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Regular Meeting  
January 2, 1991

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 to approve the Minutes of the December 19, 1990 Regular Meeting and December 28, 1990 and December 31, 1990 Special Meetings.

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 Wittmeyer that the General Fund and Special District Bills on Abstract #1, January 2, 1991, in the amount of \$7,610.85 be paid.

five (5) ayes

Carried

Received a letter from State Senator William Stachowski, which commented on Supervisor Kennedy's article in the "Sun" relative to legislation which cut state aid to municipalities. Supervisor Kennedy commended Senator Stachowski's action of not voting in favor of this legislation and added that he would encourage members of the Legislature to take a look at the amount that is expended by each member for staff allowances, as cuts could be made in this area instead of reducing aid to the local districts, which is an unfair burden to property owners.

Lisa Rood, 8798 Zimmerman Road, asked about the completion date of the Patchin Road bridge. Supervisor Kennedy said it will not be completed this winter, and although no date has been set by the county, it will most probably not be until early spring, with the waterline work being contracted by the town not being scheduled for completion until after June 1, due to New York State Department of Environmental Conservation regulations.

Lisa Rood also requested that the town notify Erie County Division of Highways about a major problem with Back Creek Road, near the intersection of Patchin Road. She noted that the large potholes that are present are now covered with four to five inches of ice and can not be avoided, as they cover such a wide area of the roadway. Highway Superintendent Ruchalski will contact the County Highway Department relative to this matter.

Representatives of Amvets Post 219 presented a flag to the town in support of Operation Desert Shield and added that it is the first such flag to be presented in Western New York. Supervisor Kennedy accepted the flag on behalf of the town and added that it will be flown on the Town Hall flagpole until the mideast conflict is resolved.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to appoint Michael F. Perley as Town Attorney, term to expire December 31, 1991.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman

January 2, 1991

Wohlhueter to appoint Joseph G. Terrizzi as Town Prosecutor, PT, term to expire December 31, 1991.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to appoint David W. Wilson as Deputy Town Attorney, term to expire December 31, 1991.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to appoint Wendy S. Kummer as Clerk, PT, term 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 Secretary to the Planning and Zoning Boards, term to expire December 31, 1991.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Supervisor Kennedy to appoint Nussbaumer & Clarke, Inc. as Town Engineer, term to expire December 31, 1991.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski to appoint Dennis J. Kramer as Code Enforcement Officer, PT, term to expire December 31, 1991.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to appoint Clayton G. Schunk as Deputy Code Enforcement Officer, PT, term to expire December 31, 1991.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to appoint Gerald W. O'Brien as Recreation Director, PT, term to expire December 31, 1991.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to appoint Robert E. Steiner as Dog Control Officer, PT, term to expire December 31, 1991.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to appoint Marjorie F. Steiner as Deputy Dog Control Officer, PT, term to expire December 31, 1991.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to appoint Margaret Edington as Bingo Inspector, PT, term to expire December 31, 1991.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by

January 2, 1991

Councilman Zimmerman to appoint Doris Follman as Cleaner, PT, term to expire December 31, 1991.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to appoint James J. Jehle as Historian, term to expire December 31, 1991.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to appoint Gregory L. Stromecki as Constable, PT, term to expire December 31, 1991.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman to appoint Wayne A. Kreitzbender as Highway Working Crew Chief, term to expire December 31, 1991.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to appoint Leo Jensen as Laborer, PT, term to expire December 31, 1991.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to appoint the following as Fire Police, terms to expire December 31, 1991:

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

N. Boston: Randy Seufert, Robert Karcher, Joseph Gern

Patchin: Norman Gagne, Bernard Liebler, Duane Brock, Mark Brock, Richard Chambers, Robert Pfluger, Rodney Roll, Paul Whittemore

five (5) ayes

Carried

Supervisor Kennedy appointed the following Town Board Liaisons for 1991:

Councilman Wittmeyer: Fire Companies, Codification, Traffic Safety

Councilman Zimmerman: Emergency Squad, Chamber of Commerce

Councilman Wohlhueter: Conservation Advisory Council, South-towns Solid Waste

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

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

five (5) ayes

Carried

January 2, 1991

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to schedule the date and time of 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

Town Clerk Carr read a letter received from the "Sun" requesting they be considered as the official newspaper of the town for 1991. A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to not designate an official newspaper in order to allow the Town Clerk to use the flexibility of different deadlines of local newspapers for publishing town notices.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to establish the following Salary Schedule for 1991:

|                               |                        |          |
|-------------------------------|------------------------|----------|
| Supervisor                    | Richard L. Kennedy     | \$20,300 |
| Deputy Supervisor             | Milton I. Wittmeyer    | 1,000    |
| Councilmen                    | Milton I. Wittmeyer    | 5,500    |
|                               | David G. Zimmerman     | 5,500    |
|                               | Don A. Wohlhueter      | 5,500    |
|                               | Frank H. Lisowski, Jr. | 5,500    |
| Town Justice                  | Robert W. Tills        | 17,500   |
| Clerk to Town Justice         | Joyce E. Thurber       | 16,500   |
| Town Clerk                    | Joyce A. Carr          | 27,500   |
| Deputy Town Clerk             | Lucille C. Genzel      | 8.15 hr  |
| Clerk, PT                     | Wendy S. Kummer        | 7.10 hr  |
| Superintendent of Hwys.       | Eugene E. Ruchalski    | 32,500   |
| Assessor                      | William H. Kleis, Jr.  | 20,600   |
| Town Attorney                 | Michael F. Perley      | 18,000   |
| Town Prosecutor PT            | Joseph G. Terrizzi     | 8,000    |
| Deputy Town Attorney          | David W. Wilson        | 3,600    |
| Book. to Supr/Asst. Clerk     | Jean Kleis             | 18,500   |
| Dog Control Off/Constable     | Robert E. Steiner      | 4,000    |
| Code Enforcement Officer      | Dennis J. Kramer       | 7,800    |
| Dep. Code Enforcement Officer | Clayton G. Schunk      | 4,000    |
| Constable/Court Officer       | Gregory L. Stromecki   | 2,800    |
| Recreation Director           | Gerald W. O'Brien      | 5,800    |
| Cleaner PT                    | Doris Follman          | 6.00 hr  |
| Laborer PT                    | Leo Jensen             | 6.50 hr  |
| Group Leader, Sen. Citizens   | Ruth Garrison          | 19/mtg.  |
| Town Historian                | James J. Jehle         | 600      |
| Dep. Dog Control Officer      | Marjorie F. Steiner    | 600      |
| Bingo Inspector               | Margaret Edington      | 22/insp  |

Election Inspectors - Per Day:

|              |    |
|--------------|----|
| Registration | 42 |
| Primary      | 75 |
| Chairman     | 15 |
| Election Day | 75 |
| School       | 15 |

January 2, 1991

Highway Department:

|                                      |                  |
|--------------------------------------|------------------|
| Working Crew Chief                   | 12.00 hr.        |
| M.E.O's                              | 11.20 hr.        |
| Laborers                             | 4.50 - 7.00 hr.  |
| M.E.O. Trainees (Incremental raises) | 7.00 - 11.20 hr. |
| Laborers PT                          | 4.50 - 7.00 hr.  |

five (5) ayes

Carried

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

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to make the following policy to invest surplus funds:

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 in excess of the amounts secured by 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 of 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 Wittmeyer and seconded by Councilman Zimmerman to authorize the use of a signature stamp by the Supervisor.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to retain the rate of .21 cents a mile, the same as in 1990, due to the economic conditions.

five (5) ayes

Carried

January 2, 1991

A motion was made by Councilman Lisowski and seconded by Supervisor Kennedy to schedule January 16, 1991 for the Annual Audit Meeting.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to authorize Town Clerk Carr to send notices for the collection of Trailer Park fees.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to set Petty Cash funds as follows:

|                        |          |
|------------------------|----------|
| Supervisor             | \$ 30.00 |
| Town Clerk             | \$200.00 |
| Town Justice           | \$ 25.00 |
| Highway Superintendent | \$ 25.00 |

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to appoint Councilman Don A. Wohlhueter as Delegate and Attorney Michael Perley as Alternate for the annual Association of Towns Meeting in New York City in February, 1991.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to allow the lending of funds from one account to another.

five (5) ayes

Carried

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

|                                                 |             |
|-------------------------------------------------|-------------|
| Town Clerk, Town Justice,<br>Highway Department | \$20,000.00 |
| Supervisor                                      | \$30,000.00 |
| Tax Collector                                   | \$80,000.00 |

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to schedule bid openings for bus transportation for the Recreation Department for February 6, 1991 at 10:00 A.M.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to authorize the Supervisor to sign an Agreement with Nussbaumer & Clarke, Inc. for general consulting engineering services in the amount of \$2500.00 for 1991.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer that, due to the economic conditions, a cap of \$1000.00 is to be placed on funding for seminars per appointed or elected official of the Town of Boston.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman

January 2, 1991

Lisowski that a policy be established that any purchase of over \$1000.00 by any department in the Town of Boston must first have authorization by the Town Board.

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 New York State 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  |
| Councilmen/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 seven hour work day for New York State Retirement purposes:

Town Clerk  
Superintendent of Highways  
Bookkeeper to the Supervisor  
Clerk to the Town Justice

five (5) ayes

Carried

Upon the request of the Boston Republican Committee, a motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to grant permission for their use of the Lions Shelter on Saturday, April 20, 1991 for an Earth Day Program.

five (5) ayes

Carried

Received a letter from the Boston Fire Company, Inc. requesting that the Town Board notify the Erie County Water Authority that three fire hydrants in their district are in need of repair, as the Fire Chief has had no results from the water authority to his calls. Supervisor Kennedy said that he, in conjunction with Town Clerk Carr, will draft this letter and added that the authority has recently instituted an appreciable increase in fees and hydrant charges, which should insure more rapid service when required.

Town Justice Monthly Financial Report was received.

Highway Superintendent Ruchalski said that Christmas trees may be brought to a designated area at the highway garage, where they will be chipped; he added that there is a large pile of chips present that any towns person is welcome to take.

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to authorize the Supervisor to sign an interim contract with Joe Ball Sanitation, establishing the new rate of the agreement and continuing the service of pickup of refuse and garbage. This interim contract will continue in force until the new contracts are signed with Joe Ball Sanitation.

five (5) ayes

Carried

January 2, 1991

Councilman Wohlhueter said he talked with Joe Ball today and, as Chairman of the Solid Waste Committee, is scheduling a meeting of the committee for Tuesday, January 8, 1991 to discuss the recycling program, which will take effect in the town by February 15, 1991.

