

Supervisor Kennedy	Voting	aye
Councilman Wittmeyer	Voting	aye
Councilman Zimmerman	Voting	aye
Councilman Wohlhueter	Voting	no
Councilman Lisowski	Voting	aye

four (4) ayes

one (1) no

Carried

May 2, 1990

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to adopt an Amendment to the Subdivision Regulations, §104-7, by the addition of a new subsection F relating to the provision of park and/or recreational facilities, with minor wording change recommended by Attorney Perley.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to schedule a public hearing for June 6, 1990 at 7:45 P.M. to consider Local Law #5 of 1990, an amendment to Local Law Number 2 of 1987 known as the Mobile Home Court Law of the Town of Boston.

five (5) ayes

Carried

A letter was received from Kevin and Darlene Thomas relative to their plans to construct a single-family home on Back Creek Road, near Pfarner Road, and requesting approval to extend the water line to their property. Supervisor Kennedy and Councilman Wittmeyer will look at the site location before a determination is made on this request.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to appoint Edward Ruchalski as a Laborer, PT, retroactive to April 18, 1990, at a rate of \$5.50 per hour.

five (5) ayes

Carried

A letter was received from the newly-formed Homeowners Association of the Boston Hills Mobile Home Park, requesting they be informed when park items are included on the Town Board agenda. Upon their request to use the Town Hall community room, a motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to grant this permission for Wednesday, August 15, 1990 from 7:00 P.M. to 9:00 P.M.

five (5) ayes

Carried

Upon the recommendation of Recreation Director Gerald O'Brien, a motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to appoint John Herman, 6712 Meadowbrook Drive, as Recreation Supervisor, effective from May 2 - December 31, 1990, with an annual salary of \$2000.00.

five (5) ayes

Carried

Upon the recommendation of the Traffic Safety Committee, a motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski to request the county install a "Children at Play" sign in the vicinity of the creative playground at the Back Creek Road school.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to refer to the Planning Board for their review and recommendation the request of Donald Mitscher to rezone property located at 7942 Back Creek Road from Residence R-2 to Agriculture A-1 for the purpose of erecting greenhouses.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to appropriate unexpended balance in the amount of \$11,986.39 under appropriation account 8989.2 - Home & Community Services - as an emergency measure to purchase a chipper, which will be used for the disposal of brush from residents, as the County of Erie has denied a burning permit to burn brush, which was the method used in the past.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski to approve a Soil Permit application of Gregory R. Gerwitz, contingent upon a favorable inspection of the premises by Councilman Wittmeyer and Code Officer Kramer.

five (5) ayes

Carried

Town Clerk Carr reported that one bid was submitted for a new Dog Control van at the bid opening on April 23, 1990, as follows:

May 2, 1990

Towne Ford
3535 Southwestern Blvd.
Orchard Park, New York 14127

One 1990 Van Truck - Without Trade	\$11,756.45
One 1990 Van Truck - With Trade	\$10,756.45

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to award the bid for a Dog Control van to Towne Ford, with trade in, at a price of \$10,756.45; Supervisor Kennedy will contact Towne Ford in respect to the color of the van, which he has decided should be other than the color of highway orange.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to approve the site plan for a multi-family complex of Roy Emerling and authorization was given to Code Officer Kramer to issue building permits per the approved site plan in accordance with the present rules and regulations of the Zoning Ordinance.

five (5) ayes

Carried

Supervisor's Monthly Financial Report was received.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to refer to the Planning Board for review and recommendation the application of Daniel Schunk for a two-family dwelling on Boston State Road.

five (5) ayes

Carried

RESOLUTION - STATE GRANT REQUEST FOR CHIPPER

Supervisor Kennedy directed Attorney Perley to correspond with residents of Meadow and Northside Drives relative to the fact that the drainage ditches were constructed for the benefit of the property owners and that they have the responsibility to maintain them for unobstructed drainage flow. Mr. Kennedy said the property to the town park with access from Meadow Drive has been surveyed in contemplation of tree planting, which should act as a dust buffer zone for adjacent properties.

Supervisor Kennedy asked Town Clerk Carr to clarify a Kennel License and a Purebred License and she advised that a Purebred License does not mean a person can have a kennel, as to have a kennel a property must be properly zoned. She also pointed out that dogs are not taken into consideration until they are six months or older.

Town Clerk Carr thanked the Town Board for affording her the opportunity to attend the Town Clerks Association meeting in Albany on April 22-25, as the conference was very interesting and informative.

Town Justice Monthly Financial Report was received.

Highway Superintendent Ruchalski said his department has been chipping brush for eight and one-half days and expect to be completed by the end of the week with this collection. He added that his department is logging every day's activities, which aid when persons call to say they did not cover their road. He said chips are available for residents to come and pick up at the highway garage and that after the next pickup, which begins on May 21, there will be no more brush collection until September.

Mr. Ruchalski asked about the progress of the survey of Butternut Road and Attorney Perley said he will contact Nussbaumer & Clarke, Town Engineers, as a road alignment survey has been ordered.

Attorney Perley said the purchase of the land by the town and adjoining property owners in the vicinity of the Southtowns Rural Preservation Company is about finalized and he expects all closings to be made prior to June 1.

Councilman Wohlhueter reported that a Solid Waste Committee meeting was held on April 26 and C.I.D. has requested they be given permission to prepare proposals for the handling of the solid waste. B.F.I. Sanitation has also informed him that they would like to schedule a date for a Saturday in the summer to demonstrate to the townspeople how recycling is done.

Councilman Zimmerman said he has received information from Congressman Paxon relative to the possible re-regulation of cable television. He referred this

TOWN OF BOSTON



At a regular meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Town Hall, 8500 Boston State Road, in said town on the 2nd day of May, 1990 at 7:30 P. M. Eastern Daylight Saving Time, there were

PRESENT: Richard L. Kennedy
Milton I. Wittmeyer
David G. Zimmerman
Don A. Wohlhueter
Frank H. Lisowski, Jr.

Supervisor
Councilman
Councilman
Councilman
Councilman

Supervisor Kennedy presented the following resolution and moved its adoption:

WHEREAS, the Town of Boston annually sponsors a Spring and Fall brush pick up within the boundaries of our municipality, and

WHEREAS, the Town Board desires to conform to all existing regulations of both the State of New York and the County of Erie regarding environmental concerns as well as improving the esthetics of our community, and

WHEREAS, The Town Board members have had numerous requests from residents of Boston for mulch for their lawns and gardens.

BE IT THEREFORE RESOLVED, that the Town Highway Department of the Town of Boston chip all brush collected during the designated Spring and Fall pick up, and

BE IT FURTHER RESOLVED, that these wood chips and mulch collected be stored at the Highway Department area for use by all Town of Boston residents on a first come first serve basis.

Seconded by Councilman Wittmeyer and duly put to a vote which resulted as follows:

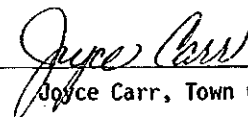
Supervisor Kennedy
Councilman Wittmeyer
Councilman Zimmerman
Councilman Wohlhueter
Councilman Lisowski

Voting aye
Voting aye
Voting aye
Voting aye
Voting aye

AYES: 5

NOES: 0

ABSENT: 0


Joyce Carr, Town Clerk

Resolution

Resolution Authorizing the Filing of an Application for a State Grant-in-Aid for Resource Recovery and/or Source Separation Equipment for a Municipal Solid Waste Management Project and Signing of the Associated State Contract, Under the Appropriate Laws of New York State.

WHEREAS, the State of New York provides financial aid for resource recovery equipment, source separation equipment, or both, for the implementation of small scale, low-technology approaches to resource recovery; and

WHEREAS

The Town of Boston

(Legal Name of Applicant)

herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the MUNICIPALITY deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY be executed for such STATE Aid;

NOW, THEREFORE, BE IT RESOLVED BY

The Town Board of the
Town of Boston

(Governing Body of Applicant)

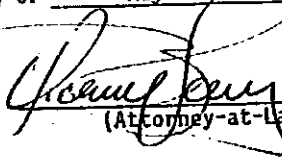
1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.
2. That Supervisor Richard L. Kennedy is
(Title of Applicant's designated Authorized Representative)
directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the STATE;
3. That the MUNICIPALITY agrees that it will fund its portion of the cost of said Solid Waste Management Project.
4. That the MUNICIPALITY or MUNICIPALITIES set forth their respective responsibilities by attached joint resolution relative to a joint Solid Waste Recovery and Management Project.
5. That five (5) Certified Copies of this Resolution be prepared and sent to the NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, ALBANY, NEW YORK 12233-4015, together with a complete application.
6. That this resolution shall take effect immediately.

CERTIFICATE AS TO TITLE TO PROJECT SITE

I, Michael F. Perley, Attorney-at-Law, representing
The Town of Boston herein called the
Applicant, as title counsel, do hereby certify:

1. That I have investigated and ascertained the location of and am familiar with the legal description of the site or sites being provided by the Applicant for all elements (access road, transfer stations, borrow areas, buffer zones and pre-treatment facilities and related components) of the Solid Waste Recovery and Management Project for which State participation has been offered under the Environmental Quality Bond Act of 1972/the Solid Waste Management Act of 1988.
2. That if not previously submitted, I am attaching a legal description of the site or sites on which the project is to be constructed.
3. That I have examined the deed records of the county or counties in which this project is to be located and in my opinion, the Applicant has a legal and valid fee simple title or other estate or interest in the site of the project including the necessary easements and rights-of-way as are necessary to undisturbed use and possession for the purposes of construction, operation, and maintenance of the project.
4. That any deeds or documents required to be recorded in order to protect the title of the owner and the interest of the Applicant have been duly recorded or filed for record wherever necessary.
5. REMARKS:

Date this 2nd day of May, 1990.


(Attorney-at-Law)

8500 Boston State Road
(Address)

Boston, New York 14025
(City and State)

CERTIFICATE OF RECORDING OFFICER

That the attached Resolution is a true and correct copy of the Resolution, authorizing the signing of an application for State Aid, authorizing the signing of a State Contract, and assuring funding of the municipal portion of the cost of the project as regularly adopted at a legally convened meeting of the

The Town Board of the Town of Boston

(Name of Governing Body of the Applicant)

duly held on the 2nd day of May, 1990,

and further that such Resolution has been fully recorded in the

1990 Minute Book in my office.

(Title of Record Book)

In witness whereof, I have hereunto set my hand this 3rd day of May, 1990.

If the Applicant has an Official Seal, Impress here.

Joyce Carr
Signature of Recording Officer

Town Clerk

Title of Recording Officer

May 2, 1990

Information to Attorney Perley for his review.

Code Enforcement Officer and Deputy Code Enforcement Officer Monthly Reports were received.

Dog Control Officer Monthly Report was received.

Town Engineer Monthly Report was received.

A letter was received from the Planning Board, recommending approval of the site plan of People, Inc. for a community residence at 8169 Boston State Road; with the additional suggestion that a sixty foot setback be considered for this construction. A letter was also received from Nussbaumer & Clarke, Inc., Town Engineer, stating the drainage design is acceptable and suggesting a six inch, rather than a four inch, outlet pipe be considered. Town Clerk Carr was requested to forward both these letters to Architect William L. Long and state the Town Board appreciates his consideration in this matter.

A letter was received from the Planning Board, asking the Town Board to meet with them on Tuesday, May 8, 1990 in order to view a film dealing with community planning, which Joseph Terrizzi will show.

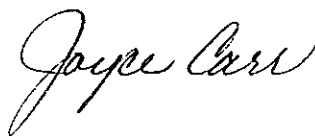
Supervisor Kennedy stated the Town Board interviewed three candidates for an appointment to the Zoning Board of Appeals and reviewed the qualifications of each. Mr. Kennedy said that the attendance record of Randy Burgwardt, whose term expired on April 1, 1990, was considered, along with qualifications of all three applicants and that their decision of an appointment is not meant to offend the others. Councilman Zimmerman said he thought that better attendance records at the Zoning Board meetings would be possible if they scheduled the same day each month for meetings, as the other boards do. If there were no applications that month, the meeting could be cancelled. Town Clerk Carr was directed to draft a letter to Chairman Remy Orffeo with this recommendation.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to appoint Reed Carver, 8363 Lower East Hill Road, to the Zoning Board of Appeals, term to expire April 1, 1995, and noted that his education and credentials, as well as his experience for several years as a member of the Conservation Advisory Council highly qualify him for this position.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski to adjourn at 8:58 P.M.



Joyce Carr
Town Clerk

Regular Meeting
May 16, 1990

Town Hall
7:30 P.M.

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy, Town Attorney Michael Perley and Highway Superintendent Eugene Ruchalski.

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski that the Minutes of the Regular Meeting of May 2, 1990 be approved.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter that the General Fund and Special District Bills on Abstract #5A, May 16, 1990, in the amount of \$37,183.32 be paid.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman that the Highway Bills on Abstract #5A, May 16, 1990, in the amount of \$2,488.65 be paid.

five (5) ayes

Carried

Received a notice from Congressman Bill Paxon that a congressional field hearing will be held on May 18, 1990 at 9:00 A.M. at the Walter J. Mahoney State Office Building in Buffalo on the dangers of high toxins in the Great Lakes; all interested persons will be given an opportunity to testify.

Received information that the Niagara Frontier Transportation Authority will be holding public hearings on May 15 and May 17 relative to their plans for a fare increase and service change. Supervisor Kennedy said there is no change in schedule planned for Boston and, although there is a proposed rate increase, he feels it is justifiable under the circumstances.

Sgt. Fox of the Erie County Sheriff's Department submitted an Activity Report for the month of April, which is on file in the Town Clerk's Office.

Erich Bickel, 8374 Zimmerman Road, presented to the Town Board a survey of property he owns near the corner of Heinrich and Zimmerman Road and said he had this land surveyed as he had been told he could build a four-family house and that now he has been told by the Town Attorney that this use is not allowable on the property. Attorney Perley read from the Zoning Ordinance the permitted uses under the Agricultural A-1 zoning, which does not allow for four-family homes. Supervisor Kennedy advised Mr. Bickel that he has the option of applying for a rezoning of the property and Attorney Perley told him he would outline the procedures for the filing of a rezoning request.

Marion Smyth, 7473 Crestwood Circle, said she wanted to publically thank the Emergency Squad for their delivery of her granddaughter on April 30.

Mrs. Smyth asked Highway Superintendent Ruchalski when he planned to complete some restoration work on Crestwood Circle and he said he would schedule the work soon.

Received notification from the Erie County Division of Highways that they will install an advance hill sign near Cole Road for westbound traffic on Omphalius Road. Also received notification from the Division of Highways that chevrons have been installed along the curve at 7050 Eckhardt Road. Councilman Wittmeyer said both these requests were made by the town at the request of the Traffic Safety Committee.

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski to grant permission to the Boston Republican Club to use the Town Hall Community Room on June 14, 1990 at 7:30 P.M. for a meeting and wine tasting presentation by a manager for Widmer Winery.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to make the following Correction of Abstract #5 - May 2, 1990:

May 16, 1990

Voucher #316 - Omphalius Plumbing & Heating
From \$32.11 - To \$32.41
Total Abstract - \$16,209.71

five (5) ayes

Carried

A motion was made by Councilman Wohlueter and seconded by Councilman Lisowski to authorize Supervisor Kennedy to sign a 1990 Worksite Agreement with Erie County Human Resource Corporation, Inc., relative to job placement for the summer youth program.

five (5) ayes

Carried

A letter was received from Lawrence and Jane Rozborski, 6440 Omphalius Road, requesting the town check the possibility that they could extend the water line on Omphalius Road to their property. Two letters were also received from Town Engineer Nussbaumer & Clarke, Inc. relative to this matter. The engineer reported that the water extension is feasible to the Simmeth and Nawotka properties, but that the extension to the Wittmeyer residence at 6460 Omphalius Road would not be practical, as the elevation rises rapidly and the pressure decreases below minimum. Attorney Perley said he is preparing letters to the Simmeths and Nawotkas relative to conditions for their approved extension of the water line to their residences and he will prepare a resolution to that effect when the conditions are signed and returned. Town Clerk Carr was directed to write to the Wittmeyers and Rozborskis relative to the negative findings by the Town Engineer on the extension of the line to their homes.

A letter was received from Glenn McKillen, Chief of the Boston Fire Company, Inc. outlining a number of fire hydrants in their district that are in need of service. Town Clerk Carr was directed to correspond with the Erie County Water Authority relative to the maintenance of the malfunctioning hydrants.

In a related matter, Councilman Wittmeyer said photos have been submitted by James Carr, Chairman of the Traffic Safety Committee, of fire hydrants along Abbott Road. The pictures show the hydrants are half-buried by fill that was placed during the reconstruction of this road. Supervisor Kennedy said the Town Engineer has written a letter to the Erie County Water Authority asking for relocation of the hydrants and the Town Clerk was also directed, in conjunction with Councilman Wittmeyer, to correspond with the water authority in this matter.

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to direct the Town Clerk to write the Erie County Division of Highways relative to the incomplete reconstruction work on Abbott Road, as the road conditions are not up to standard, with guide rails not yet installed and deep ditches present that are unprotected. A time frame for completion of this work will be requested.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to modify the terms of sale to June Bonerb of the old highway garage to require the payment of interest by Mrs. Bonerb at the rate of 7.75% on the current unpaid balance of the purchase price and to provide for closing on or before September 1, 1990.

five (5) ayes

Carried

Supervisor Kennedy said the senior citizens group in town has been steadily increasing in numbers and the Senior Citizens Council has proposed a new charter that would restrict membership to residents of the Town of Boston, however, current members that reside outside of the town and joined prior to January 1, 1990 would be allowed to remain. As this branch of the Senior Citizens group was originally a part of the Adult Education program of Hamburg Central School, a second group would be formed if necessary to accomodate out-of-town residents and they could meet at the Town Hall on Tuesdays at 12:30 P.M., with the original group retaining their Friday meeting schedule. A motion was made by Councilman Lisowski and seconded by Supervisor Kennedy to accept the recommendations made by the Senior Citizens Council for a new Senior Citizen Charter, as of January 1, 1990.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to grant a change of use request to Joseph Terrizzi for 8965 Boston State Road from a restaurant to a professional building.

five (5) ayes

Carried

May 16, 1990

Mr. Terrizzi was present at the meeting and reported there are two family doctors that are interested in setting up practice in the town at 8965 Boston State Road, however, they are also being asked by Mercy Hospital to set up a practice in the Town of East Aurora. He added the Chamber of Commerce is preparing to send out a questionnaire to the residents of the southtowns that asks for their support in encouraging the doctors to practice in town. Supervisor Kennedy said the presence of the doctors would most certainly fill a void in town and he will write a letter of support to them and invite them to meet with the Town Board, who will do what they can to promote their practice in the community.

At 8:15 P.M. a public hearing was held on the formation of Water District #3 in the Town of Boston. Town Clerk Carr read the Legal Notice and Supervisor Kennedy opened the hearing by stating that this district would be comprised of the area from Ward Road to Chestnut Ridge Road to the Niagara Mohawk right-of-way, south to Omphalius Road along the right-of-way and west on Omphalius Road to approximately Fitch Drive. The first phase of the project would be the installation of the water line to Hillcrest Drive and other phases will be completed as monies are available. The preliminary engineering studies are complete at this time and this hearing is the first step in the process of forming a water district. Residents asked questions relative to if the side streets off Chestnut Ridge Road would be serviced and Mr. Kennedy said they would and that Serpentine Drive is included, with a variation of line installation. He also stated there is no time established at this time for completion of the project. Gerold Rucker, 7486 Chestnut Ridge Road, asked when the second phase would begin and Mr. Kennedy said that depends on funding and that the Town Board would not consider the project if it meant excessive taxes for residents and that they are trying to keep the cost under \$400.00 annually per household. Attorney Perley answered a question on the timetable by stating the procedure would be to first receive a response from state representatives relative to

**LEGAL NOTICE
TOWN OF BOSTON
RESOLUTION IN THE MATTER
OF THE FORMATION OF
WATER DISTRICT NO. 3
IN THE TOWN OF BOSTON,
ERIE COUNTY, NEW YORK**

WHEREAS, pursuant to its request, the Town Board of the Town of Boston has received and filed a potable water feasibility study and map plan and report for the formation for proposed Water District No. 3 in the Town of Boston, Erie County, New York, prepared by the Engineering Firm of Nussbaumer & Clarke, Inc., dated December 1989 and revised January 1990, and; April, 1990, and

WHEREAS, the said feasibility study, map, plan and report, proposes the construction of 12,091 linear feet of 8 inch water main in the proposed district, and;

WHEREAS, said district is described as set forth in Exhibit "A" attached hereto and a part hereof, and;

WHEREAS, the plan provides for providing water service to a portion of the district to be formed as set forth on Exhibit "B" of the map plan and report filed with the Town of Boston, and;

WHEREAS, the maximum amount proposed to be expended for the improvements contained in the report, including contingencies is \$573,000 with additional legal and administrative costs of \$27,000 for a total project cost of \$600,000, and;

WHEREAS, the cost proposed to be apportioned as follows: grant money \$50,000, appropriation from unexpended General Fund balance of \$75,000, amount to be financed within the benefitted area, \$475,000, and;

WHEREAS, proposed method of financing shall be by FmHA Mortgage for a term of 40 years proposed at an interest rate of 7%, having an annual principal and interest cost of \$35,421.58, and;

WHEREAS, map plan and report allocates the unit payments within the benefitted area on Table II of said report, and;

WHEREAS, the map plan and report are on file in the Town Clerk's Office in the Town of Boston for public inspection, it is hereby,

ORDERED, that a meeting of the Town Board of the Town of Boston shall be held in the Town Hall, 8500 Boston State Road on the 16th day of May, 1990 at 8:15 o'clock in the evening of said date to consider said map plan and report and to hear all persons interested in the subject thereof concerning the same for such other action on the part of the said Town Board with relation to said petition as may be required by law or proper in the premises.

25.
ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Boston, County of Erie and State of New York being part of Lots 29, 14 and 15, Township 8, Range 7 of the Holland Land Company Survey, more particularly being bounded and described as follows:

BEGINNING at the northwest corner of Lot 15, Township 8, Range 7 and running south along the entire west line of the said Lot 15 and extending south of the south line of the said Lot 15 along an extension the west line thereof, a distance of 6,025 more or

less to the north line of property conveyed to Nelson Logel by deed recorded in the Office of the Erie County Clerk in Liber 5582 of deeds at page 11; running thence westerly along the northerly line of the said lands of Logel a distance of 150 feet more or less to the northwest corner of the lands of Logel; running thence southerly along the most westerly line of the lands of Logel a distance of 405.36 feet to the end of the said most westerly line of Logel; running thence easterly along a southerly line of the lands of Logel a distance of 400 feet to the end of said southerly line; running thence southerly along a westerly line of the lands of Logel a distance of 561.08 feet to the north line of the lands conveyed to Gerold Rucker by deed recorded in the Erie County Clerk's Office in Liber 7606 of Deeds, page 334; running thence westerly along the north line of Rucker a distance of 365 feet more or less to the northwest corner of the lands of Rucker; running thence southerly along the westerly line of the lands of Rucker the entire length thereof and along an extension thereof a total distance of 1,100 feet more or less to the north line of lands conveyed to Judson Stumpf by deed recorded in the office of the Erie County Clerk in Liber 5603 of Deeds at Page 135; running thence westerly along the said north line of Stumpf a distance of 475 feet more or less to the intersection of the north line of Stumpf with the easterly line of lands formerly owned by the Buffalo Susquehanna Railroad Company and now owned and presently owned by the Niagara Mohawk Power Company; running thence southerly along the easterly line of the said lands of Niagara Mohawk Power Company a distance of 2,200 feet more or less to the northerly line of the Omphalius Road extension #1 to Town of Boston Water District #1; running then easterly along the northerly line of said Omphalius Road extension a distance of 550 feet to a point; thence southerly and at Right angles to the northerly line of said extension a distance of 410 feet more or less to the Center line of Omphalius Road, running thence westerly along the center line of Omphalius Road a distance of 350 feet more or less to the intersection of the center line of the lands of Niagara Mohawk Power Company; running thence southerly along the easterly line of the said lands of Niagara Mohawk Power Company a distance of 800 feet more or less to the southerly line of lands conveyed to Ruth Musser by deed recorded in the Erie County Clerk's Office in Liber 5892 of Deeds, Page 567; running thence easterly along said southerly line of Musser a distance of 2,000 feet more or less to the southwesterly corner of lands conveyed to Martin Fitch by deed recorded in the Erie County Clerk's Office in Liber 6203 of Deeds, page 337; running thence easterly along the southerly line of the lands of Fitch the entire length thereof and along an extension thereof a total distance of 825 feet more or less to the east line of Lot 14; running thence north along the east line of Lot 14 and Lot 15 a distance of 11,250 feet more or less to the northeast corner of Lot 15; running thence west along the north line of Lot 15 a distance of 3,850 feet more or less to the northwest corner of Lot 15, said point being the place of beginning.

Dated: April 10, 1990

By Order of the Town Board
Town of Boston
County of Erie, New York
Joyce Carr, Town Clerk

May 16, 1990

an affirmative grant; Water District #3 would be formed; questionnaires would be sent to each resident to determine their interest; a referendum will be held; application for a loan and closing on the loan; then the bids could be let. The very earliest timeframe would be late fall or early winter before these steps would be complete. There were no further questions or comments.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to close the hearing at 8:42 P.M.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to table the public hearing on the Resolution in the Matter of the Formation of Water District No. 3 in the Town of Boston until the receipt of either an affirmative or negative response from state representatives on the town's request for grant monies for this project.

five (5) ayes

Carried

Received a letter from the Boston Emergency Squad requesting that signs be erected on the east side of the squad hall for squad member parking use only. Councilman Zimmerman requested Highway Superintendent Ruchalski check into the possibility of using the signs that were placed at the site of the old emergency squad building and the installation of same.

Received notification that the New York State Department of Transportation has scheduled a public hearing at the Boston Town Hall on Tuesday, June 26, 1990 at 7:30 P.M. on the Route 219 Rice Road interchange access. Supervisor Kennedy said that the Town Board has long been in support of this access road and he encouraged all interested persons to attend.

Supervisor Kennedy said he has received notification from the Federal Emergency Management Agency that they have received our revised local law relative to the flood insurance program and that everything is in order for the Town of Boston's continued participation in the program.

Upon the request of Kenneth Decker, a motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to extend until August 15, 1990 the removal of the top soil Mr. Decker purchased from the town; with no further extensions to be made after that time.

five (5) ayes

Carried

Supervisor Kennedy said that an Arts Advisory Council was created many years ago and that it has never been officially disbanded. Due to the possibility that the town may be able to apply for state grants for the moving and relocation of the original Town Hall to the Town Park, at this time he is reactivating this council and named the original members to it, as follows:

Joseph Orffeo	Chester Rosinski
Harold Dodge	Richard Klinczar
Joseph Terrizzi	

The Supervisor and Town Clerk will formulate a letter to these persons regarding their interest in being a part of this reactivated council.

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to authorize the Supervisor to enter into a contract with Municipal Insurance Consultants, Inc. from June 1, 1990 to May 31, 1991, at a cost not to exceed \$7500.00, but only when this recommendation is made by the Insurance Committee.

five (5) ayes

Carried

Supervisor Kennedy said he received information from the Association of Towns that the state legislature is discussing a change in the funding method for the New York State retirement system. He will write a letter in opposition to the proposed change, as it involves local government dollars and that state revenue sharing aid would be reduced by the proposed change.

Tax Collector's Monthly Report was received, stating there is a balance of \$196,451.88 to be collected for the 1990 Town & County tax, and the warrant

May 16, 1990

will be returned to the Erie County Commissioner of Finance on July 1, 1990.

Upon the request of the Churchill Child Center, a motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to grant permission for the use of the Lions Shelter on June 12, 14 and 15, 1990 for picnics.

five (5) ayes

Carried

Town Clerk Carr said there will be a surplus food distribution on Thursday, May 24, 1990 at the Town Hall.

Highway Superintendent Ruchalski said he appreciated the Town Board's authorization for him to attend a seminar at Cornell University on May 8, as it was very informative.

RESOLUTION - REQUEST FOR PROPOSALS FOR COLLECTION OF REFUSE

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to authorize Deputy Town Attorney David Wilson's attendance at a session in Buffalo conducted by the New York State Bar Association on Planning Boards and Land Use Control, with all appropriate expenses to be paid by the town.

five (5) ayes

Carried

Councilman Wittmeyer reported that, due to concerns relative to an easement in the vicinity of the Thomas Kyle property, 7497 Back Creek Road, the Soil Removal Permit requested by Gregory Gerwitz and Clifton Burkhardt for soil removal on the Burkhardt property should be tabled until an inspection is made of the condition of the roadway. Mr. Kyle and an adjoining property owner, Charles Bradl, both expressed concerns relative to erosion, possible flood damage and possible damage to the roadway with a heavy truck using it.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to authorize the attendance of Councilman Zimmerman at a conference of the New York State Legislators and Supervisors Association at the Thousand Islands on June 17-20, 1990, with all appropriate expenses to be paid by the town.

five (5) ayes

Carried

RESOLUTION - MONSIGNOR HERBERT G. ENGLEHARDT - 50th ANNIVERSARY OF PRIESTHOOD

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to adjourn at 9:13 P.M.

Joyce Carr
Town Clerk

TOWN OF BOSTON



At a regular meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Town Hall, 8500 Boston State Road, in said town on the 16th day of May, 1990 at 7:30 P. M. Eastern Daylight Saving Time, there were

PRESENT:	Richard L. Kennedy	Supervisor
	Milton I. Wittmeyer	Councilman
	David G. Zimmerman	Councilman
	Don A. Wohlhueter	Councilman
	Frank H. Lisowski, Jr.	Councilman

Councilman Wohlhueter presented the following resolution and moved its adoption:

BE IT RESOLVED by the Town Board of the Town of Boston as follows:

THAT the attached Draft Request for Proposals be and the same are hereby adopted pursuant to Section 120-W of the General Municipal Law of the State of New York,

AND BE IT FURTHER RESOLVED, that the aforesaid Draft Request for proposals be filed in the office of the Town Clerk of the Town of Boston where same shall be available for public inspection and comment;

AND BE IT FURTHER RESOLVED; that pursuant to §120.-w public comments from all interested parties will be received through the close of business on July 16, 1990;

AND BE IT FURTHER RESOLVED; that the Town Clerk is directed to publish a notice of adoption of the Draft Request for Proposals forthwith in the Hamburg Sun the State Register and the Environmental Bulletin;

AND BE IT FURTHER RESOLVED that all public comments shall be referred to the said Solid Waste Management Committee for review and preparation of Final Request for Proposals which shall be filed with the Town Board no later than the 27th day of July, 1990.

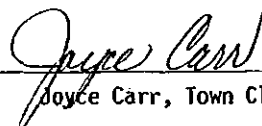
Seconded by Councilman Lisowski and duly put to be vote which resulted as follows:

Supervisor Kennedy	Voting	aye
Councilman Wittmeyer	Voting	aye
Councilman Zimmerman	Voting	aye
Councilman Wohlhueter	Voting	aye
Councilman Lisowski	Voting	aye

AYES: 5

NOES: 0

ABSENT: 0


Joyce Carr, Town Clerk

DRAFT

REQUEST FOR PROPOSALS

TOWN OF BOSTON
ERIE COUNTY, NEW YORK

I. Introduction

- A. The Town of Boston, New York herein invites all interested parties to submit applications in accordance with the terms and conditions described in this request for the proposals with respect to the collection, transportation, and/or disposal of acceptable trash, rubbish, construction and demolition materials, bulky waste, white goods and tires.

II. Application Procedures

- A. Format: All proposals and materials submitted to the Town of Boston for consideration shall be in quadruplicate and bound in suitable fashion. In order to facilitate comparison and avoid any confusion, all proposals must contain specific information requested and be in the order specified hereafter.
- B. Filing Fees: Any application tendered must be accompanied by certified check or money order and made payable to the Boston Town Clerk and shall be in the amount of One Hundred Dollars (\$100.00). This particular filing is non-refundable. Applications received without an accompanying fee shall be returned to sender.
- C. Closing Date: All applications must be received by 10:00 A.M. on September 4, 1990, at which time there will be a public opening and official recording of all applications received. Any applications received after said date will not be considered. All applications must be submitted to Mrs. Joyce Carr, Town Clerk, Boston, New York 14025, in person or by registered mail, return receipt requested.
- D. Future Inquiries: Further information relative to the request for proposals may be obtained from Mrs. Joyce Carr, Town Clerk, 8500 Boston State Road, Boston, New York 14025. Telephone (716) 941-6113.

III. Information About Applicant

- A. Applicant shall provide information relating to the experience of the applicant on the basis of which the applicant purports to be qualified to carry out all work required by a proposed contract. Applicant shall also demonstrate its financial capability, including the ability to secure adequate financing, if necessary, proposals for project staffing, implementation of work tasks and the carrying on of all responsibilities required by a proposed contract.

IV. Evaluation of Waste/Recyclable Stream

- A. Prior to preparing for proposal, the Applicant shall cause to be made a study of waste generated by the Town of Boston. Applicant shall further identify the actual or estimated quantity of recyclables, including where possible, segregation of same by type and shall identify available and potential markets for recovered recyclables. Applicant shall also identify alternative source separation/recyclable recovery programs considered by the applicant and shall propose a program for recyclable recovery, including an implementation program therefor. Where appropriate, the Applicant may suggest to the Town of Boston any additional rules, regulations, statutes or ordinances to assist in implementing said program.

V. Contract Standards

- A. Proposals shall be entertained for periods of at least five years, with at least one renewal period of an additional five years. Collection, transportation, and disposal of acceptable waste and recyclables shall be provided to one, two and three-family dwellings within the Town of Boston, of which there are currently 2,473, as shown on Schedule "A".
- B. Each proposal shall define all terms used to describe materials which will affect the applicant's performance. Applicant may adopt any or all the definitions contained in the Request for Proposals, provided however, that Applicant shall fully and completely define all terms not identical to those set forth herein that will substantially affect the Applicant's performance under the contract. Terms used in this proposal are as hereinafter defined.

1. Acceptable Solid Waste means all Municipal Solid Waste, Recyclables

and Bulky Waste.

2. Bulky Waste means Solid Waste, excluding Unacceptable Waste, generated within the MUNICIPALITY, including but not limited to, furniture, mattresses and non-recyclable White Goods, batteries, wood, and Construction and Demolition Debris, provided this Solid Waste is not in any way contaminated by any process or use formerly made of the demolished structure.
3. Constiuction and Demolition Debris means Solid Waste resulting from the construction, remodeling, repair, and demolition of structures and roads; and Solid Waste resulting from land clearing and grubbing, utility line maintenance and seasonal and storm-related cleanup. Construction and Demolition Debris includes, but is not limited to, bricks, concrete and other masonry materials, soil, rock, wood, wall coverings, plaster, drywall, plumbing fixtures, non-asbestos insulation, roofing shingles, asphaltic pavement, glass, electrical wiring, and metals that are incidental to any of the above, any Acceptable Solid Waste that is mixed with any of the above and any Solid Waste resulting from any processing technique that renders individual waste components unrecognizable, such as pulverizing or shredding.
4. Hazardous Waste means any Waste which by reason of its composition or characteristics is now or hereafter becomes (a) toxic or hazardous as defined by Federal, State, or local statute, or the regulations thereunder, (b) special nuclear or by-products material within the meaning of the Atomic Energy Act of 1954, as amended, and below regulatory concern radioactive Waste, or (c) any other Waste which may present a danger to health or to safety.
5. Industrial Waste means Solid Waste regulated by 6NYCRR Part 364, resulting from manufacturing, industrial, or research and development processes and operations.
6. Municipal Solid Waste means the portion of Solid Waste generated within the MUNICIPALITY, excluding Unacceptable Waste, including but not limited to, household Solid Waste from residences.
7. Recyclables means Solid Waste, excluding Unacceptable Waste, generated within the MUNICIPALITY, that exhibits the potential to be used

repeatedly in place of a virgin material, including but not limited to, glass, newsprint, tin cans, marketable white goods, tires, lead acid batteries, cardboard, yard waste and plastic.

8. Regulated Medical Waste means waste included within the definition of this term in the Environmental Conservation Law and in the related regulations.
9. Residue means the Solid Waste, excluding Unacceptable Waste, which is the physical, generally inert, by-product of the incineration of Municipal Solid Waste.
10. Solid Waste means all non-liquid waste.
11. Unacceptable Waste means:
 - (a) Any waste required by law or governmental regulation to be disposed of at a hazardous waste disposal facility;
 - (b) Any waste not specifically included within the definition of acceptable solid waste;
 - (c) Asbestos waste, which is asbestos and asbestos containing waste;
 - (d) PCB waste, which is waste containing any detectible levels of PCB's;
 - (e) Tires that are not recyclable;
 - (f) Cleaning fluids, crank case oils, cutting oils, paints, acids, caustics or poisons of any kind;
 - (g) Any waste packaged in drums or the drums themselves;
 - (h) Industrial waste, residue, hazardous waste, regulated medical waste;
 - (i) Any acceptable solid waste not generated within the MUNICIPALITY; or
 - (j) Suspicious waste, which is any waste that because of its appearance, odor, physical properties or packaging does not appear to be acceptable solid waste, provided however that the MUNICIPALITY may demonstrate that the waste in question is an acceptable Solid Waste.
12. Waste means all materials or substances that are generally discarded or rejected as being spent, useless, worthless or excess to the owners at the

time of discard or rejection.