A motion was made by Councilman Lisowski and seconded by Supervisor Kennedy to adopt Construction Specifications of the Town of Boston, to be effective the same date as Local Law #9 of 1990, in order to facilitate orderly development in the town. The Construction Specifications have been reviewed and revised by the Town Engineer and can also be modified if the need arises in the future.

five (5) ayes

Carried

Councilman Wittmeyer said the Traffic Safety Committee recommends that the request of Carol Stutzman for a proper sign to signify a blind driveway at 7420 Boston State Road be sent to Erie County Division of Highways for their review and he directed that Town Clerk Carr send this request.

Town Clerk Carr was authorized to send a letter to the owners of the two mobile home parks, stating that the parks will be inspected on January 26, 1991 at 9:00 A.M., as is done annually.

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to authorize Councilman Zimmerman to attend the Supervisors' and County Legislators' Association conference at Lake George on January 20-23, 1991, with all appropriate expenses to be paid by the town.

five (5) ayes

Carried

Code Enforcement Officer's Monthly Report was received.

Town Engineer's Monthly Report was received.

Received a letter from the Planning Board, stating they have elected officers for 1991. A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to accept the recommendations, as follows:

|               |               |
|---------------|---------------|
| Chairman      | Herbert Klein |
| Vice Chairman | William Boltz |
| Secretary     | Damian Wiktor |

five (5) ayes

Carried

Town Clerk Carr was directed to send a letter to Deputy Dog Control Officer Claude Fagnan, who resigned December 31, 1990, thanking him for the responsible, fine job he did in his position and letting him know that he will be sorely missed.

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to adjourn at 8:27 P.M.

*Joyce Carr*

Joyce Carr  
Town Clerk

Regular Meeting  
January 16, 1991

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 to approve the Minutes of the January 2, 1991 Regular Meeting.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski that the General Fund and Special District Bills on Abstract #1A, January 16, 1991, in the amount of \$34,484.57 be paid.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman that the Highway Bills on Abstract #1, January 16, 1991, in the amount of \$32,229.37 be paid.

five (5) ayes

Carried

Received a notice of reduction of the Consolidated Local Street and Highway Improvement Program (CHIPS) in the amount of seven percent. Supervisor Kennedy said he also received notification that State Senior Citizen funds will be reduced in 1991.

Received and filed copy of Mining Permit issued by the Department of Environmental Conservation to Wittmeyer Bros. Dairy Farm for property located on Zenner Road.

Received Monthly Activity Report of the Erie County Sheriff's Department for December, 1990.

Received notification from the Bureau of the Census, stating they have reviewed and accept the documentation submitted by Town Clerk Carr of identified discrepancies in the census counts.

Received and filed listing from the Boston Emergency Squad, Inc. of officers for 1991.

Received a proposal from Erie County Legislator William A. Pauly for a dedicated source of funding for county roads repair. Supervisor Kennedy said he is in support of this concept, but questions if the plan is to add this money to that already allocated by the county for roads or if the monies from the dedicated source will be it. He noted that if that is the case there will be no difference from now. Supervisor Kennedy stated he would look into this further.

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to make the following Correction of Abstract #12B:

Voucher #1015 Rucker Lumber, Inc.

From: \$ 51.84  
To: \$214.48

Total Abstract \$8,718.13

five (5) ayes

Carried

A letter was received from Highway Superintendent Ruchalski, requesting permission to attend the New York State Association of

January 16, 1991

Towns meeting in New York City from February 17-20, 1991. Supervisor Kennedy reminded the town officials that seminar expense for each official is not to exceed \$1000.00 in 1991.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to approve the attendance of Councilman Wohlhueter, Attorney Perley, Deputy Attorney Wilson and Highway Superintendent Ruchalski at the Association of Towns meeting in New York City on February 17-20, 1991 and also to approve an advance of \$200.00 for each person attending.

five (5) ayes

Carried

RESOLUTION - PROPOSED ACCESS ROAD FROM EXISTING PFARNER ROAD TO BOSTON STATE ROAD BE NAMED BOSTON-COLDEN ROAD

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to accept the Annual Audit Report of the Town Clerk for 1990.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to accept the Annual Audit Report of the Town Justice for 1990.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to schedule a public hearing for February 20, 1991 at 8:00 P.M. on income eligibility requirements for senior citizens to receive a real property tax exemption.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Lisowski to approve the expenditure of Highway #1 monies.

five (5) ayes

Carried

A letter was received from John Herman, Recreation Supervisor, requesting the use of the Town Park and Lions Shelter for their annual baseball all-star games and family picnic on July 27, 1991. Councilman Wittmeyer noted this date is already reserved for the Oktoberfest by the Lions Club. A motion was made by Councilman Zimmerman and seconded by Supervisor Kennedy to approve either July 20 or August 3, 1991 for the Baseball Association, if either of these dates are acceptable to them.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski to grant permission to the Patchin Volunteer Fire Company to hold their annual 25 Week Club Chicken Barbeque at the Lions Shelter on Sunday, July 28, 1991; with permission also given to serve beer.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to approve the following Recreation

# 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 16th day of January, 1991, 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 |

Supervisor Kennedy presented the following resolution and moved its adoption.

WHEREAS, the New York State Department of Transportation is designing and will be constructing a new access road from U. S. Route 219 Interchange at Rice Road to the Boston State Road in the Town of Boston, and

WHEREAS, upon completion this road will be added to the Erie County Highway System.

NOW THEREFORE BE IT RESOLVED, that to avoid future confusion the Town Board of the Town of Boston does hereby request that this proposed access road be named Boston Colden Road from existing Pfarner Road to Boston State Road.

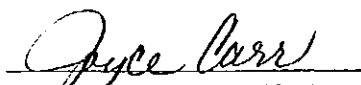
Seconded by Councilman Zimmerman and put to a vote which resulted as follows:

|                       |        |            |
|-----------------------|--------|------------|
| 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

January 16, 1991

Department appointments and salaries for 1991, retroactive to January 1, 1991:

|                                              |                    |                 |
|----------------------------------------------|--------------------|-----------------|
| Youth Leader, PT                             | John Herman        | \$2200          |
| Recreation Supervisor<br>(Summer Program) PT | Damian Wiktor      | \$2200          |
| Recreation Aide PT<br>(Friday evenings)      | Karen McKenzie     | \$5.00 per hour |
| Recreation Aide PT<br>(Friday evenings)      | Daniel Poppenberg  | \$5.00 per hour |
| Recreation Aide PT<br>(Friday evenings)      | Jackie Russell     | \$5.00 per hour |
| Recreation Aide PT<br>(Friday evenings)      | Christopher Zemrac | \$5.00 per hour |

five (5) ayes

Carried

Supervisor Kennedy appointed the following Committees for 1991:

|                                |                                                                                                                                                                                                     |
|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Youth Advisory Board:</u>   | Paul Becker, Gary Burdick, Linda Dion, Tina Frascella, David Fregelette, Frank Lisowski, Chris Mesi, Jerry O'Brien, Ronald Smith, Betty Vara, Gary Vara                                             |
| <u>Traffic Safety:</u>         | Milton Wittmeyer, Eugene Ruchalski, James Carr, Alan Carpenter, Frank Lisowski                                                                                                                      |
| <u>Insurance:</u>              | William Hubert, Milton Wittmeyer, Joyce Carr, Don Wohlhueter, Michael Perley, Don Meyer, Frank Lisowski                                                                                             |
| <u>Capital Improvements:</u>   | Milton Wittmeyer, David Zimmerman, Frank Lisowski, Eugene Ruchalski, Dennis Kramer, Gerald O'Brien, Charles Pettit, Jean Kleis, Patricia Maxwell, Michael Perley, Robert McDonnell, Richard Siemann |
| <u>Senior Citizen Council:</u> | Michael Czechowski, Jack Seufert, Dolores Seufert, Harold Rockwood, Joseph Mertzluft, Dorothy Overhoff, Irving Overhoff, Mary Yoder, Caroline Burkard, Dick Sacilowski                              |
| <u>Creative Playground:</u>    | Gordon Blomquist, Mike Mandiville, Michael Perley, Barbara Wagner, Judy Gutekunst, LeRoy Pfarner, Dennis Kramer, Frank Lisowski                                                                     |
| <u>Solid Waste:</u>            | Don Wohlhueter, Michael Perley, William Kleis, David Zimmerman, Damian Wiktor, Reed Garver, David Wilson                                                                                            |
| <u>Arts Council:</u>           | Joseph Orffeo, Joseph Terrizzi, Chester Rosinski, Richard Klineczar                                                                                                                                 |

Supervisor Kennedy said he may make additional appointments to the Arts Council at a later meeting. He also noted that he has

January 16, 1991

received some requests for appointment to a reactivated Conservation Advisory Council, but not enough for a full committee. He hopes to have enough members for appointment at the next Town Board meeting.

Received an application from Alfons and Glenn Wetzl to construct a two-family dwelling on Thornwood Drive. Supervisor Kennedy said he has reviewed this zoning with Attorney Perley and has determined that the zoning of this property is now classified as R-2 Single-Family Residence District under the Local Laws adopted December 31, 1990 by the Town Board; two-family dwellings are not allowable under this zoning.

Supervisor's Monthly Financial Report was received.

Supervisor Kennedy said he received notification that the New York State Department of Transportation has made a determination that the new access road from existing Pfarner Road to Boston State Road will not have a significant effect on the environment and that an environmental impact statement will not be prepared on this project.

At 8:00 P.M. a Public Hearing was held for the purpose of hearing public comments on the proposal of Justin Sucato to construct a multi-family housing complex adjacent to 7350 Boston State Road. Town Clerk Carr read the Legal Notice and noted that 18 property owners in the vicinity had been notified of this hearing. Supervisor Kennedy opened the hearing. Ralph Lorigo, 3755 Seneca Street, West Seneca, as attorney for Justin Sucato, spoke on his behalf and outlined the background of this proposal. He noted that conceptual approval was granted by the Town Board on October 5, 1988 for the project, as presented by the Boston Land Corporation; that Mr. Sucato has had a number of meetings with the Planning Board and has complied with their requests; and he noted that the Planning Board, in their letter to the Town Board on December 12, 1990, stated that Mr. Sucato has addressed their concerns on this project.

**LEGAL NOTICE**  
**TOWN OF BOSTON**  
**NOTICE IS HEREBY GIVEN,**  
that a public hearing will be held by the Town Board of the Town of Boston, Erie County, New York, at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 16th day of January, 1991 at 8:00 P.M., Eastern Standard Time for the purpose of hearing public comments on the proposal of Justin Sucato to construct a multi-family housing complex adjacent to 7350 Boston State Road. At the time and place above noted, all persons interested in the matter will be heard for or against the above application.  
Dated: December 26, 1990

13

Joyce Carr  
Town Clerk

Supervisor Kennedy noted that, even though a Legal Notice was published and property owners in the vicinity were notified, there is no one present to speak for or against this project. A motion was then made by Supervisor Kennedy and seconded by Councilman Wittmeyer to close the public hearing at 8:05 P.M.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to table the proposal of Justin Sucato to construct a multi-family housing complex adjacent to 7350 Boston State Road until the February 20, 1991 Town Board meeting.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to authorize Highway Superintendent Ruchalski to rent a Badger excavator for five or six months, not to exceed \$6000 per month, as the Gradall that is presently owned by the town is 21 years old, with many serious and unsafe mechanical problems.

five (5) ayes

Carried

January 16, 1991

Attorney Perley noted that the Secretary of State verbally said that Local Laws of 1990 that were approved at the December 31, 1990 meeting were filed on January 7, 1991. He noted that the building moratorium expired on January 15, 1991 and the town now has a solid body of law in place.

Attorney Perley said he will meet with Joe Ball at 4:00 P.M. on January 17, 1991 to finalize the terms of the new contract for refuse pickup in town, which he expects to have ready for signature by the first Town Board meeting in February; in the meantime, an interim contract is in effect. Supervisor Kennedy directed Attorney Perley to review the contract as to the terms for refuse pickup in a lighter-duty truck on Dunn Road.

Councilman Wohlhueter said a recycling meeting was held with Joe Ball on January 8, 1991 and that a recycling program will begin on February 18. Prior to that time, Joe Ball Sanitation will deliver blue boxes and brochures on recycling to each property owner. He added that they will also send press releases to the three local papers and hoped that there would also be a release to the "Buffalo News" so that residents will be more aware of the recycling program.

Councilman Wohlhueter said April 20, 1991 has been scheduled as "Earth Day" in the town and letters will be sent to all organizations in town, asking them to send a representative to a meeting on February 7, 1991 at the Town Hall to consider a program of environmental awareness. A representative of BFI Sanitation will also be present to assist in this program.

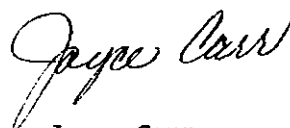
Councilman Zimmerman said he attended the installation of 1991 Emergency Squad members and noted that two persons in that organization, Dorothy and Warren Berger, were honored for volunteering over 2000 hours of service in 1990. Councilman Zimmerman will obtain a list of other Emergency Squad members who were honored for outstanding service and the town will send letters of commendation to them.

Deputy Code Enforcement Officer Monthly Report was received.

Dog Control Monthly Report was received.

Code Enforcement Officer Annual Report will be presented at the next Town Board meeting.

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman to adjourn at 8:18 P.M. in recognition of the men and women who are currently serving in Operation Desert Storm. Godspeed.



Joyce Carr  
Town Clerk

Regular Meeting  
February 6, 1991

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 Eugene Ruchalski. Supervisor Richard Kennedy was absent. In his capacity as Deputy Supervisor, Councilman Wittmeyer chaired the meeting.

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman to approve the Minutes of the January 16, 1991 Regular Meeting.

four (4) ayes

Carried

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

four (4) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wittmeyer that the General Fund and Special District Bills on Abstract #2, February 6, 1991, in the amount of \$58,543.52 be paid.

four (4) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman that the Highway Bills on Abstract #2, February 6, 1991, in the amount of \$44,054.53 be paid.

four (4) ayes

Carried

Received acknowledgment from New York State Department of State that they have received Local Laws 6 through 13 of 1990; same were filed under date of January 7, 1991.

Received and filed letter from New York State Department of Transportation advising of a change in the procedure for notifying the Department of projects for which State Environmental Quality Reviews (SEQR) and Solid Waste Reviews are requested.

Received a letter from Senator William Stachowski, stating he has forwarded the town's request for a \$25,000 grant for Water District #3 to Albany for review and that he will be notified of the outcome of the application by approximately April 1, 1991.

Received and filed Monthly Activity Report of the Erie County Sheriff's Department for the month of January, 1991.

Erie County Legislator Joseph Desmond was present and said he has a meeting planned with representatives from the Erie County Highway Department and Diamond D Construction relative to the delays being experienced in the construction of the Patchin Road bridge and he stated he will try to expedite the completion of this work. Councilman Wittmeyer requested Mr. Desmond's assistance in requesting the County to patch the large holes on Boston State Road, at least on a temporary basis, until permanent patching can begin in the spring. Councilman Wittmeyer also requested Legislator Desmond to obtain the standard department forms by which the town can request speed limit changes, as these were requested by letter on December 21, 1990 and have not yet been received.

Joan Schlenker asked about the status of the request for a dedicated road off Ward Road. Attorney Perley said he talked with the Town Engineer today relative to a cost calculation of the project cost, which is necessary for a complete application.

February 6, 1991

He added that the petition that was submitted by property owners will be redrafted to conform with legal requirements and that he will obtain new signatures from the signers and notarize them prior to submitting the application.

The 1990 Service to Youth Award was presented to Kevin Elsaesser. Recreation Director Gerald O'Brien noted that Mr. Elsaesser has volunteered his services for 19 years as a Coach to the town baseball and football teams and in addition is a very active member of Good Shepherd Church, where he also is involved with youth activities, as well as serving in several other capacities. Councilman Lisowski and President Paul Becker of the Youth Service Advisory Board, presented Mr. Elsaesser with a commemorative plaque in recognition of his service to area youth and the Town Board members congratulated Mr. Elsaesser on his well-deserved honor.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to grant the request of Sonne Durphy and Sue Gentile to use the community room of the Town Hall on Wednesday evenings from 7:30 P.M. to 10:00 P.M. as a rehearsal hall for a barbershop harmony chorus.

four (4) ayes

Carried

Town Clerk Carr reported she received Trailer Park License fees, as follows:

Boston Hills Mobile Home Park:  
75 units - \$1125.00

Sprague Trailer Park:  
40 units - \$ 600.00

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to grant a license for 1991 to Boston Hills Mobile Home Park, based upon a favorable inspection of the park on January 26, 1991.

four (4) ayes

Carried

Councilman Wittmeyer noted there were violations noted by members of the Town Board and Code Officer Kramer at the inspection of Sprague's Trailer Park. Code Officer Kramer added that he contacted the electrical inspector from New York Board of Fire Underwriters about possible violations of the state code and that three violations were noted by him in a short inspection in bad weather last week. The electrical inspector planned on doing a more thorough inspection this week and Mr. Kramer expects to receive a written report from him outlining any violations. Councilman Wittmeyer said the license application of Sprague Trailer Park would be tabled until this information is received.

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman to grant permission to Citizen Action of New York to have a door-to-door canvass drive in the town on various consumer and environmental issues from April 1 to May 31, 1991.

four (4) ayes

Carried

Resolutions adopted by the Towns of Lancaster and Hamburg were received, relative to an amendment of Section 8-100 of the State Election Law, which would shorten hours for primary elections, except for state-wide primaries.

February 6, 1991

RESOLUTION - AMEND SECTION 8-100 OF STATE ELECTION LAW TO CHANGE HOURS FOR PRIMARY ELECTIONS

four (4) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to enter into a five year contract with Joe Ball Sanitation Service, Inc. for the collection of garbage, refuse and recyclables in the Town of Boston, at a first year charge of \$180.00 per unit. Councilman Wohlhueter, as Chairman of the Solid Waste Committee, said that this contract is the best that is available and was agreed upon after an extensive study and review by the committee and Attorney Perley. Councilman Wittmeyer added that, prior to Supervisor Kennedy leaving on vacation, he authorized Councilman Wittmeyer, in his capacity as Deputy Supervisor, to execute the approved contract.

four (4) ayes

Carried

A letter was received from John David Early, requesting appointment to the Conservation Advisory Council. Councilman Wittmeyer said this letter will be added to the file Supervisor Kennedy has for persons interested in becoming members of the Conservation Advisory Council, with the appointments expected to be made at the February 20, 1991 Town Board Meeting.

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to grant permission to the Boston Democratic Club to use the Town Park on March 30, 1991 at 1:00 P.M. for their 30th Annual Easter Egg Hunt.

four (4) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Lisowski to grant permission to the Lions Club to use the Lions Shelter and Town Park on July 26 and 27 for their annual Oktoberfest and also to grant permission to serve beer and wine at the event. They also are granted permission to use the shelter from July 22-25 for the necessary setup.

four (4) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to enter into a Highway Department Mutual Aid Agreement.

four (4) ayes

Carried

A letter was received from Mary Anne Jehle, requesting the Town Board initiate a program to obtain a roster of names of service men and women from the Town of Boston who are participating in Operation Desert Storm. Councilman Wittmeyer appointed Councilman Lisowski to chair this committee, as Mr. Lisowski has already been attempting to gather these names. Advertisements will be placed in the Pennysavers, Hamburg Sun, Springville Journal and Orchard Park Citizen which will request readers to call the Town Hall to give names and addresses of these servicepersons. In a related matter, Councilman Wittmeyer read a letter received this date from Sgt. Thomas J. Pfanner, U.S. Marine Corps, and a former resident of Boston, who wrote from the Persian Gulf to show his appreciation of the Town Board's support of the troops by flying the flag that commemorates this operation. Sgt. Pfanner said he read about the presentation to the town in the "Sun" and is pleased the town is proudly flying it.

## 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 February, 1991, at 7:30 P. M. Eastern Time, there were

|          |                     |            |
|----------|---------------------|------------|
| PRESENT: | Milton I. Wittmeyer | Councilman |
|          | David G. Zimmerman  | Councilman |
|          | Don A. Wohlhueter   | Councilman |
|          | Frank H. Lisowski   | Councilman |

Councilman Wohlhueter presented the following resolution and moved its adoption.

WHEREAS, the Erie County Board of Elections, with the cooperation of the Town and City Clerks of Erie County, has compiled a report on the cost to conduct the 1990 primary election, and

WHEREAS, the report reflects cost comparisons between voting hours from 6:00 A. M. to 9:00 P. M. versus a primary election if the hours were returned to the former voting hours of 12:00 Noon to 9:00 P. M., and

WHEREAS, only seven counties in the State of New York, namely Nassau, Suffolk, Westchester, Rockland, Orange, Ulster and Erie Counties presently have extended voting hours on primary day from 6:00 A. M. to 9:00 P. M., and

WHEREAS, a total cost savings county-wide for shorter primary hours from 12:00 Noon to 9:00 P. M. would exceed \$130,000.00, and

WHEREAS, in light of the fiscal crisis presently being experienced on all levels of government it is incumbent upon these levels of government to seek dollar savings to taxpayers wherever possible, and

WHEREAS, prior to 1982 primary hours in Erie County were established from 12:00 Noon to 9:00 P. M.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Boston memorialize the New York State Senate and New York State Assembly to amend Section 8-100 of the State Election Law from 12:00 Noon to 9:00 P. M. except when there is a state-wide primary when the hours would then be 6:00 A. M. to 9:00 P. M., and

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Boston be and is hereby directed to forward a copy of the resolution to Senator Stachowski, State Assemblyman Reynolds, the Erie County Board of Elections, and to other towns within the County of Erie.