13. White Goods means appliances, including but not limited to, refrigerators, stoves, dishwashers, clothes washers and dryers, water heaters and furnaces.

14. Yard Waste means grass, leaves, brush, branches, etc.

- C. Applicant shall itemize the cost for the collection, transportation and disposal of acceptable refuse and waste materials, construction and demolition goods, bulky items, white goods and recyclable material. Such proposal shall state specifically the said materials to be disposed of. Each proposal shall contain a statement of specific charges for the collection, transportation and disposal of each such item; wherever possible, all Applicants are encouraged to provide a projection of the annual fee per dwelling for collection, transportation and disposal of all goods set forth in their proposals. Each proposal shall set forth specifically the number of items to be collected on a weekly basis from each household and insofar as is practicable, shall state specifically the said materials to be placed for collection; the containers which shall be required for placing material at the collection site. Where special containers shall be required, each Applicant shall delineate whether or not providing such containers shall be at the expense of the Town of Boston, each homeowner, or the Applicant. Each Applicant shall set forth a maximum weight for containers.
- D. Each proposal shall provide for collection of at least eight (8) items per stop per week. The Applicant may allocate the number of refuse and waste items, recyclables, construction and demolition items and bulk items permitted on a per week basis.
- E. Each proposal shall provide a time table for the collection of all residential garbage within the Town of Boston. Each proposal shall provide collection for all residential households contained on the schedule annexed hereto.
- F. Each proposal shall specify that the equipment of the operator is modern, serviceable, and will not permit any garbage refuse or collected

substances to escape from, drop off or leak out of collection equipment during the collection process.

- G. Each proposal shall provide for payment by the Town of Boston on a monthly basis and shall provide for the submission of appropriate documentation with verification by the Applicant to obtain such payment.
- H. Each proposal shall affirmatively demonstrate to the Town of Boston that the Applicant has the required certifications, licenses and/or contractual arrangements to properly dispose of all items subject to this request for proposals. Applicant shall warrant that its activities comply with all statutes, regulations and ordinances related to their activities.
- I. Each Applicant shall be required upon execution of a contract to furnish a performance bond in an amount equal to two-thirds of the projected annualized contract price and to further provide insurance, naming the Town of Boston as additional named insured, in an amount of not less than Five Million Dollars (\$5,000,000.00). Each Applicant shall be required to sign and to execute an agreement to defend, indemnify and hold harmless the Town from any and all claims or causes of action, of any nature whatsoever, in law or in equity, arising out of or in connection with the performance of any contract or agreement entered into between the Town of Boston and the Applicant.
- J. Each proposal shall contain provisions for the following:
 - 1. Increases or decreases in fees, based upon cost of living.
 - 2. The affect of material changes in the applicable statutes, laws, ordinances or regulations or the interpretation thereof.
- K. Each Applicant may propose collection of eight items of waste, refuse, construction and demolition material, bulky items, white goods and recyclables from all dwelling units and businesses within the Town of Boston.
- L. No Applicant shall be allowed to subcontract any work for which proposals are made without the express written consent of the Town of Boston.

VI. Tire Removal

- A. Each proposal may contain a price per stop for collection of two tires, not to exceed the size customarily used for passenger cars and trucks of up to 3/4 ton capacity per stop, and transportation of same to Integrated Waste Systems and reporting the tonnage collected and transported from the Town.

VII. Plan for an Implementation of Source Separation Recycling

- A. Each Applicant shall provide a plan for the implementation of source separation recycling and shall provide for its implementation no later than September 1, 1992. All Applicants are encouraged to implement a plan of source separation recycling as soon as practicable upon commencement of the contract.

VIII. Cancellation of Agreement

- A. The Town of Boston shall reserve the right to cancel any agreement made with any Applicant herein upon failure of performance on the part of the Applicant for a period of more than thirty (30) days.

IX. Additional Information

- A. Any Applicant may include any and all other information that such Applicant feels will be beneficial in convincing the Town of Boston to select its proposal over others. Additionally, an Applicant may include a declaration of the intent to train and hire residents of the Boston community as employees.

- (i) All applications received by the Town Board shall be kept on file in the Town Clerk's Office of the Town of Boston, 8500 Boston State Road, Boston, New York 14025 and shall be available for public inspection after the formal opening of applications during normal working hours.
- (ii) Proposals, together with filing fees, shall be mailed to Joyce Carr, Town of Boston, 8500 Boston State Road, Boston, New York 14025.

TOWN OF BOSTON



At a regular meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Town Hall, 8500 Boston State Road, in said town on the 16th day of May, 1990 at 7:30 P. M. Eastern Daylight Saving Time, there were

PRESENT:	Richard L. Kennedy	Supervisor
	Milton I. Wittmeyer	Councilman
	David G. Zimmerman	Councilman
	Don A. Wohlhueter	Councilman
	Frank H. Lisowski, Jr.	Councilman

Councilman Zimmerman presented the following resolution and moved its adoption:

WHEREAS, Monsignor Herbert G. Englehardt was ordained into the Roman Catholic Priesthood on May 18, 1940, and

WHEREAS, following his ordination Monsignor Englehardt served as an associate Pastor and then as a chaplain in the United States Army and Air Force seeing duty in Panama, France and Japan, and

WHEREAS, Monsignor Englehardt retired from the military at the rank of Lt. Colonel after twenty-eight years of distinguished service,

WHEREAS, Monsignor Englehardt has served the Town of Boston as pastor of St. John the Baptist Church, Boston, New York since 1982.

NOW THEREFORE BE IT RESOLVED, that the Town Board of Boston joins with all its citizens and congratulates Monsignor Englehardt on Fifty Years of distinguished and dedicated service to the members of the armed forces and his parishioners and extends its wishes for many more years of good health and well being.

Seconded by Councilman Wittmeyer and put to a vote which resulted as follows:

Supervisor Kennedy	Voting	aye
Councilman Wittmeyer	Voting	aye
Councilman Zimmerman	Voting	aye
Councilman Wohlhueter	Voting	aye
Councilman Lisowski	Voting	aye

AYES: 5

NOES: 0

ABSENT: 0


Joyce Carr, Town Clerk

Regular Meeting
June 6, 1990

Town Hall
7:30 P.M.

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Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy and Town Attorney Michael Perley. Highway Superintendent Eugene Ruchalski was absent.

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter that the Minutes of the Regular Meeting of May 16, 1990 be approved.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski that the Town Clerk's Monthly Report be accepted.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman that the General Fund and Special District Bills on Abstract #6, June 6, 1990, in the amount of \$12,009.24 be paid.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman that the Highway Bills on Abstract #6, June 6, 1990, in the amount of \$5,041.28 be paid.

five (5) ayes

Carried

Referred to Councilman Wohlhueter for his response as Chairman of the Solid Waste Committee a letter received from L.I.S.A., Inc. relative to the recycling of newspaper in the Town of Boston.

Received notification from the New York State Division of Equalization and Assessment that the Residential Assessment Ratio has been established at 73.56 for the 1990 Assessment Roll. Supervisor Kennedy said he has discussed this ratio with Assessor Kleis and that it is in line with Erie County residential sale figures.

Received and filed a letter from the Western New York Utilities Association, with a list of utility numbers to contact prior to undertaking a construction project.

Received notification from the New York State Department of State that they have received and filed Local Law Number 4 of the Year 1990 from the Town of Boston.

Received a letter from Erie County Legislator Joseph Desmond, stating he was unable to attend a May Town Board meeting, but plans on attending a June meeting. He also stated he would gladly assist the town in any way he can.

Received a letter from Governor Cuomo's budget office relative to the Town of Boston letter, which expressed concerns on the effect of the executive budget on local governments. Supervisor Kennedy said this state budget, which impacts negatively on local governments, has been passed.

Gail Orffeo, 6530 Fairlane Drive, submitted petitions containing 272 signatures of town residents who request the Boston Town Board to: (1) Place a moratorium on all new subdivisions, multi-family units and commercial buildings in town until updating of the town code has been completed; (2) Allow interested volunteers to work on the Codification Committee in place of the current committee; and (3) Facilitate the completion of the new code by cooperating with the new committee. Supervisor Kennedy said he appreciates Mrs. Orffeo's active interest in the community and the fact that the petition-gathering prompted so many people to attend the Town Board meeting this evening. He added that the Town Board recognizes the need for change and updating of the present codes and that the new Zoning Map is almost completed and the preliminary report is under preparation. Attorney Perley outlined the procedures necessary before enacting new codification, which is a process that will take at least two and one-half to three months, plus another month for the filing to take place by the Secretary of State. Attorney Perley said that a moratorium ordinance is part of the procedure when this process is ongoing, which substantially freezes any new construction, except in R-1, R-2 or approved subdivision lots, as a means of maintaining the integrity of the ordinances while the public hearings and adoption of the ordinances are being processed.

June 6, 1990

Wanda Betts, 6184 Wildwood Drive, said she feels the Town Board is dragging their heels in the completion of the codification. Ron Smith, 6203 Wildwood Drive, said he has been a resident of Boston for 12 years and the new zoning is being delayed by red tape and problems and that upgrading of zoning has been done in other towns in less time than Boston has been working on theirs. He feels also that the town is at the mercy of "quick-buck" builders and that quality builders are not being attracted to the town. He said the result of a lack of a master plan makes a patchwork and that a plan is definitely needed and he wants the job completed.

Joseph Terrizzi, 6535 Fairlane Drive, said the town's Master Plan is dated August, 1984 and is a guide until the year 2010. He also said that new subdivisions are not being built as the petitioners say they are and that the last one approved by the town was in 1980. He added that there are three preliminary plans under submission at this time, and rather than be by "quick-buck" builders, all three are proposed by persons who have lived in the town their entire lives. Mr. Terrizzi said that property values have skyrocketed in town and they are now 45-55% higher than they were five years ago, so the development the petitioners say is hurting the town obviously is not true. He noted that a Boston Beautification Committee has been formed by the Chamber of Commerce and asked interested persons to become active on this committee, as there are many things that can be done to help beautify the town. Mr. Terrizzi said that growth of a town can not be prevented and that one can not stonewall growth.

Supervisor Kennedy said that it is a good idea to have people become more involved in serving on committees and that anyone wishing to serve should leave their names with him and as an example, he noted that the Conservation Advisory Council is going to be reactivated and members will be sought to serve.

Jack Penrod, 7370 Boston State Road, said he has heard that a new mobile home park development is being planned for the town. Supervisor Kennedy said that, although no formal application has been made, a prospective developer requested that the Town Board visit a site they have developed in Hamburg in order to have an idea of the project. Supervisor Kennedy said the informal review of this development showed that the housing was of the modular type, with vinyl siding and shingled roofs and that the size of some of the homes is larger than that of a house.

Alexandria Martin, 8631 North Greenbriar Terrace, said that she has lived in the town for three years and her impression is that the Town of Boston does not welcome newcomers.

Lisa Rood, 8798 Zimmerman Road, submitted some news clippings relative to a federal program of grant monies available for the installation of public water. She said Congressman Paxon could be contacted and asked that the town's grantsperson be asked to make inquiries relative to the grant monies.

Karen Blake, Boston Hills Mobile Home Park, said she is disturbed about the remarks of residents who seem to make a wrong connotation about persons who live in trailer parks, as everyone's financial situation is not the same and for other, varied reasons, not everyone can afford to live in a large, single-family dwelling. She also is concerned for the retention of "passive recreation", or leaving areas as green spaces, such as the area behind the mobile home park. She added she does not want Boston to turn into a town like Amherst. She also stated that she used to live in Tonawanda and got sick there as a result of chemical lawn spraying, which is a main reason she moved to Boston. She also has close ties to this town and wants to retain the atmosphere of the country - fresh air and passive recreation areas to walk in.

Robert Potter, 7843 Hywood Drive, commended the group for their concern over the town's development and added that he feels the town should use a sensible, realistic approach to dealing with the zoning and not one of haste because of the petitioners.

Mrs. Betts asked for a definition of the term "Codification Committee". She then read a list of persons presently serving on the committee and cited the correlation of each member to the jobs they have with the town - both elected and appointed - or to political affiliation. She requested an immediate appointment to the Codification Committee and both Supervisor Kennedy and Councilman Wittmeyer told her that would not be possible at this point, as the zoning ordinance preparation is now essentially complete and to bring in a new person just prior to the public hearings would not be

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practical or feasible at this time. She then asked how many doubles had been built this year. Code Officer Kramer said there have been no permits issued for duplex units in 1990. Mrs. Betts then repeated her question and Mr. Kramer told her again there have been no permits issued for duplex units this year. When Mrs. Betts again repeated the question she phrased it as to how many duplexes have been built from June 5, 1989 to June 6, 1990 and Mr. Kramer said there were seven built last year, however, the exact dates were hard to say without checking the record of permits and Mrs. Betts requested this to be done and that she be given the record at the next Town Board meeting.

Ernest Mettendorf, 9300 Robin Drive, asked why builders sell duplexes after they build them and Supervisor Kennedy said he assumes they are built on speculation.

Robert McDonnell, 6454 Kevinton Drive, said he had complaints relative to the duplex on the corner of Kevinton and Boston State Road, insofar as he does not feel this structure fit in with all the other homes on the street. He added that it is in deteriorating condition and the grass has not been cut. Supervisor Kennedy said this duplex conforms to the zoning on that corner, which is Residence-Restricted Business RRB and that there are some aspects of zoning that the town has control over and some that they do not. He added that, since this structure was built, all applications for anything other than a single-family dwelling are referred to the Planning Board for their site plan review, prior to the issuance of a building permit and that this review helps to assure that the new buildings are aesthetically pleasing.

Mary Jane Quinn, Zimmerman Road, said she is concerned about a new junk yard on the north west corner of Rice and Zimmerman Road. Attorney Perley said he has not been made aware of this one, however, the one on the opposite corner is under Supreme Court order to clean up the property. He will check further into this matter.

Robert Simbida, 5653 Meadow Drive, said he thinks that larger lots should be required for duplex buildings.

Remy Orffeo, 6530 Fairlane Drive, said that all of Boston State Road is not zoned Residence-Restricted Business and Supervisor Kennedy said that most of the road is zoned RRB, with Business zoning also as part of the entire length. Mr. Orffeo said that the Town Board rezoned the four subdivisions lots across the street in the Rose-land Heights Subdivision into three subdivision lots, in order to allow the owner to construct duplex units. Mr. Orffeo also asked that the Supervisor allow anyone in town who is interested in the codification to belong to the committee, even if 50 persons are interested, they should be allowed to give their input. Mr. Kennedy said this evening was the first time he heard that Mrs. Betts and Mr. Smith were interested in becoming members of a committee and that prior attempts to solicit townspeople elicited very little response. Mrs. Orffeo said that was not true, as she offered in 1986 to become a member of the Planning Board and never received a reply to her letter. Supervisor Kennedy said three people were interviewed for the position at that time and that, as Mrs. Orffeo was not selected, she is angry at the Board. Mrs. Orffeo said that, because she did not receive a reply from the Board, she decided to run for office, as it was the only way to break into the structure the Board has built around them.

Sam Butera, 6233 Wildwood Drive, said he has attended Planning Board meetings and that they are not easy on the applicants, in fact, they have three or four pages of rules an applicant must complete before coming for a review. He added that he sees progress being made due to the requirements the Planning Board has established.

Harold Rockwood, 9276 Rockwood Road, said the problem is that everybody is looking out for themselves and that the people in the valley don't care about the people on the hill.

A resident of Boston State Road asked questions about the length of time new zoning regulations have been studied, if all meetings were public and if input is accepted at public meetings.

Pat Rosinski, 6764 Liebler Road, asked if the regulations have changed on the construction of multiple dwellings.

Suzanne Bard, 5876 Woodlee Court, asked if there are laws to protect ravines, as an addition to their subdivision is planned by Richard Doll and he is planning to run sewer lines up the hill along the ravines. She added that she appreciates the work the Planning Board is doing, as she has attended several meetings and they have always

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addressed the concerns she has voiced.

Supervisor Kennedy said he appreciates the fact that Mrs. Orffeo prompted so many residents to attend the Town Board meeting and hopes they will continue to do so. He again told Mrs. Betts that the information she requested about the number of duplex units built in the past year will be available at the next Town Board meeting.

Councilman Wittmeyer explained the difference between the Master Plan, which is used as a guide for land use and the Zoning Ordinances of the town, and invited any person interested to review the Master Plan, which is on file in the Town Clerk's Office. He also stated that a recent appraisal of his property was recently completed, which showed that property values have risen rapidly in the past ten years within the Town of Boston.

At 9:07 P.M. a Public hearing was held on proposed Local Law Number 5 of the Year 1990, entitled, "A Local Law enacted to amend Local Law #2 of 1987, known as the Mobile Home Court Law of the Town of Boston." Town Clerk Carr read the Legal Notice and Attorney Perley summarized the content of the proposed law. Supervisor Kennedy opened the hearing. A resident of the Boston Hills Mobile Home Court asked if this would affect the existing park and was told it would apply only to new applications. Ronald Smith, 6203 Wildwood Drive, asked where the monies generated from this law would go and Attorney Perley said they would go into a Trust Fund for the purpose of acquiring new park land and/or for making capital improvements to existing park lands. Anna Reid, 7077 East Lane, asked if this was a one-time fee and was told that it was, which is imposed when a new mobile home court lot is approved. Ernest Mettendorf, 9300 Robin Drive, said he thought the fee should be higher. Joseph Terrizzi, 6535 Fairlane Drive, asked the criteria that the Town Board will use in determining whether a fee would be paid in lieu of recreational land being set aside by the developer. He added it would be a matter of utilizing the money vs preserving open space and he is in favor of open space. A resident asked how long this law would be in effect and Supervisor Kennedy said until it is repealed. Another resident asked if this set-aside land would be open to the whole town and Supervisor Kennedy said it could be. A resident asked for a definition of parkland - whether it would be left as green space or equipped with playground equipment and she is in favor of green space. Suzanne Bard, 5876 Woodlee Court, asked who would maintain the park and Supervisor Kennedy said it would be the town's responsibility. Don Sauer, 6417 Deanna Drive, asked the percentage of land that would be affected and Attorney Perley said that it would be 10%. Raymond Bubar, 6162 Wildwood Drive, said he thought \$150.00 was too low a fee. There were no further questions.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to close the public hearing at 9:20 P.M.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to approve Local Law Number 5 of the Year 1990 entitled A Local Law enacted to amend Local Law #2 of 1987 known as the Mobile Home Court Law of the Town of Boston.

five (5) ayes

Carried

Notification was received from New York State Department of Transportation that a public hearing will be held at 7:30 P.M. on June 26, 1990 on the proposal to construct an access road from the Rice Road interchange to the intersection of Boston State Road and Boston-Colden Road.

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to deny the request of Gary F. Pawlowski to temporarily live in a trailer home while constructing a new home on Lot #22 - Thornwood Drive, as it is the policy of the town to not allow trailers in a residential area, except in cases of rebuilding a home after a disaster, such as a fire.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Supervisor Kennedy to appoint the following Summer Recreation Staff, and set salaries, as recommended by Recreation Director Gerald O'Brien:

PUBLIC NOTICE
TOWN OF BOSTON
NOTICE IS HEREBY GIVEN that there has been presented to the Town Board, Town of Boston, Erie County, New York on May 2, 1990, a copy of Local Law Number 5 of the Year 1990 entitled A Local Law enacted to amend Local Law #2 - 1987 known as the Mobile Home Court Law of the Town of Boston.

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston will conduct a Public Hearing on the aforesaid proposed Local Law at the Boston Town Hall, 8500 Boston State Road, Boston, New York on Wednesday, June 6, 1990 at 7:45 P.M. Eastern Daylight Saving Time, at which time all persons interested will be heard.

Dated: May 8, 1990

Joyce Carr
Town Clerk
Town of Boston

5-17

June 6, 1990

<u>Name</u>	<u>Job Title</u>	<u>Salary</u>
Damian Wiktor	Recreation Supervisor	\$2,000/Summer
Michele Riederer	Asst. Supervisor (Tiny Tots)	6.50/hr.
Catherine Boltz	Asst. Supervisor (Summer Friends)	6.50/hr.
Michele Errington	Asst. Supervisor (ECC)	6.50/hr.
Jackie Russell	Arts & Crafts Supervisor (Tiny Tots)	4.50/hr.
Jennifer Rosinski	Arts & Crafts Supervisor (Friends)	4.50/hr.
Karen McKenzie	Arts & Crafts Supervisor (ECC)	4.50/hr.
Michael O'Brien	Laborer-Parks Dept. PT	4.50/hr.
Jeff Errington	Life Guard	5.00/hr.
Kristin Hornberger	Life Guard	5.00/hr.
Jeff Wohlhueter	Tennis Instructor	5.00/hr.
Alison Becker	Youth Leader	4.30/hr.
Lisa Brehm	Youth Leader	4.10/hr.
Michael Brinkerhoff	Youth Leader	4.30/hr.
Sean Forney	Youth Leader	4.10/hr.
Bryan Krieger	Youth Leader	4.30/hr.
Lori Metzger	Youth Leader	4.10/hr.
Lisa K. Zelasko	Youth Leader	4.30/hr.
Christopher Zemrac	Youth Leader	4.10/hr.
Nicole DellaPenta	Youth Leader	3.85/hr.
Daniel Frascella	Youth Leader	3.85/hr.
Tiffany Krencik	Youth Leader	3.85/hr.
Sharon Musselman	Youth Leader	4.00/hr.
Rachel Was	Youth Leader	4.00/hr.
Scott Wiate	Youth Leader	3.85/hr.
Christopher Wiktor	Youth Leader	3.85/hr.
Michelle Schunk	Youth Leader	3.85/hr.

five (5) ayes

Carried

Upon the recommendation of Recreation Director Gerald O'Brien, a motion was made by Councilman Lisowski and seconded by Councilman Zimmerman to appoint the following coaches and assistants for the 1990 Baseball Season:

Jim Dion	Mike Eimer	Craig Wilson
Tom Maclean	Kevin Elsaesser	Dan Woodrow
Bob Monczynski	Norm Sequin	Jim Frascella
Ken Taylor	Elliott Pfeiffer	Mark Smith
Doug Hanny	Mark Warnke	Colleen Smith
Larry Steward	Vern Ingraham	Wayne Kreitzbender
Ken Bihl	Jerry Potter	Doug Krieger
Ron Patchin	Roger Melius	

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to refer to the Planning Board for their review and recommendation the application of Sharon Clark for a permit to construct a 30 X 50 shop at 6752 Mill Road.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to renew the Special Use Permit of Roger Felt, 8699 Rockwood Road, for an air field, on the same basis as originally granted, with expiration to be October 31, 1991.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to schedule summer Town Board meetings for July 11 and August 8, 1990.

five (5) ayes

Carried

Received information from Erie County Water Authority that they have inspected and serviced all of the hydrants in the Boston Fire Company district that were listed in a letter from Glenn McKillen, Boston Fire Chief, and forwarded to them by Town Clerk Carr. Councilman Wittmeyer asked that a copy of the water authority letter be sent to the Boston Fire Company for their records.

June 6, 1990

Notification was received of the "OPT-OUT" RIGHT of the 1991-93 Community Development Program from Erie County Department of Environment and Planning.

RESOLUTION - AGREEMENT FOR 1991-93

RESOLUTION - COMMUNITY DEVELOPMENT PROGRAM - DESIGNATION OF FUNDS

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski, if a favorable recommendation is received from Attorney Perley, to authorize the Supervisor to respond to a questionnaire from the Erie County Industrial Development Agency for revisions in their payment-in-lieu-of-taxes policy.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer to grant the request of Patchin Volunteer Fire Company to use Diamond #3 at the Town Park for a softball game on June 26, 1990, with a rain date of June 27, 1990, with the stipulation that no alcohol be served.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to refer to the Planning Board for review and recommendation the request of Salvatore Butera to rezone from Residence-Restricted Business RRB to Business B-1 vacant land across from the Boston Hills Mobile Home Court on Boston State Road.

five (5) ayes

Carried

Received a letter from Erie County Division of Highways stating they have ordered Playground warning signs to be installed at the Boston Valley School on Back Creek Road. Councilman Wittmeyer said those signs have been installed, as well as signs warning truck drivers of a steep hill on Omphalius Road, per the requests made by the Town Board.

Supervisor's Monthly Financial Report was received.

Supervisor Kennedy reported he has been assured by the county that they plan to begin the reconstruction of the Patchin Road bridge in the near future, however, they have been delayed by obtaining stream permits from the DEC and also the fact that Patchin Fire Company had requested a temporary shelter be erected on the west side of the bridge to house a fire truck while the reconstruction work is being done and the bids for this came in very high. Supervisor Kennedy added that the work should begin very soon, in order to have completion prior to the onset of bad weather. Mr. Kennedy also advised that County Legislator Desmond will be told at the next Town Board meeting, if he is present, the concerns the Town Board has about the incomplete road work on Abbott Road.

Town Justice Monthly Financial Report was received.

Upon the recommendation of Highway Superintendent Ruchalski, a motion was made by Councilman Zimmerman and seconded by Councilman Lisowski that incremental raises, effective June 6, 1990, are authorized, as follows:

Jerome Krencik	\$9.65	to	\$10.15
Ronald Smolinski	\$7.00	to	\$ 7.50
Joseph Wierzbic	\$7.00	to	\$ 7.50

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski, upon the opinion of Attorney Perley that Mr. Gerwitz can reasonably claim to have an easement allowing him access from Back Creek Road, to grant a Soil Removal Permit to Clifton Burkhardt (Gregory Gerwitz), total not to exceed 600 cubic yards.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to schedule a public hearing for July 11, 1990 at 8:00 P.M. on a proposed Ordinance Placing a Moratorium on Certain Construction, Development and Amendments to the

Correction at the 6/20/90
Regular meeting

#16

TOWN OF BOSTON



At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 6th day of June, 1990 at 7:30 P. M. Eastern Daylight Saving Time, there were present:

Richard L. Kennedy
Milton I. Wittmeyer
David G. Zimmerman
Don A. Wohlhueter
Frank H. Lisowski, Jr.

Supervisor
Councilman
Councilman
Councilman
Councilman

The following resolution was offered by Councilman Lisowski who moved its adoption:

BE IT RESOLVED, that the Town of Boston Town Board hereby approves and authorizes Supervisor Richard L. Kennedy to execute the Cooperation Agreement pursuant to the Housing and Community Development Act of 1974, as amended, between the Town of Boston and the County of Erie for the program years 1991, 1992, and 1993.

Seconded by Councilman Wohlhueter and duly put to a vote which resulted as follows:

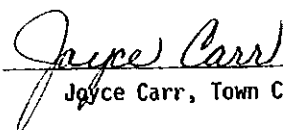
Supervisor Kennedy
Councilman Wittmeyer
Councilman Zimmerman
Councilman Wohlhueter
Councilman Lisowski

Voting aye
Voting aye
Voting aye
Voting aye
Voting aye

AYES: 5

NOES: 0

ABSENT: 0


Joyce Carr, Town Clerk

TOWN OF BOSTON



At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 6th day of June, 1990, at 7:30 P. M. Eastern Daylight Saving Time, there were present:

Richard L. Kennedy
Milton I. Wittmeyer
David G. Zimmerman
Don A. Wohlhueter
Frank H. Lisowski, Jr.

Supervisor
Councilman
Councilman
Councilman
Councilman

The following resolution was offered by Supervisor Kennedy who moved its adoption:

NOW THEREFORE BE IT RESOLVED, that the designation of the 1990-91 Community Development Funds be as follows:

\$7,356.00

\$1,752.00

Debt Repayment

Dues Southtowns Planning Group

Seconded by Councilman Lisowski and put to a vote which resulted as follows:

Supervisor Kennedy
Councilman Wittmeyer
Councilman Zimmerman
Councilman Wohlhueter
Councilman Lisowski

Voting aye
Voting aye
Voting aye
Voting aye
Voting aye

AYES:

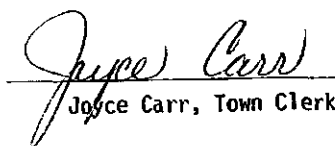
5

NOES:

0

ABSENT:

0


Joyce Carr, Town Clerk

TOWN OF BOSTON



At a regular meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Town Hall, 8500 Boston State Road, in said town on the 6th day of June, 1990 at 7:30 P. M. Eastern Daylight Saving Time, there were

PRESENT:	Richard L. Kennedy	Supervisor
	Milton I. Wittmeyer	Councilman
	David G. Zimmerman	Councilman
	Don A. Wohlhueter	Councilman
	Frank H. Lisowski, Jr.	Councilman

Councilman Wittmeyer presented the following resolution and moved its adoption:

WHEREAS, Gerald Nowatka and Joseph A. Simmeth, Jr. have requested to receive water as an out of district customer of Water District #1 of the Town of Boston, New York on property locally known as 6394 Omphalius Road and 6410 Omphalius Road, Boston, New York, and

WHEREAS Mr. Simmeth and Mr. Nowatka have agreed to reimburse Alois Kopczynski the sum of \$5,000.00 (\$2,500.00 each) for an extension to the service main as part of the Omphalius Road Extension #1 to Water District #1 which sum Mr. Kopczynski has agreed to be fair and reasonable.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby approves the request of Gerald Nowatka and Joseph A. Simmeth, Jr. to receive water from Water District #1 as an out of district customer upon the following terms and conditions:

- (1) Permission is granted for one residential tap in at 6394 and 6410 Omphalius Road.
- (2) Gerald Nowatka and Joseph A. Simmeth, Jr. shall pay customary district charges for district residents receiving service.
- (3) Both Gerald Nowatka and Joseph A. Simmeth, Jr. shall show proof of payment to Mr. Kopczynski of \$2,500.00 each.
- (4) Gerald Nowatka and Joseph A. Simmeth, Jr. shall be responsible for obtaining all easements necessary to transmit the water from the current main to each respective residence.
- (5) All expense with regard to extending or upgrading the existing water service shall be borne by Gerald Nowatka and Joseph A. Simmeth, Jr.
- (6) That Gerald Nowatka and Joseph A. Simmeth, Jr. acknowledge that they may be liable for additional district charges in the event of formation of any additional Water District.
- (7) This resolution shall be subject to approval of the Erie County Water Authority.

Seconded by Supervisor Kennedy and put to a vote which resulted as follows:

Supervisor Kennedy	Voting <u>aye</u>
Councilman Wittmeyer	Voting <u>aye</u>
Councilman Zimmerman	Voting <u>aye</u>
Councilman Wohlhueter	Voting <u>aye</u>
Councilman Lisowski	Voting <u>aye</u>

AYES:

5

NOES:

0

ABSENT:

0

Joyce Carr
Joyce Carr, Town Clerk

June 6, 1990

1958 Zoning Ordinance of the Town of Boston, as Amended.

five (5) ayes

Carried

RESOLUTION - OUT-OF-DISTRICT WATER SERVICE

Councilman Wohlhueter reported he has scheduled with BFI Sanitation a recycling day at the Town Hall on Saturday, August 18, at which time residents are invited to bring their recyclable items for a demonstration of the process. Mr. Wohlhueter said proposals will be accepted in the fall for a new contract for trash pickup, beginning in 1991, and that the bids will definitely be more than they are at the present time, due to mandated recycling programs. Councilman Zimmerman noted that the Town of Tonawanda is having a day for the disposal of tires and wondered if it could be arranged to have the southtowns area have a day also when they could bring old tires for disposal.

Councilman Zimmerman said he has had several inquiries relative to the senior citizen walkway bridge from their apartment complex to B-Kwik Market in North Boston. Supervisor Kennedy advised that he contact Town Engineer Nussbaumer & Clarke, Inc. to ascertain when the specifications will be ready for bids.

Code Enforcement Officer and Deputy Code Enforcement Officer Monthly Reports were received.

Dog Control Officer Monthly Report was received.

Town Engineer's Monthly Report was received.

A letter was received from the Planning Board, stating their regular meeting on June 12, 1990 will begin at 7:00 P.M. at the property adjacent to, and north of, the Boston Hills Mobile Home Park, which is the site of a proposed manufactured home community. John Falkides, owner of the property, said his attorney will communicate with Town Attorney Perley relative to the number of persons who are expected to attend this walk-through, as he wants to determine the law relative to a public meeting being held on private property.

A letter was read from the Zoning Board of Appeals, requesting the Town Board send a letter of appreciation to Randy Burgwardt for his ten years of service as a member. Supervisor Kennedy apologized for the oversight, directed Town Clerk Carr to send a letter to Mr. Burgwardt and also directed that it will be a standing rule to always send letters of appreciation to persons who volunteer their time to serve on committees.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to adjourn at 10:10 P.M.

Joyce Carr

Joyce Carr
Town Clerk

Regular Meeting
June 20, 1990

Town Hall
7:30 P.M.

Present were Councilman Milton Wittmeyer, Councilman Don Wohlhueter, Councilman Frank Lisowski, Jr., Supervisor Richard Kennedy and Town Attorney Michael Perley. Absent were Councilman David Zimmerman and Highway Superintendent Eugene Ruchalski.

Supervisor Kennedy explained that he would like the minutes of the June 6, 1990 Regular Meeting amended to meet a criteria set by Mr. John Mowatt of Community Development to explain the reason no public hearing was held for the expenditure of Community Development Funds.

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter that the amended minutes of June 6, 1990 Regular Meeting be approved with the following amendment to page 52, Line 4: At a public hearing held a year ago a decision was made by the Town Board, after input by the community, to approve funds for a senior citizen walkway between B-Kwik Plaza and the apartment complex located on the Boston State Road. The amount of \$9,413.00 was approved last year from the Community Development loan pool for this purpose. Since the Town had \$1,232.00 remaining in Community Development funds for 1989-90, this additional amount gave us a total of \$10,645.00 for the construction of the walkway. The walkway engineering is now completed with the expenditure for the engineering borne by the Town. Bids will be received based on the criteria established by HUD for the construction of the walkway. Since the approved money last year from the Community Development loan pool exceeds the amount of funds we are eligible to receive during the current year, it is really a moot point to hold a public hearing because the allocation for 1990-91 will have to be applied to the loan we received last year.

four (4) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter that the General Fund and Special District Bills on Abstract 6A dated June 20, 1990 in the amount of \$40,754.87 be paid.

four (4) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski that the Highway Bills on Abstract 6A dated June 20, 1990 in the amount of \$9,676.76 be paid.

four (4) ayes

Carried

A letter was read from Adelphia Cable with an updated list of the different levels of programming offered by them, effective July 1, 1990. Also received was a memorandum Adopting Rules from the New York State Commission on Cable Television which will be on file in the Town Clerks office.

In answer to a question from Supervisor Kennedy, Town Attorney Perley stated he would check with Adelphia Cable relative to the cable line extension for Rockwood Road and report his findings.

A letter was read from the office of Governor Mario Cuomo advising that the proposed surcharge to be paid by the users of the waste to energy plants and landfills was not included in the 1990-91 State Budget. The letter was received and filed.

A letter and Environmental Charter was received from Elizabeth Holtzman, Comptroller of the City of New York urging the Town of Boston to become a member of Global Cities Project which is committed to creating safer, more liveable, more sustainable communities. A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to adopt the Preamble and direct the Town Clerk to advise of the Town Boards desire to become a member of the Global Cities Project.

four (4) ayes

Carried

Notice was received from the New York State Department of State advising of the receiving and filing of Local Law #5 - 1990, Amendment to Mobile Home Ordinance. Received and Filed.

Supervisor Kennedy welcomed Legislator Joseph Desmond to our meeting and expressed his concerns for the Patchin Road Bridge and highways in Boston.

June 20, 1990

55

Sgt. Fox of the Erie County Sheriff's Department presented their monthly report. Supervisor Kennedy thanked Sgt. Fox and advised this would be on file in the Town Clerk's office.

Legislator Desmond advised Supervisor Kennedy that there will be a meeting after the 4th of July with the Erie County Water Authority committee relative to the water tanks. Supervisor Kennedy explained that this is relative to a request from the Erie County Water Authority that municipalities take over the maintenance of the tanks and Boston has joined hands with Orchard Park, Hamburg and Eden to implore the Authority continue with the maintenance of the tanks as it is very expensive.