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 6, 1991

Supervisor's Monthly Financial Report was received.

Councilman Wittmeyer reported that three bids were received and opened this morning relative to Bus Transportation for Summer Recreation and Skiing Programs. Recreation Director Gerald O'Brien will review them prior to the Town Board's decision on the bids.

Councilman Wittmeyer said he wished to thank the members of the Highway Department for taking time to place flags in areas of North Boston, Patchin and Boston in order to show the town's support of the troops in Operation Desert Storm.

Both Councilman Wittmeyer and Councilman Wohlhueter reminded residents that blue boxes are being distributed at this time by Joe Ball Sanitation for recycling purposes and that the program will begin on February 18. Councilman Wohlhueter said a special recycling truck has been purchased by Joe Ball Sanitation at a cost of \$82,000, which makes recycling an expensive, but altogether necessary, matter.

Town Clerk Carr said there will be a surplus food distribution at the Town Hall on February 14 at 9:00 A.M.

Town Justice Monthly Report was received.

Councilman Wohlhueter noted that a meeting has been scheduled for Thursday, February 7 of representatives of town organizations and churches, in order to make plans to consider a program of environmental awareness for Earth Day on April 20, 1991 and added that he is hopeful that there will be a large attendance.

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

Code Enforcement Officer Annual Report was received.

Dog Control Officer Monthly Report was received.

Town Engineer Monthly Report was received.

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to adjourn at 8:16 P.M.



Joyce Carr  
Town Clerk

Regular Meeting  
February 20, 1991

Town Hall  
7:30 P.M.

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

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to approve the Minutes of the February 6, 1991 Regular Meeting.

four (4) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter that the General Fund and Special District Bills on Abstract #2A, February 20, 1991, in the amount of \$48,552.60 be paid.

four (4) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer that the Highway Bills on Abstract #2A, February 20, 1991, in the amount of \$10,469.09 be paid.

four (4) ayes

Carried

Received and filed letter from Erie County Department of Senior Services, relative to their planned "Ability is Ageless" Job Fair; copy of this letter will be sent to the Boston Senior Citizens.

Received a letter from Erie County Department of Environment and Planning with notification they are planning a Community Development Needs Survey and their staff will be contacting the town soon relative to this matter.

Received from the Bureau of the Census the official population count of 7,445 persons in the town per the 1990 census. Supervisor Kennedy said this figure is most probably the one that will be official and that the Town Clerk has worked closely with the Census Bureau to insure that all residents were counted. Supervisor Kennedy read a letter received this date from Assembly Speaker Mel Miller, requesting that the town send copies of any challenge to the count that was made. Supervisor Kennedy said that, although it appears there should be more town residents than in 1980, due to an increase in homes, it appears that there are less persons in each household and the count of 7,687 in 1980 reflects this change.

Michael Czechowski, 8734 Boston State Road, said he has a complaint about solicitors coming to his door without a permit. Supervisor Kennedy asked Mr. Czechowski to notify the Town Clerk the next time this happens, as door-to-door solicitation, in most cases, is not allowed without first obtaining a permit.

Ellen Beckwith, 7360 Boston State Road, asked if her letter relative to the Senior Citizen Walkway was received. Supervisor Kennedy said he received the letter and planned to bring it up later in the meeting, however, he read the letter at this point. Mrs. Beckwith summarized two accidents that happened at this location recently and said she feels the walkway is hazardous. Supervisor Kennedy said that Councilman Wittmeyer has photographs of an accident at this location and they will be sent to Erie County Division of Highways with another appeal to them for an additional guiderail at the end of the walkway for safety purposes. Mrs. Beckwith said the guiderail that was damaged in the accident has not yet been repaired and Supervisor Kennedy said the town will once again contact the county to correct this.

A motion was made by Supervisor Kennedy and seconded by Councilman

# 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 February, 1991 at 8:00 P. M. Eastern Time, there were

|          |                                                                                          |                                                      |
|----------|------------------------------------------------------------------------------------------|------------------------------------------------------|
| PRESENT: | Richard L. Kennedy<br>Milton I. Wittmeyer<br>Don A. Wohlhueter<br>Frank H. Lisowski, Jr. | Supervisor<br>Councilman<br>Councilman<br>Councilman |
| ABSENT:  | David G. Zimmerman                                                                       | Councilman                                           |

Councilman Lisowski 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 \$18,600 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:

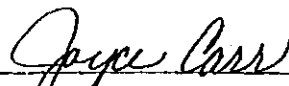
| Annual Income of<br>Owner (s) | Percentage Assessed Valuation<br>Exempt from Taxation |
|-------------------------------|-------------------------------------------------------|
| \$15,000                      | 50%                                                   |
| 15,600                        | 45%                                                   |
| 16,200                        | 40%                                                   |
| 16,800                        | 35%                                                   |
| 17,400                        | 30%                                                   |
| 18,000                        | 25%                                                   |
| 18,600                        | 20%                                                   |

BE IT FURTHER RESOLVED, this resolution shall be in 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 immediately.

Motion was seconded by Councilman Wohlhueter 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

February 20, 1991

Wittmeyer to refer to the Planning Board for review and recommendation the request of Gregory Gerwitz for two additional apartment units in the building he is constructing at 7456 Boston State Road.

four (4) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Supervisor Kennedy to refer to the Planning Board for review and recommendation the request of Stephanie Mahagan to rezone property at 7494 Boston State Road from R-2 Residence District to C-1 Local Retail Business District for use as a retail consignment shop.

four (4) ayes

Carried

Town Clerk Carr was directed to notify William Sprague, owner of Sprague Mobile Homes, that the Town Board has tabled a decision on his request for a 1991 Trailer Park License until the next Town Board meeting, as they are waiting for communications from the New York Board of Fire Underwriters and Erie County Health Department relative to possible violations at the park.

At 8:00 P.M. a Public Hearing was held to consider the adoption of a resolution pursuant to Section 267 of the Real Property Tax Law of the State of New York, whereby certain tax exemptions up to 50 percent of assessed valuation may

**LEGAL NOTICE**  
**TOWN OF BOSTON**  
PLEASE TAKE NOTICE that the Town Board of the Town of Boston, Erie County, New York on Wednesday, February 20, 1991 at 8:00 P.M. Eastern Standard Time, at the Boston Town Hall, 8500 Boston State Road, will hold a public hearing to consider the adoption of a resolution pursuant to Section 267 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: January 28, 1991

Town Board  
Town of Boston  
Joyce Carr  
Town Clerk

be granted to real property owners within the Town of Boston 65 years of age or over. The Legal Notice was read by Town Clerk Carr, who also read the adopted resolution from the Erie County Legislature which increased the income levels for exemptions from county taxes. Supervisor Kennedy opened the hearing. There were no questions or comments.

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to close the hearing at 8:06 P.M.

four (4) ayes

Carried

#### RESOLUTION - REAL PROPERTY TAX EXEMPTION - SENIOR CITIZENS

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to authorize the Supervisor to sign a Worksite Agreement with Erie County Human Resource Corporation, Inc. that will provide employment for eligible youth during the summer months, as needed by the Town Clerk, Highway Superintendent or Parks Department.

four (4) ayes

Carried

A letter was received from Recreation Director Gerald O'Brien stating he has reviewed all bids for transportation via yellow bus for the Summer Recreation program and Alpine Ski program, as follows:

|                | <u>Summer-Per Bus/Per Day</u> | <u>Ski-Per Bus/Per Day</u> |
|----------------|-------------------------------|----------------------------|
| Charles        | \$115.00                      | \$115.00                   |
| Niagara Scenic | \$129.60                      | \$145.00                   |
| National       | \$137.35                      | \$137.35                   |

Upon the recommendation of Mr. O'Brien, a motion was made by

February 20, 1991

Councilman Lisowski and seconded by Supervisor Kennedy to award the transportation bid for the Summer Recreation program and Alpine Ski program for 1991 to Charles Bus Company, 319 Davis Road, East Aurora, New York.

four (4) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to grant permission to Recreation Director Gerald O'Brien to attend the annual New York State Parks and Recreation Conference to be held from April 7-10, 1991 in Ellenville, New York, with all appropriate expenses to be paid by the town.

four (4) ayes

Carried

Supervisor Kennedy said he will communicate with Mr. O'Brien relative to budget cuts that will be made in each department that will necessitate placing a cap on seminar expense.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to refer to the Planning Board for review and recommendation the site plan of John and Katherine Falkides for their proposed manufactured housing development, together with a letter from New York State Department of Environmental Conservation dated February 19, 1991 relative to this proposal.

four (4) ayes

Carried

A letter was received from Nussbaumer & Clarke, Inc., Town Engineer, relative to his review of the request by residents of a private road off Ward Road to improve their road to town specifications so that it may be deeded over as a town highway. Mr. Pettit reported on his inspection and findings and estimates that the total construction costs would be \$232,000.00. Joan Schlenker, property owner in the area, asked what was required to make their petition legal, as noted in the last meeting by Attorney Perley. Mr. Perley said he, if the residents decide to proceed with this construction, will make the necessary technical changes in the petition and would contact the owners relative to this matter after they have had an opportunity to review the engineering consultation letter.

Supervisor Kennedy read a letter from Councilman Zimmerman, stating that he was unable to attend this meeting, as he had a work commitment he could not break.

Supervisor Kennedy read a letter dated February 15, 1991 which was signed by several residents in the vicinity of 7350 Boston State Road, opposing the construction of the apartment complex being proposed in the area. Town Clerk Carr was directed to make copies of this letter for each Town Board member.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to table until the March 6, 1991 Town Board meeting any motion on the request of Justin Sucato to construct a multi-family housing complex adjacent to 7350 Boston State Road, so that the entire Town Board can be present for this resolution.

four (4) ayes

Carried

A letter was read from Erie County Department of Personnel relative to the fact that Wendy Kummer - Clerk, P.T. appears to be working more than part-time. Supervisor Kennedy said that the county considers more than 19 hours per week full-time, even though this is considered to be part-time by most employers. A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to apply

February 20, 1991

to New York State for another position of Deputy Town Clerk so that Mrs. Kummer may continue in her capacity with the town without taking a civil service exam.

four (4) ayes

Carried

Supervisor's Annual Report was received.

Supervisor's Monthly Report was received.

Supervisor Kennedy made the following appointments to the Conservation Advisory Council, which will be reactivated, with a March meeting scheduled:

|                   |                              |
|-------------------|------------------------------|
| Suzanne M. Penrod | Term to expire March 1, 1992 |
| Ronald Vondell    | Term to expire March 1, 1993 |
| John David Early  | Term to expire March 1, 1994 |

Supervisor Kennedy said he plans on making three additional appointments to the Council at the March 6, 1991 meeting and that both he and Councilman Wohlhueter will attend the March meeting that will be scheduled at that time.