Supervisor Kennedy advised Legislator Desmond that concern has been expressed to Deputy Supervisor Wittmeyer as to when the bridge will be started on Patchin Road. He stated that when he spoke to Mr. Gugino they discussed that there would be a delay as there was a problem with the building that was to be erected for the fire company which had been resolved. Supervisor Kennedy further stated that we would receive flak if the bridge was closed over the winter and asked Legislator Desmond to find out the timetable for the construction of the bridge. Supervisor Kennedy stated that the Keller Road bridge has been started as the waterline was broken twice which caused many problems.

Councilman Wittmeyer stated that at the preconstruction meeting they had advised construction would start about the 15th of May. He stated he would like to see it started so it will be completed this fall as there would be problems if it was closed over the winter.

Councilman Wohlueter advised Legislator Desmond of a problem with Eckhardt Road which he noted is a route used from Route 62 to the Route 219 Expressway. He pointed out that the road is badly in need of repair from Taylor Road to Route 391 and a number of residents have approached him about having it fixed.

Legislator Desmond stated that he is stuck with the budget as it was adopted before he was in office, but is aware of the condition of roads in the southtowns. He further noted that most of the money for roads has gone to the northtowns thus the southtowns have been neglected.

Councilman Wittmeyer stated that Boston State Road is deteriorating from the Town Hall to the town line and he asked Legislator Desmond if it would be possible to at least have some of the potholes repaired.

Mr. Donald Peters, 5620 Meadow Drive appraised the Town Board of the problem he has with barking dogs next door to his residence. Town Attorney Perley advised Mr. Peters to contact the Boston Court Clerk to file a complaint so the owners of the dogs will have to come into court to answer the charge. Mr. Peters stated he would be in tomorrow to make out the necessary papers. Town Attorney Perley also suggested to Mr. Peters that he keep a log of the dogs activities to help him in his complaint.

Jack Penrod, 7320 Boston State Road, expressed his concern about the failure of the owners of the car wash on Boston State Road to do the landscaping as directed by the Board when they obtained permission to build. Supervisor Kennedy stated this had been brought to his attention recently and he would check into it.

Wanda Betts, 6184 Wildwood Drive stated she had walked along the Irish Gulf stream and had found debris such as car parts, metal, concrete slab, hose from a trailer draining into creek, etc. She stated it is a mess and further down where there is soil being removed a lot of trees are down. She asked if this is part of the soil removal permit. Supervisor Kennedy stated he had not had an opportunity to check the area, but tree removal was not a part of the permit. He also stated that some of the debris in the creek has been washed down from the hills during high water and all of it couldn't be attributed to the Mobile Home Court. He stated that this would be looked into as soon as an active Conservation Council was structured with volunteers willing to do this and also work on drainage. Mrs. Betts stated she would contact the Department of Environmental Conservation in the morning.

A letter was read from John and Katherine Falkides making application for a rezoning to create a Mobile Home Court District adjacent to the existing Boston Hills Mobile Home Park. A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to refer the request of John and Katherine Falkides for rezoning of their property on Boston State Road from Residential Restricted Business and Agriculture to a Mobile Home Court District to the Boston Planning Board for their review and recommendation.

four (4) ayes

Carried

June 20, 1990

Upon a request from the Boston Fire Company, a motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski to grant permission to the Boston Fire Company to use the land in the rear of the State Police Building on July 25, 1990 at 7:00 P. M. for a ground flight seminar with Mercy Flight.

four (4) ayes

Carried

An Approval of Plans was received from the Erie County Health Department for the waterline extension on Patchin Road. Supervisor Kennedy stated the Town is awaiting approval from the DEC before the project can be initiated.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer setting July 23, 1990 at 9:30 A. M. for the opening of bids for the Senior Citizen Walkway.

four (4) ayes

Carried

RESOLUTION - DWI CONTRACTS

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to renew the Special Use Permit of Conrad Koch, 7374 Lower East Hill Road for a three year period to expire on April 29, 1993. Permit to be under the same provisions that were set forth in the original permit.

four (4) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wittmeyer to transfer appropriations for the General Fund as follows:

From: A1990.4	Contingent	\$10,000.00
To: A1440.4	Engineer	\$10,000.00

four (4) ayes

Carried

Upon the request of the Boston Fire Company a motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to grant permission to the Boston Fire Company to use the softball diamond at the Town Park on June 24, 1990 for a recreational softball game.

four (4) ayes

Carried

Upon the request of the Paxton for Congress Committee, a motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to grant permission to the Paxton for Congress Committee to use the Town Park and Shelter for a fundraiser on August 29, 1990 from 6:00 P. M. to 10:00 P. M. contingent upon the receipt of a Certificate of Insurance filed in the Town Clerk's Office. Permission is also granted to serve beer.

four (4) ayes

Carried

RESOLUTION - CONSOLIDATION OF ELECTION DISTRICTS

A notice was received from the State Archives and Records Administration advising the Town of Boston they had received a grant from the Local Government Records Management Improvement Fund in the amount of \$8,681.00. Supervisor Kennedy explained that he had been approached by the Erie Niagara Regional Planning Board to go with them to secure a grant and in view of their past record with the census, it was decided to work with our grantsperson on this and he was glad we had made this decision as the Town of Aurora who had gone with Erie Niagara Regional Planning Board received \$700.00. A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to authorize the Supervisor to sign the Grant Acceptance form.

four (4) ayes

Carried

Supervisor Kennedy stated he had received numerous letter requesting appointment to committees. He advised that he was appointing Robert J. McDonnell, 6454 Kevinton Place and Richard W. Siemann, 6112 Thornwood Drive to the Capital Improvements Committee. Letters requesting appointment to the Codification Committee were read from Gail Orffeo, Gertrude Schauf, Wanda Betts, Donald Sauer, Michael J. Murphy, Ramona Murphy and Jack Penrod. Supervisor Kennedy explained that each of these letters had been answered and as some had not received their letter yet he would read one. The letter explained that the purpose of the Codification Committee was to complete two objectives, the first to codify all town laws and ordinances of the Town of Boston working in conjunction with General Codes which was completed last year. The second objective was to rewrite the existing zoning laws. This is also complete. There is one more meeting to finalize the zoning map for submission to the Town Board and then public hearings

#20

TOWN OF BOSTON



APPENDIX "C"

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, in said town on the 20th day of June, 1990 at 7:30 P. M., Eastern Daylight Saving Time, there were present:

Richard Kennedy
Milton Wittmeyer
Don Wohlhueter
Frank Lisowski, Jr.

Supervisor
Councilman
Councilman
Councilman

Absent:

David Zimmerman

Councilman

The following resolution was offered by Councilman Wohlhueter who moved its adoption:

WHEREAS, the County, pursuant to the authority granted to it by Article 43-A of the Vehicle and Traffic Law, has established a special traffic options program for driving while intoxicated (STOP-DWI) and has formulated a plan thereunder for the coordination of county, town, city and village efforts to reduce alcohol-related traffic injuries and fatalities, and

WHEREAS, the Erie County Sheriff's Department and the New York State Police are engaged in certain alcohol traffic safety law enforcement activities within the Town of Boston, including the detection and arrest of persons operating a motor vehicle in violation of either Section 1192 or 511 (2) of the Vehicle and Traffic Law, and

WHEREAS, a Justice Court has been established in and for the Town of Boston with jurisdiction to hear and determine cases involving alleged violations of Section 1192 and 511 (2) of the Vehicle and Traffic Law, and

WHEREAS, an agreement has been presented to the Town of Boston for their approval to participate in the STOP-DWI Program.

NOW, THEREFORE, BE IT RESOLVED, that the Boston Town Board hereby authorized Supervisor Richard L. Kennedy to execute the agreement on behalf of the Town of Boston.

Seconded by Councilman Lisowski and put to a vote which resulted as follows:

Supervisor Kennedy

Voting aye

Councilman Wittmeyer

Voting aye

Councilman Wohlhueter

Voting aye

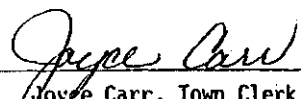
Councilman Lisowski

Voting aye

AYES: 4

NOES: 0

ABSENT: 1


Joyce Carr, Town Clerk

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TOWN OF BOSTON



At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, in said town on the 20th day of June, 1990 at 7:30 P. M. Eastern Daylight Saving Time, there were present:

Richard L. Kennedy
Milton I. Wittmeyer
Don A. Wohlhueter
Frank H. Lisowski, Jr.

Supervisor
Councilman
Councilman
Councilman

Absent: David G. Zimmerman

Councilman

The following resolution was offered by Councilman Lisowski who moved its adoption:

BE IT RESOLVED, that the Town Board of the Town of Boston, Erie County, New York, requests the Erie County Board of Elections to permit the consolidation of Boston's seven (7) Election Districts into one district at the Boston Town Hall, 8500 Boston State Road, Boston, New York for the purpose of registering voters on October 12, 1990 and October 13, 1990.

Seconded by Councilman Wohlhueter and duly put to a vote which resulted as follows:

Supervisor Kennedy
Councilman Wittmeyer
Councilman Wohlhueter
Councilman Lisowski

Voting aye
Voting aye
Voting aye
Voting aye

AYES:

4

NOES:

0

ABSENT:

1

Joyce Carr
Joyce Carr, Town Clerk

19

TOWN OF BOSTON



At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 20th day of June, 1990 at 7:30 P. M. Eastern Daylight Saving Time, there were present:

Richard L. Kennedy
Milton I. Wittmeyer
Don A. Wohlhueter
Frank H. Lisowski, Jr.

Supervisor
Councilman
Councilman
Councilman

Absent:

David G. Zimmerman

Councilman

Supervisor Kennedy presented the following resolution and moved its adoption:

WHEREAS, Elizabeth Katherine Siemann will on June 25, 1990, celebrate her 97th birthday, and

WHEREAS, Miss Siemann was born in New York City and began her active employment as a bookbinder at the age of 14 and remained a business woman until her retirement at the age of 68 years, and

WHEREAS, Elizabeth has been an active church member all of her life and has also held a variety of offices in various fraternal and civic organizations, and

WHEREAS, since Miss Siemann became a resident of Boston she has become an active member of the Boston Senior Citizens, the Good Shepherd Lutheran Church and American Association of Retired Persons, and

WHEREAS, Elizabeth has been a member of several singing societies over the years and exhibits a genuine warmth and generous interest in people, and

WHEREAS, she is at the present the oldest known resident of our community.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Boston offers our heartiest congratulations to Miss Siemann on this joyous occasion and extend to her our best wishes for many more years of health and happiness.

Seconded by Councilman Wohlhueter and duly put to a vote which resulted as follows:

Supervisor Kennedy
Councilman Wittmeyer
Councilman Wohlhueter
Councilman Lisowski

Voting aye
Voting aye
Voting aye
Voting aye

AYES: 4

NOES: 0

ABSENT: 1

Joyce Carr

Joyce Carr, Town Clerk

June 20, 1990

57

will be held. The function of the Codification Committee will then be completed as the Town Board will finalize or amend the ordinance in response to comments received at the hearing. Supervisor Kennedy further advised that they are in the process of once again establishing a Conservation Council as there is a great need for one and those that applied for the Codification Committee are welcome to be on this Council. Jack Penrod volunteered to serve on the Conservation Council. Nancy Stetter and Lisa Rood also volunteered to serve.

A motion was made by Councilman Lisowski and seconded by Supervisor Kennedy to authorize the Supervisor to enter into a contract with Hamburg Overhead Door, Inc. to furnish and install doors, vinyl weatherstripping with all removables included at a cost of \$4,690.00 on the Emergency Squad Building.

four (4) ayes

Carried

The Tax Collector's Monthly Report was received.

Upon the request of Town Clerk Joyce Carr, a motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to approve the purchase of a computer for the Town Clerks office at a cost not to exceed \$1,450.00.

four (4) ayes

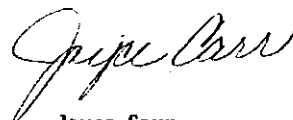
Carried

Councilman Wohlhueter reported that the Solid Waste Committee had met with BFI and a date of Saturday, August 18 from 8:00 A. M. to 2:00 P. M. at the Highway Garage has been set. BFI will furnish a container for newspapers and a container for glass and cans. He stated that there would be no plastic dropoff at this time, but there will be a container for batteries. There will also be a drop-off for tires with a limit of two tires and a residency check. Flyers will be printed by BFI and circulated about 2 weeks prior to the date. Remy Orffeo asked about glass separation and Councilman Wohlhueter stated that BFI is trying to find a firm to take all glass and there will be more on this in the flyer.

Councilman Wittmeyer asked Mrs. Betts to advise him when a representative from the DEC comes out to check Irish Gulf as he would like to accompany them on the walk to determine what can or can't be done to clean up the stream.

RESOLUTION - ELIZABETH SIEMANN - 97TH BIRTHDAY

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to adjourn at 8:39 P. M.



Joyce Carr
Town Clerk

Regular Meeting
July 11, 1990

Town Hall
7:30 P.M.

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy, Town Attorney Michael Perley and Highway Superintendent Eugene Ruchalski.

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski that the Minutes of the Regular Meeting of June 20, 1990 be approved.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter that the Town Clerk's Monthly Report be accepted.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman that the General Fund and Special District Bills on Abstract #7, July 11, 1990, in the amount of \$68,687.53 be paid.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter that the Highway Bills on Abstract #7, July 11, 1990, in the amount of \$17,723.33 be paid.

five (5) ayes

Carried

A letter was received from the New York State Department of Environmental Conservation, with notification that public information meetings will be held at five sites throughout the state in August relative to amendments to water quality regulations. This information is available at the Town Clerk's Office.

Received and filed letter from Governor Mario Cuomo relative to the review portion of the U.S. Bureau of the Census enumeration. Also received was a letter from Assemblyman Mel Miller stressing the importance to New York State of correct and complete counts in enumeration. Supervisor Kennedy stated that Town Clerk Carr has done a good job in monitoring the census count and anyone who has been missed should contact her.

Received and filed a letter from the New York State Office for the Aging stating that budget cuts in the Recreation Program for the Elderly for the state fiscal year 1990-91 have been made, which will mean the town will receive \$2,118.00, a decrease of \$224.00 over the previous fiscal year.

Received notice of a public hearing on Library and Information Services for Democracy, to be held July 12 in Syracuse. Additional information is available in the Town Clerk's Office.

Received a letter from New York State Department of Transportation that the town will continue to receive Consolidated Local Street and Highway Improvement Program (CHIPS) funds. Also received a letter from Assemblyman Thomas Reynolds, showing a preliminary allocation for 1990-91 in the amount of \$30,639, a reduction of \$310 over the previous allocation.

Received a letter from the U.S. Route 219 Association, asking for the town's continued support in their endeavors for a four lane expressway to the Pennsylvania state line.

Received information from Assemblyman Thomas Reynolds regarding senior citizens' real property tax exemption legislation, which has recently raised the income eligibility level. Supervisor Kennedy said the Town Board is reviewing the legislation, as any increases in eligibility affect all property owners.

Wanda Betts, 6184 Wildwood Drive, said she has contacted the Department of Environmental Conservation relative to her inquiry pertaining to clean up of debris in the Irish Gulf. She said she was told that the town is responsible for cleaning up debris and this could be done, with the exception of the bringing in of any heavy or excavating equipment. Mrs. Betts added that she is waiting for a return call from Steven Doleski at the DEC relative to a walk-through of the creek bed; Supervisor Kennedy and Councilman Wittmeyer both said they would accompany them on the walk.

Jack Penrod, 7370 Boston State Road, asked if there was any action taken on his inquiry as to the lack of landscaping at the car wash. Attorney Perley said he

July 11, 1990

has written to the owner relative to landscaping and paving, and, if he does not receive a reply from Mr. Miller within two weeks the Code Enforcement Officer will make an inspection of the property and legal action will be taken to enforce the completion of the project.

Mr. Penrod also volunteered to be a member of the Conservation Advisory Council and Supervisor Kennedy thanked him for his interest in volunteering to serve.

A resident inquired as to the status of the Senior Citizen Walkway project and Supervisor Kennedy said bid openings are scheduled for July 23, with the work expected to take about a month.

Suzanne Bard, 5876 Woodlee Court, asked if the Town Board has compiled the information she requested on ravines at a prior meeting. Supervisor Kennedy directed Town Clerk Carr to contact General Codes relative to any federal, state or local laws governing ravines.

Lisa Rood, 8798 Zimmerman Road, asked about the reconstruction of the Patchin Road bridge. Councilman Wittmeyer said he has been told by Mel Kase at the Erie County Division of Highways that the work will be completed before winter, with the walk bridge approximately half complete and footers in for a temporary fire hall.

Mrs. Betts asked if the Building Inspector had the report completed she requested about the number of building permits issued for duplex units. Supervisor Kennedy said the Building Inspector brought it to the last Town Board meeting, but Mrs. Betts was not present and that the Inspector is not present at this meeting. He told Mrs. Betts she could stop by Mr. Kramer's office to pick it up.

Ernest Mettendorf, 9300 Robin Lane, asked if there was a migrant camp house being built next to the North Boston Garage, as this is what the building looks like to him. Supervisor Kennedy said Mr. Gerwitz is being contacted relative to the completion of this construction.

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to make the following corrections of abstracts and transfers of appropriations:

Correction of Abstract #6A - June 20, 1990:

Voucher #453 - New York State Electric & Gas

From	\$227.03
To	\$273.03

Total Abstract Amount

From	\$40,754.87
To	\$40,800.87

Correction of Abstract #1A - January 17, 1990:

Voucher #43 - O'Connell & Stephens

From	A1989.4 (Unclassified)	To	A1220.4 (Supervisor)
	\$3000.00		

Correction of Abstract #4 - April 4, 1990:

Voucher #236 - O'Connell & Stephens

From	A1989.4 (Unclassified)	To	A1220.4 (Supervisor)
	\$3000.00		

Transfers of Appropriations:

From	A 1989.4	Unclassified	\$12,000	
	A 1950.4	Taxes & Assess. on Tn. Prop.	900	
	A 1990.4	Contingent	7,600	
				\$20,500

July 11, 1990

To	A 1220.4	Supervisor	\$12,000
	A 1420.4	Attorney	1,000
	A 5050.4	Highway Superintendent	1,500
	A 5132.4	Garage	3,000
	A 7110.4	Parks	2,000
	A 8010.4	Zoning	400
	A 8020.1	Planning	100
	A 9040.8	Compensation Insurance	500
			\$20,500

five (5) ayes

Carried

At 8:00 P.M. a Public Hearing was held on a proposed Ordinance Placing a Moratorium on Certain Construction, Development and Amendments to the 1958 Zoning Ordinance of the Town of Boston, as Amended. The Legal Notice was read by Town Clerk Carr. Also read were letters from the Niagara Frontier Builders Association, Inc. and the Boston Business Group, both of which are not in favor of the imposition of a moratorium. Supervisor Kennedy then convened the hearing.

Robert McDonnell, 6454 Kevinton Drive, asked for clarification on what construction the moratorium would cover. Wanda Betts, 6184 Wildwood Drive, asked about the membership and identity of the Boston Business Group. Supervisor Kennedy said this letter was sent to the Town Board with a request to be read at this meeting, but he does not know who the members of this group are. Jack Penrod, 7370 Boston State Road, asked if the Niagara Frontier Builders Association is aware that the proposed moratorium only will apply to other than single family homes and also, if the assistance they offer is gratis, perhaps they can be of assistance to the town's planning. William Boltz, 6326 May Drive, asked questions pertaining to the Master Plan and he also stated that if there is a moratorium, it should include all permits, if not, he is against the moratorium. Supervisor Kennedy said the moratorium is useful for the implementation of the new zoning regulations and this step has always been planned to be done prior to scheduling hearings on the zoning map. He added that despite the active group that is claiming to have initiated pressure on the Town

Board to place a moratorium, they have not been coerced into doing so, as it has always been their intent. Ramona Murphy, 7898 Boston State Road, read a prepared statement in favor of a moratorium and said it is her impression that the Planning Board recommends approval without giving much thought to the submittals. Donald Mitscher, 4589 Morningside Drive, said he has been a resident of the town for over 50 years and

**LEGAL NOTICE
TOWN OF BOSTON
AN ORDINANCE PLACING A
MORATORIUM ON CERTAIN
CONSTRUCTION, DEVELOPMENT
AND AMENDMENTS TO THE 1958
ZONING ORDINANCE OF THE
TOWN OF BOSTON, AS AMENDED**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston, Erie County, New York, will hold a public hearing on the 11th day of July, 1990 at 8:00 P.M. Eastern Daylight Saving Time, in the Town Hall of the Town of Boston, 8500 Boston State Road, on the following proposed ordinance.

Be it enacted by the Town Board of the Town of Boston, as follows:

1. Purpose: The purpose of this ordinance is to place a moratorium on the issuance or renewal of certain building permits, acceptance of applications for subdivision of land, site plan review and applications for amendment to the 1958 Zoning Ordinance of the Town of Boston, as amended, and the Zoning Map of the Town of Boston.

2. Legislative Findings: The Town Board hereby makes the following legislative findings as respects the 1958 Zoning Ordinance of the Town of Boston, as amended, the Zoning Map and the progress of the Zoning Commission, heretofore known as the Codification Committee of the Town of Boston, in formulating a proposed Local Law regulating land use and development in the Town of Boston.

a) That the Zoning Commission has under consideration a plan for regulating land use and development in the Town of Boston which will constitute a comprehensive zoning change within the Town of Boston, the text of which is substantially complete.

b) That a sub-committee of the Zoning Commission is preparing a proposed Zoning Map for the Town of Boston, in accordance with the proposed Local Law.

c) That work has begun to draft a preliminary report on the proposed Local Law, as provided by §266 of the Town Law.

d) That the existence of a plan under consideration may precipitate action by landowners that is detrimental to the plan.

e) That under the circumstances the advantage to the Town of Boston in the formulation of a comprehensive zoning change outweighs the hardship to an individual landowner or landowners in general.

f) The Town Board desires an opportunity to consider the proposed Local Law and to further consider enactment of or modification to the existing subdivision regulations and design and construction standards for infrastructure, drainage, storm water detention and other aspects of development.

3. Imposition of Moratorium: The Town Clerk, Code Enforcement Officer of the Town of Boston, Planning Board and Zoning Board of Appeals are hereby ordered to refuse any and all applications for building permits, site plan approval, special use permits involving the erection of structures, subdivision plans, variances and any request for amendment to the 1958 Zoning Ordinance of the Town of Boston, as amended, or the Zoning Map of the Town of Boston, except as hereinafter provided.

4. Exceptions: This ordinance shall not apply to:

a) Any application for preliminary approval of a subdivision plat filed with the Planning Board of the Town of Boston on the effective date hereof, provided however, that this moratorium shall apply to application for preliminary subdivision approval following the denial of a pending application to which this ordinance does not apply.

b) Any application for a permit to build a single-family dwelling in property zoned R-1, R-2, or any approved subdivision lot, provided that the application does not require action by the Planning Board or the Zoning Board of Appeals.

c) Any application for site plan approval or a building permit pending on the effective date of the ordinance.

d) Any application for a sign in conformance with Chapter 95 of the Code of the Town of Boston.

5. Expiration of Moratorium:

a) Determination of a Reasonable Period of Time for Completion. The Town Board herein determines that six months is a reasonable period of time for the completion of the review and enactment process referred to herein.

b) Expiration Date. This moratorium shall expire on the 15th day of January, 1991, unless extended prior to said date by the Town Board of the Town of Boston by a resolution thereof.

Dated: June 11, 1990

Joyce Carr
Town Clerk
Town of Boston

6-14

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TOWN OF BOSTON



At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 11th day of July, 1990 at 7:30 P. M. Eastern Daylight Saving Time, there were present:

Richard L. Kennedy
Milton I. Wittmeyer
David G. Zimmerman
Don A. Wohlhueter
Frank H. Lisowski, Jr.

Supervisor
Councilman
Councilman
Councilman
Councilman

Supervisor Kennedy presented the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of Boston does hereby accept the waterline extension on Omphalius Road.

Seconded by Councilman Lisowski and put to a vote, which resulted as follows:

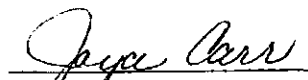
Supervisor Kennedy
Councilman Wittmeyer
Councilman Zimmerman
Councilman Wohlhueter
Councilman Lisowski

Voting aye
Voting aye
Voting aye
Voting aye
Voting aye

AYES: 5

NOES: 0

ABSENT: 0


Joyoe Carr, Town Clerk

July 11, 1990

totally disagrees with Ms. Murphy, as he was turned down by the Planning Board the previous night, despite having well presented submittals for their consideration. Ron Smith, 6203 Wildwood Drive, asked for clarification relative to submittals that have already been proposed and are being reviewed. Supervisor Kennedy told him that applications that have been submitted and are under review are exempt from the moratorium. Mr. Smith also asked how the zoning hearings would be set up and stated that extensive advertising should be done in order to inform all property owners of the hearings. Mr. Penrod asked when the saturation point would be reached for water and sewer capacity. Supervisor Kennedy said these are always concerns and detailed the upgrading of the water lines from Eden that have been made. Ernest Mettendorf said he thought the fire protection capacity has been reached. Mr. McDonnell requested a list of applications that are currently under review and that will not be affected by a moratorium; Supervisor Kennedy said this list will be forwarded to him. Joseph Terrizzi, 6535 Fairlane Drive, asked Attorney Perley several questions pertaining to the length of the moratorium, the abilities of the Town Board to prohibit and regulate construction, and if the statement from Niagara Frontier Builders that a moratorium is legal only in response to an emergency situation is correct. Ann Schunk, 10143 Trevett Road, disagreed with the statement that duplex construction is shoddy and spoke of fire codes, fire walls and steel doors. Ronald Yormick, 6405 Deanna Drive, stated he is in favor of a moratorium. John Hoganmiller, 9506 Boston State Road, asked if existing structures would be affected, as he plans on putting an addition on his home. Remy Orffeo, 6530 Fairlane Drive, said he is in favor of a moratorium. John Falkides said he would like to become a member of the Boston Business Group; he is opposed to a moratorium; and he feels residents who work out of town, but live in town, are trying to force out of business persons who earn their living in town. Loretta Worth, 9300 Boston State Road, said that people have to question change and she does not want Boston to become like her hometown on Long Island, where unplanned developments have resulted in many problems, including an acute shortage of water. Mr. Mettendorf said he did not approve of any other housing other than single-family, and that is all that should be allowed in town or in this country, as it is un-American not to own one's own home. Mrs. Betts said she is one of the vocal minority referred to tonight and she will continue to be, as she is concerned with how the duplex units and a partially completed triplex looks, as well as the problems connected with the setbacks of two duplexes in North Boston and the fact that absentee landlords of these properties neglect them and their condition deteriorates. Katherine Falkides, joint owner of the Boston Mobile Home Park, stated she is against the moratorium as it is discriminatory.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to close the public hearing at 8:57 P.M.

five (5) ayes

Carried

Councilman Lisowski presented an amendment to the proposed moratorium, as follows:

Section 4.

- b) Any application for a permit to build a single-family dwelling, any additions thereto or accessory buildings in property zoned A-1, R-1, R-2, or any approved subdivision lot, provided that the application does not require action by the Planning Board or the Zoning Board of Appeals.

A motion was made by Councilman Zimmerman and seconded by Councilman Lisowski to adopt, as amended by Councilman Lisowski, an Ordinance Placing a Moratorium on Certain Construction, Development and Amendments to the 1958 Zoning Ordinance of the Town of Boston, as Amended.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to authorize the Supervisor to sign the 1991 Fire Dispatch Agreement with the Town of Hamburg.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to accept the extension of Water District #1 on Omphalius Road.

five (5) ayes

Carried

July 11, 1990

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to grant permission to the North Boston Volunteer Fire Company to use the North Boston Stadium on July 24, 1990 for a softball game with Colden Volunteer Fire Company.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski to grant permission for the Boston Historical Society to use the Town Hall Community room for the installation dinner on October 2, 1990, with permission also being granted for alcoholic beverages to be served.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to grant permission to the Boston Emergency Squad to use the Town Park on Saturday, September 22, 1990 for a mock disaster drill.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to grant permission to the Boston Hills Mobile Homeowners Association to use the town park and Lions Shelter on July 14, 1990 from 3:00 P.M. to 8:00 P.M. for a picnic.

five (5) ayes

Carried

Received and filed Recreation Master Plan for the Boston Town Park Development Project.

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to appoint the following Recreation Attendants for the summer of 1990, retroactive to July 5, 1990, both at a salary of \$3.85 per hour:

Tracie Durphy
Cory Hacker

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to authorize the Supervisor to make payment for the recreation land purchased from the League for the Handicapped in Boston.

five (5) ayes

Carried

Received and filed a letter of intent from John G. Szalay that he plans to subdivide and develop 26 acres of property on Boston State Road, running parallel to Rollin Drive.

A motion was made by Councilman Lisowski and seconded by Supervisor Kennedy to appoint the following Softball Coaches, retroactive to the beginning of the 1990 season:

Gary Burdick
Christopher Burdick
Lisa Vasi
Frank Vasi
Maureen Boujaoude
Roger Stewart
Muriel Kummer

Sue Duffett
Tony Staub
Don Frydrych
Henry Abramowski
Jean Fico
Craig Franklin
Kevin McKenzie
Bob Ehlers

five (5) ayes

Carried

AMENDED RESOLUTION - COMMUNITY DEVELOPMENT FUNDS

Received a resolution that was approved in the Erie County Legislature relative to a county-wide policy regarding the disposal of tires and requesting Highway Superintendent Ruchalski become a member of the Task Force. Superintendent Ruchalski said he is willing to become a member and the County Legislature will be notified of his intentions.

#22

TOWN OF BOSTON



AMENDED RESOLUTION

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 11th day of July, 1990 at 7:30 P. M. Eastern Daylight Saving Time, there were present:

Richard L. Kennedy
Milton I. Wittmeyer
David G. Zimmerman
Don A. Wohlhueter
Frank H. Lisowski, Jr.

Supervisor
Councilman
Councilman
Councilman
Councilman

The following resolution was offered by Councilman Zimmerman who moved its adoption:

NOW THEREFORE BE IT RESOLVED, that the designation of the 1990-91 Community Development Funds be as follows:

\$7,356.00

Debt Repayment

\$1,752.00

Dues Southtowns Planning Group

\$ 537.00

Senior Citizens Walkway

AND FURTHER RESOLVED that the Supervisor of the Town of Boston is hereby authorized to sign the agreement between the County of Erie and the Town of Boston for the 1990-91 Community Development Contract for the above projects.

Seconded by Councilman Wohlhueter and duly put to a vote which resulted as follows:

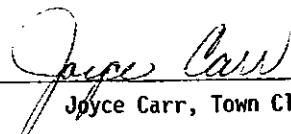
Supervisor Kennedy
Councilman Wittmeyer
Councilman Zimmerman
Councilman Wohlhueter
Councilman Lisowski

Voting aye
Voting aye
Voting aye
Voting aye
Voting aye

AYES: 5

NOES: 0

ABSENT: 0


Joyce Carr, Town Clerk

July 11, 1990

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to schedule a public hearing for August 8, 1990 at 7:45 P.M. to consider the adoption of Local Law "A" of 1990, Providing for a Four Year Term for the Office of the Town Clerk of the Town of Boston, Commencing with the Biannual Election to be Held in the Calendar Year 1990.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to refer to the Planning Board for their review and recommendation the request of Lewis H. and Beverly J. Webber to rezone a 14 acre parcel of property located at 7482 Boston State Road from Agriculture A-1 to Mobile Home Court District.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer to grant the request of residents of Pinecrest Terrace to temporarily close a portion of their street, from 4668 to 4686 Pinecrest, for a block party on July 21, 1990 from 2:00 P.M. to 12:00 Midnight; with North Boston Fire Company and police agencies being notified of this closure.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to grant the request of residents of Old Orchard Drive to temporarily close their street on August 4, 1990 from 2:00 P.M. to 8:00 P.M. for a block party; with North Boston Fire Company and police agencies being notified of this closure.

five (5) ayes

Carried

Supervisor's Monthly Report was received.

Supervisor Kennedy reported that the Veterans Memorial at the Boston Green has been knocked over by a vehicle and that he has made arrangements to have it re-erected, cleaned and restored. Steps are being taken to recover the costs of this restoration from the vehicle driver's insurance company.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to increase the salary of Leo Jensen, Laborer PT, from \$5.50 to \$6.00 per hour, effective July 23, 1990.

five (5) ayes

Carried

Supervisor Kennedy said a petition with 128 valid signatures has been received from residents opposed to the Rice Road access road proposed by the New York State Department of Transportation. In addition, several copies of letters sent to the DOT have been received and four letters were read that were addressed to the Town Board, all in opposition, from Dale and Donna Watkins, David Watkins, Betty Stanton and Dennis Connolly. Supervisor Kennedy said the Town Board is now, and has always been, in support of the access road from the Route 219 Expressway and even though this road will be of detriment to a few, it will be of much benefit to residents.

Town Justice Monthly Financial Report was received.

Highway Superintendent Ruchalski thanked the Town Board for the opportunity to attend the Highway Seminar at Ithaca College last month.

Attorney Perley said that easements have been signed by Dr. L. H. Meisburger for the water lines to be installed at the time the Patchin Road bridge is being constructed and that he is waiting for the return of easements from National Fuel Gas, which he expects shortly.

Upon the advice of Attorney Perley, a motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to pay a civil penalty of \$1500.00, with no violation admitted, to the New York State Department of Environmental Conservation, relative to open burning of brush.

five (5) ayes

Carried

Councilman Wohlhueter said a pilot project on recycling will be held on August 18, 1990 at the highway garage. Flyers will be distributed to each household at the end of this month, distributed to business places and published in the Pennysavers,

July 11, 1990

so that residents will have time to accumulate newspapers, cans and bottles. He added that Highway Department personnel will be on hand to assist in the collection.

Councilman Wittmeyer said that the speed limit on Abbott Road will be 35 mph until all construction is completed.

Councilman Zimmerman reported that Mary Anne Jehle has volunteered to be on a committee to recommend uses for the recreation land purchased by the town at the South Towns Rural Preservation property. Town Clerk Carr was directed to send a letter to Mrs. Jehle, accepting her offer and Supervisor Kennedy said a group of interested citizens in that area will be asked to also become members and their presentation can then be made to the Capital Improvements Committee.

Code Enforcement Officer and Deputy Code Enforcement Officer Monthly Reports were received.

Dog Control Officer Monthly Report was received.

Town Engineer's Monthly Report was received.

A letter was received from the Planning Board relative to the application of John and Katherine Falkides for creation of a mobile home court district, recommending the Town Board approve their request to rezone 6.6 acres of property adjacent to the Boston Hills Mobile Home Court. A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to schedule a public hearing for August 8, 1990 at 8:00 P.M. on this rezoning request.

five (5) ayes

Carried

Upon the recommendation of the Planning Board, a motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to grant approval to Daniel Schunk to construct a two-family dwelling on a one acre parcel of land between 7499 and 7523 Boston State Road.

five (5) ayes

Carried

Upon the recommendation of the Planning Board, a motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to grant approval to Kenneth Decker to construct three duplex residences on the corner of Aspen Drive and Pin Oak Drive.

five (5) ayes

Carried

Upon the recommendation of the Planning Board, a motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to grant approval to Sharon Clark to construct a 30' X 50' addition to the garage at 6752 Mill Street, with the stipulations as set forth by the Planning Board.

five (5) ayes

Carried

Received a letter from the Planning Board stating they recommend denial of the request by Donald Mitscher to rezone property located at 7942 Back Creek Road from Residence R-2 to Agriculture A-1 for the purpose of erecting commercial greenhouses. A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to schedule a public hearing on this request for August 8, 1990 at 7:50 P.M.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to adjourn at 9:45 P.M.



Joyce Carr
Town Clerk

Special Meeting
July 31, 1990

Town Hall
9:15 A.M.

Present were Councilman David Zimmerman, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy, Town Attorney Michael Perley and Councilman Milton Wittmeyer (9:17 A.M.). Highway Superintendent Eugene Ruchalski was absent.

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter that the General Fund and Special District Bills on Abstract #7A, July 31, 1990, in the amount of \$22,811.08 be paid.

four (4) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Lisowski to direct Town Clerk Carr to advertise for bids for the extension of the waterline on Patchin Road; bids to be opened on August 20, 1990 at 10:00 A.M. in Supervisor Kennedy's office.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to adopt the final Request for Proposals, as drafted by the Solid Waste Committee, and to establish the deadline of September 16, 1990 at 10:00 A.M. for the opening of bid applications in the Supervisor's office.

five (5) ayes

Carried

A letter was received from Town Engineer Nussbaumer & Clarke, Inc., with the results of bids that were opened on July 23, 1990 for the Senior Citizen Walkway, as follows:

D. Blakely Construction Co., Inc.	\$14,399.00
Maplewood Construction Corp.	\$15,968.00
LCP Construction Corp.	\$18,975.00
Nichter Associates, Inc.	\$22,222.00

Upon the recommendation of the Town Engineer, a motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski that the contract be awarded to D. Blakely Construction Co., Inc. in the amount of \$14,399.00 for the construction of the Senior Citizen Walkway.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to adjourn at 9:23 A.M.



Joyce Carr
Town Clerk

Regular Meeting
August 8, 1990

Town Hall
7:30 P.M.

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy, Town Attorney Michael Perley and Highway Superintendent Eugene Ruchalski.

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter that the Minutes of the Regular Meeting of July 11, 1990 and the Special Meeting of July 31, 1990 be approved.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman that the Town Clerk's Monthly Report be accepted.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski that the General Fund and Special District Bills on Abstract #8, August 8, 1990, in the amount of \$28,340.96 be paid.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman that the Highway Bills on Abstract #8, August 8, 1990, in the amount of \$47,504.25 be paid.

five (5) ayes

Carried

Received June and July Activity Reports from Sgt. John Fox of the Erie County Sheriff's Department, which are on file in the Town Clerk's Office.

Received a check in the amount of \$7,557.68 from Adelphia Cable Communications, representing payment of franchise fees for the period October 1, 1989 through March 31, 1990.

Received and filed notification from North Boston Volunteer Fire Co., Inc. of new active member Peter Haumesser.

Erie County Legislator Joseph Desmond was present and stated he has discussed with the Erie County Highway Department the completion date of the Patchin Road and Keller Road bridge construction and that they are both projected to be completed in mid-November. In answer to a question from Councilman Wohlhueter, he also stated that Eckhardt Road is scheduled to be blacktopped this summer. Supervisor Kennedy thanked Legislator Desmond for his assistance in helping to schedule a meeting for August 10, 1990 with Erie County Executive Gorski, Supervisor Quinn of Hamburg, Supervisor Feasley of Eden and Supervisor Kennedy, in order to discuss areas of concern.

Diane Helmbrecht, 9752 Lango Road, asked when the senior citizen walkway construction will begin. Councilman Wittmeyer said the contract, in the amount of \$14,399.00, was awarded to D. Blakely Construction Co., Inc. at the Special Meeting on July 31, 1990 and Town Clerk Carr said she has sent a Notice to Proceed to Blakely Construction. Supervisor Kennedy said the terms of the contract call for work to begin within 30 days and added that there will be a relocation of the fire hydrant in this area at the same time.

Jim Castle, 6573 Rice Road, stated he feels the light on the sign at the new convenience market is much too bright, especially in comparison to the lesser brightness of the street lights in the area. He said the light is almost blinding in its intensity and asked if it could be changed to one with less wattage.

Received notification from the New York State Department of Environmental Conservation that they have received an application from Wittmeyer Bros. Dairy Farm for a gravel mine permit on a 19.6 acre parcel on Zenner Road. The DEC has determined that they should act as lead agency for the State Environmental Quality Review Act of the Environmental Conservation Law, unless the town feels they wish to be considered as lead agency. Supervisor Kennedy said that he and the other members of the Town Board have no problem with the DEC being the lead agency in this matter.

CORRECTED
9/5/90/gw

#24

TOWN OF BOSTON



At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 8th day of August, 1990 at 7:30 P. M. Eastern Daylight Saving Time, there were present:

Richard L. Kennedy
Milton I. Wittmeyer
David G. Zimmerman
Don A. Wohlhueter
Frank H. Lisowski, Jr.

Supervisor
Councilman
Councilman
Councilman
Councilman

Councilman Zimmerman presented the following resolution and moved

its adoption:

RESOLVED, that the Town Board of the Town of Boston does hereby adopt Local Law Number A of the Year 1990, entitled a Local Law Providing For a Four Year Term for the Office of Town Clerk of the Town of Boston, Commencing with the Biannual Election to be Held in the Calendar Year 1991.

Seconded by Councilman Lisowski and put to a vote, which resulted as follows:

Supervisor Kennedy
Councilman Wittmeyer
Councilman Zimmerman
Councilman Wohlhueter
Councilman Lisowski

Voting aye
Voting aye
Voting aye
Voting aye
Voting aye

AYES:

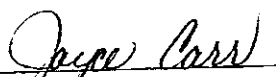
5

NOES:

0

ABSENT:

0


Joyce Carr, Town Clerk

August 8, 1990

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to authorize the Supervisor to sign an easement with New York Telephone for the placement of a 9' X 20' concrete pad, conduit and related equipment on property owned by the town, with compensation to be paid to the town for this easement.

five (5) ayes

Carried

At 7:45 P.M. a Public Hearing was held on a Local Law Providing for a Four Year Term for the Office of Town Clerk of the Town of Boston. Town Clerk Carr read the Legal Notice and Supervisor Kennedy opened the hearing. There were no comments or questions.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to close the public hearing at 7:45 P.M.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Lisowski to adopt Local Law Number A of the Year 1990, entitled a Local Law Providing for a Four Year Term for the Office of Town Clerk of the Town of Boston, Commencing with the Biannual Election to be Held in the Calendar Year 1991.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to grant the request of Southtowns Rural Preservation Co., Inc. to use the Community Room for a fundraising event on Thursday, October 25, 1990, from 7:30-9:30 P.M.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to authorize Town Clerk Carr to collect the 1990 school taxes for that portion of the Hamburg School District in the Town of Boston and Town of Eden at the Town Hall; with payment by Mrs. Carr to the town in the sum of \$500.00, plus \$430.00 for the computer program.

five (5) ayes

Carried

At 7:50 P.M. a Public Hearing was held on the request of Donald Mitscher to rezone 18+ acres of property on Back Creek Road from Residence R-2 to Agriculture A-1. The Legal Notice was read by Town Clerk Carr, who also noted that a Zoning Referral was sent to Erie County Division of Planning and notification of this request was made to the Erie County Commissioner of Highways and property owners in the vicinity of 7942 Back Creek Road. A letter, recommending denial of the rezoning request by a majority vote of the Planning Board, was also read. Supervisor Kennedy opened the public hearing. The applicant, Donald Mitscher, presented petitions containing 141 signatures of persons in favor of the rezoning request. Mr. Mitscher said he plans on erecting greenhouses for the commercial growing of mums and foliage plants, which he plans to sell to wholesalers. He plans on some blacktop area for small delivery vehicles to load and unload and does not have any plans for a retail store or to sell any kind of gardening supplies or tools to the public. Michael Czechowski, 8734 Boston State Road, said he felt this was a business use, not an agricultural use, of the land. Sharon Measer, 5871 Old Orchard Drive, presented a petition containing 19 signatures of persons opposed to the rezoning request. Margaret Lechner, 7902 Back Creek Road, said she has lived next door to

**PUBLIC NOTICE
LEGAL NOTICE
TOWN OF BOSTON**
NOTICE IS HEREBY GIVEN that there has been presented to the Town Board, Town of Boston, Erie County, New York, on July 11, 1990, a copy of Local Law Number A of the year 1990, entitled A Local Law Providing For a Four-Year Term For the Office of Town Clerk Of The Town of Boston Commencing With the Biannual Election To Be Held In the Calendar Year 1991.
NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston will conduct a Public Hearing on the aforesaid proposed Local Law at the Boston Town Hall, 8500 Boston State Road, Boston, New York on Wednesday, August 8, 1990 at 7:45 p.m. Eastern Daylight Saving Time, at which time all persons interested will be heard.
Dated: July 16, 1990

7-26

Joyce Carr
Town Clerk
Town of Boston

**Carried
PUBLIC NOTICE
TOWN OF BOSTON
AMENDMENT TO THE
ZONING ORDINANCE AND
ZONING MAP OF THE
TOWN OF BOSTON**
NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston, Erie County, New York, will hold a Public Hearing on the 8th day of August, 1990 at 7:50 p.m. Eastern Daylight Saving Time in the Boston Town Hall, 8500 Boston State Road, Boston, New York on the petition and request of Donald Mitscher to rezone the following described property, which is presently zoned Residence R-2 to Agriculture A-1 under the Zoning Ordinance of the Town of Boston, said property being described as follows:
ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Boston, County of Erie and State of New York, being part of Lot No. 21, Township eight (8), Range seven (7) of the Holland Land Company's Survey, more particularly described as follows:
BEGINNING at a point in the center of the Back Creek Road at a southwest corner of a parcel of land heretofore conveyed to R. W. Mitscher on the easterly side of said road, distant six hundred fourteen and forty-six hundredths (614.46) feet southeasterly from the intersection of the center of said road with the northerly line of land of Adelbert N. Meyer; thence north seventy (70) degrees east about two (2) chains and fifty (50) links to the center of the 18 Mile Creek; thence southeasterly along the center of said creek to a point where a line drawn north seventy-one (71) degrees

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the Mitschers for many years and admires the way they keep up their property, and feels that the greenhouses will be built and maintained as an asset to the surrounding area. Mrs. Measer asked Mr. Mitscher what the construction of the greenhouses would be and he said they will be metal, with plastic film coverings, which would be replaced approximately every two years. Karen Blake, 7898 Boston State Road, asked what the objections were to this project. Councilman Wittmeyer said Mr. Mitscher is requesting a rezoning for this purpose and Supervisor Kennedy said the town must determine what zoning is necessary for this planned use. Karen Blake said that evergreens could be planted in the front of the greenhouses if their appearance is offensive. Margaret Miller said the Mitschers have lived on this property for 30 years and have maintained it well, she can see nothing wrong with the plans for the use of the property. Herbert Klein, Planning Board Chairman, said he was one of the three members who voted against the rezoning, as he does not think this is a proper use for this prime property; rather an upscale residence would be more appropriate. Mr. Klein added that he also commends Mr. Mitscher for the beautiful landscaping and flowers on the property. Councilman Lisowski asked questions pertaining to how large a venture Mr. Mitscher is planning. Mr. Mitscher said that florists, wholesalers, etc. will want to visit the greenhouses prior to placing orders and that he feels he cannot eliminate completely the fact that some retail sales will also take place. Martha Mitscher said she would like to let everyone know that the reason the property looks so good is that her husband mows the side property, which used to be fields, and that he plants and maintains the beautiful flowers that were mentioned. She added that, instead of using this property for a house, it is a good way to preserve the property to use it for greenhouses that are removable. There were no further questions or comments.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to close the public hearing at 8:08 P.M.

five (5) ayes

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to table a decision on the request of Donald Mitscher to rezone 18½ acres of property at 7942 Back Creek Road from Residence R-2 to Agriculture A-1 for the purpose of erecting greenhouses for the commercial growing of plants and flowers; this decision will be made at the September 5, 1990 Town Board meeting.

five (5) ayes

At 8:10 P.M. a Public Hearing was held on the request of John P. Falkides and Katherine H. Falkides to rezone 6.6 acres of property, which is presently zoned Agriculture A-1 and Residential-Restricted Business RRB to Mobile Home Court District. The Town Clerk read the Legal Notice and also a letter from the Planning Board, stating they recommend the rezoning request, subject to stipulations. Mrs. Carr noted a Zoning Referral and letter was sent to Erie County Division of Planning, the Environmental Assessment Form has been completed, notification was sent to Erie County Division of Highways and property owners in the vicinity have been notified. Town Clerk Carr then read into the record letters that have been received both for and against the rezoning request, as follows:

east from a point in the center of said road eighty and six tenths (80.6) feet southeasterly from the point of beginning would intersect the center of said creek; thence south seventy-one (71) degrees west about one hundred eighty (180) feet to the center of said road; thence continuing south seventy-one (71) degrees west two hundred seventy-one (271) feet to an iron pipe in the southerly line of land heretofore conveyed to R. W. Mitscher; thence south seventy-six (76) degrees west three hundred three and six tenths (303.6) feet to a stake near the top of the southerly bank of a gully; thence southwesterly about twelve hundred (1200) feet to a stake in the westerly line of land of Adelbert N. Meyer, distant four hundred thirty-five and eighty-eight hundredths (435.88) feet northerly from the southwest corner of his farm; thence northerly along Meyer's west line five hundred (500) feet to the northwest corner of said farm; thence easterly along the northerly lines of his farm by the following courses and distances; north eighty-two (82) degrees and thirty (30) minutes east five hundred seventy (570) feet; north thirty-eight (38) degrees east three hundred thirty-four and four tenths (334.4) feet; north sixty-six (66) degrees east six hundred seventy-eight (678) feet more or less to the center of said road; thence southeasterly along the center of said road six hundred fourteen and forty-six hundredths (614.46) feet to the point of beginning.

EXCEPTING a parcel of the westerly side of said road heretofore conveyed to R. W. Mitscher, and which lies within the boundaries of above described parcel containing about four and two tenths (4.2) acres in all.

At this hearing at the time and place noted, all interested parties will be heard for or against said petition.

Dated: July 16, 1990

Joyce Carr
Town Clerk
Town of Boston

7-26

Carried

Carried

**PUBLIC NOTICE
TOWN OF BOSTON
AMENDMENT TO THE
ZONING ORDINANCE AND
ZONING MAP OF THE
TOWN OF BOSTON**

NOTICE IS HEREBY GIVEN THAT the Town Board of the Town of Boston, Erie County, New York will hold a Public Hearing on the 8th day of August, 1990 at 8:00 p.m. Eastern Daylight Saving Time in the Boston Town Hall, 8500 Boston State Road, Boston, New York on the petition and request of John P. Falkides and Katherine H. Falkides to rezone the following described properties, which is presently zoned Agriculture A-1 and Residential Restricted Business RRB to Mobile Home District under the Zoning Ordinance of the Town of Boston, said property being described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Boston, County of Erie and State of New York, being part of Lot No. 14, Township 8, Range 7 of the Holland Land Company's Survey, described as follows:

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Remy C. Orffeo
Fred Bodekor
David Kielar
Sam W. Ware, Jr.
Donald Anderson
Charles Pittman
Maurice J. Emerling
Gail A. Orffeo
Sophie May
Mark and Billi Jo Hazard
Ronald Paxon
Joann Mecca
Evelyn Clyde
Arabell Cannon and Edward Clark
Mary L. Williams
Bud and Mary Meyer
Janice Wilson
Blair Bish
Mary Lou Webb
Marion Kern
Real People of Boston
Joanne Gray
Mike Altieri
Marilyn Deichman
Antoinette Mecca
Jill Meyer
Cindy Bell and Fred Bates
Lisa Donovan and Albert Stoddard
Diane Phillips

Supervisor Kennedy opened the public hearing.

Katherine Falkides read a prepared statement, outlining the proposed development. She then presented three petitions, totalling 273 signatures, from residents of the town, residents of the mobile home park and businesspersons in town, which all support the rezoning request for the expansion of the mobile home park.

Jack Haggerty, 6200 Wildwood Drive, said he feels the town already has enough affordable housing and enumerated several examples of homes and building lots that were moderately priced. He also stated that several trailers are for sale in the park and feels that they would have already been purchased if there was a need for lower cost housing.

Martin Logel, 7784 Boston State Road, said the residents of Wildwood keep mentioning a buffer zone, however, his property adjoins the Falkides' property on the north line and no one mentions a tree buffer line for him. He also questioned that no recreation area has been mentioned for this proposed new park and wanted it noted that when a resident of the park mentioned at the last meeting she wanted the land vacant for nature walks, it is his land she is walking on, not Mr. Falkides'.

Darcey Stotz, 6682 Holiday Drive, said she takes offense at the fact that some residents seem to feel that, unless you have been born here, or lived here 30 years, you should have no voice in town affairs; she is opposed to the rezoning. Denise Altherr, 6569 Hillcrest Drive, said she is opposed as the expansion will not add to the attractiveness of the area and also noted no recreation land is proposed. Leeann Turner, a resident of the park, said this is a beautiful alternative to have an affordable home and she is in favor of the rezoning. Jack Penrod, 7370 Boston State Road, said he is against the planned expansion as it devalues property in the area. He also stated he does not believe unsigned letters, such as the one signed "Real People of Boston" should be read into the record. Supervisor Kennedy concurred with him on this point. Bill Kurko said he moved here this year and he is in favor of the rezoning, as he would like to buy a double-wide home.

BEGINNING at the northwest corner of lands conveyed to Regis F. Burket and Patricia A. his wife by deed recorded in Erie County Clerk's Office in Liber 7546 of Deeds page 449; thence southerly along the west line of aforesaid lands two hundred fifty-seven (257) feet to the southwest corner thereof; thence westerly along the extension westerly of the south line of aforesaid lands one hundred thirty-five and five tenths (135.5) feet; thence southerly in a straight line seventy-eight and seven tenths (78.7) feet; thence westerly at right angles four hundred sixteen and one hundredth (416.01) feet; thence northerly at right angles three hundred sixty-four and forty-nine hundredths (364.49) feet; thence easterly at right angles five hundred twenty (520) feet to the point of beginning.

AND FURTHER ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Boston, County of Erie and State of New York, being part of Lot No. 14, Township 8, Range 7 of the Holland Land Company's Survey and more particularly bounded and described as follows:

BEGINNING at a point in the Boston State Road a/k/a Hamburg-Springville Road, leading from Hamburg to Springville distant 194 feet northwesterly from its intersection with the north line of Bowers Farm; thence southwesterly at an angle of 101°37' measured from the southerly to a westerly direction passing through the center of a concrete monument near the west line of said highway 384.8 feet to a concrete monument; thence along a line deflecting 8° to the left 260 feet, thence north at an interior angle of 83°20' 19" 257 feet; thence easterly at an interior angle of 77°35' 57" 640 feet to a point in the center line of Hamburg-Springville Road 100 feet to the point or place of beginning.

At this hearing at the time and place noted, all interested parties will be heard for or against said petition.
Dated: July 16, 1990

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Joyce Carr
Town Clerk
Town of Boston

August 8, 1990

Ronald Bell said his parents moved into the Boston Hills Mobile Home Park in 1964 and he has recently moved back after being out of the state for several years. He said the owners of the park have greatly improved it from what it used to be and that an additional expansion will be another big improvement. Bob Beckwith, 7360 Boston State Road, asked if this rezoning request is allowable, due to the building moratorium. Supervisor Kennedy said that any proposal which was under review when the moratorium took effect is not affected by it. He added that the Year 2010 Master Plan also recommends mobile homes in this area. Kenneth Decker, 9506 Boston State Road, said he is in favor of the mobile home park expansion and added that he, as a contractor, does much work in the mobile home park and that Mr. and Mrs. Falkides are both of up-standing character and will develop an attractive park. Raymond Bubar, 6162 Wildwood Drive, said he is concerned with property values in the vicinity if this proposal is allowed. He noted that the last time Mr. Falkides asked for expansion it was denied and wondered what had changed to make it a suitable proposal at this time. He said he is concerned about the force of Irish Gulf creek and reminded the Town Board members of the destruction in the Spring of 1989 and added that any construction of the north side of the creekbed will only have adverse effects on the creekbanks. He also mentioned the increase in traffic factor and that the taxes that are paid from the mobile home park are not proportionate to property taxes on single-family homes. Petitions in protest to the proposed rezoning and expansion of the mobile home court, containing 275 signatures, were presented to the Town Board.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlueter to close the public hearing at 9:11 P.M.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to table the decision on the request of John P. Falkides and Katherine H. Falkides to rezone 6.6 acres of property on Boston State Road from Agriculture A-1 and Residence-Restricted Business RRB to Mobile Home Court District until the September 5, 1990 Town Board Meeting.

five (5) ayes

Carried

Supervisor Kennedy said that comments will still be accepted from persons who were not able to attend the meeting tonight, prior to the next Town Board meeting.

Attorney Perley said he would like to clarify a matter that was brought up twice this evening, as well as by three persons who put it on the record in letters that were read. This point concerns the questions relative to postponing any decision on the rezoning request for a Mobile Home Court District until the moratorium expires, and that this might sound attractive to people, and it might even sound attractive to the Town Board, however, it is a totally incorrect application of the law and could lead the Town Board into a very dangerous area. He said he knows that Mr. Falkides and his counsel are both well aware of a case known as First English, out of California, which ruled that the prevention of a project going forward is unconstitutional and that it could be not only overturned, but could subject the town to liability for damages in a civil suit. Attorney Perley said he could understand that the persons who asked tonight that this project be tabled until after the moratorium is lifted would not be aware of the legalities involved, as it is a highly technical area, however, when this same issue is raised by Remy Orffeo, who has had over ten years experience on the Zoning Board, it raises the question that he either knows better, or should know better. For Mr. Orffeo to present his argument that the Town Board should not allow this expansion prior to adopting the new Zoning Map has, in effect, hampered the decision-making process of the Town Board, especially after Mr. Orffeo was informed at the July 11, 1990 Town Board meeting that this move would be unconstitutional. Mr. Perley stated he wanted to make it clear to the Town Board members, with Mr. Falkides being present, that the moratorium plays no role in the decision-making process on this rezoning issue in order to protect the taxpayers in the Town of Boston in a civil liability suit for which you cannot obtain insurance and there would be a direct levy on the taxpayers if a judgment was made against the Town of Boston. He also stated that anyone in a position of government that uses the moratorium in this case is acting dangerously in the interests of the taxpayers. He again asked all five Town Board members to stay away from the moratorium issue when they evaluate what they heard at tonight's public hearing.

August 8, 1990

A letter was received from General Code Publishers Corp., stating they have no sample legislation on ravine regulations in the state, as requested by a resident. Town Clerk Carr was directed to ask adjacent communities if they have any references to ravine regulations in their towns.

A letter was received from Ronald Andrea, 5508 George Drive, requesting help in rectifying the problem of teenage parties, drinking and loud noise at the dead end of his street. Supervisor Kennedy said this property is not owned by the town, therefore they do not have authority to post it and he realizes youth do congregate in the area and there is not any enforcement measures the town can take.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to make the following Correction of Abstract #7 - July 11, 1990:

Voucher #514	Debra Thiel
From:	\$52.00
To:	\$52.50

Typographical error in General Fund Total	
From:	\$23,829.48
To:	\$23,829.98

Total Budget	
From:	\$68,687.53
To:	\$68,688.53

five (5) ayes

Carried

Received a reminder from Erie County Emergency Services that an inventory must be made each year of storage of petroleum fuel in excess of 1100 gallons and submitted to them. As a supply of inventory forms has not been received, Town Clerk Carr will request them, so that the requirements may be met.

Received a report from Mary Anne Jehle on the community meeting held at the Boston Fire Hall on August 21 relative to plans for a recreation area to be established on approximately four acres of property behind the former school building at 9441 Boston State Road.

Received a letter from Congressman Bill Paxon relative to a federal budget proposal to eliminate the federal tax deduction for state and local taxes and asking for assistance to defeat this proposal.

RESOLUTION - SALE OF TOWN PROPERTY

Supervisor's Monthly Financial Report was received.

Supervisor Kennedy said he has received information that the Erie County Water Authority will enact a 4.8% rate increase, effective September 1, 1990.

Supervisor Kennedy said he is appointing a committee to consider the feasibility of combining Water District #1 and Water District #2 and also to consider a town-wide Lighting District. The members appointed are as follows:

Attorney Michael Perley	Resident Robert McDonnell
Engineer Charles Pettit	Bookkeeper Jean Kleis

Supervisor Kennedy said he has received three names for prospective members of the Conservation Advisory Council and is attempting to have at least five appointees prior to reactivating this committee.

Town Clerk Carr said hunting licenses will go on sale on August 13, 1990 and that the next surplus food distribution is scheduled for August 14, 1990.

Town Justice Monthly Financial Report was received.

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to grant permission to Eugene Ruchalski to attend the Town Superintendent of Highways Annual Conference at Ellenville, New York from September 30 - October 3, 1990, with all appropriate expenses to be paid by the town.

five (5) ayes

Carried

August 8, 1990

Upon the recommendation of Attorney Perley, a motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to authorize the Supervisor to sign an easement with National Fuel Gas Corporation so that the town can access their property on Patchin Road as part of the waterline extension in the area.

five (5) ayes

Carried

Councilman Wohlhueter noted that the special recycling day is scheduled for Saturday, August 18 at the Town Highway Department. He also noted that the final request for proposals, as drafted by the Solid Waste Committee, were adopted at the Special Meeting on July 31, 1990.

Councilman Wittmeyer read a letter received from the Erie County Division of Highways that the Patchin Road bridge was closed for the reconstruction of this bridge on August 7, 1990 and that a fire company truck has been located on Back Creek Road during the construction period.

Councilman Wittmeyer said the fire companies and emergency squad will stage a disaster drill on Saturday, September 22, 1990.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to authorize Councilman Zimmerman to contact Roger Schneckenburger, Landscape Architect, relative to an estimate of costs for the Boston playground land.

five (5) ayes

Carried

Code Enforcement Officer and Deputy Code Enforcement Officer Monthly Reports were received.

Dog Control Office Monthly Report was received.

Town Engineer Monthly Report was received.

A letter was received from the Planning Board, recommending the approval of the request by Sam Butera to rezone a 2.3 acre parcel of land on Boston State Road from Residential-Restricted Business RRB to Business B-1 for the construction of a mini-storage building facility. A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to schedule a public hearing on the rezoning request for September 5, 1990 at 8:00 P.M.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Lisowski to adjourn at 9:44 P.M.



Joyce Carr
Town Clerk

TOWN OF BOSTON



At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 5th day of September, 1990 at 7:30 P. M. Eastern Daylight Saving Time, there were present:

Richard L. Kennedy
Milton I. Wittmeyer
David G. Zimmerman
Don A. Wohlhueter
Frank H. Lisowski, Jr.

Supervisor
Councilman
Councilman
Councilman
Councilman

Supervisor Kennedy presented the following resolution and moved its adoption:

WHEREAS, the present Light Rail Rapid Transit line, extending from Memorial Auditorium to the SUNYAB South Campus, is regarded by some as incomplete, and

WHEREAS, the NFTA faces the decision to extend rail service into communities outside the City of Buffalo, and

WHEREAS, The Federal government is for the most part, "out of the business" of providing capital construction grants, and

WHEREAS, the Federal government is decreasing its subsidy support of operating costs for bus and rail transit, and

WHEREAS, because of diminishing Federal and State support of rail transit, any extension of L.R.R.T. in Erie County will bring enormous new costs to Erie County and therefore new taxes and increased taxes to Erie County taxpayers, and

WHEREAS, rail transit projects generate considerable high density growth and development in the neighborhoods adjacent to such projects, and

WHEREAS, high density growth and development is not desirable in many communities in Erie County and in fact runs contrary to the master plans and zoning of some suburban towns, and

WHEREAS, the success of the L.R.R.T. depends upon the support and cooperation of the municipalities through which the rail system passes.

NOW, THEREFORE BE IT RESOLVED, that the Erie County Legislature states it's position that the NFTA must seek the approval of the local government of any city, town or village into which or through which the L.R.R.T. will be extended, and be it further

RESOLVED, that a copy of this resolution be sent to the NFTA, and be it further

RESOLVED, that the Town of Boston requests the NFTA to officially adopt this same position with regard to any extension of the L.R.R.T., and be it further

RESOLVED that copies of this resolution be sent to each town in Erie County.

Seconded by Councilman Lisowski and put to a vote which resulted as follows:

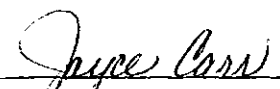
Supervisor Kennedy
Councilman Wittmeyer
Councilman Zimmerman
Councilman Wohlhueter
Councilman Lisowski

Voting aye
Voting aye
Voting aye
Voting aye
Voting aye

AYES: 5

NOES: 0

ABSENT: 0


Joyce Carr, Town Clerk

Regular Meeting
September 5, 1990

Town Hall
7:30 P.M.

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy, Town Attorney Michael Perley and Highway Superintendent Eugene Ruchalski.

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy that the Minutes of the Regular Meeting of August 8, 1990 be approved, with the correction that the fire hydrant at the site of the senior citizen walkway will not be relocated, but will be made more accessible for fire emergency vehicles.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman that the Town Clerk's Monthly Report be accepted.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski that the General Fund and Special District Bills on Abstract #9, September 5, 1990, in the amount of \$61,302.98 be paid.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman that the Highway Bills on Abstract #9, September 5, 1990, in the amount of \$10,087.28 be paid.

five (5) ayes

Carried

Received information from the Erie County Department of Emergency Services of a Hazardous Materials Seminar to be held September 11, 1990 at the Hearthstone Manor in Depew.

Received Notice of Petition from New York Telephone Company relative to a review of their 1990-91 tax assessment. Attorney Perley said he has no objection to the county intervening in this lawsuit and will advise the Town Board of any plans for other towns in the county to jointly fund the defense of this matter.

RESOLUTION - LIGHT RAIL RAPID TRANSIT LINE EXTENSION

A letter was received from the Department of Environment and Planning relative to overlapping sewer districts and agricultural districts. Supervisor Kennedy said he will review the draft policy on this matter as he has some concerns and that it will be on file in the Town Clerk's Office for review by interested residents.

Received information from New York State Department of Environmental Conservation relative to amendments of the State Environmental Quality Review Act which require the impacts of a proposed action on solid waste management be considered in any environmental impact statement, effective July 23, 1990.

Received notification from Erie County Water Authority that, effective September 1, 1990, an increase in water rates will be effective.

Received and filed notification from Margaret Herron, d/b/a Boston Deli, that she has renewed her off-premises beer license for 9375 Boston State Road.

Received Notice in the matter of New York State Electric & Gas Corporation vs. the Town of Boston for review of their tax assessment under Article 7 of the Real Property Tax Law. Attorney Perley said the same procedure will be followed as in the petition from New York Telephone Company.

Received a letter from Governor Mario M. Cuomo, relative to the importance of participating in the Local Review Program in connection with a review of the 1990 preliminary census count, in order to ensure an accurate enumeration. The Town of Boston preliminary population figure is 7291 and Town Clerk Carr was directed to contact the Erie Niagara Regional Planning Board to ascertain the accuracy of this count. Supervisor Kennedy said he and Town Clerk Carr will also take one census tract and make their own assessment of its accuracy.

September 5, 1990

Supervisor Kennedy stressed the importance of anyone who has not been counted to contact his office so arrangements may be made to include them in the enumeration.

Received notification from Adelphia Cable Communications that the basic monthly service rate will be increased by \$2.00 to \$18.95, effective November 1, 1990. Town Clerk Carr was directed to communicate with federal representatives relative to the abuses in fee increases in an exclusive municipal franchise, after she has reviewed the rate increases since the institution of cable service in town. Attorney Perley said there is a bill presently in committee that the United States Congress is considering that would reinstitute some regulations in the cable industry.

A letter was received from the Erie County Department of Emergency Services relative to a seminar for local public officials in order to enhance emergency response capabilities. Councilman Wittmeyer said he will attend this seminar, which will be held on September 25, 1990 at the Greater Buffalo International Airport, and Supervisor Kennedy said anyone else wishing to attend should let him know.

Supervisor Kennedy welcomed Erie County Legislator Joseph Desmond to the meeting and added that the Town Board appreciates his attendance and offers of assistance.

Frederick Schauf, 6532 Fairlane Drive, said the footpath that was constructed for pedestrian use during the reconstruction of the Patchin Road bridge is muddy to walk on. Supervisor Kennedy said he and Councilman Wittmeyer will inspect the condition of this footpath.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to grant permission to "Don't Waste New York" to do a door-to-door canvass in the town from September 6-28, 1990 as part of their community outreach and public education on the nuclear waste issue.

five (5) ayes

Carried

At 8:00 P.M. a public hearing was held on the request of Salvatore Butera to rezone vacant property on the east side of Boston State Road, south of Chestnut Ridge Road, from Residential-Restricted Business RRB to Business B-1. The public notice was read by Town Clerk Carr, who also read a letter from the Planning Board recommending this rezoning, with stipulations. She said that letters were sent to property owners in the vicinity with notification of this hearing; to Erie County Division of Planning with a Zoning Referral Application; and to the Erie County Commissioner of Highways. No reply was received from any agency but she did receive a telephone call today from Thom Narbe, 6221 Wildwood Drive, stating he is in support of this rezoning, as he feels the planned storage units will be an asset. Supervisor Kennedy opened the public hearing.

Frederick Schauf, 6532 Fairlane Drive, asked if the project had to be completed in two years or if it would all revert back to the present zoning. Supervisor Kennedy said the stipulation in the Planning Board letter dealt only with the plans for a future miniature golf course, not the construction of the mini-storage building. Mr. Schauf asked if digging a hole in the ground constituted beginning construction. Ramona Murphy, Boston Hills Mobile Home Court, asked if the decision on this rezoning would mean the golf course could be built. Supervisor Kennedy said this is a rezoning hearing only. Karen Blake, Boston Hills Mobile Home Court, said she has no concerns with the proposed mini-storage building, but has several concerns with a golf course, such as noise from loudspeakers, lights and traffic congestion. She added that this

**PUBLIC NOTICE
TOWN OF BOSTON
AMENDMENT TO THE
ZONING ORDINANCE AND
ZONING MAP OF THE
TOWN OF BOSTON**

NOTICE IS HEREBY GIVEN THAT the Town Board of the Town of Boston, Erie County, New York, will hold a Public Hearing on the 5th day of September, 1990 at 8:00 P.M. Eastern Daylight Saving Time in the Boston Town Hall, 8500 Boston State Road, Boston, New York on the petition and request of Salvatore Butera to rezone the following described property which is presently zoned Residential-Restricted Business RRB to Business B-1 under the Zoning Ordinance of the Town of Boston, said property being described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Boston, County of Erie and State of New York, being part of Lot 14, Township 8, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point of intersection of the center line of the Hamburg-Springville Road with the northerly line of lands conveyed to Henry J. Ernst by deed recorded in the Erie County Clerk's Office in Liber 388 of Deeds at page 211; thence easterly along the northerly line of said lands, 99.32 feet to the southwesterly line of lands conveyed to the Buffalo and Susquehanna Railway by deed recorded in the Erie County Clerk's Office in Liber 997 of deeds at page 157; thence southeasterly along the southwesterly line, a distance of 675.50 feet, more or less to an iron in the center line of the former State Road (now Abandoned); thence southwesterly at an interior

September 5, 1990

area is already heavily travelled and that the speed limit should be dropped to 45 mph from Patchin to North Boston. Wanda Betts, 6184 Wildwood Drive, said noise and traffic are also her concerns and said she understands that batting cages are also being planned. Mr. Butera said batting cages may be a consideration, but not at this time. John Quinlan, 6700 Liebler Road, said the added traffic this project will generate is his concern; he added that the new convenience store on Boston State Road is too brightly lit. There were no further questions or comments.

angle measured at 135° 08' 58" a distance of 69.07 feet to the northerly line of the "Bowers Farm," so called; thence westerly at an interior angle of 108° 59' a distance of 163.09 feet to the center line of Hamburg-Springville Road; thence northerly at an interior angle of 106° 33' and along the center line of said road a distance of 697.5 feet to the point or place of beginning containing 2.3 acres, more or less.

At this hearing at the time and place noted, all interested parties will be heard for or against said petition.
August 15, 1990

Joyce Carr
Town Clerk
Town of Boston

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to close the public hearing at 8:12 P.M.

8-23

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to table the decision on the rezoning request of Salvatore Butera to rezone 2.3 acres of vacant property on the east side of Boston State Road, south of Chestnut Ridge Road, from Residential-Restricted Business RRB to Business B-1, in order to review the comments received this evening.

five (5) ayes

Carried

Received and filed Full Environmental Assessment Form relative to a proposed thirteen lot subdivision located on top of the hill adjacent to the east end of Abbott Hill Road in the Town of Concord; this is per the State Environmental Quality Review Act.

A letter was read from Nussbaumer & Clarke, Inc., Town Engineers, reporting on the bids that were received and opened August 20, 1990 for the waterline extension on Patchin Road - Back Creek Road, as follows:

Kandey Company, Inc.	\$43,942.00
Donald J. Braasch Construction, Inc.	\$47,900.00
Odessa Developers, Inc.	\$52,197.81
Nichter Utility Construction Co., Inc.	\$94,199.00

On the recommendation of the Town Engineer, a motion was made by Councilman Lisowski and seconded by Supervisor Kennedy to award the bid to Kandey Company, Inc., 1921 Three Rod Road, Alden, New York 14004. The Town Clerk was directed to contact Kandey Company and inform them a D.E.C. permit has been granted and is valid until October for work to be done in the creek, therefore it is vital for work to be started as soon as possible.

five (5) ayes

Carried

Referred to Councilman Lisowski for review the request of Norman and Patricia Dobrick, 7256 Abbott Road, for a street light in front of their home. It has been determined that this residence is in the Light District and Councilman Lisowski will report on his findings at the next meeting.