Supervisor Kennedy said he received a letter from the Association of Towns relative to the drastic cuts proposed by the state and that the town will lose approximately \$150,000 in funding. He said that this will necessitate cuts in each department in order to remain with the town budget, as well as curtailing any planned improvements, such as a building to house restrooms and a storage area adjacent to the Lions Shelter. Councilman Wittmeyer said that both the Lions Club and the Patchin Fire Company have expressed an interest in funding a portion of this project. Supervisor Kennedy said the engineering fees for this building have been set aside and therefore this portion of the proposal will proceed at this time.

Highway Superintendent Ruchalski thanked the Town Board for the opportunity to attend the Association of Towns meeting in New York City over the past few days and stated the program was very beneficial.

Attorney Perley said the searches are being prepared for the town acquisition of property owned by Carl Roehling as part of the land acquired for the South Boston playground and this sale should be closed shortly.

Attorney Perley also expressed his appreciation to the Town Board for his attendance at the Association of Towns meeting and reported on several resolutions that were passed and the structure of the meetings that were held.

Councilman Wohlhueter said the New York seminar was very informative, with interesting speakers and noted that much discussion was held on the budget cuts that affect everyone in the state.

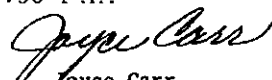
Councilman Wohlhueter said that the recycling program began this past week and he understands everything is going well thus far.

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to authorize Councilman Wittmeyer to contact Insurance Service Office in New York City, who will evaluate equipment and other needs of the fire companies in town at no charge. This may result in a reduction of fire insurance costs to the residents.

four (4) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to adjourn at 8:50 P.M.

  
Joyce Carr  
Town Clerk

Regular Meeting  
March 6, 1991

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 to approve the Minutes of the February 20, 1991 Regular Meeting.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy 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 #3, March 6, 1991, in the amount of \$13,584.87 be paid.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Lisowski that the Highway Bills on Abstract #3, March 6, 1991, in the amount of \$20,352.10 be paid.

five (5) ayes

Carried

Received and filed resolutions from the towns of Amherst, Brant, Concord, Eden and Wales relative to voting hours for primary days. Also received and filed letters from Senator William T. Stachowski and Assemblyman Thomas M. Reynolds noting they have received the resolution from the Town of Boston on this matter.

Received a letter of commendation for the Highway Department from Mrs. Eugene Braunbach on Crestwood Circle, thanking the department for a great job of plowing the roads.

Two letters were received from Hospice Buffalo relative to their planned initiation services in Boston and southern Erie County. Supervisor Kennedy said the Town Board met with William Finn, Chief Operating Officer of Hospice Buffalo on March 4 relative to their planned services for the terminally ill in the southtowns, of which Boston is a central location. Supervisor Kennedy said that arrangements may be made for Hospice to occupy the unused Town Police room at the Town Hall for office use and that this non-profit organization will be an asset to the area.

Received information on the proposed 1991-92 equalization and assessment budget, asking for support of the creation of a dedicated fund, based on an increase in the transfer tax, for town and Division of Equalization and Assessment programs. Supervisor Kennedy said that, before determining if this plan will be supported, he would like to discuss the matter with Assessor William Kleis and the Erie County Board of Assessors to determine their recommendations of the proposal.

Received and filed Monthly Activity Report of the Erie County Sheriff's Department for the month of February, 1991.

Legislator Joseph Desmond was present at the meeting and Supervisor Kennedy noted that Mr. Desmond has been attempting to work on our behalf with the County Division of Highways to get the county roads in town repaired. Supervisor Kennedy made particular note of the

March 6, 1991

rapidly deteriorating condition of Boston State Road, especially south of the Town Hall. Mr. Desmond said that a new district engineer will be named on March 15 for the Hamburg office of the Division of Highways and he plans to bring him out to Boston during the week of March 18 to meet the town officials and acquaint him with our problems, including the fact that Boston has been receiving fair-to-poor service on many of their county roads. Legislator Desmond also noted that the county legislature, as well as the town, is waiting for April 1 when the final state budget cuts are announced, in order to determine the amount of the county shortfall.

Lisa Rood, 8798 Zimmerman Road, asked Legislator Desmond the status of the Patchin Road bridge. Mr. Desmond said there was a major problem with the contractor, Diamond D Construction, but concrete beams are expected to be in place by April 15, after which time the remainder of the road construction can proceed.

Nandor Desci, 8868 Back Creek Road, asked Mr. Desmond about the county's refusal to pick up dead animals along the highway. Mr. Desmond will check the procedure with the new engineer. Mr. Desci stated that the town highway trucks should pick up dead animals on all roads in town and should keep plastic trash bags on their trucks for this purpose.

Mr. Desci also stated that the proposed transfer increase of \$2.00 would create an impediment to selling property, as the charge would be \$11.00 per thousand and he is not in favor of the increase.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to set the following Polling Places for 1991:

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

five (5) ayes

Carried

Received a letter from the Erie County Water Authority, responding to our letter of January 7, 1991 relative to inoperable hydrants, per Boston Fire Company Chief. A copy of this letter will be forwarded to the Boston Fire Company for their records.

Received an inspection report from the New York Board of Fire Underwriters, listing a number of items that do not comply with the electrical code for Sprague Trailer Court, 8229 Boston State Road. Supervisor Kennedy noted that concerns about water pressure have also been noted by the Erie County Board of Health. Nancy Burke, who resides at Lot #5 of the trailer court, stated that she has talked with Mr. Sprague, the manager of the park and the health department about various problems, such as rats, cats, garbage and junk. Ms. Burke was requested to list her complaints and submit them to the town.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to grant a 30 day temporary trailer license to Sprague Trailer Park, 8229 Boston State Road, at which time Code Enforcement Officer Kramer will make an inspection to determine if there is an earnest effort being made to rectify these problems. If this is the case, the Town Board would be receptive to granting an extension of the 30 day temporary license: if an inspection

March 6, 1991

shows that an inadequate amount of work has been done. Mr. Sprague will be notified that he has 15 days before he ceases to operate, in accordance with the Mobile Home Court Law.

five (5) ayes

Carried

A letter was received from the Planning Board relative to their review and recommendation of denial of the request of Stephanie Mahagan to rezone property at 7494 Boston State Road from R-2 Single Family Residence District to C-1 Local Retail Business District. A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski to schedule a public hearing for March 20, 1991 at 8:00 P.M. to consider the rezoning request.

five (5) ayes

Carried

The application of Justin Sucato for a multi-family apartment complex on vacant property adjacent to 7350 Boston State Road, tabled from the February 20 meeting, was reviewed by Supervisor Kennedy. Mr. Kennedy noted that the war in the Persian Gulf began the evening of January 16, 1991, which was the date of the public hearing on this application and several residents have stated they did not attend for this reason. Since that date, petitions containing 21 names in opposition have been received; petitions noted there are concerns about the impact of 60-65 persons moving into an area which has already become congested, with traffic in the area already excessive and an increase in the accident rate. Supervisor Kennedy said there are also justifiable concerns with the density of the project and noted that the Emerling complex will have 48 units on 7 acres; the Senior Citizen complex has 24 units on 4 acres and this proposal is for 32 units on 2 acres. He also enumerated the many businesses located in this area and the number of accidents that have occurred on the curve of the highway. Councilman Lisowski said he has a problem with a conceptual approval that was granted more than two years ago, due to the fact that new zoning regulations are in effect at this time. He said he is concerned about the traffic volume that will be increased with this additional multi-family complex and noted that recently letters have been received from Ellen Beckwith and Mrs. Thomas Stutzman about traffic hazards in the area, as well as the 21 signatures on the petition submitted by property owners in the area.

Councilman Lisowski made a resolution, attached hereto and made a part of the Minutes, that the application of Justin Sucato, successor-in-interest to the Boston Land Corporation, for building permits and site plan approval for a multiple dwelling complex on vacant property adjacent to 7350 Boston State Road be denied. Motion was seconded by Councilman Wohlhueter and a vote was taken on the motion, as follows:

|                       |        |     |
|-----------------------|--------|-----|
| Councilman Wittmeyer  | Voting | no  |
| Councilman Zimmerman  | Voting | no  |
| Councilman Wohlhueter | Voting | yes |
| Councilman Lisowski   | Voting | yes |
| Supervisor Kennedy    | Voting | yes |

three (3) yes

two (2) no

Carried

Letters were received from Paul J. Becker and Paul Morrison-Taylor, requesting appointment to the Assessment Board of Review. A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to appoint Paul J. Becker, 6468 Lu-Don Drive, to the Assessment Board of Review, term to expire September 30, 1995.

five (5) ayes

Carried

WHEREAS, in August 1988, the Boston Land Corporation submitted a Site Plan for Town Board approval on premises situated on Boston State Road, Boston, New York; and

WHEREAS, following a review by the Planning Board, the Town Board on October 5, 1988 granted conceptual approval to the Site Plan of the said Boston Land Corporation subject to review of final Site Plan and construction plans of the units, and subject to building permit approval; and

WHEREAS, at the time the said approval was granted, the land in the immediate area was essentially undeveloped; and

WHEREAS, Article 5, Section 6, grants to the Town Board the discretion to approve or deny the issuance of a building permit upon the Town Board's determination that "it is in the public interest to grant such applications;" and

WHEREAS, since the granting of conceptual approval, the Town Board approved the construction of 48 units on property situated on the opposite side of the road but otherwise in close proximity to the within application; and

WHEREAS, the granting of Site Plan approval to the units was made at a time when the application for Site Plan approval by the Boston Land Corporation was dormant and the Town Board had no knowledge or inclination that such application would be revived; and

WHEREAS, circumstances have therefore changed materially from the granting of conceptual approval through the inaction of the Boston Land Corporation and/or its successors and assigns; and

WHEREAS, the application of the Boston Land Corporation for construction of thirty-two (32) dwelling units would constitute the construction of an additional multiple-dwelling complex in close proximity to two (2) existing multiple-dwelling complexes; and

WHEREAS, the concentration of such multiple dwellings in the immediate vicinity is not in the best interests of the Town, and does not promote the orderly and coordinated development of the Town of Boston; and

WHEREAS, the property which is the subject of the within application is capable of being developed for other uses consistent with the orderly development of the Town of Boston.

NOW, THEREFORE, BE IT RESOLVED,

That it would not be in the public interest to grant the application of Justin Sucato for the reasons hereinabove set forth; and

BE IT FURTHER RESOLVED:

That the Application of Justin Sucato, successor-in-interest to the Boston Land Corporation, for building permits and Site Plan approval be, and the same is in all respects, denied.