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to grant permission to Assessor William H. Kleis, Jr. to attend the annual conference sponsored by the New York State Assessors' Association in Monticello, New York from October 2-5, 1990, with costs for same being reimbursed by New York State.

five (5) ayes

Carried

A letter was read from Attorney Perley relative to the protest petitions that were filed on the rezoning request of Donald Mitscher. In this opinion letter, Attorney Perley states that the petitions do not qualify as a valid zoning protest as defined in §265 of the Town Law of the State of New York. A letter was read from Sharon M. Measer, 5871 Old Orchard Drive, stating once again her objection to the rezoning of the property at 7942 Back Creek Road. Supervisor Kennedy told Mr. Mitscher the Town Board would like to defer their decision on the rezoning request so that Attorney Perley would have an opportunity to discuss with Mr. Mitscher the exact location of his proposed greenhouses. Mr. Mitscher agreed to table the decision until the next meeting and will meet with Attorney Perley on this matter.

September 5, 1990

A letter was received from Attorney Perley, relative to the protest petitions that were filed on the rezoning request of John and Katherine Falkides. In his opinion letter, Attorney Perley states that the petitions qualify as a valid zoning protest as defined in §265 of the Town Law of the State of New York. A letter was read from Mr. and Mrs. Falkides, addressing the concerns raised by persons in opposition at the rezoning hearing on August 8, 1990. Letters in support of the rezoning were read from the following: John P. Cox, Arlene Klinczar, Ann Milks, Alma Dsilser, Samuel W. Tadio, Director of New York Manufactured Housing Association, Helen Nuessle and Dottie Fenstermacher. A letter was received from Raymond A. Bubar, enclosing petitions signed by 48 employees of Potter Realtors and 12 employees of Hunt Real Estate stating their reasons for asking the Town Board to deny the rezoning request. Supervisor Kennedy said that this meeting is not a public hearing, as that was held on August 8, 1990, however, he would accept responses to the letters that were just read. Alice Kaszubowski, 5550 Maplegrove Drive, said she has been a resident for 35 years and a realtor for six years and she asked the Town Board for consideration in a prepared statement she read which opposed the development of an addition to the mobile home court. Karen Blake said she has been a resident of the Boston Hills Mobile Home Court since this past December and stated that three persons, including herself, signed a petition in opposition to the development and that they have been made to feel intimidated and degraded because of this opposition by the owners. Wanda Betts, 6184 Wildwood Drive, stated that this proposal is not different than the one submitted by Mr. and Mrs. Falkides and denied previously and that there is definite excessive flooding at times in this area and the additional development will only make this condition worse. She added that a man of Mr. Falkides' character should not be doing business in this town. Supervisor Kennedy said the Town Board has had an adequate opportunity to review the concerns with flooding in the low-lying area of this properties and that plans to grade the north side and bring fill to the south side should help to alleviate the problem, which occurs more to the mobile home side of the property. Donna Bubar, 6162 Wildwood Drive, said she disagreed with this statement, as flooding has occurred in their back yards, which snapshots submitted to the Supervisor clearly shows.

RESOLUTION - JOHN AND KATHERINE FALKIDES' PROPERTY

Prior to casting his vote on the motion, Councilman Lisowski stated he would have voted to deny the original proposal, however, with the exception of the rear parcel adjacent to Irish Gulf, which he wants to see left in its natural state and a distance of at least 205 feet between the north property line of Wildwood Drive and the new development, he is not opposed to the rezoning.

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to create the funding for the Senior Citizen Walkway Project, as follows:

Community Development Funds	\$10,645.00
Transfer from General Fund	\$ 7,855.00
Total Estimated Cost	\$18,500.00

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to make the following Transfer of Appropriations for the Senior Citizen Walkway Project:

From:	A9010.8	\$7855.00	(State Retirement)
To:	A9950.4	\$7855.00	(Transfer to Capital Fund)

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter to make the following Correction of Abstract #8 - August 8, 1990:

Voucher #562	Pump Doctor
From: A5132.4	
To: A5010.4	

Voucher #623	The Sun
From: CD8989.2	
To: H5410.2	

Richard L. Kennedy	1940-1941
William L. Kennedy	1941-1942
John C. Kennedy	1942-1943
Joe L. Kennedy	1943-1944
Frank C. Kennedy	1944-1945

[illegible][illegible]

THESE DOCUMENTS ARE THE PROPERTY OF THE NATIONAL ARCHIVES
 THESE DOCUMENTS SONT LA PROPRIETE DES ARCHIVES NATIONALES

[Faint, illegible handwritten notes]

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 08-01-2001 BY 60322 UCBAW/SJS/STP

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 08-28-2001 BY 60322 UCBAW/SJS

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

1. The first group of respondents (10%) was composed of individuals who had been involved in a sexual assault in the past 12 months. This group was further divided into two subgroups: those who had been the victim of a sexual assault (5%) and those who had been the perpetrator of a sexual assault (5%).

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

1. The first step is to identify the problem. This involves understanding the current situation and what needs to be changed.

[illegible]

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

[illegible]

Beginning in the Southwest corner of lands conveyed to John P. Falkides and Katherine H. Falkides by deed recorded in the Erie County Clerk's Office in Liber 9686 of Deeds at page 672, running thence northerly along the South line of said property 205 feet exactly, running thence east at right angles a distance of 330.0 feet to a point running thence south at right angles to the foregoing course a distance of 205' to the south line of the Falkides property running thence west along said south line of the property of Falkides a distance of 330 feet to the point of beginning, containing 1.55 acres more or less.

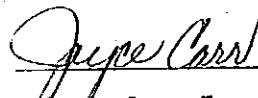
Seconded by Councilman Wittmeyer and put to a vote which resulted as follows:

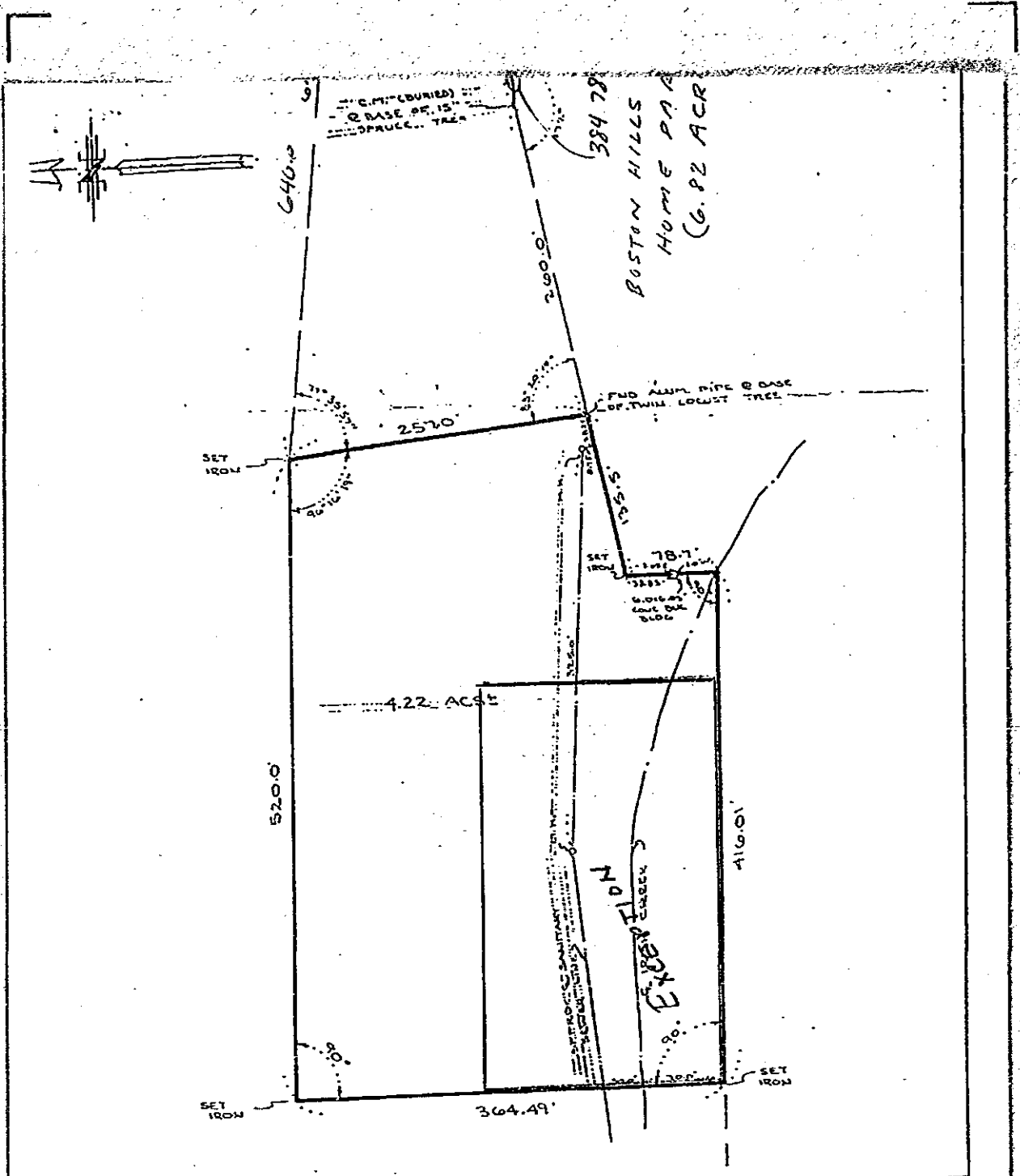
Supervisor Kennedy	Voting <u>aye</u>
Councilman Wittmeyer	Voting <u>aye</u>
Councilman Zimmerman	Voting <u>aye</u>
Councilman Wohlhueter	Voting <u>aye</u>
Councilman Lisowski	Voting <u>aye</u>

AYES: 5

NOES: 0

ABSENT: 0


Joyce Carr, Town Clerk



SBL 220-02-5-35

SURVEY OF	
BOSTON STATE ROAD	
BEING PART OF LOT	14
TOWNSHIP	8
RANGE	7
OF THE HOLLAND LAND COMPANY'S SURVEY AND	
LIES IN THE TOWN OF BOSTON	



WHITFORD and KOELMEL	
CONSULTING ENGINEERS — LAND SURVEYORS	
HAMBURG	NEW YORK
DRAWN BY J.S.	SCALE 1"=100'
CHECKED BY J.A.K.	DATE 1-15-87

September 5, 1990

77

Voucher #626 Agway Energy Products
From: SM4540.2
To: SM4540.4

five (5) ayes

Carried

Upon the recommendation of Town Engineer Nussbaumer & Clarke, Inc. a motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to make the following Change Order at the Senior Citizen Walkway Project:

Add one additional foot in elevation to the headwall, which would include formwork, reinforcing, concrete and labor.

Add additional fill material, which would include labor for compaction.

Additional work to be performed for \$695.00.

five (5) ayes

Carried

Upon the recommendation of Highway Superintendent Eugene Ruchalski, a motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter to approve an incremental increase of 50 cents per hour to the following, effective 9/5/90:

Jerome Krencik	\$10.15	to	\$10.65
Ronald Smolinski	\$ 7.50	to	\$ 8.00
Joseph Wierzbic	\$ 7.50	to	\$ 8.00

five (5) ayes

Carried

Upon the request of Nancy Leone, 6359 Patchin Road, a motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to authorize a Patchin Road block party on Saturday, September 8, 1990 from 3:00 P.M. to Midnight.

five (5) ayes

Carried

Upon the request of Annette Greene, 5750 Cloverfield Drive, a motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to authorize the use of the Town Hall parking lot, Highway Department driveway area and Town Hall restroom facilities for a St. Jude's Bike-a-Thon on Sunday, September 23, 1990.

five (5) ayes

Carried

Supervisor's Monthly Financial Report was received.

Supervisor Kennedy reported that a subcommittee of the Capital Improvements Committee has been studying the feasibility of relocating the former Town Hall, located adjacent to the Patchin Fire Company, to the Town Park for use as an art center. It has been determined that this structure has only one original wall left, as the others have been replaced throughout the years, therefore, the historical value is almost completely diminished. The subcommittee, in conjunction with the Town Historian, have therefore determined that it would not be feasible to relocate the building. Plans are now being made to raze the building and the Patchin Fire Company will assist in this project by providing manpower and removal of the debris.

Town Justice Monthly Financial Report was received.

Attorney Perley reported he has received a check from June Bonerb in full payment for the purchase of the old highway garage and asked that the check be held in escrow until after the deed is filed with the Erie County Clerk's Office, which is planned for September 7, 1990.

Attorney Perley said that the members of the Zoning Commission are planning to meet to schedule dates for public hearings, divided by fire districts, on the proposed zoning ordinance and zoning map of the town. Attorney Perley will report at the next Town Board meeting of the schedule of hearing dates.

Councilman Wohlhueter reported that approximately 300 residents brought material to the recycling day on August 18, 1990, including newspapers, appliances and

September 5, 1990

tires and that many favorable comments were received on this project. He also noted that the request for proposals will be opened on September 17, 1990 for the new contract for refuse pickup.

A motion was made by Councilman Zimmerman and seconded by Supervisor Kennedy to retain Roger Schneckenburger, at a fee of \$400.00, to draw a conceptual plan for the Town Park at the site of the old school property in Boston.

five (5) ayes

Carried

Code Enforcement Officer and Deputy Code Enforcement Officer Monthly Reports were received.

Dog Control Officer Monthly Report was received.

Town Engineer Monthly Report was received.

A letter was received from Planning Board member Harold Dodge stating he is resigning his position due to health considerations. Town Clerk Carr was directed to write Mr. Dodge, expressing the town's appreciation for his invaluable service to the town in his capacity as a member of the Conservation Advisory Council, Planning Board and Erie County Regional Planning Board over the past many years and that his membership on the boards has been a great asset to the town.

A letter was received from the Planning Board, stating they have cancelled the September 11 meeting due to Primary Day and that the next meeting will be held on Tuesday, September 25, 1990 at 7:30 P.M.

RESOLUTION - HENRY F. RUCKER

RESOLUTION - JOHN P. FITZGERALD

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to adjourn at 9:29 P.M. in memory of Henry F. Rucker and John P. Fitzgerald.



Joyce Carr
Town Clerk

#27

TOWN OF BOSTON



At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 5th day of September, 1990 at 7:30 P. M. Eastern Daylight Saving Time, there were present:

Richard L. Kennedy
Milton I. Wittmeyer
David G. Zimmerman
Don A. Wohlhueter
Frank H. Lisowski, Jr.

Supervisor
Councilman
Councilman
Councilman
Councilman

Councilman Lisowski presented the following resolution and moved its adoption:

WHEREAS, HENRY F. RUCKER, retired president of Rucker Lumber Company and the original founder of a saw and planing mill where he began his business in Boston in the 1930's, and

WHEREAS, Henry was active throughout his life in both his church and a number of community organizations, serving as a member of the Boston Fire Company since 1922, and

WHEREAS, he also donated the logs for the construction of the former Conservation Club in Boston as well as serving the Boston Library, the Boston Historical Society, the Athletic Society, and spending endless hours building the vestibule of the Boston Fire Company and aiding Patchin Fire Company with their building, and

WHEREAS, Henry was instrumental in establishing the first fire tax district in Boston as well as working with Bob and Howard Owen in building the first fire engine in the Boston Company in 1935, and

WHEREAS, his death on August 24, 1990 removes from our midst a prominent citizen and dear friend whose concern for his community and his help and support will be missed by all.

BE IT THEREFORE RESOLVED, that the Town Board of the Town of Boston extend their deepest sympathy to all of the remaining members of his family, and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to his wife Laura expressing the communities sincere sympathy.

Seconded by Councilman Wohlhueter and put to a vote which resulted as follows:

Supervisor Kennedy
Councilman Wittmeyer
Councilman Zimmerman
Councilman Wohlhueter
Councilman Lisowski

Voting aye
Voting aye
Voting aye
Voting aye
Voting aye

AYES: 5

NOES: 0

ABSENT: 0

Joyce Carr
Joyce Carr, Town Clerk

TOWN OF BOSTON



At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 5th day of September, 1990 at 7:30 P. M. Eastern Daylight Saving Time, there were present:

Richard L. Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Don A. Wohlhueter	Councilman
Frank H. Lisowski, Jr.	Councilman

Supervisor Kennedy presented the following resolution and moved its adoption:

WHEREAS, JOHN P. FITZGERALD, a retired Buffalo News pressman, and a former Town of Boston official who served this community both as a Town Councilman and Town Supervisor, and

WHEREAS, John worked as a pressman for more than fifty years at the old Buffalo Courier Express and the Buffalo News and was an active member of the Buffalo Web Pressman's Union, and

WHEREAS, he moved from the Buffalo area to the Town of Boston with his wife Dorothy in the early 60's where he served for ten years in town government as well as in a number of civic and community organizations, and

WHEREAS, John was co-chairman of the 1967 Boston Sesquicentennial, a past chairman of the United Way in Boston, a member of the Boston Fire Company, a past president of St. John the Baptist Holy Name Society and a member of the St. Vincent de Paul Society and Hamburg Council of the Knights of Columbus, and

WHEREAS, his death on August 22nd removes from our midst a true friend whose devoted contributions to this community will be sorely missed by all whose lives were touched by him.

NOW THEREFORE BE IT RESOLVED, that the Town Board extends their deepest sympathy to the surviving members of the Fitzgerald family which includes four children, seventeen grandchildren and twelve great grandchildren, and

BE IT FURTHER RESOLVED, that the Boston Town Board adjourn this Board meeting in memory of John P. Fitzgerald for his generous contributions to the residents of the Town of Boston and forward a copy of this resolution to his family.

Seconded by Councilman Wohlhueter and put to a vote which resulted as follows:

Supervisor Kennedy	Voting <u>aye</u>
Councilman Wittmeyer	Voting <u>aye</u>
Councilman Zimmerman	Voting <u>aye</u>
Councilman Wohlhueter	Voting <u>aye</u>
Councilman Lisowski	Voting <u>aye</u>

AYES: 5

NOES: 0

ABSENT: 0


Joyce Carr, Town Clerk

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TOWN OF BOSTON



At a Special Meeting of the Town of Boston of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 13th day of September, 1990 at 9:00 A. M. Eastern Daylight Saving Time, there were present:

Richard L. Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
Don A. Wohlhueter	Councilman
Frank H. Lisowski, Jr.	Councilman

Absent: David G. Zimmerman Councilman

Councilman Wittmeyer presented the following resolution and moved its adoption:

RESOLVED, that Richard L. Kennedy, the Supervisor of the Town of Boston is authorized and directed to file an application on forms prescribed by the New York State Office of Parks, Recreation and Historic Preservation for financial assistance in accordance with the provision of Title 9 of the Environmental Quality Bond Act of 1986, in an amount not to exceed \$70,000.00 (Seventy Thousand Dollars) and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to this municipality for the Boston Town Park.

Seconded by Councilman Lisowski and put to a vote which resulted as follows:

Supervisor Kennedy	Voting <u>aye</u>
Councilman Wittmeyer	Voting <u>aye</u>
Councilman Wohlhueter	Voting <u>aye</u>
Councilman Lisowski	Voting <u>aye</u>

AYES: 4 NOES: 0 ABSENT: 1

Joyce Carr
Joyce Carr, Town Clerk

Special Meeting
September 13, 1990

Town Hall
9:00 A.M.

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Present were Councilman Milton Wittmeyer, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy. Absent were Councilman David Zimmerman, Highway Superintendent Eugene Ruchalski and Town Attorney Michael Perley.

RESOLUTION - 50% FUNDING FOR TOWN PARK

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski to adjourn at 9:01 A. M.

Joyce Carr
Joyce Carr
Town Clerk

Regular Meeting
September 19, 1990

Town Hall
7:30 P.M.

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy, Town Attorney Michael Perley and Highway Superintendent Eugene Ruchalski.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman that the Minutes of the Regular Meeting of September 5, 1990 and the Special Meeting of September 13, 1990 be approved.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman that the General Fund and Special District Bills on Abstract #9A, September 19, 1990, in the amount of \$30,079.26 be paid.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski that the Highway Bills on Abstract #9A, September 19, 1990, in the amount of \$11,950.16 be paid.

five (5) ayes

Carried

Received an invitation from the Boston Historical Society to attend their 20th Anniversary Open House on September 23, 1990 from 2:00 - 4:00 P.M.; this event is co-hosted by the Boston Chamber of Commerce.

Received a letter from Browning-Ferris Industries advising of increased charges effective October 1, 1990 for the collection of refuse. Town Attorney Perley will review the current contract between BFI and the town to determine if the provisions of same allow for an increase during the term of the contract.

Received communications from North Boston Liquors and Tony's Frostee Freeze that they have applied for renewal of the liquor licenses on these premises.

Received and filed Activity Report for the month of August, 1990 from Sgt. John Fox of the Erie County Sheriff's Department.

Received a resolution from the Erie County Legislature which recertified the Concord Agricultural District plan on September 6, 1990; said recertification includes changes recommended earlier this year after a review of the district was made by Councilman Lisowski.

Received and filed Notice of Interagency Meeting from the New York State Department of Environmental Conservation relative to the Kiantone Pipeline Corporation's new pipeline project in Cattaraugus and Erie Counties. A scoping session on their submittal of the Draft Environmental Impact Statement will be held on September 27, 1990 at 7:00 P.M. at the North Boston Fire Hall.

Lisa Rood, 8798 Zimmerman Road, said she is still in need of public water at her residence. She also asked the status of the judgment against the property owner, Glenn McKillan, at the corner of Rice and Zimmerman Road. Attorney Perley said the Supreme Court granted Mr. McKillan six months to clean up the junkyard, which expires at the end of this month, at which time contempt proceedings will begin if this action has not been taken. Ms. Rood added that Mr. McKillan has many times blocked the roadway while moving the junk around. Supervisor Kennedy told Ms. Rood that, relative to her water problem, additional funds are being included in the 1991 Town Budget for engineering studies for the extension of the water district in her area.

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to make the following Correction of Abstract #9, September 5, 1990:

Voucher #661
From: A1620.4
To: A1670.4

Xerox Corp.

TOWN OF BOSTON



At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 19th day of September, 1990 at 7:30 P. M. Eastern Daylight Saving Time, there were present:

Richard L. Kennedy
Milton I. Wittmeyer
David G. Zimmerman
Don A. Wohlhueter
Frank H. Lisowski, Jr.

Supervisor
Councilman
Councilman
Councilman
Councilman

Councilman Wohlhueter presented the following resolution and moved its adoption:

WHEREAS, the Town Board of the Town of Boston has contracted with Kandey Company, Inc. for an extension of the present water line on Back Creek Road in Water District #2 in the Town of Boston, and

WHEREAS, the existing water line now terminates approximately 100 feet from the northern boundary of property owned by Mr. and Mrs. Kevin Thomas designated as parcel 257.00-2-41.1 on the Erie County Property Maps, and

WHEREAS, the contract awarded Kandey Company, Inc. extends the entire length of the Thomas property (approximately 250 feet) and ends at the south end of the driveway on the adjoining property owned by Mr. Sliwinski (parcel 257.00-2-41.2), and

WHEREAS, there is no need to extend the water line any further south of this point to allow for water service to both the Thomas and Sliwinski properties and further that the next property to the south of the Sliwinski parcel is owned by St. John's Roman Catholic Church and is now used as a cemetery.

BE IT RESOLVED, that the Town of Boston will at the expense of Town of Boston Water District #2 extend the line the entire length of the Sliwinski property (parcel 257.00-2-41.2) if such extension would ever become necessary.

Seconded by Councilman Zimmerman and duly put to a vote which resulted as follows:

Supervisor Kennedy	Voting <u>aye</u>
Councilman Wittmeyer	Voting <u>aye</u>
Councilman Zimmerman	Voting <u>aye</u>
Councilman Wohlhueter	Voting <u>aye</u>
Councilman Lisowski	Voting <u>aye</u>

AYES: 5

NOES: 0

ABSENT: 0

Joyce Carr

Joyce Carr, Town Clerk

#31

TOWN OF BOSTON



At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 19th day of September, 1990 at 7:30 P. M. Eastern Daylight Saving Time, there were present:

Richard L. Kennedy
Milton I. Wittmeyer
David G. Zimmerman
Don A. Wohlhueter
Frank H. Lisowski, Jr.

Supervisor
Councilman
Councilman
Councilman
Councilman

Councilman Zimmerman presented the following resolution and moved its adoption:

RESOLVED, that Thomas Rosinski be appointed as acting Town Justice for the Town of Boston, Erie County, New York at a salary of \$312.50 per week with said salary to be paid on a bi-weekly basis.

FURTHER RESOLVED, that acting Town Justice Thomas Rosinski shall serve until the return of the presiding Town Justice Robert W. Tills

Seconded by Councilman Wohlhueter and put to a vote which resulted as follows:

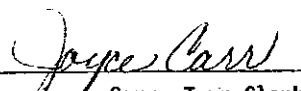
Supervisor Kennedy
Councilman Wittmeyer
Councilman Zimmerman
Councilman Wohlhueter
Councilman Lisowski

Voting aye
Voting aye
Voting aye
Voting aye
Voting aye

AYES: 5

NOES: 0

ABSENT: 0


Joyce Carr, Town Clerk

#30

TOWN OF BOSTON



At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 19th day of September, 1990 at 7:30 P. M. Eastern Daylight Saving Time, there were present:

Richard L. Kennedy
Milton I. Wittmeyer
David G. Zimmerman
Don A. Wohlhueter
Frank H. Lisowski, Jr.

Supervisor
Councilman
Councilman
Councilman
Councilman

Councilman Wohlhueter presented the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of Boston does hereby authorize the Supervisor of said Town to apply for State Aid for the Town of Boston Recreation, Youth Service and Youth Initiative programs.

Seconded by Councilman Lisowski and put to a vote which resulted as follows:

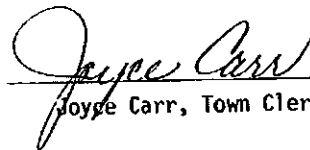
Supervisor Kennedy
Councilman Wittmeyer
Councilman Zimmerman
Councilman Wohlhueter
Councilman Lisowski

Voting aye
Voting aye
Voting aye
Voting aye
Voting aye

AYES: 5

NOES: 0

ABSENT: 0


Joyce Carr, Town Clerk

September 19, 1990

Voucher #700	Nussbaumer & Clarke, Inc.
From: SW1 8340.2	\$ 960.00
SW2 8340.2	\$1,440.00
To: SW2 8340.2	\$2,400.00

five (5) ayes

Carried

Received a petition signed by six property owners and a letter signed by an additional property owner requesting the town conduct a study as to costs and methods of converting a private road into a dedicated town highway. The private road is located approximately one-fourth mile east of Ward Road and Herman Hill Road, running southerly approximately 2,000 feet in length. This request was referred to Attorney Perley, who will review the petition to ascertain that it is legally sufficient, review the highway specifications with Highway Superintendent Ruchalski, and have a cost analysis of the proposal completed for the petitioners review.

The request of Sam Butera for rezoning, as tabled from the September 5, 1990 meeting following a public hearing, was discussed. Town Clerk Carr re-read the Legal Notice and the description of the property requested to be rezoned. Supervisor Kennedy said the Town Board has had an opportunity to review the comments made at the public hearing and then made a motion, which was seconded by Councilman Wittmeyer, that the 2.3 acre vacant parcel of land on Boston State Road, south of Chestnut Ridge Road, be rezoned from Residential Restricted Business RRB to Business B-1 to allow for the construction of a 40 foot X 150 foot mini-storage building.

five (5) ayes

Carried

Attorney Perley reported that, following the public hearing held on rezoning of property at 7942 Back Creek Road, he discussed with the applicant Donald Mitscher plans for a modified proposal of construction of commercial greenhouses. As Mr. Mitscher has not yet completed the modified plans, this item will remain tabled until such time as the plans are available.

RESOLUTION - EXTENSION OF WATERLINE - BACK CREEK ROAD

Received notification from the Erie and Niagara Counties Regional Planning Board that an extension has been granted until October 5 by the U. S. Bureau of the Census for the deadline for response to the postcensus housing unit counts. Supervisor Kennedy said the town is working in conjunction with the Regional Planning Board to evaluate the census figures, as an accurate count is extremely important. He noted that Councilman Zimmerman will attend a meeting on September 24, 1990 at which time he will have an opportunity to speak with David Evans of the Regional Planning Board on this subject.

On the recommendation of Town Engineer Nussbaumer & Clarke, Inc., a motion was made by Councilman Lisowski and seconded by Supervisor Kennedy to extend the contract of Kande Company, Inc. to July 1, 1991 to allow for installation of the water main across Eighteen Mile Creek; said work will commence after June 1, 1991.

five (5) ayes

Carried

RESOLUTION - ACTING TOWN JUSTICE

RESOLUTION - YOUTH SERVICE and YOUTH INITIATIVE PROGRAMS

Town Clerk Carr said the next surplus food distribution will be held on Thursday, September 27, 1990, beginning at 9:00 A.M. at the Town Hall.

Councilman Wohlhueter reported that Proposals for Refuse and Trash Collection were received and opened on September 17, 1990 at 10:00 A.M. and he has scheduled a meeting of the Solid Waste Committee for Monday, September 24, 1990 at 7:00 P.M. to consider the proposal submissions.

Councilman Wittmeyer reported that he and Code Officer Kramer inspected the site for which a Soil Removal Permit was issued to Clifton C. Burkhardt on June 7, 1990.

September 19, 1990

Councilman Wittmeyer said that neighboring property owners have expressed concern with the soil removal methods and that the inspection they made did show there are violations. Code Officer Kramer said he contacted the Department of Environmental Conservation and they will inspect the site for possible state violations. A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to authorize Code Enforcement Officer Kramer to issue a Stop Order on the soil removal work and that Town Clerk Carr advise Gregory Gerwitz, the person doing the soil removal, to attend the next Town Board meeting on October 3, 1990.

five (5) ayes

Carried

Councilman Zimmerman said he is referring to the Capital Improvements Committee for their review a proposal from Roger Schneckenberger for improvements at the park land in Boston, now known unofficially as "South Boston Park". He added that there are about six members on a committee of persons from that area that have been working on plans for the development of the park.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to authorize two members of the Zoning Board of Appeals and two members of the Planning Board to attend the New York Planning Federation Annual Planning and Zoning Institute on October 21-24, 1990 at Lake Placid, New York.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to adjourn at 8:18 P.M.



Joyce Carr
Town Clerk

Regular Meeting
October 3, 1990

Town Hall
7:30 P.M.

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy and Town Attorney Michael Perley. Highway Superintendent Eugene Ruchalski was absent.

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman that the Minutes of the Regular Meeting of September 19, 1990 be approved.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman that the Town Clerk's Monthly Report be accepted.

five (5) ayes

Carried.

A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer that the General Fund and Special District Bills on Abstract #10, October 3, 1990, in the amount of \$12,014.00 be paid.

five (5) ayes

Carried

Received and filed a Resolution from the Town of Concord relative to the proposed extension of the present Light Rail Rapid Transit line.

Received a letter from the Erie County Water Authority stating that they are abandoning the suction tank located at the Boston I Booster Station. Supervisor Kennedy said the Water Authority has not used the tank for a long time and has offered it to the town. Supervisor Kennedy said the tank will be inspected in order to determine if the town can utilize it.

Received a letter from the Southtowns Haz-Mat Team requesting assistance in finding a location to house vehicles used by the team. Supervisor Kennedy noted that he saw a recent newspaper article stating that the old Torrax facility in Orchard Park will be used for this purpose and he directed Councilman Wittmeyer to communicate with Dean Messing, Chairman of Southtowns Haz-Mat, to determine if the need for vehicle housing still exists.

Received a letter from Erie County Water Authority stating they have been notified of the need to raise two hydrants, one at 7133 Abbott Road and one at 7301 Abbott Road, with the costs of the projects being billed to the town. A copy of a letter dated March 21, 1990 from Town Engineer Nussbaumer & Clarke to Ted May at the Erie County Water Authority was also read, which notified the authority that a hydrant has been almost totally covered with fill from the Erie County Highway Department work and by dumping by private owners on Abbott Road. Supervisor Kennedy said he received a telephone call from Linda Carney, 7238 Abbott Road, this week relative to the construction work on Abbott Road and subsequently inspected the area, at which time he noted that the County Highway Department raised the road elevation, that eight to nine feet of fill was dumped in the hydrant locations and that guide rails are being installed in front of the fire hydrants, which poses a potential hazard to fire protection in the area. Concerns about a timeframe for the reopening of Abbott Road are also being questioned by property owners. Supervisor Kennedy said a letter will be drafted in response to the one received by the water authority. Councilman Wittmeyer asked the Town Clerk to forward copies of both letters received to the North Boston Fire Company for their information.

Referred to Councilman Lisowski for review and recommendation a request received for a streetlight at the corner of Kevin Drive and Glenn Terrace.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to make the following Correction of Highway Abstract #9A:

Voucher #248 Joyce Carr, Petty Cash
From: \$7.00
To: \$7.70

Total Abstract \$11,950.86

five (5) ayes

Carried

October 3, 1990

RESOLUTION - WATER HYDRANT - BACK CREEK ROAD

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to authorize the Supervisor to sign an agreement between the town and O'Connell and Stephens, as grants consultants, for a period commencing October 23, 1990 and ending October 22, 1991.

five (5) ayes

Carried

Following discussion with Gregory Gerwitz relative to the concerns the Town Board has relative to the soil removal permit granted for property on Back Creek Road, which include undermining of trees, violation of setback requirements from the adjoining property lines, and the concerns over the granting by Erie County Highway Department of a permit to remove guide rails at the site, a motion was made by Supervisor Kennedy and seconded by Councilman Lisowski that the Soil Removal Permit issued on June 7, 1990 in the name of Clifton Burkhardt be revoked and that restoration begin immediately to bring the property into conformance with Section 101-5 of the Town Code. A letter on this decision will be sent to Mr. Gerwitz.

five (5) ayes

Carried

The 1991 Preliminary Budget and Summary of 1991 Preliminary Budget was read by Supervisor Kennedy.

Lisa Rood, 8798 Zimmerman Road, asked why garbage and refuse pickup is mandatory. Supervisor Kennedy said there are several reasons for this, one of which is that all municipalities across the state have a recycling plan in effect by September 1, 1991. Other reasons include that it provides a means of disposal of trash and white goods, which results in a cleaner community, as well as one freer from health hazards, as happens when garbage is dumped into ravines and ditches. He also noted that the residents who previously contracted privately with collection firms realize a savings when it is done on a townwide basis, not only in the cost, but also on the sales tax exemption. Councilman Wohlhueter said he realizes that it is a hardship in some cases, such as persons who winter in the south and on persons who previously did not pay any charge at all, as they used a business dumpster at their workplace, but it is beneficial to the majority of the townspeople.

A motion was made by Councilman Zimmerman and seconded by Councilman Lisowski that the 1991 General Fund Preliminary Budget, as read by Supervisor Kennedy, be approved as follows:

Appropriations	\$858,100.00
Less Estimated Revenues	512,940.00
Less Unexpended Balance	290,000.00
Amount to be Raised by Tax	55,160.00

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter that the 1991 Highway Fund Preliminary Budget, as read by Supervisor Kennedy, be approved as follows:

Appropriations	\$607,950.00
Less Estimated Revenues	233,000.00
Less Unexpended Balance	10,000.00
Amount to be Raised by Tax	364,950.00

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy that the 1991 Fire Protection Preliminary Budget, as read by Supervisor Kennedy, be approved as follows:

Appropriations	\$218,690.00
Less Unexpended Balance	9,000.00
Amount to be Raised by Tax	209,690.00

five (5) ayes

Carried

TOWN OF BOSTON



At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 3rd day of October, 1990 at 7:30 P. M. Eastern Standard Time, there were present:

Richard L. Kennedy
Milton I. Wittmeyer
David G. Zimmerman
Don A. Wohlhueter
Frank H. Lisowski, Jr.

Supervisor
Councilman
Councilman
Councilman
Councilman

Supervisor Kennedy presented the following resolution and moved its adoption:

BE IT RESOLVED, that the Town of Boston purchase and install a fire hydrant located at the termination of the project on Back Creek Road which is on the south side of property designated by SBL Number 257.00-2-41.2.

FURTHER RESOLVED that the expense for said purchase and installation and all future rentals, charges and expenses including but not limited to maintenance, repair and/or replacement be charged to the Town of Boston Water District #2.

Seconded by Councilman Wittmeyer and put to a vote which resulted as follows:

Supervisor Kennedy
Councilman Wittmeyer
Councilman Zimmerman
Councilman Wohlhueter
Councilman Lisowski

Voting aye
Voting aye
Voting aye
Voting aye
Voting aye

AYES:

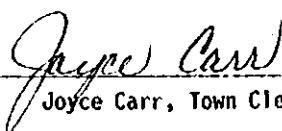
5

NOES:

0

ABSENT:

0


Joyce Carr, Town Clerk

TOWN OF BOSTON



At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 3rd day of October, 1990 at 7:30 P. M. Eastern Daylight Saving Time, there were present:

Richard L. Kennedy
Milton I. Wittmeyer
David G. Zimmerman
Don A. Wohlhueter
Frank H. Lisowski, Jr.

Supervisor
Councilman
Councilman
Councilman
Councilman

Councilman Lisowski presented the following resolution and moved its adoption:

WHEREAS, the citizens of our State and Nation reflect a wide variety of nationalities which enrich and revitalize the American way of life, while maintaining the best elements of their cultural identities, and

WHEREAS, For more than two centuries, Americans of Polish heritage have played a significant role in founding our country, fostering its growth and preserving its ideals of freedom and democracy, and

WHEREAS, We in American have come to recognize and appreciate the courageous spirit and independence of people of Polish heritage represented by such American Revolutionary War heroes as Kosciuszko and Pulaski, to Solidarity leader Lech Walesa and His Holiness, Pope John Paul II, contemporary figures of peace and good will, and

WHEREAS, New York's Polish American community has played an important role in the progress and vitality of our State through numerous social, religious, cultural, economic and professional contributions. It is fitting to give recognition to these contributions, both past and present, during this annual observance of Polish American Heritage Month.

NOT, THEREFORE, WE, THE TOWN BOARD OF THE TOWN OF BOSTON, do hereby proclaim October, 1990 as Polish American Heritage Month.

Seconded by Supervisor Kennedy and duly put to a vote which resulted as follows:

Supervisor Kennedy	Voting <u>aye</u>
Councilman Wittmeyer	Voting <u>aye</u>
Councilman Zimmerman	Voting <u>aye</u>
Councilman Wohlhueter	Voting <u>aye</u>
Councilman Lisowski	Voting <u>aye</u>

AYES: 5

NOES: 0

ABSENT: 0

Joyce Carr
Joyce Carr, Town Clerk

October 3, 1990

A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer that the 1991 Light District Preliminary Budget, as read by Supervisor Kennedy, be approved as follows:

Appropriations	\$ 20,000.00
Less Unexpended Balance	1,000.00
Amount to be Raised by Tax	19,000.00

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer that the 1991 Ambulance District Preliminary Budget, as read by Supervisor Kennedy, be approved as follows:

Appropriations	\$ 41,105.00
Amount to be Raised by Tax	41,105.00

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter that the 1991 Refuse and Garbage District Preliminary Budget, as read by Supervisor Kennedy, be approved as follows:

Appropriations	\$446,940.00
Amount to be Raised by Tax	446,940.00

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman that the 1991 Sewer District #2 Preliminary Budget, as read by Supervisor Kennedy, be approved as follows:

Appropriations	\$ 1,198.50
Amount to be Raised by Tax	1,198.50

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman that the 1991 Water District #1 Preliminary Budget, as read by Supervisor Kennedy, be approved as follows:

Appropriations	\$ 30,000.00
Amount to be Raised by Tax	30,000.00

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Supervisor Kennedy that the 1991 Water District #2 Preliminary Budget, as read by Supervisor Kennedy, be approved as follows:

Appropriations	\$ 38,641.00
Amount to be Raised by Tax	38,641.00

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to schedule a public hearing for November 7, 1990 at 8:00 P.M. on the Preliminary Budget for 1991.

five (5) ayes

Carried

RESOLUTION - POLISH-AMERICAN HERITAGE MONTH - OCTOBER

Received a letter from Herbert H. Klein, Chairman of the Zoning Commission, together with the proposed 1990 Comprehensive Zoning Law of the Town of Boston and the Preliminary Report of the Zoning Commission. Attorney Perley said that

October 3, 1990

copies of the proposed Zoning Law will be available at the library and in the Town Clerk's Office for review and return, or they may be purchased for \$25.00 from the Town Clerk. Attorney Perley said the Zoning Commission recommends that the Preliminary Report be printed and distributed to each property owner prior to the public hearings that will be scheduled and that all interested persons are urged to attend. Attorney Perley also said he would like to publicly thank and acknowledge the excellent job done by Deputy Town Clerk Lucille Genzel in the typing preparation of the proposed 1990 Comprehensive Zoning Law, the Preliminary Report, and the Tables.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to authorize Zoning Commission Chairman Herbert Klein to make arrangements to have the Preliminary Report printed and distributed to the entire town, with additional copies of the publication for distribution at the Town Clerk's Office.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski to authorize Town Clerk Carr to schedule three public hearings, according to Fire Districts, on the proposed 1990 Comprehensive Zoning Law. All hearings will be held at the Boston Town Hall at 7:30 P.M., as follows:

North Boston	-	October 18, 1990
Patchin	-	October 25, 1990
Boston	-	November 8, 1990

five (5) ayes

Carried

Supervisor's Monthly Financial Report was received.

Tax Collector's Final Report of the collection of 1990 Town and County Tax was received.

Town Justice Monthly Financial Report was received.

Town Attorney Perley reported he is preparing papers in the matter of the Glenn McKillen judgment, with October 8, 1990 as the compliance date set by the Supreme Court and expects the Show Cause Order will be ready to be served on Mr. McKillen before the next meeting.

Attorney Perley also reported that the letter received from Browning-Ferris Industries advising of increased charges that was received at the last Town Board Meeting was sent in error to the town and no increase will be levied for the remainder of this year.

Attorney Perley said the petition presented at the last Town Board meeting relative to dedicating a private roadway on the south side of Ward Road, near Herman Hill Road, has been determined to be legally sufficient and that a public hearing date will be scheduled at the next meeting on this request.

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to authorize the Supervisor to enter into contract arrangements with Carl Roehling to purchase vacant property adjacent to the Boston Playground in the amount of \$9000.00, with the town assuming closing costs; subject to Section 64 of Town Law calling for a public referendum on the purchase and with Town Attorney Perley drawing up the legal description of the property.

five (5) ayes

Carried

Councilman Wohlhueter reported a Solid Waste meeting will be held on Tuesday, October 9 at 7:00 P.M., at which time they will discuss with representatives of B.F.I. and C.I.D. their proposals for refuse and trash pickup, which were received and opened on September 17, 1990.

Code Enforcement Officer and Deputy Code Enforcement Officer Monthly Reports were received.

October 3, 1990

Dog Control Officer Monthly Report was received.

Town Engineer's Monthly Report was received.

Upon the recommendation of the Planning Board, a motion was made by Councilman Lisowski and seconded by Supervisor Kennedy to approve the site plan of Sam Butera for a 40 foot X 150 foot mini-storage building, to be constructed on vacant land on Boston State Road, south of Chestnut Ridge Road.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter to adjourn at 8:53 P.M.

Joyce Carr

Joyce Carr
Town Clerk

Regular Meeting
October 17, 1990

Town Hall
7:30 P.M.

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy, Town Attorney Michael Perley and Highway Superintendent Eugene Ruchalski.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman that the Minutes of the Regular Meeting of October 3, 1990 be approved.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter that the General Fund and Special District Bills on Abstract #10A, October 17, 1990, in the amount of \$53,665.40 be paid.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski that the Highway Bills on Abstract #10, October 17, 1990, in the amount of \$17,080.86 be paid.

five (5) ayes

Carried

Erie County Legislator Joseph Desmond was present and reported that he followed up on a letter written October 5 by Supervisor Kennedy relative to bridge and road construction in the Town of Boston. He said he has been assured by the County Highway Department that both the Keller Road and Abbott Road bridge reconstruction will be completed and the roads reopened in mid-November. He also reported he has been notified that there is a foundation problem with the Patchin Road bridge work and that this bridge is not expected to be completed until sometime next year. Supervisor Kennedy said this delay poses many concerns, one of which is that the temporary building that houses a Patchin fire truck does not have heat and that there are several concerns with the grade levels on Abbott Road, which impact on the accessibility of the fire hydrants. Legislator Desmond said he will attempt to schedule a meeting for next week with John Cugino, Supervisor Kennedy, Councilman Wittmeyer and himself to discuss these matters.

Legislator Desmond also presented ribbons to be worn Wednesday, October 24, which is designated "Red Ribbon Day" from Western New York United against drugs.

Received and filed thank you from the Welcome Wagon for the use of the Town Hall for their monthly meetings over the past years and that they will now be meeting at Faith United Church.

Received notification from Legislator Joseph Desmond that two information sessions with the Erie County Department of Social Services and Senior Services will be held on October 24 and October 31 at the Hamburg Town Hall.

Received a resolution from the Town of Wales relative to the recent price escalation of gasoline and oil.

RESOLUTION - PRICE ESCALATION OF GASOLINE AND OIL

Received and filed Notice of Complete Application for Mined Land Reclamation of Wittmeyer Bros. Dairy Farm from New York State Department of Environmental Conservation.

Received and filed Monthly Activity Report of the Erie County Sheriff's Department for the Town of Boston for the month of September, 1990.

John Schlenker, owner of property on Ward Road, asked the status of the petition by homeowners in the vicinity to dedicate a private road to the town. Attorney Perley said the petition has been determined to be proper and that he plans to make a site inspection with Highway Superintendent Ruchalski to better determine whether the present highway specifications, proposed new specifications, or modified specifications will be used in the road design, depending on the front setbacks of the existing homes. He added that the district would then employ the engineer for the design standards and that road construction could begin next spring, if all requirements are met.

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to

836

TOWN OF BOSTON



At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 17th day of October, 1990 at 7:30 P. M. Eastern Daylight Saving Time, there were present:

Richard L. Kennedy
Milton I. Wittmeyer
David G. Zimmerman
Don A. Wohlhueter
Frank H. Lisowski, Jr.

Supervisor
Councilman
Councilman
Councilman
Councilman

Councilman Wittmeyer presented the following resolution and moved its adoption:

WHEREAS, gas and oil are essential to all Americans being utilized each day both in motor vehicles and homes, and

WHEREAS, recent unconscionable escalation in oil prices have fueled the fires of inflation, and

WHEREAS, such increases have placed a tremendous burden on the average American escalating the cost of living for already financially strapped citizens, and

WHEREAS, it is evident that the oil companies have taken advantage of the American people by escalating the prices even though a considerable inventory existed at the time of the escalation of price in the world market, and

WHEREAS, it appears that many retail operators have taken advantage of the escalation to increase their prices and profit while blaming the oil companies, and

WHEREAS, laws exist prohibiting the gouging of our citizens by persons and firms taking advantage of real or purported crises, and

WHEREAS, it is incumbent upon those public officials entrusted with the public welfare to take whatever measures are necessary to investigate and punish those firms which have taken advantage of this crisis to gouge the American public, and

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Boston does hereby request our Federal representatives to investigate this matter and to take whatever steps are available to the full extent of the law to seek out and punish those firms and individuals which have gouged the American public under the guise of the crisis, and

RESOLVED that a copy of this Resolution be sent to our Federal representatives.

Seconded by Councilman Wohlhueter and duly put to a vote which resulted as follows:

Supervisor Kennedy
Councilman Wittmeyer
Councilman Zimmerman
Councilman Wohlhueter
Councilman Lisowski

Voting aye
Voting aye
Voting aye
Voting aye
Voting aye

AYES:

5

NOES:

0

ABSENT:

0

Joyce Carr
Joyce Carr, Town Clerk

#35

TOWN OF BOSTON



At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 17th day of October, 1990 at 7:30 P.M. Eastern Daylight Saving Time, there were present:

Richard L. Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Don A. Wohlhueter	Councilman
Frank H. Lisowski, Jr.	Councilman

Supervisor Kennedy presented the following resolution and moved its adoption:

RESOLVED that the Town Board of the Town of Boston accepts the Highway Building project as being complete with all the respective contractors paid in full, and

THAT THE TOWN BOARD FURTHER RESOLVES that all the remaining monies in the Capital Fund established for the construction and completion of the Highway Garage will be applied to the principal and interest payments on the debt in the 1991 budget year.

Seconded by Councilman Zimmerman and duly put to a vote which resulted as follows:

Supervisor Kennedy	Voting <u>aye</u>
Councilman Wittmeyer	Voting <u>aye</u>
Councilman Zimmerman	Voting <u>aye</u>
Councilman Wohlhueter	Voting <u>aye</u>
Councilman Lisowski	Voting <u>aye</u>

AYES:

5

NOES:

0

ABSENT:

0

Joyce Carr
Joyce Carr, Town Clerk

October 17, 1990

grant permission to the Boston Junior Varsity Cheerleaders to use the Town Hall Community Room for their annual sleep-over on October 27, 1990 from 6:00 P.M. to 10:00 A.M. on October 28, 1990.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to make the following Correction of Abstract #10, October 3, 1990:

Voucher #763 Nussbaumer & Clarke, Inc.

From A 1440.4
To H 5410.2

five (5) ayes

Carried

Received a letter from John Zach, owner of 8.6 acres of property on Dunn Road, stating that they have been denied access to their property by an adjoining property owner, Ronald Bronstein, who has erected a barricade across Dunn Road. Mr. Zach, who was present at the meeting, stated he and his brother-in-law, Leonard LaCongo, who was also present, are frustrated and desperate in their attempts to gain access to their vacant land, which they have jointly owned for 20 years. He said that when they park on Dunn Road, Mr. Bronstein has their vehicles ticketed and yet they can not gain access through his barricade. He added that he and Mr. LaCongo have discussed constructing two A-frame cottages on their vacant land, but this would be impossible under the circumstances. Attorney Perley said the town did abandon an area of Dunn Road that, from the town's standpoint, was a long driveway and added that the original Dunn Road was a different configuration than what it is now. He told Mr. Zach that he has a right to contest the town's abandonment for a period of one year, which will be until April, 1991 and Mr. Zach noted that he never was advised of the fact this abandonment took place. Mr. LaCongo said he and Mr. Zach met with retired Highway Superintendent Clarence Kreitzbender many times over the past years on this matter and asked what their rights are to park on Dunn Road and what recourse do they have if they get ticketed or towed. Supervisor Kennedy asked Mr. Zach and Mr. LaCongo to stay for the remainder of the meeting, after which time he will review with them the highway map boundaries of Dunn Road.

RESOLUTION - ACCEPTANCE OF HIGHWAY BUILDING

Supervisor's Monthly Financial Report was received.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to cancel the second meeting in November, due to the fact it is the night before Thanksgiving and two Councilmen will be out-of-town. He added that, if any additional workload necessitates a meeting, he will call a Special Meeting for the following week.

five (5) ayes

Carried

Referred to Attorney Perley for review a letter received this date from Gregory Gerwitz relative to restoration of property on Back Creek Road in conjunction with the issuance by the town of a Soil Excavation Permit.

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to request the Erie County Personnel Department to continue to require performance tests in typing and shorthand for clerical examinations, rather than eliminating this test and be at a disadvantage of not being able to terminate an unsatisfactory employee for eight weeks.

five (5) ayes

Carried

Supervisor Kennedy said that Roy Emerling has constructed a 10 foot X 30 foot building on the Emerling Chevrolet property without a permit and that a permit would not have been issued for this construction during the building moratorium that is in effect. Supervisor Kennedy also noted that Mr. Emerling has altered the site plan that was approved by the Town Board for the multiple unit apartment houses on Boston State Road in North Boston by constructing a small building at the beginning of the driveway to house water equipment. Both of these construction projects are in disregard of the law and he directed Attorney Perley to

October 17, 1990

draft a Stop-Work Order for issuance by Code Enforcement Officer Kramer on October 18, 1990.

Town Clerk Carr said that two representatives of the state will be present at the Town Hall on Thursday, October 18 at 10:00 A.M. for a public meeting relative to the 21st Century Bond Act that will be on the ballot for the November election.

Highway Superintendent Ruchalski thanked the Town Board for the opportunity to attend the Highway Superintendent's seminar in Ellenville from September 30 to October 3, 1990.

Attorney Perley said the Zoning Commission will begin public hearings on October 18 at the Town Hall on the proposed new Zoning Law and Zoning Map. The hearings will all be held at 7:30 P.M. and are designated into fire protection districts, as follows: North Boston - October 18; Patchin - October 25; and Boston - November 8. Comments will be received at those times on the Zoning Law and Zoning Map. Attorney Perley said the Town Board is welcome to attend the hearings.

Councilman Lisowski stated that, after review he feels there should be a street light at the corner of Kevin Drive and Glenn Terrace. The Town Clerk was directed to make this recommendation to New York State Electric & Gas Corporation.

John Zach said he would like to go on record as stating that any legal action taken in the matter on non-access to his property on Dunn Road should not affect the rights of the property owners who live along the extension of Dunn Road, as they could lose the right of access to their property if the case is lost and that legal action will be taken against the Town of Boston in the event this happens.

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to adjourn at 8:18 P.M.



Joyce Carr
Town Clerk

Regular Meeting
November 7, 1990

Town Hall
7:30 P.M.

91

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy, Town Attorney Michael Perley and Highway Superintendent Eugene Ruchalski.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman that the Minutes of the Regular Meeting of October 17, 1990 be approved.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski that the Town Clerk's Monthly Report be accepted.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wittmeyer that the General Fund and Special District Bills on Abstract #11, November 7, 1990, in the amount of \$19,226.01 be paid.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer that the Highway Bills on Abstract #11, November 7, 1990, in the amount of \$18,198.52 be paid.

five (5) ayes

Carried

Received a letter from Integrated Tire relative to a rate increase for tire pickup. As there is not a tire collection planned until after the contract expires with Integrated Tire in March, 1991, this letter was filed and Councilman Wohlhueter will review the cost prior to the next planned tire collection time.

Received a letter from Congressman Bill Paxon in reply to Town Clerk Carr's letter relative to reregulation of the cable television industry. Congressman Paxon stated he has cosponsored HR 2437, the Cable Competition Act, in order to keep escalating rates down and increase the number and kinds of services available.

Received and filed letter from Linda R. Spors, 7963 Boston-Colden Road, requesting the town contract with a disposal company that is in a recycling program. Councilman Wohlhueter said he will report on the Solid Waste Committee findings later in the meeting.

Received a filed fully executed contract between the County of Erie and the town for the STOP-DWI Program for the calendar year of 1990.

Received notification from the State Board of Equalization and Assessment that the tentative equalization rate for 1990 has been established at 119.77.

Received notification from Erie County Water Authority that rate increases will take effect on January 1, 1991 for maintenance of hydrants. Supervisor Kennedy said this is the third rate increase this year on various services from the Water Authority; letter was filed.

Received a letter from Erie and Niagara Counties Regional Planning Board stating they have completed their review of housing unit

counts and that the Bureau of the Census has agreed to recanvass where significant discrepancies exist.

Received notification from New York State Electric & Gas Corporation that service will be interrupted on Wednesday, November 14, 1990 from 3:30 P.M. - 4:00 P.M. along Boston State Road from the Route 219 Interchange to Sprague's Trailer Park and along Route 277 from Route 391 to Ward Road, including all side streets off the main thoroughfares.

Received Insurance Specifications and Proposal Documents from the town's insurance consultant; the Town Board will review the specifications in December.

Received Waterline Permit Amendment from Erie County Department of Health relative to installation of a fire hydrant on Back Creek Road.

A motion was made by Councilman Lisowski and seconded by Supervisor Kennedy to authorize the following New York State Electric & Gas Corporation proposals:

1. Replacement of Defective MV Fixtures with HPS -
Lower East Hill Road:

Install 1 - 8500 lumen HPS lamp @ \$106.24 ea. = \$106.24
Remove 1 - 9400 lumen MV lamp @ \$146.17 ea. = \$146.17
Annual Decrease - \$39.93

2. South Abbott Road:

Install 1 - 5200 lumen HPS lamp @ \$ 93.33 ea. = \$ 93.33
Install 1 - 20 foot Bracket @ \$ 21.88 ea. = \$ 21.88
Annual Increase - \$115.21

3. Glenn Terrace, Corner of Kevin Drive:

Install 1 - 5200 lumen HPS lamp @ \$93.33 ea. = \$ 93.33
Pole Municipally Owned
Annual Increase - \$93.33

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wittmeyer to appoint the following as Recreation Attendants for the Friday Night Recreation Program at Boston Valley School, effective November 9, 1990, at a salary of \$5.00 per hour each:

Karen McKenzie - 7373 Zimmerman Road, Hamburg, NY 14075
Jackie Russell - 7638 Back Creek Road, Hamburg, NY 14075
Christopher Zemrac - 5888 Herman Hill Road, Hamburg, NY 14075

five (5) ayes

Carried

At 8:00 P.M. a Public Hearing was held on the 1991 Preliminary Budget. Town Clerk Carr read the Legal Notice and Supervisor Kennedy noted that, due to increased dwelling units, there were minor changes in the Water District #2 and Refuse & Garbage Districts, which will not make any change in the total to be raised by tax. He added that, after the budget is adopted, all refuse and garbage charges will have to be paid up front by the property owner when a Certificate of Occupancy is issued, as no further changes can be made in the Refuse & Garbage budget. Supervisor Kennedy then opened the public hearing. There were no comments or questions on the preliminary budget.

TOWN BUDGET
FOR 1991

TOWN OF BOSTON
IN
COUNTY OF ERIE

CERTIFICATION OF TOWN CLERK

I, JOYCE CARR, Town Clerk, certify
that the following is a true and correct of the 1990 budget
of the TOWN OF BOSTON as adopted by the Town Board on the
7TH day of NOVEMBER, 1990.

Signed, *Joyce Carr*
Town Clerk

Dated DECEMBER 5, 1990

(2)

SUMMARY OF TOWN OF BOSTON BUDGET - 1991

	APP/OTH USES	-EST REVENUE	-UNEXP BAL	RSD BY TAX
A GENERAL	858,100.00	512,940.00	290,000.00	55,160.00
D HIGHWAY	607,950.00	233,000.00	20,000.00	354,950.00
SF FIRE PROTEC	218,690.00	0.00	9,000.00	209,690.00
SL LIGHT	20,000.00	0.00	1,000.00	19,000.00
SM AMBULANCE	41,105.00	0.00	0.00	41,105.00
SR REFUSE & GARB	448,380.00	0.00	0.00	448,380.00
SS SEWER #2	1,198.50	0.00	0.00	1,198.50
SW WATER #1	30,000.00	0.00	0.00	30,000.00
SW WATER #2	38,771.00	0.00	0.00	38,771.00
TOTALS	2,264,194.50	745,940.00	320,000.00	1,198,254.50 1,198,254.50

GENERAL GOVERNMENT SUPPORT - 1991 BUDGET

(3)
GEN - A

	CODE	ACT 89	90 BUDGET	PRE 91	ADOPT 91
TOWN BOARD					
Pers Serv	1,010.1	20,000	21,200	22,000	22,000
Contractual	1,010.4	2,270	2,800	3,600	3,600
Total		22,270	24,000	25,600	25,600
JUSTICE					
Pers Serv	1,110.1	30,313	32,250	36,600	36,600
Contractual	1,110.4	5,076	5,200	5,700	5,700
Total		35,389	37,450	42,300	42,300
SUPERVISOR					
Pers Serv	1,220.1	31,485	32,520	32,300	32,300
Equipment	1,220.2	1,200	1,475	1,000	1,000
Contractual	1,220.4	2,634	2,500	14,700	14,700
Total		35,319	36,495	48,000	48,000
ASSESSOR					
Pers Serv	1,355.1	22,830	26,130	29,100	29,100
Equipment	1,355.2	0	500	0	0
Contractual	1,355.4	5,611	9,500	9,500	9,500
Total		28,441	36,130	38,600	38,600
TOWN CLERK					
Pers Serv	1,410.1	38,721	41,200	44,500	44,500
Equipment	1,410.2	1,630	2,000	2,000	2,000
Contractual	1,410.4	6,004	6,300	6,750	6,750
Total		46,355	49,500	53,250	53,250
ATTORNEY					
Pers Serv	1,420.1	22,500	26,250	29,400	29,400
Contractual	1,420.4	1,417	2,000	3,100	3,100
Total		23,917	28,250	32,500	32,500
ENGINEER					
Contractual	1,440.4	1,600	3,000	20,000	20,000
Total		1,600	3,000	20,000	20,000
ELECTIONS					
Contractual	1,450.4	5,189	5,970	6,450	6,450
Total		5,189	5,970	6,450	6,450
REC MANAGE					
Pers Serv	1,460.1	0	0	2,972	2,972
Equipment	1,460.2	0	0	0	0
Contractual	1,460.4	0	0	1,348	1,348
Total		0	0	4,320	4,320

(4)

GEN - A

GENERAL GOVERNMENT SUPPORT - 1991 BUDGET

BUILDINGS					
Pers Serv	1,620.1	4,403	5,000	7,000	7,000
Equipment	1,620.2	330	2,000	48,000	48,000
Contractual	1,620.4	20,446	31,000	30,000	30,000
Total		25,179	38,000	85,000	85,000
CENT GARAGE					
Equipment	1,640.2	0	0	0	0
Contractual	1,640.4	163	1,500	1,500	1,500
Total		163	1,500	1,500	1,500
CENT COMMUN					
Equipment	1,650.2	0	0	0	0
Contractual	1,650.4	0	350	400	400
Total		0	350	400	400
CENT PR & MAIL					
Contractual	1,670.4	3,419	3,750	3,900	3,900
Total		3,419	3,750	3,900	3,900
SPECIAL ITEMS					
Unalloc Insur	1,910.4	71,679	78,000	80,000	80,000
Munic Assn Dues	1,920.4	868	1,200	1,200	1,200
Judge & Claims	1,930.4	367	1,360	740	740
Purchase/Land	1,940.4	0	8,000	20,000	20,000
Tx&Asses Tn Prop	1,950.4	2,721	3,700	3,700	3,700
Unclassified	1,989.4	5,897	12,500	500	500
Contingent Acct	1,990.4	0	20,000	23,000	23,000
Total		81,532	124,760	129,140	129,140
TOTAL GEN GOVT SUPPORT		308,773	389,155	490,960	490,960

(5)

GEN - A

PUBLIC SAFETY - 1991 BUDGET

	CODE	ACT 89	90 BUDGET	PRE 91	ADOPT 91
POL & CONSTABLES					
Pers Serv	3,120.1	2,125	2,235	2,800	2,800
Contractual	3,120.4	400	400	400	400
Total		2,525	2,635	3,200	3,200
TRAFFIC CONTROL					
Contractual	3,310.4	2,783	5,000	4,000	4,000
Total		2,783	5,000	4,000	4,000
CONTROL OF DOGS					
Pers Serv	3,510.1	7,140	7,910	8,600	8,600
Equipment	3,510.2	0	12,000	500	500
Contractual	3,510.4	4,188	6,915	7,200	7,200
Total		11,328	26,825	16,300	16,300
SAFETY INSPEC					
Pers Serv	3,620.1	10,650	11,080	11,800	11,800
Contractual	3,620.4	195	1,000	1,200	1,200
Total		10,845	12,080	13,000	13,000
TOTAL PUBLIC SAFETY		27,481	46,540	36,500	36,500

(6)

GEN - A

HEALTH - 1991 BUDGET

	CODE	ACT 89	90 BUDGET	PRE 91	ADOPT 91
REG VIT. STATS					
Contractual	4,020.4	7	25	25	25
Total		7	25	25	25
AMBULANCE					
Equipment	4,540.2	0	0	0	0
Contractual	4,540.4	20,981	0	0	0
Total		20,981	0	0	0
TOTAL HEALTH		20,988	25	25	25

(7)

GEN - A

TRANSPORTATION - 1991 BUDGET

	CODE	ACT 89	BUDGET 90	PRE 91	ADOPT 91
SUPT HIGHWAYS					
Pers Serv	5,010.1	29,113	31,825	34,000	34,000
Contractual	5,010.4	363	500	1,700	1,700
Total		29,476	32,325	35,700	35,700
GARAGE					
Equipment	5,132.2	1,702	0	0	0
Contractual	5,132.4	10,790	11,000	16,000	16,000
Total		12,492	11,000	16,000	16,000
STREET LIGHTING					
Contractual	5,182.4	26,268	26,675	20,000	20,000
Total		26,268	26,675	20,000	20,000
TOTAL TRANSPORTATION		68,236	70,000	71,700	71,700

(8)

GEN - A

ECONOMIC ASSISTANCE & OPPORTUNITY - 1991 BUDGET

	CODE	ACT 89 90	BUDGET	PRE 91	ADOPT 91
PUBLICITY					
Contractual	6,410.4	437	700	700	700
Total		437	700	700	700
 PROG FOR AGING					
Contractual	6,772.4	1,000	2,800	2,800	2,800
Total		1,000	2,800	2,800	2,800
 TOTAL ECONOMIC ASSISTANCE & OPPORT		1,437	3,500	3,500	3,500

(9)

GEN - A

CULTURE & RECREATION - 1991 BUDGET

	CODE	ACT 89	90 BUDGET	PRE 1991	ADOPT 91
PARKS					
Per Serv	7,110.1	19,842	20,000	22,000	22,000
Equipment	7,110.2	3,525	2,000	5,500	5,500
Contractual	7,110.4	12,584	7,000	7,000	7,000
Total		35,951	29,000	34,500	34,500
PLAY & REC CENTERS					
Per Serv	7,140.1	6,302	5,000	5,500	5,500
Contractual	7,140.4	2,889	5,000	5,000	5,000
Total		9,191	10,000	10,500	10,500
YOUTH PROGRAM					
Pers Serv	7,310.1	34,815	34,150	37,565	37,565
Contractual	7,310.4	20,690	30,000	32,000	32,000
Total		55,505	64,150	69,565	69,565
HISTORIAN					
Equipment	7,510.2	950	1,000	1,200	1,200
Contractual	7,510.4	775	750	800	800
Total		1,725	1,750	2,000	2,000
HISTORICAL PROPERTY					
Contractual	7,520.4	3,200	3,400	3,400	3,400
Total		3,200	3,400	3,400	3,400
CELEBRATIONS					
Contractual	7,550.4	2,291	1,000	1,500	1,500
Total		2,291	1,000	1,500	1,500
ADULT RECREATION					
Contractual	7,620.4	5,056	5,300	5,500	5,500
Total		5,056	5,300	5,500	5,500
OTH CULT/REC					
Contractual	7,989.4	0	0	1,000	1,000
Total		0	0	1,000	1,000
TOTAL CULTURE - RECREATION		112,919	114,600	127,965	127,965

(10)

GEN - A

HOME & COMMUNITY SERVICE - 1991 BUDGET

	CODE	ACT 89	90 BUDGET	PRE 1991	ADOPT 91
ZONING					
Pers Serv	8,010.1	235	300	500	500
Contractual	8,010.4	105	250	2,250	2,250
Total		340	550	2,750	2,750
PLANNING					
Pers Serv	8,020.1	693	1,000	1,500	1,500
Contractual	8,020.4	761	5,600	6,000	6,000
Total		1,454	6,600	7,500	7,500
DRAINAGE					
Pers Serv	8,540.1	0	150	0	0
Contractual	8,540.4	100	200	0	0
Total		100	350	0	0
CONSERVATION					
Pers Serv	8,710.1	0	200	500	500
Contractual	8,710.4	0	350	1,000	1,000
Total		0	550	1,500	1,500
HOME/COM SER					
Pers Serv	8,989.1	0	0	0	0
Equipment	8,989.2	0	0	0	0
Contractual	8,989.4	0	0	5,000	5,000
Total		0	0	5,000	5,000
TOTAL HOME & COMMUNITY SERVICES		1,894	8,050	16,750	16,750

(11)

GEN - A

UNDISTRIBUTED - 1991 BUDGET

	CODE	ACT 89	90 BUDGET	PRE 1991	ADOPT 91
UNDISTRIBUTED					
EMPLOYEE BENEFITS					
State Retirement	9,010.8	21,150	24,850	26,000	26,000
Social Security	9,030.8	20,196	21,275	22,500	22,500
Workmens Comp	9,040.8	2,197	2,250	3,000	3,000
Unemploy Insur	9,050.8	180	0	1,000	1,000
Disability Insur	9,055.8	283	325	500	500
Hosp & Med Insur	9,060.8	9,320	10,000	10,500	10,500
Total		53,326	58,700	63,500	63,500
DEBT SERVICE					
PRINCIPAL					
Serial Bonds	9,710.6	0	25,000	25,000	25,000
Bond Anticipation	9,730.6	10,000	0	0	0
Rev Anticipation	9,770.6	0	100,000	0	0
Total		10,000	125,000	25,000	25,000
DEBT SERVICE INTEREST					
Serial Bonds	9,710.7	1,148	11,000	18,200	18,200
Bond Anticipation	9,730.7	21,753	0	0	0
Rev Anticipation	9,770.7	6,450	6,850	0	0
Total		29,351	17,850	18,200	18,200
INTERFUND TRANSFER					
Risk Retention	9,902.9	20,909	4,000	4,000	4,000
Cap Proj Fund	9,950.9	0	0	0	0
Total		20,909	4,000	4,000	4,000
TOT UNDISTRIBUTED		113,586	205,550	110,700	110,700

(12)

GEN - A

TOTAL APPROPRIATIONS - 1991 BUDGET

ACT 1989 1990 BUDGET PRELIM 1991 ADOPT 1991

SUMMARY

GEN GOVT	308,773	389,155	490,960	490,960
PUB SAFETY	27,481	46,540	36,500	36,500
HEALTH	20,988	25	25	25
TRANSPORTATION	68,236	70,000	71,700	71,700
EC ASSIS & OPPOR	1,437	3,500	3,500	3,500
CULTURE & REC	112,919	114,600	127,965	127,965
HOME & COMM SERV	1,894	8,050	16,750	16,750
UNDISTRIBUTED	113,586	205,550	110,700	110,700
TOT APPROPRIATIONS	655,314	837,420	858,100	858,100

*

*TRANSFER TO PAGE 2

(13)

GEN - A

GENERAL FUND ESTIMATED REVENUES - 1991 BUDGET

	CODE	ACT 89	90 BUDGET	PRE 1991	ADOPT 91
OTHER TAX ITEMS					
Int/Pen R/Prop Tax	A1090	10,729	6,000	6,000	6,000
Non Prop Tax, Co	A1120	288,187	205,500	210,000	210,000
Franchises	A1170	13,634	12,500	13,000	13,000
DEPARTMENTAL INCOME					
Clerk Fees	A1255	1,055	500	500	500
Dog Control Fees	A1550	390	300	250	250
Park & Rec Charges	A2001	16,205	10,000	10,000	10,000
Zoning Fees	A2110	1,075	500	750	750
USE MONEY/PROPERTY					
Interest & Earnings	A2401	32,070	10,000	10,000.00	10,000
Rent R/Prop	A2410	772	0	0	0
Rent/Other Govts	A2412	24,600	24,600	24,600	24,600
Commissions	A2450	34	0	0	0
Games of Chance	A2530	225	0	0	0
Bingo Licenses	A2540	1,614	1,000	1,000	1,000
Dog Licenses	A2544	5,420	5,600	5,000	5,000
Licenses, Other	A2545	1,725	500	1,000	1,000
Building Permits	A2555	7,380	3,500	4,000	4,000
Permits, Other	A2590	560	0	0	0
FINES & FORFEITURES					
Fines/Forfeit Bail	A2610	59,126	37,000	39,000	39,000
COMPENSA FOR LOSS					
Sale of Property	A2660	0	100,000	0	0
Sale of Equipment	A2665	2,500	0	0	0
Insur Recoveries	A2680	0	0	0	0
Oth Comp for Loss	A2690	2,490	0	0	0
MISCELLANEOUS					
Refunds Pr Yr Exp	A2701	0	0	0	0
Gifts/Donations	A2705	325	0	0	0
Miscellaneous	A2770	5,519	0	0	0
TOTAL EST REV FROM LOCAL SOURCES		475,635	417,500	325,100	325,100

(14)

GEN - A

GEN FUND EST REVENUE - 1991 - PAGE 2

	CODE	ACT 88	89 BUDGET	PRE 1990	ADOPT 90
STATE AID					
Per Capita	A3001	128,629	125,000	125,000	125,000
Mortgage Tax	A3005	63,073	40,000	40,000	40,000
Record Management	A3060	0	0	4,340	4,340
Rec for Aging	A3801	2,000	2,000	2,000	2,000
Youth Programs	A3820	10,939	9,500	9,500	9,500
Code Enforcement	A3995	7,701	6,000	7,000	7,000
Other	A3089	0	0	0	0
TOT EST REV FROM STATE AID		212,342	182,500	187,840	187,840
REVENUE SUMMARY					
TOT EST REV FROM LOCAL SOURCES		475,635	417,500	325,100	325,100
TOT EST REV FROM STATE AID		212,342	182,500	187,840	187,840
TOT EST REVENUES		687,977	600,000	512,940	512,940
ESTIMATED UNEXPENDED BALANCE					
EST GENERAL FUND UNEXPENDED BALANCE (Transfer Total "Adopted" to Page 2)		135,000	187,000	290,000	290,000

(15)