March 6, 1991

Received from Attorney Perley the search, survey and deed pertaining to the land purchased by the town from the Southtowns Rural Preservation Company.

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter to authorize the Supervisor to sign a contract with Nussbaumer & Clarke, Inc. for engineering services for restroom facilities accessible to the Town Park and Lions Shelter.

five (5) ayes

Carried

Supervisor Kennedy requested that four more names be added to the appointments to the newly activated Conservation Advisory Council that he requested at the February 20, 1991 meeting. A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to appoint the entire Conservation Advisory Council, as requested by Supervisor Kennedy, with terms to expire as follows:

|                  |               |
|------------------|---------------|
| Suzanne Penrod   | March 1, 1992 |
| Karen Blake      | March 1, 1992 |
| Ramona Murphy    | March 1, 1992 |
| Ronald Vondell   | March 1, 1993 |
| Jack Penrod      | March 1, 1993 |
| Joan Zelasko     | March 1, 1993 |
| John David Early | March 1, 1994 |
| Lisa Rood        | March 1, 1994 |

five (5) ayes

Carried

Supervisor Kennedy said that the meeting date will be the third Thursday of each month at 8:00 P.M. and he appointed Joan Zelasko as Temporary Chairman. He noted that both he and Councilman Wohlhueter will be in attendance and that he also will request the town's grantsperson to attend.

A request was received from Attorney Alan E. Fielitz for permission to install a sewer connection through property retained by the town as an easement on that portion of Edgewood Terrace that is an abandoned paper street. Mr. Fielitz, representing Mr. and Mrs. Joseph Newland, was present at the meeting and was informed this matter will be tabled until the March 20 meeting, in order to refer it to the Town Attorney, Town Engineer and Highway Superintendent for their review.

Tabled for the March 20 meeting was the Soil Removal Permit Applications of Joseph Simmeth and Martin Logel so that this property may be inspected by the Supervisor, Code Officer and Councilman Wittmeyer prior to a decision on the requests.

Referred to Attorney Perley the Notice of Petition received in the matter of Lois Slattery vs. the Town of Boston. Town Board Members and Highway Superintendent Eugene Fuchalski relative to the abandonment of a portion of Dunn Road.

Upon the request of Recreation Director Gerald O'Brien, a motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to appoint Colleen Smith as a Recreation Attendant PT for the Friday evening program at \$5.00 per hour, effective this date until December 31, 1991.

five (5) ayes

Carried

Town Clerk Carr was directed to send Karen McKenzie, former Recreation Aide PT, a letter of appreciation for her service, as

March 6, 1991

a change in her college schedule makes it necessary for her to resign.

Supervisor's Monthly Financial Report was received.

Supervisor Kennedy directed Code Officer Kramer to cite Timothy J. Elling, 5080 Mayer Road, for illegal trailers on his property.

Supervisor Kennedy said the town attorneys are pursuing the matter of the violation of the junkyard ordinance by Glenn McKillen.

Supervisor Kennedy directed Attorney Perley to review the cable contract to determine the status of certain lines that were to be built in areas of town.

Town Justice Monthly Financial report was received.

Upon the recommendation of Highway Superintendent Ruchalski, a motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to grant incremental increases, effective March 6, 1991 to the following employees:

|                  |                           |
|------------------|---------------------------|
| Ronald Smolinski | From \$8.50 to \$9.50/hr. |
| Joseph Wierzbic  | From \$8.50 to \$9.50/hr. |

five (5) ayes

Carried

Highway Superintendent Ruchalski said he has compiled the Brush Pickup Schedule and he will have many posters put up in various areas of town and will also attempt to publicize the dates in all ways possible so that residents will be aware of the pickup times.

Attorney Perley said that deeds have been mailed to those Boston Cross Road residents who purchased property adjacent to land purchased by the town for the South Boston Park.

Councilman Wohlhueter reminded the residents that Earth Day will be on Saturday, April 20 from 9:00 A.M. to 2:00 P.M., at which time a recycling truck will be present from Joe Ball and residents can bring two passenger tires and batteries for disposal. He also said that many organizations are planning related activities, such as a tree giveaway, trash pickups along the highways, a special library children's program and a returnable bottle and can collection by the Lions Club.

Councilman Wittmeyer said the new forms that can be submitted by the state for a requested speed reduction require an engineer's report, therefore it seems advisable to continue to use the present forms, even though it takes a lengthy time to receive an answer to the town's requests. Councilman Wittmeyer said there has been many requests for one speed limit on Boston State Road from the Hamburg town line to the Concord town line and the Traffic Safety Committee may review this matter.

Councilman Zimmerman said he is in favor of a resolution against the proposed transfer tax increase and will wait until the next meeting to review the recommendations of the Assessor on this matter.

Councilman Zimmerman noted there will be a groundbreaking ceremony at 2:00 P.M. on Saturday, March 16 for the new South Boston Park.

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.

March 6, 1991

A motion was made by Councilman Lisowski and seconded by Councilman Zimmermar to adjourn at 9:02 P.M.

*Joyce Carr*

Joyce Carr  
Town Clerk

Regular Meeting  
March 20, 1991

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 Ruchakski.

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to approve the Minutes of the March 6, 1991 Regular Meeting.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Supervisor Kennedy that the General Fund and Special District Bills on Abstract #3A, March 20, 1991, in the amount of \$39,456.41 be paid.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter that the Highway Bills on Abstract #3A, March 20, 1991, in the amount of \$8,988.16 be paid.

five (5) ayes

Carried

Received notification from the Erie County Water Authority of an additional amendment to the Authority Tariff regarding rate increases. Supervisor Kennedy said he hopes the rate increase will also be accompanied by better service from the authority than what has been experienced in the past.

Received and filed Resolutions from the towns of Orchard Park and Marilla relative to primary election hours and voter registration days.

Received a letter of appreciation from the Western New York Snowmobile Club for the use of the Town Hall for youth safety training classes. Supervisor Kennedy said the town appreciates the function of the snowmobile club in sponsoring the training classes.

Received a letter from ISO Commercial Risk Services, Inc. stating they have received our request for an updated survey of the town's firefighting equipment, which is one of several elements in developing property insurance rates. They expect to schedule this survey within six months. Town Clerk Carr was directed to send a copy of this letter to each of the three fire companies and to provide ISO with the name and mailing address of each fire chief.

Received a letter from the Town of Boston Triquasquicentennial Committee stating that plans are being made to celebrate the town's 175th Anniversary on July 3, 4 and 5, 1992, with a ceremony to be also held on April 5, 1992, which is the actual birthday of the town. At this time they are requesting organizations and businesses to become involved by co-sponsoring specific events and by making donations to fund this celebration.

Upon a favorable inspection of the property, a motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to grant a Soil Removal Permit to Martin and Mildred Logel, not to exceed 600 yards, for property at 7784 Boston State Road.

five (5) ayes

Carried

Upon a favorable inspection of the property, a motion was made by

March 20, 1991

Councilman Wittmeyer and seconded by Councilman Zimmerman to grant a Soil Removal Permit to Joseph Simmeth, not to exceed 600 yards, for property at 8010 Boston State Road.

five (5) ayes

Carried

Supervisor Kennedy reported that Hospice Buffalo is planning an informational meeting for April 16, 1991 at 8:00 P.M. at the Town Hall for the community and that the old Town Police office at the Town Hall will be used as a southtowns office for Hospice. Supervisor Kennedy said that the towns in the area, such as Evans, Eden, Colden, Aurora, Concord, Collins and Sardinia will now be able to be served by Hospice and that the town is fortunate they have chosen Boston for their central office.

Supervisor Kennedy said a ribbon-cutting celebration will be held on April 20, 1991 at 2:00 P.M. for the Schoolhouse Apartments, located on the site of the old elementary school at 9441 Boston State Road, with an open house scheduled for the apartments and office from 2:00 P.M. to 5:00 P.M. that day.

Town Clerk Carr reported she received a letter from Hartford Specialty Insurance relative to their survey on February 20, 1991 and including a list of recommendations for the Highway Department and the Back Creek Road playground. Supervisor Kennedy directed the Town Clerk to forward a copy of this letter to the Creative Playground Committee, along with a notice of a meeting with the committee in order to plan the yearly maintenance of the playground.

Highway Superintendent Ruchalski noted that, although the calendar states that Spring officially begins this date, his department will not be removing the plows from the trucks just yet.

Town Attorney Perley said he has prepared a Motion, with a tentative hearing scheduled for April 4, 1991, on the petition of Lois Slattery vs the Town of Boston relative to the abandonment of a portion of Dunn Road.

Attorney Perley stated that he, in conjunction with Deputy Attorney David Wilson, has drafted a contempt petition and will begin proceedings immediately against Glenn McKillen, who is in default of a Supreme Court order to clean up junk vehicles on his property. He also reported that there have been structures erected on this property without a building permit and that papers will be prepared to serve relative to the demolition of said buildings, under the Unsafe Buildings Law of the Town of Boston.

Attorney Perley said he will report at the next meeting on the request the town has received for an easement over their property on Edgewood Terrace for a sewer connection.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to schedule a public hearing for April 17, 1991 at 8:00 P.M. on a proposed subsection to the Zoning Law relative to required minimum lot area for a single-family dwelling in the R-A Residential-Agricultural District.

five (5) ayes

Carried

Supervisor Kennedy said Attorney Perley has notified him that the closing has taken place of the purchase of land by the town from Carl Roehling, 6998 Boston Cross Road, which will provide access to the South Boston Playground. The town will now be able to go forward in the plans to provide drainage and develop a roadway to the playground.

March 20, 1991

Supervisor Kennedy said a Summons has been served on Timothy Elling, 5080 Mayer Road, for illegal trailers on his property and requested Attorney Perley to take legal action, if necessary, against James Lambert, 8234 Lower East Hill Road, as junk vehicles are once again on this property.

Councilman Lisowski reported that a Welcome Home ceremony is being planned for returning troops of Operation Desert Storm on April 28, 1991 at 2:00 P.M. at the Town Hall.

Councilman Wohlhueter reminded residents of Earth Day on April 20, 1991, at which time residents may bring two passenger tires and old batteries to the Town Park from 9:00 A.M. to 2:00 P.M.

Councilman Wohlhueter said the first meeting of the newly reactivated Conservation Advisory Council will be held on March 21, 1991 at 8:00 P.M. at the Town Hall.

At 8:00 P.M. a public hearing was held on the request of Stephanie Mahagan, having a purchase contract on 7494 Boston State Road, to rezone the property from R-2 Single-Family Residence District to C-1 Local Retail Business District. Town Clerk Carr read the Legal Notice and noted that Erie County Division of Planning made no recommendation on the Zoning Referral. She also read a letter received from the Planning Board, recommending denial of the request and noted that eleven property owners in the area were notified of this hearing. Supervisor Kennedy then opened the public hearing.

Mrs. Mahagan stated she wished to use the house on the property for a retail children's clothing consignment store and craft shop. She presented a petition, signed by 15 town residents, stating they have no objection to the requested rezoning. Nancy Aldridge, 7499 Boston State Road, asked if the rezoning is granted and later the property is sold, could it then be used for any business purpose. Attorney Perley said that the property could be rezoned to C-1 Local Business District, or it could be rezoned to this same zoning as a provisional rezoning, with restricted use. Mrs. Mahagan said that the entire property is not large enough for much else except the type business she is proposing. Councilman Lisowski said he has concerns relative to the shortage of parking area. Mrs. Mahagan said the available parking could accommodate six to eight cars, and although that would be wonderful, she does not expect that this business would generate more than that number at any given time. Attorney Perley asked if she had an estimate of how

**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 20th day of March, 1991 at 8:00 P.M. Eastern Standard Time in the Boston Town Hall, 8500 Boston State Road, Boston, New York on the petition and request of Stephanie Mahagan, having a purchase contract on 7494 Boston State Road, to rezone the following described property which is presently zoned R-2 Single-Family Residence District to C-1 Local Retail Business 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 22, Township 8, Range 7 described as follows:

BEGINNING at a point in the center line of the Hamburg-Springville State Highway, measured northwesterly and along the center line of the said highway 192.45 feet from its intersection with the southerly line of lands devised to Henry Larusch under the last will and testament of Ed-

ward J. Wandel, deceased, said Larusch's south line being the north line of lands conveyed by the said Edward J. Wandel to Roswell A. Miller and Clara, his wife, by deed recorded in the Erie County Clerk's Office in Liber 3116 of Deeds page 74, June 17, 1941; thence southwesterly at an interior angle of 84° 48' a distance of 182.54 feet; thence northwesterly at an interior angle of 100° 25' 20" 119.18 feet to the south line of lands conveyed to John Webber and his wife, by deed recorded in the Erie County Clerk's Office in Liber 4897 of Deeds page 88; thence northeasterly along a portion of the south line of lands conveyed to John Webber and his wife, by deed aforesaid and continuing in a straight line 192.71 feet to the center line of Hamburg-Springville State Highway at a point 130.14 feet northwest of the point of beginning as measured along the center line of said Hamburg-Springville State Highway; thence southeasterly along the center line of said Highway 130.14 feet to the point of place of beginning.

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

Dated: March 7, 1991

Joyce Carr  
Town Clerk  
Town of Boston

March 20, 1991

Supervisor Kennedy said a Summons has been served on Timothy Eling, 5080 Mayer Road, for illegal trailers on his property and requested Attorney Perley to take legal action, if necessary, against James Lambert, 8234 Lower East Hill Road, as junk vehicles are once again on this property.

Councilman Lisowski reported that a Welcome Home ceremony is being planned for returning troops of Operation Desert Storm on April 28, 1991 at 2:00 P.M. at the Town Hall.

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March 20, 1991

many square feet would be devoted to sales area. Mrs. Mahagan said that only the downstairs would be used, which she estimates to be about 800 square feet. Theresa Giancaterino said she recently purchased vacant land across the street from this property, on which she planned to build a house in the spring and added that she would not build her home there if the property is rezoned. Lewis Webber, 7539 Boston State Road, said he owns property adjacent to and in back of this property and has no objection whatsoever to the proposed zoning. He noted that a hairstyling business was on the premises for 25 years and that this proposed business use would probably not have any more cars at one time than the hair stylist had. He also said he feels that small businesses should be promoted in town, as it will bring more people in and therefore more revenue for the existing businesses and that a craft shop is an image that a small town should have as it would be a place where local persons, both young and old, could sell their products. He noted that his family has had a farm stand next to this property for many years and that usually there are no more than one to two cars at one time there. There were no further comments or questions.

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to close the public hearing at 8:20 P.M.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to defer the decision on the request of Stephanie Mahagan to rezone property at 7494 Boston State Road from R-2 Single Family Residence District to C-1 Local Retail Business District until the April 17, 1991 Town Board meeting, in order to review the Minutes of the public hearing and to ensure a full Town Board will be present.

five (5) ayes

Carried

Nandor Desci, acting in his capacity as realtor for the sale of the property to Mrs. Mahagan, said he did not think the Town Board should wait to make the decision, as the purchase contract expires on April 15 and he is not able to accept any other offers on the property until after that date. Supervisor Kennedy said that it would be most fair to Mrs. Mahagan to have a full Board present, as a 2-2 vote, if that happened, would result in a denial of the application for rezoning. Mrs. Mahagan said she would prefer to wait for the full Board on April 17 and would seek an extension of the contract for that purpose. Mr. Desci added that he agreed with the statements made by Mr. Webber and that there are other businesses that are operating in the area, such as M & M Siding. Supervisor Kennedy said that this was brought to his attention earlier this evening and he will look into that matter.

Councilman Wittmeyer noted that the deck is now in place at the Patchin Road bridge and once the concrete is poured and the rails on, the bridge can be reopened.

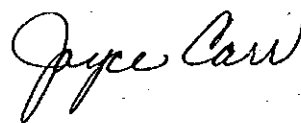
Councilman Wittmeyer also said that a groundbreaking ceremony was held on Saturday, March 16 for the South Boston Park and that over \$13,000 has been received thus far in donations for the park.

Supervisor Kennedy said a petition drive taking place in town for signatures to be submitted to County Executive Gorski and Highway Commissioner John Loffredo has resulted in hundreds of signatures being received. He added this is a voice that needs to be heard and that, although some of the potholes were coldpatched last week, this is by no means a solution to the appalling condition of the road.

March 20, 1991

Councilman Zimmerman reported that the very active committee of nine persons for the South Boston Park have been working diligently to raise funds for equipment. They have scheduled a Health Fair for June 8 and he will have more information at a later date on this event.

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



Joyce Carr  
Town Clerk

Regular Meeting  
April 3, 1991

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. Absent were Councilman Don Wohlhueter and Highway Superintendent Eugene Ruchalski.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to approve the Minutes of the March 20, 1991 Regular Meeting.

four (4) ayes

Carried

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

four (4) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Supervisor Kennedy that the General Fund and Special District Bills on Abstract #4, April 3, 1991, in the amount of \$26,754.18 be paid.

four (4) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy that the Highway Bills on Abstract #4, April 3, 1991, in the amount of \$7,996.29 be paid.

four (4) ayes

Carried

Received a letter from the Welcome Home Heroes Committee relative to a multi-religious service of thanksgiving for the safe return of our troops from their duties revolving around Operation Desert Storm. This service will be held at St. Joseph's Cathedral in downtown Buffalo on April 7 at 3:00 P.M.

Received a letter from Hospice Buffalo relative to an Open Meeting to explain hospice services and discuss opportunities for volunteers that will be held at the Town Hall on Tuesday, April 16 at 7:00 P.M. Supervisor Kennedy said that, in addition to having an office here at the Town Hall, Hospice is also making arrangements with Chaffee Hospital in Springville for a specific room and hospice bed at the facility.

Received a letter from Nancy Walczyk, 6572 Hillcroft Drive, relative to the continued erosion of their property by the Eighteen Mile Creek and stating she has been corresponding with the town relative to this problem since 1975. Supervisor Kennedy said he is in agreement with Mrs. Walczyk relative to these problems, however the New York State Department of Environmental Conservation and the U.S. Army Corps of Engineers have jurisdiction over the creek and no remedial or repair work can be done in the creek by the town. This site will be visited on April 5 when the district engineer of the Erie County Division of Highways plans to tour the town and his input into the problem will be requested.

William Sprague, owner of Sprague Mobile Home Court, asked for an extension of the 30 day temporary trailer park license that was granted by the Town Board on March 6, 1991. Mr. Sprague said he met with the electrical inspector from New York Board of Fire Underwriters relative to the remedial work and wanted to wait for warmer weather so that shutting off the power would not cause hardship due to unheated trailers. This work is being done in conjunction with New York State Electric & Gas Corp. and his electrical contractor and is planned to begin on April 8. Supervisor Kennedy said he recognizes the need for additional time and agreed to extend for one week, until April 12, 1991, the

April 3, 1991

temporary trailer park license, at which time Code Enforcement Officer Dennis Kramer will monitor the situation and report the progress to the Town Board. Councilman Wittmeyer apologized to Mr. Sprague that he read the report in the newspaper about the Town Board action prior to receiving the letter from the town relative to the defects found at the annual inspection.

Supervisor's Monthly Financial Report was received.

Supervisor Kennedy directed the Town Clerk to express appreciation to Barbara Dodge for her donation of a beautiful oil painting that was done by her late husband Harold, who was an active member of the community.

Supervisor Kennedy said that costs have been computed at \$69.50 a frontage foot in connection with the request to turn a private roadway off Ward Road into a town road, to be known as Czora Drive. The persons in the area who petitioned the town for this road will be informed of the costs and a survey will be taken to determine if they are still interested in construction of the road.

Town Clerk Carr said the next surplus food distribution will be held at 9:00 A.M. on April 10 and that, for the first time in about three years, cheese will be included.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to grant permission to Town Clerk Joyce Carr to attend the New York State Town Clerks' Association Annual Conference in Syracuse on April 21-24, 1991, with all appropriate expenses to be paid by the town.

four (4) ayes

Carried

Town Justice Monthly Financial Report was received.

Town Attorney Perley submitted Local Law No. 1 of the Year 1991 - a series of proposed amendments to Local Law No. 6 of the Year 1990. A public hearing on these amendments, as well as the amendment submitted at the Regular Meeting on March 20, 1991, has been scheduled for April 17, 1991 at 8:00 P.M.

Attorney Perley noted a hearing date has been scheduled for May 16, 1991 at 9:30 A.M. on the matter of Lois Slattery vs the Town of Boston, relative to Dunn Road.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to authorize Attorney Perley to contact the surveyor who quoted a price of \$1000.00 to spot the center line of Dunn Road to proceed with the job; this is unrelated to the Slattery vs Town of Boston lawsuit.

four (4) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman to authorize Attorney Perley to prepare, and Supervisor Kennedy to sign, a permanent perpetual easement between Joseph and Kathryn Newland and the Town of Boston, relative to a requested sewer connection through a town-owned drainage easement on an abandoned paper street known as Edgewood Terrace.

four (4) ayes

Carried

Councilman Lisowski said that plans are being completed for a Welcome Home ceremony for Operation Desert Storm troops on April

April 4, 1991

*Carried at 4/7/91  
Town Board Meeting*

<sup>28</sup>  
21, 1991 at the Town Hall, with a commitment from Congressman Paxon to be present and he will report at the next meeting on the final arrangements.