HIGHWAY FUND - APPROPRIATIONS - 1991 BUDGET - PG 1

HIGHWAY - D

	CODE	ACT 89	90 BUDGET	PRE 1991	ADOPT 91
GEN REPAIRS					
Pers Serv	5,110.1	66,473	75,000	90,000	90,000.00
Contractual	5,110.4	71,909	71,000	75,000	75,000
Total		138,382	146,000	165,000	165,000
IMPROVEMENTS					
Cap Outlay	5,112.2	42,132	30,000	30,000	30,000
Total		42,132	30,000	30,000	30,000
MACHINERY					
Pers Serv	5,130.1	0	0	0	0
Equipment	5,130.2	29,948	64,000	40,000	40,000
Contractual	5,130.4	90,657	70,000	75,000	75,000
Total		120,605	134,000	115,000	115,000
MISC/BR/WDS					
Pers Serv	5,140.1	10,124	8,000	0	0
Contractual	5,140.4	3,186	3,000	1,500	1,500
Total		13,310	11,000	1,500	1,500
SNOW REMOV					
Pers Serv	5,142.1	57,420	60,000	64,000	64,000
Contractual	5,142.4	36,500	35,000	37,000	37,000
Total		93,920	95,000	101,000	101,000
SER/OTH GVT					
Pers Serv	5,148.1	57,501	60,000	64,000	64,000
Contractual	5,148.4	37,067	35,000	37,000	37,000
Total		94,568	95,000	101,000	101,000
EMPLOY BEN					
State Retire	9,010.8	17,250	21,050	21,500	21,500
Soc Security	9,030.8	13,818	16,000	17,000	17,000
Workers Comp	9,040.3	6,940	7,000	8,500	8,500
Unemploy Ins	9,050.8	0	0	1,000	1,000
Disability	9,055.8	271	350	350	350
Hosp/Med Ins	9,060.8	18,319	20,000	23,500	23,500
Total		56,598	64,400	71,850	71,850
TOT P. 1		559,515	575,400	585,350	585,350

(16)

HIGHWAY - D

HIGHWAY FUND - APPROPRIATIONS - 1991 BUDGET - PG 2

	CODE	ACT 89	90 BUDGET	PRE 1991	ADOPT 91
DEBT SERV					
Ser Bonds	9,710.6	0	0	0	0
BAN's	9,730.6	10,000	20,000	20,000	20,000
Total		10,000	20,000	20,000	20,000
INTEREST					
Ser Bonds	9,710.7	0	0	0	0
BAN's	9,730.7	2,613	4,300	2,600	2,600
Total		2,613	4,300	2,600	2,600
INT TRANS					
TO:					
Cap Proj	9,950.9	33,040	0	0	0
Total		33,040	0	0	0
BUDGETARY					
PROVISION					
OTH/USES					
TOT APPROP					
&OTH USES					
Page 1		559,515	575,400	585,350	585,350
Page 2		45,653	24,300	22,600	22,600
Trans to					
Page TB-2		605,168	599,700	607,950	607,950

(17)

HIGHWAY - D

HIGHWAY FUND - REVENUES - 1991 BUDGET

	CODE	ACT 89	90 BUDGET	PRE 1991	ADOPT 91
LOCAL SOURCES					
Lieu/Tax	1,081	407	0	0	0
Non Prop Tax					
Dist/County	1,120	140,000	150,000	150,000	150,000
Ser/Oth Govts	2,300	43,100	40,000	40,000	40,000
Int & Earn	2,401	14,222	8,000	8,000	8,000
Rent/Equip	2,416	0	0	0	0
Intfund Rev	2,801	8,000	0	5,000	5,000
Misc(Specify)	2,770	111	0	0	0

STATE AID					
Consolidated Highway	3,501	30,307	30,000	30,000	30,000

FEDERAL AID					
(Specify)	4,500	0	0	0	0

INTER TRANSF	5,031	2,284		0	0
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TOT EST REV		238,431	228,000	233,000	233,000
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UNEXPEND BAL		0	60,000	10,000	20,000
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Transfer Est
Rev and Unexp
Bal to TB-2

(18)

FIRE - SF

FIRE PROTEC DIST - APPROPRIATIONS - 1991 BUDGET

	CODE	ACT 89	90 BUDGET	PRE 1991	ADOPT 91
FIRE PROTEC					
Judg/Claims	1,930.4	28	622	70	70
Contracts	3,410.4	188,620	200,210	207,620	207,620
Comp Insur	9,040.8	10,424	12,000	11,000	11,000
Total		199,072	212,832	218,690	218,690

Tot Approp		199,072	212,832	218,690	218,690
(Trans Adopt					
to Page 2)					

ESTIMATED REVENUE

Int & Earn	2,401	2,365	0	0	0
Refund Pr Yr	2,701	0	0	0	0
Total		2,365	0	0	0

UNEPENDED BALANCE

Est Fire Pr		0	8,000	9,000	9,000
Dist Unexpd					
Balance					

Transfer
total Adopt
to page 2

(19)

LIGHT - SL

LIGHT DISTRICT - APPROPRIATIONS - 1991 BUDGET

CODE ACT 89 90 BUDGET PRE 1991 ADOPT 91

LIGHT DIST					
Judge/Claims	1,930.4	1	50	0	0
Street light					
Contractual	5,182.4	16,604	19,750	20,000	20,000
Total		16,605	19,800	20,000	20,000

Tot Approp
(Trans Adopt
to Page 2)

ESTIMATED REVENUES

Int & Earn	2,401	663	0	0	0
Tot Est Rev		663	0	0	0

(Trans Adopt
to Page 2)

UNEXPENDED BALANCE

Est Light					
Unexp Bal		0	0	1,000	1,000

(20)

AMBULANCE SM

AMBULANCE DISTRICT - APPROPRIATIONS - 1991 BUDGET

CODE ACT 89 90 BUDGET PRE 1991 ADOPT 91

AMBULANCE					
Judg/Claims	1,930	0	0	0	0
Ambulance, Eq	4,540	0	0	0	0
Ambulance, C.	4,540	0	30,700	29,200	29,200
Total		0	30,700	29,200	29,200

DEBT SERV					
Principal					
Ser Bonds	9,711	0	0	0	0
BAN's	9,731	0	6,500	10,000	10,000
Total		0	6,500	10,000	10,000

INTEREST					
Ser Bonds	9,711	0	0	0	0
BAN's	9,731	0	2,520	1,905	1,905
Total		0	2,520	1,905	1,905

Budgetary					
Prov for	962	0	0	0	0
Oth Uses					

Total Approp					
(Transfer					
Adopted to		0	39,720	41,105	41,105
Page 2)					

ESTIMATED REVENUE

Int & Earn	2,401	0	0	0	0
Total Revenue		0	0	0	0

(Trans adopt
to Page 2)

UNEXPENDED BALANCE

Est Unexp Bal		0	0	0	0
(Transfer tot					
to Page 2)					

(21)

REFUSE &
GARBAGE - SR

REFUSE/GARBAGE - APPROPRIATIONS - 1991 BUDGET

	CODE	ACT 89	90 BUDGET	PRE 1991	ADOPT 91
REFUSE/GARB					
Judge/Claims	1,930.4	0	65	1	1
Pers Serv	8,160.1	0	0	0	0
Contractual	8,160.4	258,528	284,895	446,940	448,379
Total		258,528	284,960	446,941	448,380

ESTIMATED REVENUE

Ref/Gar Chgs	2,130	706	0	0	0
Int & Earn	2,401	8,875	0	0	0
Total		9,581	0	0	0

UNEXPENDED BALANCE

Est Refuse & Garb Dist Unexp Bal	0	65	0	0
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(Trans Adopt
Totals to
Page 2)

(22)

SEWER
DIST #2 - SS2

SEWER DISTRICT #2 - APPROPRIATIONS - 1991 BUDGET

	CODE	ACT 89	90	BUDGET PRE 1991	ADOPT 91
Treat/Disp					
Judge/Claims	1,930.4	0	0	0	0
Pers Serv	8,120.1	0	0	0	0
Equipment	8,120.2	0	0	0	0
Contractual	8,120.4	0	1,198.50	1,198.50	1,198.50
Total		0	1,198.50	1,198.50	1,198.50
Transfer					
to Other Funds	9,901.4	2,284	0		

ESTIMATED REVENUE

Int & Earn	2,401	45	0	0	0
Total		45	0	0	0

UNEXPENDED BALANCE

Est Sewer Dist					
Unexp Balance		0	0	0	0
(Transfer Tot					
to Page 2)					

(23)

WATER
DIST #1 - SW1

WATER DISTRICT #1 - APPROPRIATIONS - 1991 BUDGET

	CODE	ACT 89	90 BUDGET	TEN 1991	ADOPT 91
Trans/Dist					
Judge/Claims	1,930.4	3	80	0	0
Pers Serv	8,340.1	0	0	0	0
Equipment	8,340.2	29,112	0	0	0
Contractual	8,340.4	6,834	29,806	30,000	30,000
Total		35,949	29,886	30,000	30,000
DEBT SERV					
Principal					
Ser Bonds	9,710.6	0	0	0	0
BAN's	9,730.6	0	0	0	0
Total		0	0	0	0
Interest					
Ser Bonds	9,710.7	0	0	0	0
BAN's	9,730.7	0	0	0	0
Total		0	0	0	0
Total Approp (Transfer adopted to Page 2)		35,949	29,886	30,000	30,000

ESTIMATED REVENUE

Spec Assess	1,030	41	0	0	0
Int & Earn	2,401	5,319	0	0	0
Total		5,360	0	0	0

UNEXPENDED BALANCE

Est Unexp Bal (Transfer tot to Page 2)		0	0	0	0
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(24)

WATER
DIST #2 - SW2

WATER DISTRICT #2 - APPROPRIATIONS - 1991 BUDGET

	CODE	ACT 89	90 BUDGET	PRE 1991	ADOPT 91
Trans/Dist					
Judge/Claims	1,930.4	0	57	0	0
Pers Serv	8,340.1	0	0	0	0
Equipment	8,340.2	0	0	0	0
Contractual	8,340.4	1,950	37,731	35,490	38,711
Total		1,950	37,788	35,490	38,711
DEBT SERV					
Principal					
Ser Bonds	9,710.6	0	0	0	0
BAN's	9,730.6	0	0	0	0
Total		0	0	0	0
Interest					
Ser Bonds	9,710.7	0	0	0	0
Interfund Loan	9,795.7	1,800	0	0	0
Total		1,800	0	0	0

Total Approp	3,750	37,788	35,490	38,711
(Transfer				
adopted to				
Page 2				

ESTIMATED REVENUE

Int & Earn	2,401	1,014.02	0	0	0
Total				0	0

UNEXPENDED BALANCE

Est Unexp Bal	0	0	0	0	0
(Transfer tot					
to page 2)					

SCHEDULE OF SALARIES OF ELECTED TOWN OFFICIALS
(ARTICLE 8 OF THE TOWN LAWS)

OFFICER	SALARY
SUPERVISOR	20,300
COUNCILMAN	5,500
COUNCILMAN	5,500
COUNCILMAN	5,500
COUNCILMAN	5,500
TOWN CLERK	27,500
TOWN JUSTICE	17,500
SUPERINTENDENT OF HIGHWAYS	32,500

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter to close the public hearing at 8:07 P.M.

five (5) ayes Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer that the 1991 General Fund Budget be approved as follows:

Appropriations	\$859,100.00
Less Estimated Revenues	512,940.00
Less Unexpended Balance	290,000.00
Amount to be Raised by Tax	\$ 55,160.00

five (5) ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman that the 1991 Highway Budget be approved as follows:

Appropriations	\$607,950.00
Less Estimated Revenues	233,000.00
Less Unexpended Balance	20,000.00
Amount to be Raised by Tax	\$354,950.00

five (5) ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski that the 1991 Fire Protection Budget be approved as follows:

Appropriations	\$218,690.00
Less Unexpended Balance	9,000.00
Amount to be Raised by Tax	\$209,690.00

five (5) ayes Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter that the 1991 Light District Budget be approved as follows:

Appropriations	\$ 20,000.00
Less Unexpended Balance	1,000.00
Amount to be Raised by Tax	\$ 19,000.00

five (5) ayes Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer that the 1991 Ambulance District Budget be approved as follows:

Appropriations	\$ 41,105.00
Amount to be Raised by Tax	\$ 41,105.00

five (5) ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman that the 1991 Refuse and Garbage Budget be approved as follows:

Appropriations	\$448,380.00
Amount to be Raised by Tax	\$448,380.00

five (5) ayes Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wittmeyer that the 1991 Sewer District #2 Budget be approved as follows:

FINAL NOTICE
TOWN OF BOSTON
PUBLIC NOTICE
NOTICE OF HEARING
UPON PRELIMINARY BUDGET
NOTICE IS HEREBY GIVEN that the preliminary budget of the Town of Boston for the fiscal year beginning January 1, 1991 has been completed and filed in the office of the Town Clerk, where it is available for inspection by any interested person during regular office hours.
FURTHER NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston will meet and review said preliminary budget and hold a public hearing thereon at the Boston Town Hall, 8000 Boston State Road, at 8:00 P.M. Eastern Standard Time, on the 7th day of November, 1990 and that at such hearing any person may be heard in favor of or against the preliminary budget as compiled or for or against any items therein contained.
Pursuant to Section 103 of the Town Law, the proposed salaries of the following town officers are hereby as follows:
Supervisor \$10,500.00
Councilman \$ 8,500.00
Councilman \$ 8,500.00
Councilman \$ 8,500.00
Councilman \$ 8,500.00
Town Clerk \$7,500.00
Superintendent of Highways \$32,500.00
By Order of the Town Board
Dated: October 19, 1990
10-88 Joyce Carr
Town Clerk

Appropriations	\$ 1,198.50
Amount to be Raised by Tax	\$ 1,198.50

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter that the 1991 Water District #1 Budget be approved as follows:

Appropriations	\$ 30,000.00
Amount to be Raised by Tax	\$ 30,000.00

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy that the 1991 Water District #2 Budget be approved as follows:

Appropriations	\$ 38,771.00
Amount to be Raised by Tax	\$ 38,771.00

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to make the following Correction of Abstracts:

Abstract #10A - General Fund - October 17, 1990:

Voucher #819 - BFI (Creative Playground)
From: A7110.4 To: H7140.2

Abstract #10 - Highway Fund - October 17, 1990:

Voucher #298 - Power Drives, Inc.
From: \$769.14 To: \$769.44
Total Abstract: \$17,081.16

five (5) ayes

Carried

Referred to the Traffic Safety Committee for their review a letter received from Carol Stutzman requesting a driveway warning sign be posted in the vicinity of 7420 Boston State Road.

Received a letter from Dean A. Messing, Chairman of the Southtowns Haz-Mat Team, stating they have been granted permission to use the old Town of Boston Highway Garage at 8321 Boston State Road by its current owner for storage of their equipment. Mr. Messing asked for authorization to post the front of the building with "No Parking" signs. Councilman Wittmeyer said he will speak with adjacent property owners and the owner of the Valley View Inn and ask their cooperation in keeping the driveway open.

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman to make the following General Fund Transfers of Appropriations:

From:		
Supervisor, Eq	A1220.2	\$ 75.00
Central Gar, Con	A1640.4	500.00
Cent Com, Con	A1650.4	50.00
Mun Assn Dues	A1920.4	300.00
Contingency	A1990.4	2,400.00
Traf Cont, Con	A3310.4	2,000.00
Cont Dcgs, Eq	A3510.2	1,000.00
Prog Aging, Con	A6772.4	1,800.00
Drain, PS	A6540.1	150.00
Drain, Con	A6540.4	200.00
Conserv, PS	A8710.1	200.00

RESOLUTION

WHEREAS, Ellen Mitscher has made an application to the Town Board to rezone certain property consisting of 13.8 acres more or less situated on the west side of Back Creek Road from Residential R-2 to Agriculture A-1; and

WHEREAS, the property is contiguous to the property zoned A-1; and

WHEREAS, the proposed use of the property for greenhouse purposes is suitable provided that there is no retail store on the premises and that only wholesale transactions arise out of the operation except as otherwise provided by the Zoning Ordinance of the Town of Boston; and

WHEREAS, the proposed use is appropriate provided that a suitable site plan be approved within six (6) months of the effective date of this rezoning.

NOW THEREFORE, BE IT RESOLVED, that the application for Rezoning be and the same is hereby approved in part conditioned upon the applicant obtaining approval for a site plan within six (6) months of this Resolution if such approval is not obtained, then the property shall revert to R-2 Zoning; and be it

FURTHER RESOLVED, that the rezoned property be and the same is hereby bounded and described as follows : (see attached)

BEGINNING at a point in the center of the Back Creek Road at a southwest corner of a parcel of land heretofore conveyed to R. W. Mitscher on the easterly side of said road, distant six hundred fourteen and forty-six hundredths (614.46) feet southeasterly from the intersection of the center of said road with the northerly line of land of Adelbert N. Meyer; thence north seventy (70) degrees east about two (2) chains and fifty (50) links to the center of the 18 Mile Creek; thence southeasterly along the center of said creek to a point where a line drawn north seventy-one (71) degrees east from a point in the center of said road eighty and six tenths (80.6) feet southeasterly from the point of beginning would intersect the center of said creek; thence south seventy-one (71) degrees west about one hundred eighty (180) feet to the center of said road; thence continuing south seventy-one (71) degrees west two hundred seventy-one (271) feet to an iron pipe in the southerly line of land heretofore conveyed to R. W. Mitscher; thence south seventy-six (76) degrees west three hundred three and six tenths (303.6) feet to a stake near the top of the southerly bank of a gulley; thence southwesterly about twelve hundred (1200) feet to a stake in the westerly line of land of Adelbert N. Meyer, distant four hundred thirty-five and eighty-eight hundredths (435.88) feet northerly from the southwest corner of his farm; thence northerly along Meyer's west line five hundred (500) feet to the northwest corner of said farm; thence easterly along the northerly lines of his farm by the following courses and distances; north eighty-two (82) degrees and thirty (30) minutes east five hundred seventy (570) feet; north thirty-eight (38) degrees east three hundred thirty-four and four tenths (334.4) feet; north sixty-six (66) degrees east six hundred seventy-eight (678) feet more or less to the center of said road; thence southeasterly along the center of said road six hundred fourteen and forty-six hundredths (614.46) feet to the point of beginning.

EXCEPTING a parcel of the westerly side of said road heretofore conveyed to R. W. Mitscher, and which lies within the boundaries of above-described parcel containing about four and two tenths (4.2) acres in all, and

EXCEPTING THEREFROM all of the above-described property situated within 300 feet of the westerly right-of-way line of Back Creek Road when measured at right angles to said right-of-way line.

Conserv, Con	A3710.1	\$ 350.00
State Retire	A9010.8	15,900.00
Hosp & Med	A9060.8	700.00
S/E, Int	A9710.7	650.00
RAN, Princ	A9770.6	19,455.00
RAN, Int	A9770.7	6,850.00
		\$ 52,580.00

To:		
Tn Jus, PS	A1110.1	\$ 4,000.00
Tn Jus, Con	A1110.4	500.00
Sup, PS	A1220.1	500.00
Rec Manag, Eq	A1460.2	500.00
Unal Insur	A1910.4	3,500.00
Jud & Claims	A1930.4	1,500.00
Pur Land	A1940.4	5,000.00
Pol & Cons, PS	A3120.1	165.00
Safe Inspec, PS	A3620.1	100.00
Supt of Hwy, Con	A5010.4	135.00
Garage, Con	A5132.4	2,000.00
St Light, Con	A5182.4	2,000.00
Park, PS	A7110.1	4,000.00
Park, Con	A7110.4	3,000.00
Youth Prog, Con	A7310.4	17,000.00
Adult Rec, Con	A7620.4	500.00
Zoning, Con	A8010.4	350.00
Hm & Com Serv, Con	A8989.4	5,500.00
Social security	A9030.8	2,000.00
Unemploy Insur	A9050.8	330.00
		52,580.00

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer to make the following Highway Fund Transfers of Appropriations:

From:		
Misc, PS	D5140.1	\$ 8,000.00
Misc, Con	D5140.4	3,000.00
State Retire	D9010.8	7,360.00
		18,360.00

To:		
Gen Repairs, PS	D5110.1	11,000.00
Machinery, Equip	D5130.2	2,000.00
Work Comp	D9040.8	2,500.00
Unempl Insur	D9050.8	660.00
Hosp & Med	D9060.8	2,200.00
		19,360.00

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski to make the following Capital Projects Fund Highway Building Project Appropriation of Excess Revenue:

Estimated Revenue		\$21,910.55
Sale of Highway Bldg	D2770	\$21,910.55
Appropriations		\$21,910.55
Bldg Project	D5132.2	\$ 6,602.22
S/E, Interest	D9710.7	9,487.50
RAN, Interest	D9770.7	5,820.83
		\$21,910.55

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to rezone property owned by Ellen Mitscher, located on

Back Creek Road, as tabled previously, per resolution made a part of these Minutes.

five (5) ayes

Carried

PROCLAMATION - BOSTON WELCOME WAGON

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to schedule a Public Hearing for December 5, 1990 at 7:55 P.M. on the Emergency Squad Contract 1991 Contract and a further Public Hearing at 8:00 P.M. for December 5, 1990 on the Historical Society 1991 Contract.

five (5) ayes

Carried

Received a letter from Erie County Water Authority stating they raised a hydrant located at 7301 Abbott Road, which was found to be too low, and they will be billing the costs for this project to the Town of Boston. Supervisor Kennedy said there are a number of hydrants that are too low on Abbott Road, plus the placement of the guide rails could hamper firefighters in accessing the hydrants. He said that some responsibility for the costs incurred in the hydrant relocations should be the responsibility of the Erie County Highway Department, as they raised the roadbed at the time they were doing reconstruction work on Abbott Road. Supervisor Kennedy said he will work in conjunction with the Town Clerk and Town Attorney to correspond with Erie County Water Authority to protest their billing the town on this matter.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to schedule Public Hearings for December 19, 1990 at 8:00 P.M. for Zoning Regulations, Laws and Ordinances.

five (5) ayes

Carried

Attorney Perley said the last of a series of three hearings on the proposed 1990 Zoning Law will be held on Thursday, November 8, 1990 at the Town Hall at 7:30 P.M.

Received Notice of Complete Application Transmittal from the New York State Department of Environmental Conservation relative to the Town of Boston Gravel Removal Permit application.

Supervisor's Monthly Financial Report was received.

Supervisor Kennedy said he has received correspondence relative to the distribution of the one percent Erie County sales tax and that comments are welcome on this subject.

Town Clerk Carr said the next surplus food distribution will be held on Wednesday, November 14, 1990 at the Town Hall.

Erie County Sheriff Monthly Activity Report for October was received.

Town Justice Monthly Financial Report was received.

Town Clerk Carr reported that Town Justice Robert Tills will be resuming his duties on November 12, 1990, following his recuperation from surgery. Clerk Carr was directed to draft a letter of appreciation to acting Town Justice Thomas Rosinski for his service during Judge Tills' absence.

RESOLUTION - PURCHASE OF CARL ROEHLING PROPERTY

Upon the review and recommendation by Town Attorney Perley, a motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to authorize the Town Attorney and Code Enforcement Officer make certain Gregory Gerwitz adheres to the terms and

TOWN OF BOSTON



At a regular meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 7th day of November, 1990 at 7:30 P.M. Eastern Time, there were:

PRESENT:	Richard L. Kennedy	Supervisor
	Milton I. Wittmeyer	Councilman
	David G. Zimmerman	Councilman
	Don A. Wohlhueter	Councilman
	Frank H. Lisowski	Councilman

Supervisor Kennedy presented the following resolution and moved its adoption.

ON BEHALF OF THE TOWN OF BOSTON, it gives me great pleasure to proclaim the week of December 3, 1990 as Welcome Wagon of Boston Week in honor of their 25 years of service to the community. I am especially pleased to recognize the Welcome Wagon of Boston members, both past and present, for their hard work and dedication on behalf of our town.

The Welcome Wagon of Boston has contributed greatly to the well-being of our town in assisting the Emergency Squad, Boston Library, Boston Historical Society, Churchill Day Care Center, Creative Playground, North Boston Fire Company, Patchin Fire Company and Boston Fire Company with gifts of money raised at their major fundraiser. For numerous years the Welcome Wagon of Boston has also contributed a scholarship to a graduating high school student living in Boston who is going on to higher learning.

Let the Welcome Wagon of Boston know that the Town of Boston extends every best wish to them during the special tribute to them on their 25th Anniversary and may they enjoy the respect and appreciation of all town residents during their week of recognition and honor.

Seconded by Councilman Zimmerman and duly put to a vote and upon roll call, the vote was as follows:

Supervisor Kennedy	Voting	aye
Councilman Wittmeyer	Voting	aye
Councilman Zimmerman	Voting	aye
Councilman Wohlhueter	Voting	aye
Councilman Lisowski	Voting	aye

AYES:	5	NOES:	0	ABSENT:	0
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Joyce Carr
 Joyce Carr, Town Clerk

PUBLIC NOTICE

Councilman Wittmeyer offered the following Resolution and moved its adoption, seconded by Councilman Wohlhueter.

RESOLVED, that the Town Board be and is hereby authorized to direct the Town Supervisor to purchase the within-described property from Carl Roehling, and be it further

RESOLVED AND DETERMINED, that pursuant to Section 64, Subdivision 2 of the Town Law of the State of New York, this conveyance is subject to a permissive referendum, said premises being described as follows: (see copy of description attached).

This conveyance is subject to Terms of Sale agreed upon between the Town of Boston and Carl Roehling.

The question of the adoption of the foregoing Resolution was duly put to roll-call vote, which resulted as follows:

Supervisor Richard L. Kennedy voting aye
Councilman Milton I. Wittmeyer voting aye
Councilman David G. Zimmerman voting aye
Councilman Don A. Wohlhueter voting aye
Councilman Frank H. Lisowski, Jr. voting aye

Dated: November 7, 1990


Joyce Carr, Town Clerk

Description

ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of Boston, County of Erie, and State of New York, being part of Lot 2, Township 8, Range 7 of the Holland Land Company's Survey and more particularly bounded and described as follows:

BEGINNING at a point in the southerly line of the right-of-way of the Boston Cross Road, thirty-three (33) feet distant at right angles from a point in the center line of said road 252.99 feet west along said center line from the northwest corner of lands conveyed in Liber 1088 of Deeds at Page 462; running thence southerly at an interior angle of 90° a distance of 190.91 feet to lands conveyed to the Town of Boston in Liber 10209 of Deeds at Page 484; running thence southwesterly at an interior angle of $115^{\circ}, 57' 37''$ a distance of 88.75 feet to the west line of the lands of Joseph Koehnel; running thence northerly along the said west line of Koehnel a distance of 131.50 feet to a point; running thence easterly and parallel to the center line of Boston Cross Road 49.5 feet to a point, running thence northerly and parallel to the said west line of Koehnel a distance of 98.91 feet to the southerly line of the rights-of-way of Boston Cross Road, running thence east along the southerly line of said right-of-way a distance of 47.53 feet to the point and place of beginning.

conditions of the Soil Ordinance in respect to the restoration of the property.

five (5) ayes

Carried

Received a letter from Councilman Don Wohlhueter relative to the Solid Waste Committee's findings on the new solid waste contract. Supervisor Kennedy commended the committee for the work they have done in preparing the specifications and proposals and in interviewing the bidders.

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to conditionally award the contract to BFI Erie District (Joe Ball Sanitation), subject to further negotiations.

five (5) ayes

Carried

Councilman Wittmeyer reported that he, Supervisor Kennedy and Highway Superintendent Ruchalski met with County Legislator Joseph Desmond and Deputy Commissioner Gugino of the Division of Highways and discussed many problem areas on their site inspection in the town, such as a missing guide rail on Pfarner Road and the possibility of a guide rail being installed at the upper end of the Senior Citizen Walkway, which will provide protection for the walkers. Councilman Wittmeyer also said there are new procedures for requesting lower speed limits and he expects to get literature soon explaining the new guidelines.

A motion was made by Councilman Zimmerman and seconded by Supervisor Kennedy to initiate a separate bank account for the deposit of funds that have been collected and donated for the South Boston Playground.

five (5) ayes

Carried

Councilman Zimmerman made the reminder of the public meeting that will be held at the Town Hall on Wednesday, November 14, 1990 at 7:30 P.M. in order to determine if there is interest in having a Town of Boston 175th Anniversary celebration in 1992.

Code Enforcement Officer and Deputy Code Enforcement Officer Monthly Reports were received.

Dog Control Officer Monthly Report was received.

Town Engineer's Monthly Report was received.

A letter was received from the Planning Board relative to their recommendations after review of the revisions made in the approved site plan of Roy Emerling's multi-family complex at 7287 Boston State Road. Supervisor Kennedy reported he met with Maurice and Roy Emerling the day following the Planning Board meeting of October 29, 1990 and after discussing the recommendations made by the Planning Board, the Code Enforcement Officer issued a Temporary Certificate of Occupancy for one building, which will expire in six months. All requirements of the approved site plan must be adhered to prior to a Certificate of Occupancy issuance.

A motion was made by Councilman Lisowski and seconded by Supervisor Kennedy to adjourn at 9:04 P.M. in memory of Harold Dodge who passed away this morning. Mr. Dodge served on numerous boards and committees on the local and county level, including Planning Board and Conservation Advisory Council and will be sorely missed by the community.

Joyce Carr

Joyce Carr
Town Clerk

98

Special Meeting
November 26, 1990

Town Hall
9:00 A. M.

Present were Councilman Milton Wittmeyer, Councilman Frank Lisowski, Supervisor Richard Kennedy and Town Attorney Michael Perley. Councilman David Zimmerman, Councilman Don A. Wohlhueter and Highway Superintendent Eugene Ruchalski were absent.

RESOLUTION - 1990-91 SNOW REMOVAL CONTRACT

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski to adjourn at 9:07 A. M.

Joyce Carr

Joyce Carr
Town Clerk

#40

TOWN OF BOSTON



At a Special Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 26th day of November, 1990 at 9:00 A. M. Eastern Time, there were

PRESENT:	Richard L. Kennedy	Supervisor
	Milton I. Wittmeyer	Councilman
	Frank H. Lisowsk, Jr.	Councilman

ABSENT:	David G. Zimmerman	Councilman
	Don A. Wohlhueter	Councilman

Supervisor Kennedy presented the following resolution and moved its adoption.

RESOLVED that the Town Board of the Town of Boston, and a party to an agreement entered into by and between the Town of Boston and the County of Erie effective the 1st day of November, 1989, for the removal and control of ice and snow on certain county roads, does hereby exercise its option under paragraph numbered "FOURTH" of said agreement to terminate the same effective January 1, 1991, and by this resolution does hereby provide written notice pursuant to said agreement to the County of Erie, that the agreement is so terminated and that the Town of Boston shall not be bound by any term thereof on or after January 1, 1991, and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to cause to be transmitted to the County of Erie a certified copy of this resolution in a manner which provides for the receipt of such notification by the County of Erie on or before November 30, 1990, and

BE IT FURTHER RESOLVED, that in the event the County of Erie shall establish and approve a rate of reimbursement to the Town under said agreement in an amount of not less than \$1,500.00 per lane mile prior to this termination taking effect, this resolution shall be deemed ineffectual and shall not serve to cause termination of the said agreement, without further action of this board.

Seconded by Councilman Lisowski and put to a vote which resulted as follows:

Supervisor Kennedy
Councilman Wittmeyer
Councilman Lisowski

Voting	<u>aye</u>
Voting	<u>aye</u>
Voting	<u>aye</u>

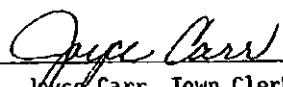
AYES:

3

NOES:

0

ABSENT: 2


Joyce Carr, Town Clerk

Regular Meeting
December 5, 1990

Town Hall
7:30 P.M.

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy, Town Attorney Michael Perley and Highway Superintendent Eugene Ruchalski.

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman that the Minutes of the Regular Meeting of November 7, 1990 and the Special Meeting of November 26, 1990 be approved.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman that the Town Clerk's Monthly Report be accepted.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski that the General Fund and Special District Bills on Abstract #12, December 5, 1990, in the amount of \$59,260.35 be paid.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy that the Highway Bills on Abstract #12, December 5, 1990, in the amount of \$15,802.32 be paid.

five (5) ayes

Carried

Received a memorandum from Erie County Department of Personnel stating that forty-eight agencies responded to their September 11 memo concerning the possible elimination of typing and shorthand tests for most clerical examinations. The results of the survey were in favor of the elimination of the tests, therefore this change will be implemented on a one year trial basis, beginning January 1, 1991.

Received and filed letter from City of Buffalo Mayor James D. Griffin relative to the fact that the County budget does not provide for a sharing of the eighth percent of Erie County sales tax proceeds with the County's municipalities and school districts.

Received information from Erie County Legislator Joseph R. Desmond relative to the establishment of speed limits on town roads. Councilman Wittmeyer requested the Town Clerk order from the Department of Transportation the forms referred to in the letter, which would enable the town to enact, under a new procedure, speed zone studies.

Received information from Erie County Department of Emergency Services that an Air Disaster Presentation will be held on December 11, 1990 at 7:00 P.M. at the Buffalo Airport. Supervisor Kennedy asked that anyone interested in attending to please let him know.

Received from County Legislator Joseph Desmond guidelines and outreach site dates for the 1990-91 HEAP program.

Received and filed resolution from the Town of Brant relative to gasoline and oil prices.

Received and filed letter from John Falkides relative to Wetlands Delineation regulations of the US Corps of Engineers as it pertains to his proposed mobile home park expansion.

December 5, 1990

Jack Penrod, 7370 Boston State Road, asked if Supervisor Kennedy has determined if he will reactivate the Conservation Advisory Council. Supervisor Kennedy said he is attempting to recruit enough persons to make this a viable organization and that he has received some requests for appointment, among them one from Suzanne Penrod. Supervisor Kennedy added that he hopes to have enough persons so that this council can be appointed at the January organizational meeting and that the town's grantsperson has said that grant monies will be available when this council is reactivated.

At 7:55 P.M. a Public Hearing was held to consider and enter into a contract with the Boston Emergency Squad, Inc. for the purpose of furnishing ambulance service for the year 1991. Town Clerk Carr read the Legal Notice and noted that the only change from the 1990 contract is in the amount. Supervisor Kennedy opened the hearing. There was no member of the Emergency Squad present, however, Councilman Zimmerman in his role as liaison to the Squad, said they are satisfied with the proposed contract.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to close the public hearing at 7:56 P.M.

five (5) ayes Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to approve the contract with the Boston Emergency Squad, Inc. for the purpose of furnishing of Ambulance Service in the amount of \$10,500.00 for the Year 1991.

five (5) ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to make the following Correction of Abstracts:

Abstract 2A - 2/21/90

Voucher #134 NYSRPS

From:	A7310.4	\$145.00
To:	A7140.4	72.50
	A7310.4	72.50

Voucher #135 Concord Resort Hotel

From:	A7310.4	\$ 50.00
To:	A7140.4	25.00
	A7310.4	25.00

Voucher #136 Niagara Frontier Rec. & Park Assn.

From:	A7310.4	\$ 50.00
To:	A7140.4	25.00
	A7310.4	25.00

LEGAL NOTICE
TOWN OF BOSTON
PLEASE TAKE NOTICE that a Public Hearing will be held by the Town Board of the Town of Boston, at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 5th day of December, 1990 at 7:55 P.M., Eastern Standard Time for the purpose of considering and entering into a contract with the BOSTON EMERGENCY SQUAD, INC. for the purpose of furnishing of Ambulance Service in the amount of \$10,500 per annum for the year 1991 and a further Public Hearing by said Town Board at 8:00 P.M. Eastern Standard Time on the same date and place as listed above for the purpose of considering and entering into a contract with the BOSTON HISTORICAL SOCIETY, INC. for the preservation of historical places and objects, in the amount of \$3,400.00 per annum for the year 1991. All persons interested in the matter shall be heard at such time and place.
Dated: November 15, 1990

Town Board
Town of Boston
Joyce Carr
Town Clerk

TOWN OF BOSTON



TOWN OF BOSTON
GENERAL AMBULANCE SERVICE CONTRACT
FOR
AMBULANCE SERVICE WITH BOSTON EMERGENCY SQUAD, INC.

AN AGREEMENT made this 5th day of December, 1991 between the Town of Boston, Erie County, New York, hereinafter designated as the "Town" and the Boston Emergency Squad, Inc., a New York membership corporation of Boston, New York, hereinafter designated as the "Squad".

W I T N E S S E T H :

WHEREAS, prior hereto, private ambulance service and first aid service previously furnished to the residents of the Town of Boston was discontinued and, thereafter, the Boston Emergency Squad, Inc., a membership corporation, was formed and personnel trained to furnish said ambulance service to the residents of the Town of Boston; and,

WHEREAS, the Town of Boston, through its Town Board, duly authorized a contract with the party of the second part for furnishing general ambulance service and first aid to persons within the boundaries of the Town of Boston, upon certain terms and provisions; and,

NOW, THEREFORE, the Town does hereby engage the Squad for the year 1991 from January 1, 1991 to December 31, 1991, to furnish general ambulance service and first aid to the sick or injured persons found within the boundaries of the Town of Boston, pursuant to the provisions of Sections 122 and 122(b) of the General Municipal Law of the State of New York, in the manner following, to wit:

1. The Boston Emergency Squad, Inc. shall at all times during the period of this Agreement, be subject to the call for providing and furnishing general ambulance service and first aid assistance for the purpose of transporting sick and injured persons found within the boundaries of the Town of Boston, Erie County, to a hospital, sanitarium, or other place for the treatment of such illness or injury as this person may require.
2. The Squad shall respond and attend upon such sick or injured persons as soon as practicable without delay, with available trained personnel and equipment, and shall proceed diligently and every way reasonably calculated to assist and transport said sick or injured person found within the boundaries of the municipality, to a hospital, sanitarium, or other place for treatment of such illness or injury.
3. The Squad further agrees to adequately supply sufficiently trained and experienced personnel for the services required as set forth in Paragraph "1" herein.
4. This Contract is entered into pursuant to the provisions of Sections 122 and 122(b) of the General Municipal Law of the State of New York, and all terms, provisions and conditions of said statute are herein incorporated by reference as though fully stated in this Agreement.
5. In consideration of furnishing of general ambulance service and first aid assistance, as herein specified, the Town shall pay the Squad, and the Squad shall receive, the sum \$10,500.00 for the calendar year 1991; and the party of the first part covenants and agrees to pay the said annual sum to the party of the second part on or before April 1 in each contract year.

6. In arriving at the determination of the annual payment for the furnishing of ambulance service, the Town shall consider as proper expense any reimbursement paid to a member of the Squad for wage or economic loss incurred in responding as a witness to a court subpoena, resulting from his duties as a member of the Squad, and any reasonable charges for outside legal advice in connection therewith, upon prior approval of the Town Board.
7. The Town further agrees to furnish the Squad, without charge, a proper and adequate ambulance motor vehicle or vehicles, adequately equipped, for the exclusive operation and use of the Squad in carrying out the terms and conditions of this Agreement. The Town further agrees to furnish, without charge, an adequate structure or garage for the storage of said vehicle and equipment while same is in the custody of the Squad and, further, the Town assumes the cost of utilities of said structure. The Town further agrees, without charge, to furnish dispatching service for the Squad, through Hamburg Fire Control, and further agrees to furnish and maintain a Radio Repeater system for dispatching purposes, which shall be limited specifically to the Regency Radio Repeater, including cables and antennae, and shall not include any other radio equipment used by the Squad.
8. The Town of Boston further agrees to defray the expense of, and to pay the cost of, insurance indemnifying against liability for the operation of said ambulance service, and any premium or premiums for compensation of members and personnel of the Squad for medical expenses, loss of wages, compensation benefits, or other claims arising by reason of injury to, or death of, a member of the said Squad, sustained while answering, attending, upon, or returning from any such call, or while engaged in any other volunteer duty within the terms of this Agreement, and, in the case of the Squad, shall be compelled or required to pay any such claim, the Town shall reimburse the Squad the amount paid within thirty (30) days of making such payment.

The Town of Boston further agrees to effect and pay the expense of the following insurance for the benefit of the Squad and its members, as follows:

- (a) Automobile non-ownership coverage to the extent of \$500,000.00.
 - (b) Comprehensive General Liability Insurance, including incidental malpractice coverage to the extent of \$500,000.00.
 - (c) Fidelity Bond coverage of President and Treasurer of the Squad to the extent of \$5,000.00.
 - (d) Medical Equipment Floater in the amount of \$5,000.00, subject to \$100.00 deductible.
9. The Squad agrees to furnish the Town Board of the Town of Boston a written itemized statement of its disbursements and expenses, no later than September of each year during the term of this Agreement. It is further agreed by the Squad that no monies paid hereunder to the Squad shall be used for the purchase for radio equipment, except upon prior approval of the Town Board of the Town of Boston.
 10. This Agreement shall continue for a period of one (1) year from January 1, 1991 and from year to year thereafter unless either party shall determine to terminate this agreement by notifying the other party, in writing, before the 20th day of September that it elects

to terminate the contract on December 31 of that year; thereafter the contract may be amended or terminated and a new contract entered into in lieu thereof, pursuant to the procedural directives of the Town Law of the State of New York.

IN WITNESS WHEREOF, the parties have duly exercised and delivered this agreement the day and year above first written.

THE TOWN BOARD OF THE TOWN OF
BOSTON, ERIE COUNTY, NEW YORK

Richard L. Kennedy
Supervisor - Richard L. Kennedy

Milton I. Wittmeyer
Councilman - Milton I. Wittmeyer

S E A L

Attest:

David G. Zimmerman
Councilman - David G. Zimmerman

Joyce Carr
Town Clerk - Joyce Carr

Don A. Wohlhueter
Councilman - Don A. Wohlhueter

Attest:

Joyce Carr
Town Clerk - Joyce Carr

Frank H. Lisowski, Jr.
Councilman - Frank H. Lisowski, Jr.

BOSTON EMERGENCY SQUAD, INC.

Judy Pardy
President

TOWN OF BOSTON



CONTRACT WITH BOSTON HISTORICAL SOCIETY, INC.

THIS AGREEMENT, made the 5th day of December, 1990, between the TOWN OF BOSTON, Erie County, New York, hereinafter referred to as "party of the first part", and BOSTON HISTORICAL SOCIETY, INC., a membership corporation of the State of New York, hereinafter referred to as "party of the second part",

WITNESSETH:

WHEREAS, the Boston Historical Society, Inc., party of the second part, desires to furnish the following services for the benefit of the people of the Town of Boston, consisting of the preservation and protection of places, buildings, works of art, and other objects of historical value having a special character or aesthetic interest or value to the history of the Town of Boston, and

WHEREAS, the Town Board of the Town of Boston, pursuant to the authority granted to it by statute, Section 64, Subdivision 17A of the Town Law, has heretofore appropriated a sum of money to carry out the purposes of this agreement, and to enable the party of the second part to carry out its activities and to render such service and aid for the year 1991.

NOW, THEREFORE, the Town of Boston, party of the first part, does hereby engage the party of the second part for the year 1991 from January 1, 1991 to December 31, 1991 to render services for the benefit of the people of the Town of Boston for the preservation and protection of places, buildings, works of art and other objects of historical value having a special character or aesthetic interest or value to the history of the Town of Boston, pursuant to the authority granted by Section 64, Subdivision 17A of the Town Law, for which services the said Town of Boston, party of the first part, shall pay to the Boston Historical Society, Inc. the sum of \$3,400.00, payable on or before April 1 during each year during the term of this agreement.

The party of the second part further agrees to furnish the Town Board of the Town of Boston a written itemized statement of its disbursements and expenses, not later than August 20, 1991.

This agreement shall continue for a period of one year and from year to year thereafter unless either party shall determine to terminate this agreement by notifying the other party, in writing, before the 20th day of August, that it elects to terminate the contract on December 31 of that year; thereafter the contract may be amended or terminated and a new contract entered into in lieu thereof, pursuant to the procedural directives of the Town Law of the Town of Boston.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals
the day here above written.

Richard L. Kennedy
Supervisor - Richard L. Kennedy

Milton I. Wittmeyer
Councilman - Milton I. Wittmeyer

David G. Zimmerman
Councilman - David G. Zimmerman

SEAL

Don A. Wohlhueter
Councilman - Don A. Wohlhueter

Attest:

Joyce Carr
Town Clerk - Joyce Carr

Frank H. Lisowski, Jr.
Councilman - Frank H. Lisowski, Jr.

Attest:

BOSTON HISTORICAL SOCIETY, INC.

Joyce Carr
Town Clerk - Joyce Carr

By Eileen S. Munger
President

December 5, 1990

Abstract #4A - 4/18/90

Voucher #292 Concord Resort Hotel

From:	A7310.4	\$177.80
To:	A7140.4	88.90
	A7310.4	88.90

Voucher #293 Gerald W. O'Brien

From:	A7310.4	\$157.72
To:	A7140.4	78.86
	A7310.4	78.86

Abstract #11 - 11/7/90

Voucher #895 Cellular One - Buffalo

From:	A5010.4	\$ 36.29
To:	A5132.4	36.29

Voucher #899 BFI

From:	A7110.4	\$ 47.91
To:	A7110.4	31.94
	H7140.2	15.97

five (5) ayes

Carried

At 8:00 P.M. a Public Hearing was held for the purpose of considering a contract with the Boston Historical Society, Inc. for the year 1991. Supervisor Kennedy opened the hearing. James and Maryanne Jehle, acting as representatives for President Ellen Munger, were present and said they are satisfied with the contract and will utilize the money well, as a new heating system and a handicapped entrance are being planned for the Historical Museum.

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski to close the hearing at 8:01 P.M.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to approve the contract with the the Boston Historical Society, Inc. for the preservation of historical places and objects, in the amount of \$3,400.00 for the Year 1991.

five (5) ayes

Carried

Received a letter from Town Justice Robert W. Tills, stating he will resume his duties as Town Justice on Monday, November 12, 1990. Received a letter from Thomas H. Rosinski, stating that he has terminated his position of Acting Boston Town Justice, effective November 12, 1990. Supervisor Kennedy said the Town Board is happy that Justice Tills has resumed his duties after his recent surgery and that they have already expressed their appreciation to Mr. Rosinski for filling in for Judge Tills while he was recovering.

At the request of the Boston Chamber of Commerce, a motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to grant permission for their use of the Town Park Shelter and surrounding

December 5, 1990

area for a concert and craft show on Saturday, August 24, 1991, as well as the use of the sign board for this event.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to schedule a Special Meeting for December 28, 1990 at 9:00 A.M. to award the insurance contracts for 1991 and a second Special Meeting on December 31, 1990 at 9:00 A.M. to pay end-of-the-year bills and make necessary fund transfers.

five (5) ayes

Carried

Received a letter from the New York State Department of Health relative to a new coliform monitoring requirement for drinking water. Town Clerk Carr was directed to notify Erie County Water Authority that we have received this information and ask that they keep us informed of test results so that we are in conformance with the New York State health laws.

Received and filed Activity Report of the Erie County Sheriff's Department for the month of November, 1990.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to approve the building permit applications of Roy Emerling, as follows:

- A. Box enclosure over water valves, with the condition that this be shown on the "As Built" drawings and filed with the town.
- B. Permit for Apartment Building "C".
- C. Permit for 22' X 96' X 16' garage.

Above applications are all for premises at 7287 Boston State Road.

five (5) ayes

Carried

Supervisor's Monthly Financial Report was received.

Received a letter from the Niagara Frontier Transportation Authority stating that ridership from the Town of Boston has increased by about 50% in the last year and they are pleased that the increased ridership enables them to provide more service from a national subsidy. They also stated they will no longer be making their turnaround at Boston State Road and Boston-Colden Road, but will be turning around at Mill Street at the blinking signal intersection. Town Clerk Carr was directed to inform the NFTA the Town Board is pleased with additional service and that the new turnaround should present no problem to the residents.

Supervisor Kennedy reported he received a copy of a letter Councilman Hal Collier sent to the NYS Department of Transportation, in which he suggests that the state make a policy change by offering the towns the opportunity to plow state roads, rather than the county. Supervisor Kennedy added that the county has now made an offer of \$1300.00 a lane mile to the towns to plow county roads and that a meeting has been scheduled for Friday, December 7, 1990 at 9:00 A.M. in Elma to discuss whether the Erie County towns will accept this figure.

Supervisor Kennedy said he is very disappointed to learn that there is a bill before the State Legislature that proposes to eliminate the last payment in state revenue sharing funds for this year,

December 5, 1990

which greatly impacts on municipal budgets that counted on receiving these monies.

Town Justice Monthly Financial Report was received.

Upon the recommendation of Highway Superintendent Eugene Ruchalski, a motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to grant incremental wage increases, effective December 5, 1990, as follows:

Ronald Smolinski	From \$8.00 to \$8.50
Joseph Wierzbic	From \$8.00 to \$8.50

five (5) ayes

Carried

Town Attorney Perley said the Town Board members received the following copies at this meeting:

1. Local Law Number 7 for the Year 1990 -
Boston Subdivision Regulations
2. Local Law Number 8 for the Year 1990 -
Boston Supplemental Site Plan Regulations
3. Local Law Number 9 for the Year 1990 -
Public Improvements
4. Local Law Number 10 for the Year 1990 -
Unsafe Buildings
5. Local Law Number 11 for the Year 1990 -
Fire and Building Code Administration
6. Local Law Number 12 for the Year 1990 -
Excavation on Town Property
7. Local Law Number 13 for the Year 1990 -
Sign Law
8. Amendment to the Boston Junkyard Ordinance
9. Local Law Number 6 of the Year 1990 -
Zoning Law

Final Report of the Zoning Commission

Final changes in Zoning Law made by the
Zoning Commission

Draft Generic Environmental Impact Statement

Notice of Completion of Draft EIS and Notice
of SEQR Hearing

Attorney Perley stated that, with the submission of the above documents, the Zoning Commission has formally completed their duties.

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to formally disband the Zoning Commission at this time and to express appreciation to the members of the Commission who served so diligently and well in preparing the new law; the Town Clerk was directed to send letters of appreciation to the Zoning Commission. Supervisor Kennedy noted he, too, is disappointed at the low

December 5, 1990

turnout of town residents to the three zoning hearings that were held by the Zoning Commission, as noted in their Final Report.

five (5) ayes

Carried

Attorney Perley said he expects to finalize the Refuse and Garbage Contract with BFI, Joe Ball Sanitation, by December 7, 1990 and will present it in its final form to the Town Board at a meeting in December.

Councilman Wohlhueter said he is meeting with representatives of BFI on December 6, 1990 to go over details of the contract. He said that some changes are planned in the routes and that every home will be supplied with a blue box for recycling materials by BFI.

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to accept Trust Fund money in the amount of \$234.00 on behalf of the South Boston Park account from BFI, which was proceeds from the sale of recyclable material at the special collection held at the Town Highway Department in August.

five (5) ayes

Carried

Councilman Wittmeyer reported that he discussed with the owner of Valley View Inn, the Patchin Fire Company and Joe Wells of the Boston Fire Company the importance of keeping the entrance to the HazMat building at 8321 Boston State Road free of parked vehicles and he feels that everyone will cooperate in this respect.

Councilman Wittmeyer also reported that Mel Kase of the Erie County Highway Department reported that guide rails will be placed on a portion of Pfarner Road by next week; this was brought to the attention of County Highway officials at a site inspection of various problem areas.

Councilman Wittmeyer said that the gas line has not yet been installed at the temporary fire station building on Back Creek at Patchin Road and that the fire truck that was there had to be removed, as it froze. The Patchin Fire Company is writing a letter to the County relative to this matter and a copy will be forwarded to the town.

Code Enforcement Officer and Deputy Code Enforcement Officer Monthly Reports were received.

Dog Control Officer Monthly Report was received.

Town Engineer Monthly Report was received.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to appoint Mary L. Thurber to the Planning Board, term to expire February 1, 1997.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to adjourn at 8:45 P.M.



Joyce Carr
Town Clerk

Regular Meeting
December 19, 1990

Town Hall
7:30 P.M.

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy, Town Attorney Michael Perley and Highway Superintendent Eugene Ruchalski.

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski that the Minutes of the Regular Meeting of December 5, 1990 be approved.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter that the General Fund and Special District Bills on Abstract #12A, December 19, 1990, in the amount of \$32,407.86 be paid.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter that the Highway Bills on Abstract #12A, December 19, 1990, in the amount of \$7,571.20, be paid.

five (5) ayes

Carried

Received information from the Arts Council in Buffalo and Erie County that the Town of Boston will be presented a grant on January 17, 1991 as a Decentralization Award for the Boston Arts Council. Supervisor Kennedy commended the Capital Improvements Committee, and particularly Gerald O'Brien, who worked with the town's grantsperson in applying for this award.

Received notification from New York State Board of Equalization and Assessment that the Final State Equalization Rate for the 1990 Assessment Roll has been established at 119.77.

Erie County Legislator Joseph Desmond said he has received confirmation from the Division of Highways that portions of Lower East Hill Road from Boston-Colden Road to Cole Road and Boston Cross Road to Cole Road will be reconstructed in 1991. Mr. Desmond also stated that he feels the offer by Erie County to pay the towns \$1300.00 per lane mile for snow and ice removal is a fair amount and he hopes the town will accept it by rescinding their former resolution to turn back the snow removal to the County. He added that this has been a major concern of his for the Towns of Boston, Hamburg and Eden, where snow removal is a larger problem than in the more urban areas and that meetings are planned for January to continue the dialogue on an equitable amount for town reimbursement for future years, so that last minute negotiations do not have to take place again next year.

In answer to Legislator Desmond's query relative to the temporary Patchin Fire Company's building on Back Creek and Patchin Roads, Councilman Wittmeyer said the gas line has been installed and the building is expected to be insulated within a day or two, at which time the gas heat will be turned on and fire equipment will be located in the building for emergency purposes during the bridge reconstruction.

Supervisor Kennedy said the Town Board owes a debt of gratitude to Legislator Desmond for his efforts on behalf of the town during the negotiations with the county over the amount of reimbursement for snow removal.

December 19, 1990

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to make the following Correction of Abstract #12, December 5, 1990:

Voucher #955 - Touch of Class Billiards \$38.25

From 7310.4
To 7140.4

Voucher #934 - Coyne Textile Services \$80.31

From 1410.4
To 1620.4

five (5) ayes

Carried

A letter was received from Erie County Division of Highways, stating that the guiderail will be replaced on Pfarner Road that was demolished in an automobile accident and also that National Fuel Gas has installed a service line to the temporary fire hall adjacent to the Patchin Road bridge reconstruction site. Councilman Wittmeyer reported that the guiderail placement on Pfarner Road work was completed this morning.

Received a Resolution from the Town of Grand Island to Erie County requesting a lane mile reimbursement of \$1500.00 for snow and ice removal on county roads.

RESOLUTION - RESCIND RESOLUTION OF NOVEMBER 26, 1990 TO TERMINATE THE SNOW REMOVAL CONTRACT WITH ERIE COUNTY

Councilman Zimmerman said he did not vote in favor of the Resolution as he is not happy with the amount of \$1300.00 per lane mile offered by the County and is concerned with the lateness of the negotiations between the county and the towns.

Supervisor Kennedy said he also did not vote in favor of the Resolution to rescind the November 26, 1990 Resolution, as he hopes to send a message to Erie County that the amount of reimbursement is not sufficient to cover costs incurred in snow and ice removal and, in fact, would like to delete some of the county roads that the town plows, as the county would soon realize how costly and time consuming the snow removal is on many of the town roads. He noted that the Town Highway Department does a much better job than the County Highway Department of snow removal, however, this may be the only way the County will fairly reimburse the town. Legislator Desmond agreed that the towns do a better job, as their response time is better and the county is hampered by a lack of equipment. Councilman Lisowski said he feels it is a form of blackmail by the county, due to the fact the residents would rather have the town plow the roads. Mr. Desmond agreed and added that it is a matter of give-and-take and that the reimbursement formula will be addressed at meetings early next year.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to approve the application of National Fuel Gas Distribution Corporation for a blanket permit covering excavation work in the town during 1991, subject to further legislation that has not heretofore been incorporated in the Town Law.

five (5) ayes

Carried

Received and filed letter from the Town Engineer to John Falkides and letter from John Falkides to the town relative to information on wetland delineations for the proposed expansion of the Boston Hills Mobile Home Court.

TOWN OF BOSTON



At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 19th day of December 1990, at 7:30 P. M. Eastern Time, there were

PRESENT:	Richard L. Kennedy	Supervisor
	Milton I. Wittmeyer	Councilman
	Frank H. Lisowski	Councilman
	David G. Zimmerman	Councilman
	Don A. Wohlhueter	Councilman

Councilman Lisowski presented the following resolution and moved its adoption.

WHEREAS, the Association of Erie County Governments Highway Committee and the Erie County Association of Town Superintendents of Highway, met and recommended the acceptance of the following, and

WHEREAS, a majority of the Town Supervisors voted and accepted the recommendations of the A.E.C.G.H.C. and E.C.A.T.S.H., and

WHEREAS, Erie County Government has set the amount of lane/mile reimbursement at \$1,300.00 for the 1990-91 season in the 1991 County Budget.

NOW THEREFORE, BE IT RESOLVED that the resolution adopted by the Town Board of the Town of Boston on the 26th day of November, 1990, terminating the agreement with the County of Erie for the removal of snow and ice upon Erie County roads is hereby RESCINDED in its entirety and notification is hereby provided said County of Erie that the Town Board of the Town of Boston shall continue to abide by terms and conditions on said agreement with respect to the roads enumerated herein, and agreement with respect to the roads enumerated herein, and

BE IT FURTHER RESOLVED that the Town Clerk be and is hereby directed to cause to be transmitted to Erie County Commissioner of Public Works, John C. Loffredo, at 95 Franklin Street, Buffalo, New York 14202, a certified copy of the resolution in a manner which provides for the receipt of said resolution on or before December 31, 1990.

Seconded by Councilman Wittmeyer and duly put to a vote which resulted as follows:

Supervisor Kennedy	Voting <u>no</u>
Councilman Wittmeyer	Voting <u>yes</u>
Councilman Zimmerman	Voting <u>no</u>
Councilman Wohlhueter	Voting <u>yes</u>
Councilman Lisowski	Voting <u>yes</u>

AYES: 3

NOES: 2

ABSENT: 0

Joyce Carr
Joyce Carr, Town Clerk

December 19, 1990

Attorney Perley said he has delivered to the Supervisor a draft of the contract with BFI for trash and refuse pickup for 1991-1995 and that he will present copies to the Town Board by the end of the year. Councilman Wohlhueter added that attorneys for BFI are now reviewing minor points in the contract, but it will be ready for action by the Town Board by the end-of-the year meeting. He added that recycling should be in place by February 15, 1991 and blue boxes for this purpose will be distributed by BFI. There are changes in pickup days planned by BFI and letters are being mailed at this time relative to this change.

Attorney Perley reported he sent a letter to the owners of McGirr's Tavern relative to complaints received and Mr. McGirr has taken steps to alleviate the problems, including roping off a parking area and eliminating live music; this will continue to be monitored to insure the problems have been corrected.

At 8:00 P.M. a Public Hearing was held on the following proposed laws:

1. Local Law Number 6 of 1990 - Zoning Law
2. Local Law Number 7 of 1990 - Boston Subdivision Regulations
3. Local Law Number 8 of 1990 - Boston Supplemental Site Plan Regulations
4. Local Law Number 9 of 1990 - Public Improvements
5. Local Law Number 10 of 1990 - Unsafe Buildings
6. Local Law Number 11 of 1990 - entitled "A Local Law to Amend Local Law Number 3-1987 entitled Fire Prevention and Building Code Administration and codified in Chapter 57 of the Boston Town Code"
7. Local Law Number 12 of the Year 1990 entitled "A Local Law to Amend Local Law 1-1983 entitled Excavation on Town Property and codified in Chapter 53 of the Boston Town Code."
8. Local Law Number 13 of the Year 1990 entitled "A Local Law to Amend Local Law Number 1-1974 entitled "Sign Law" and codified in Chapter 95 of the Boston Town Code.
9. Amendment to the Town of Boston Junkyard Ordinance, codified in Chapter 67 of the Boston Town Code.

Town Clerk Carr read the Legal Notice and noted that the NYS Department of Environmental Conservation confirmed that they received the EIS Notice Completion and Draft EIS. Supervisor Kennedy convened the hearing.

LEGAL NOTICE TOWN OF BOSTON

NOTICE IS HEREBY GIVEN that there has been presented to the Town Board, Town of Boston, Erie County, New York, on December 5, 1990, a copy of the following:

Local Law Number 6 of the year 1990 entitled the "Zoning Law" of the Town of Boston, together with the Final Report of the Zoning Commission and the Draft Generic Environmental Impact Statement.

Local Law Number 7 of the year 1990 entitled "Boston Subdivision Regulations."

Local Law Number 8 of the year 1990 entitled "Boston Supplemental Site Plan Regulations."

Local Law Number 9 of the year 1990 entitled "Public Improvements."

Local Law Number 10 of the year 1990 entitled "Unsafe Buildings."

Local Law Number 11 of the year 1990 entitled "A Local Law to Amend Local Law Number 3-1987 entitled Fire Prevention and Building Code Administration" and codified in Chapter 57 of the Boston Town Code."

Local Law Number 12 of the year 1990 entitled "A Local Law to Amend Local Law 1-1983 entitled Excavation on Town Property and codified in Chapter 53 of the Boston Town Code."

Local Law Number 13 of the year 1990 entitled "A Local Law to Amend Local Law Number 1-1974 entitled Sign Law and codified in Chapter 95 of the Boston Town Code."

NOTICE IS FURTHER GIVEN that there has been proposed to the Town Board an Amendment to the Town of Boston Junkyard Ordinance, codified in Chapter 67 of the Boston Town Code which reads as follows:

In Section 67-4 (D), delete the phrase "Business B-1 or Industrial I-1" and insert in its place and stead "M-2."

NOTICE IS FURTHER GIVEN that the Town Board of the Town of Boston will conduct a Public Hearing on the aforesaid Local Laws and Amendment to the Junkyard Ordinance at the Town Hall, 8500 Boston State Road, Boston, New York, on Wednesday, December 19, 1990 at 8:00 PM EST, at which time all interested persons will be heard.

Dated: December 5, 1990

Joyce Carr
Town Clerk
Town of Boston

December 19, 1990

Attorney Perley said he has delivered to the Supervisor a draft of the contract with BFI for trash and refuse pickup for 1991-1995 and that he will present copies to the Town Board by the end of the year. Councilman Wohlhueter added that attorneys for BFI are now reviewing minor points in the contract, but it will be ready for action by the Town Board by the end-of-the year meeting. He added that recycling should be in place by February 15, 1991 and blue boxes for this purpose will be distributed by BFI. There are changes in pickup days planned by BFI and letters are being mailed at this time relative to this change.

Attorney Perley reported he sent a letter to the owners of McGirr's Tavern relative to complaints received and Mr. McGirr has taken steps to alleviate the problems, including roping off a parking area and eliminating live music; this will continue to be monitored to insure the problems have been corrected.

At 8:00 P.M. a Public Hearing was held on the following proposed laws:

1. Local Law Number 6 of 1990 - Zoning Law
2. Local Law Number 7 of 1990 - Boston Subdivision Regulations
3. Local Law Number 8 of 1990 - Boston Supplemental Site Plan Regulations
4. Local Law Number 9 of 1990 - Public Improvements
5. Local Law Number 10 of 1990 - Unsafe Buildings
6. Local Law Number 11 of 1990 - entitled "A Local Law to Amend Local Law Number 3-1987 entitled Fire Prevention and Building Code Administration and codified in Chapter 57 of the Boston Town Code"
7. Local Law Number 12 of the Year 1990 entitled "A Local Law to Amend Local Law 1-1983 entitled Excavation on Town Property and codified in Chapter 53 of the Boston Town Code."
8. Local Law Number 13 of the Year 1990 entitled "A Local Law to Amend Local Law Number 1-1974 entitled "Sign Law" and codified in Chapter 95 of the Boston Town Code.
9. Amendment to the Town of Boston Junkyard Ordinance, codified in Chapter 67 of the Boston Town Code.

Town Clerk Carr read the Legal Notice and noted that the NYS Department of Environmental Conservation confirmed that they received the EIS Notice Completion and Draft EIS. Supervisor Kennedy convened the hearing.

December 19, 1990

Town Attorney Perley summarized the contents of the proposed Local Laws and Amendment and also the results of the three Public Hearings that were held by the Zoning Commission. He noted that a total of only 34 persons were present at the hearings and that seven or eight amendments were made to the Zoning Law as a result of the hearings, which are included in the Final Report of the Zoning Commission. Attorney Perley requested that persons present this evening for the hearing on the Draft Generic Environmental Impact Statement sign in; four persons were present and did so. Mr. Perley noted that the official Zoning Map will be adopted at the same time the Local Laws are adopted, at which time the Final Generic Environmental Impact Statement will be presented. Attorney Perley said at this time he would like to recognize the Town Clerk's Office, and particularly Deputy Clerk Lucille Genzel, for typing and retyping several times the proposed zoning, over the last eight weeks.

Reed Garver, 8363 Lower East Hill Road, asked if present junkyards, such as the one in his area, would be grandfathered under the new law. Attorney Perley said the junkyard Mr. Garver referred to is illegal and there is a court order for it to be cleaned up. Mr. Garver also said he wished to compliment the Zoning Commission on a job well done in the preparation of the zoning laws.

Supervisor Kennedy asked about the provision for the Recreation Trust Fund and Attorney Perley said it is in the existing regulations and is reincorporated into the new law; it stands apart and remains in effect.

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to close the hearing at 8:20 P.M.

five (5) ayes

Carried

Supervisor Kennedy said he commends the Zoning Commission for their careful consideration and preparation of the zoning laws, and especially Michael Perley, who has been invaluable in the preparation of the zoning, which was begun in the early 1970's under Supervisor Sedovy and through the efforts of Attorney Perley, has been brought to fruition and completion.

Councilman Wittmeyer directed Town Clerk Carr to write a letter to Erie County Division of Highways, asking their intentions relative to the guide rail that is still missing from a section of Back Creek Road, across from the Boston Valley School.

A letter was received from Herbert H. Klein, Planning Board Chairman, relative to the Planning Board review of the proposal of Justin Sucato for a multi-family dwelling complex on Boston State Road in North Boston. Supervisor Kennedy said that, with the exception of Councilman Lisowski, who is Liaison to the Planning Board, the Town Board members have not had an opportunity to review this proposal in depth. Councilman Lisowski requested Lucille Genzel, Secretary to the Planning Board, to provide copies of the Planning Board Minutes of the December 11, 1990 meeting to each member of the Town Board for their review of the background of the letter from the Planning Board Chairman.

Proposed developer Justin Sucato requested an opportunity to formally present the Site Plan for the apartment complex to the Town Board. He also read a prepared statement to the Board which outlined the background of the proposal and his submissions to the Planning Board. Supervisor Kennedy requested that Mr. Sucato meet with the Town Board to discuss the project on Wednesday, January 16, 1991 at 6:00 P.M.

120

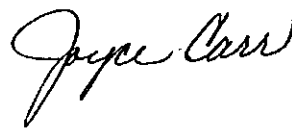
December 19, 1990

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to schedule a Public Hearing for January 16, 1991 at 8:00 P.M. on the proposal by Justin Sucato to construct a multi-family housing complex adjacent to 7350 Boston State Road.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter to adjourn at 8:33 P.M.



Joyce Carr
Town Clerk

Special Meeting
December 28, 1990

Town Hall
9:00 A.M.

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy and Town Attorney Michael Perley. Highway Superintendent Eugene Ruchalski was absent.

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to appoint Daniel Poppenberg as Recreation Attendant for the Friday Night Youth Program at \$5.00 per hour, retroactive for the entire month of December, 1990.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to accept the bid of Briceland Insurance Agency for insurance coverage for the Year 1991, with a total premium of \$61,239.00. Supervisor Kennedy noted that Insurance Consultant Brian Baty recommended the Gow Agency, but as Briceland's total Coverage is \$3 Million, this bid should be accepted. Supervisor Kennedy also noted that the town's former insurance carrier, Pierce & Cash, was considerably higher than the Briceland Agency.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to accept the bid of Briceland Agency for Public Officials and Employees Liability insurance, for a total annual premium of \$3,549.00.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to purchase Blanket Accident Insurance for the Boston Emergency Squad for the Year 1991 from Agent Wilbur Lehning at an annual premium of \$579.88.

five (5) ayes

Carried

Town Clerk Carr reported that she spoke with a representative of New York State Electric & Gas Corp. relative to the installation of the street light at the corner of Kevin Drive and Glenn Terrace and they recommend a 20 foot bracket, rather than the standard 16 foot bracket, with an additional charge of \$21.88 per year. The consensus of the Town Board members was to direct the Town Clerk to request New York State Electric & Gas Corp. install the streetlight with the 16 foot bracket, as was previously adopted.

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman to adjourn at 9:11 A.M.



Joyce Carr
Town Clerk

Special Meeting
December 31, 1990

Town Hall
9:00 A.M.

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy, Town Attorney Michael Perley and Highway Superintendent Eugene Ruchalski.

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman that the General Fund and Special District Bills on Abstract #12B, December 31, 1990, in the amount of \$8,555.49 be paid.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter that the Highway Bills on Abstract #12B, December 31, 1990, in the amount of \$688.45 be paid.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to make the following Transfers of Appropriations and Appropriation of Excess Revenue:

GENERAL FUND

From:	A9770.6	Debt Principal	\$ 18,540.00
To:	A1110.4	Town Justice, Cont.	\$ 300.00
	A1410.1	Town Clerk, PS	1,000.00
	A1910.4	Unallocated Insurance	400.00
	A3120.4	Police, Cont.	250.00
	A7510.4	Historian, Cont.	315.00
	A8010.4	Zoning, Cont.	1,125.00
	A8989.4	Home & Comm. Serv., Cont.	600.00
	A9010.8	State Retirement	14,550.00
			<u>\$ 18,540.00</u>

HIGHWAY FUND

From:	D5142.1	Snow Removal, PS	\$ 8,000.00
	D5143.1	Serv. Oth. Govts., PS	8,000.00
			<u>\$ 16,000.00</u>
To:	D5142.4	Snow Removal, Cont.	\$ 8,000.00
	D5148.4	Serv. Oth. Govts., Cont.	8,000.00
			<u>\$ 16,000.00</u>

TRANSFERS OF APPROPRIATIONS

Fire Protection District:

From:	SF9040.8	Compensation Insurance	\$ 370.00
To:	SP3410.4	Fire Protection Expense	\$ 370.00

Water District #1

From:	SW1-8340.4	Trans. & Distr., Cont.	\$ 5,000.00
To:	SW1-8340.2	Trans. & Distr., Equip.	\$ 5,000.00

Water District #2

From:	SW2-8340.4	Trans. & Distr., Cont.	\$ 30,000.00
To:	SW2-8340.2	Trans. & Distr., Equip.	\$ 30,000.00

December 31, 1990

APPROPRIATION OF EXCESS REVENUE

Refuse & Garbage District

From: SR2130	Refuse & Garbage Charges \$	1,600.00
To: SR8160.4	Refuse & Garbage Expense \$	1,600.00

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to continue the Workman's Compensation insurance through State Insurance Fund.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski to continue the Blue Cross medical coverage for town employees.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to accept the Final Generic Environmental Impact Statement for Local Law No. 6 of the Year 1990 entitled "The Zoning Law", together with the Notice of Completion of Final EIS.

five (5) ayes

Carried

Town Attorney Perley advised that only 38 persons total attended the three informational meetings and the public hearing that was held on the adoption of the 1990 Local Laws and, that although this figure did not include the Town Board members, it does include members of the Zoning Board of Appeals and Planning Board who were in attendance. He added that the attendance was disappointing, due to the magnitude of the laws.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to adopt Local Law Number 6 of the Year 1990, entitled the "Zoning Law" of the Town of Boston.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski to adopt Local Law Number 7 of the Year 1990, entitled "Boston Subdivision Regulations."

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to adopt Local Law Number 8 of the Year 1990, entitled "Boston Supplemental Site Plan Regulations."

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to adopt Local Law Number 9 of the Year 1990, entitled "Public Improvements".

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to adopt Local Law Number 10 of the Year 1990, entitled "Unsafe Buildings".

five (5) ayes

Carried

December 31, 1990

A motion was made by Councilman Zimmerman and seconded by Supervisor Kennedy to adopt Local Law Number 11 of the Year 1990, entitled "A Local Law to Amend Local Law Number 3-1987 entitled Fire Prevention and Building Code Administration and codified in Chapter 57 of the Boston Town Code".

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to adopt Local Law Number 12 of the Year 1990, entitled "Excavation on Town Property and codified in Chapter 53 of the Boston Town Code."

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to adopt Local Law 13 of the Year 1990, entitled "A Local Law to Amend Local Law Number 1-1974 entitled Sign Law and codified in Chapter 95 of the Boston Town Code".

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to adopt an Amendment to the Town of Boston Junkyard Ordinance, codified in Chapter 67 of the Boston Town Code which reads as follows:

In Section 67-4 (D), delete the phrase "Business B-1 or Industrial I-1" and insert in its place and stead "M-2".

five (5) ayes

Carried

Attorney Perley said that attorneys for BFI-Joe Ball Sanitation, Inc. are still reviewing the contract for trash and refuse pickup with the town and, if they have not completed their review by the January 3, 1991 Town Board Meeting, the Town Board could consider adopting a memorandum to change the rate of compensation to BFI for the interim period.

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to adjourn at 9:18 A.M.

Joyce Carr

Joyce Carr
Town Clerk