Councilman Wittmeyer said County Legislator Joseph Desmond will accompany Donald Guglielmo, the newly appointed district engineer for the Erie County Division of Highways, to the town on Friday, April 5 at 10:30 A.M. to meet with the Highway Superintendent and himself and tour the town in order to point out to the engineer the deteriorating condition of the county roads in the town. Councilman Wittmeyer requested that any one wishing to, may add to the list of roads to inspect.

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 Councilman Wittmeyer and seconded by Supervisor Kennedy to authorize the attendance of Mary Thurber, as a representative of the Planning Board, at the New York Planning Federation Local Land Use Workshop at the Clarence Town Hall on April 5 and 6, 1991, with all appropriate expenses to be paid by the town.

four (4) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to appoint Paul Morrison-Taylor, 7501 Lower East Hill Road, to the Zoning Board of Appeals, term to expired April 1, 1996.

four (4) ayes

Carried

Supervisor Kennedy directed Clerk Carr to forward a letter of appreciation to Remy Orffeo, a member of the Zoning Board of Appeals for many years, for his service. There was no communication received from Mr. Orffeo requesting reappointment on the expiration of his term, April 1, 1991.

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to adjourn at 8:10 P.M.

*Joyce Carr*

Joyce Carr  
Town Clerk

Regular Meeting  
April 17, 1991

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 to approve the Minutes of the April 3, 1991 Regular Meeting with a correction that the Welcome Home ceremony for Operation Desert Storm Troops will be held on April 28, 1991.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Supervisor Kennedy that the General Fund and Special District Bills on Abstract #4A, April 17, 1991, in the amount of \$43,661.01 be paid.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman that the Highway Bills on Abstract #4A, April 17, 1991, in the amount of \$8,539.31 be paid.

five (5) ayes

Carried

Received and filed notification from David Piazza that the liquor license for Papa Yazz Restaurant, 8163 Boston State Road, is being renewed for the 1991-92 year.

Received and filed notice from the Erie County Deputy Commissioner of Public Works that Zenner Road will be closed for replacement of a culvert from April 17-19, 1991.

Received Monthly Activity Report of the Erie County Sheriff's Department for the month of March, 1991.

William Sprague, owner of Sprague's Trailer Park, said that the remedial work at the park should be completed by the end of next week. Code Enforcement Officer Dennis Kramer said he has inspected the work and agrees with this timeframe, contingent on weather conditions, as New York State Electric & Gas Corp. will not cut off the electric service to the park in order to complete this work in inclement weather. Supervisor Kennedy said that, under these circumstances, action will be deferred by the Town Board at this time on the granting of the Trailer Park License for 1991 as the work is proceeding in a timely manner.

Anthony Bernardi, 6385 Willow Drive, requested the Town Board take any action necessary on his request to construct a horse stable on his 17 acre property, as he understands that under the recently enacted zoning laws he will need a Special Permit. A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to refer to the Planning Board for their review and recommendation this request and to schedule a Public Hearing for May 15, 1991 at 7:45 P.M. on this application.

five (5) ayes

Carried

Referred for review and recommendation to Councilman Zimmerman, as liaison with the Emergency Squad, the request of the Southtowns Haz-Mat Team to put the frequency used by the Squad, Dog Control Officer and Highway Department into their newly purchased radios.

Referred to the Traffic Safety Committee and the Conservation Advisory Council the request of Rosalie D. Geffner, 7581 Omphalius Road, for "No Littering" signs to be placed on roadways. Sgt.

April 17, 1991

Fox of the Erie County Sheriff's Department said that normally the "No Littering" signs would be placed on the main roads into the town and Supervisor Kennedy noted that New York State does have laws and fines in effect for littering, however, it is generally difficult to obtain information leading to an apprehension.

Received a letter from the Citizens Campaign for the Environment stating they will be working in the town between May 1 and September 31, 1991 to canvass residents on environmental issues. Prior to that time Town Clerk Carr will be contacted by them with a list of individuals participating in the canvass and she will refer this letter also to the Conservation Advisory Council.

Received and filed a Resolution from the Town of West Seneca relative to shorter Primary Election hours.

Received an Application for Soil Removal Permit from Clifton Burkhardt/Gregory Gerwitz for property off Back Creek Road. Supervisor Kennedy said action will be deferred on this application until the Town Board and Code Enforcement Officer inspect the property to insure that compliance with restoration of the land has been met from last year's permit. Councilman Wittmeyer also asked that Mr. Gerwitz clarify on his sketch how far from the property line the soil removal will be. This permit will also be referred to the Conservation Advisory Council for their review.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to approve the Soil Removal Permit Application of Roy Emerling for vacant land off Boston State Road, not to exceed 600 cubic yards.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to approve the request of Stephanie Mahagan to rezone property at 7494 Boston State Road, as tabled after the public hearing held on March 20, 1991; subject to the conditions stated in the following resolution:

WHEREAS, STEPHANIE MAHAGAN has made an application to rezone property locally known as 7494 Boston State Road, Boston, New York (SBL #211.00-5-48) from R-A Residential Agricultural to C-1 Local Retail Business District, and

WHEREAS, prior to the death of Albert Shelby, the property was used in part for the commercial use as a beauty parlor, and

WHEREAS, the property sought to be rezoned has not been used as pure residence for a long period of years, and

WHEREAS, the applicant proposes to use the property as a consignment/retail store, and

WHEREAS, on December 31, 1990, the Town of Boston enacted a new Zoning Law for the Town of Boston which provides in part for provisional rezoning, and

WHEREAS, it is consistent with orderly development to all the property to be used for retail/consignment sales.

NOW, THEREFORE, BE IT RESOLVED, that the application of Stephanie Mahagan be granted upon the following terms

April 17, 1991

and conditions as provided by the Boston Town Code:

1. That the commercial use of the property be limited to retail sales as provided in the District Regulations for a C-1 District width, the total sales area not to exceed 700 square feet.
2. That the applicant obtain an approved Site Plan and a Certificate of Zoning Compliance on or before October 19, 1991.
3. That the Site Plan conform to all applicable requirements of the Town of Boston Zoning Law and the State of New York Building and Fire Code with respect to the use permitted therein.
4. That the external appearance of the structure remain the same except for the placement of a sign conforming with the existing sign ordinance.
5. That, if no such site plan approval or Certificate of Zoning Compliance is obtained by the 19th day of October, 1991, the zoning classification of the property shall revert to the R-A status without any further action or order from this Board.

five (5) ayes

Carried

At 8:00 P.M. a public hearing was held to consider Local Law Number 1 of the Year 1991 entitled A Local Law enacted to amend Local Law Number 6 of 1990 known as the Zoning Law of the Town of Boston. The Public Notice was read by Clerk Carr. Attorney Perley summarized the proposed amendments and Supervisor Kennedy opened the hearing.

Lewis Webber, 7539 Boston State Road, asked if property is presently zoned R-A all the lots must be three acres. Attorney Perley said that if a property is to be subdivided, it must be rezoned.

Jack Frost, 7129 Ward Road, asked if homes can be built on lots of less than an acre in size. Attorney Perley answered that they can not in an R-A District, however, a variance can be requested from the Zoning Board of Appeals, at which time they take various factors into account, such as the availability of municipal water. A rezoning could also be requested by the property owner in this instance.

Reed Garver, 8363 Lower East Hill Road, asked questions concerning television reception antennas and also if many residents have complained about the size lots in the recently enacted zoning laws. Attorney Perley said there have been five or six inquiries relative to the lot size in the R-A District. Mr. Perley stated that the lot must have existed on January 7, 1991, the filing date by the Secretary of State of the Zoning Law, in order for the proposed amendment to apply. There were no further questions.

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to close the public hearing at 8:22 P.M.

five (5) ayes

Carried

**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 20, 1991 and April 3, 1991, a copy of Local Law Number 1 of the Year 1991 entitled A Local Law enacted to amend Local Law #6 - 1990 known as the Zoning 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, April 17, 1991 at 8:00 P.M. Eastern Daylight Saving Time, at which time all persons interested will be heard.  
 Dated: March 26, 1991

Joyce Carr  
 Town Clerk  
 Town of Boston

April 17, 1991

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to adopt Local Law Number 1 of the Year 1991 entitled "A Local Law enacted to amend Local Law Number 6 of 1990, known as the Zoning Law of the Town of Boston."

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to schedule a public hearing for May 15, 1991 at 8:00 P.M. on the use of Community Development Funds.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to allocate \$200.00 to the Amvets Boston Post No. 219 to be used for the May 27, 1991 Memorial Day ceremony in town.

five (5) ayes

Carried

Upon the request of the Boston Chamber of Commerce, a motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to grant permission for the planting of a tree in the Town Park on July 4, 1991 with a plaque commemorating the men and women who served in the Desert Storm conflict. Councilman Wohlhueter will get suggestions from Landscape Architect Roger Schneckenburger and the Conservation Advisory Council on the type and placement of this tree and Supervisor Kennedy commended the Chamber of Commerce for this plan.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Lisowski to grant permission to Good Shepherd Lutheran Church to use the Boston Town Park for a kite flying event on Sunday, June 2, 1991 from 12:00 Noon to 5:00 P.M.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to schedule an auction of miscellaneous town-owned items for Saturday, May 11, 1991 at 10:00 A.M., with proceeds from the sale being appropriated to the Boston Senior Citizens.

five (5) ayes

Carried

#### RESOLUTION - EDWARD SCHRAMM

Supervisor Kennedy said Hospice Buffalo held a well attended meeting here at the Town Hall last night to explain their program and solicit volunteers. They plan to open an office at the Town Hall in approximately two weeks and the town supports this organization and offers any assistance to them that can be provided.

Town Clerk Carr said that a fee of \$100.00 was paid for a Zoning Board of Appeals hearing by Raymond Jamison; it was later determined that a variance was not needed, as Mr. Jamison has frontage on a dedicated highway. A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to authorize Clerk Carr to apply the fee paid toward the charge for the building permit when it is approved.

five (5) ayes

Carried

Attorney Perley said that a Contempt Motion has been prepared by

# 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 April, 1990, at 7:30 P. M. Eastern Daylight Saving Time, there were

**PRESENT:**

|                     |            |
|---------------------|------------|
| Richard L. Kennedy  | Supervisor |
| Milton I. Wittmeyer | Councilmen |
| David G. Zimmerman  | Councilman |
| Don A. Wohlhueter   | Councilman |
| Frank H. Lisowski   | Councilman |

Supervisor Kennedy presented the following resolution and moved its adoption.

WHEREAS, The Town Board of the Town of Boston has taken this opportunity to recognize Edward Schramm who has faithfully served his community for many years, and

WHEREAS, Ed has served as the Amvets Post Commander for innumerable terms as well as holding the office of Post Finance Officer and a member of the Board of Directors, and

WHEREAS, He is an Amvets Post 219 charter member who helped to organize the local post as well as serving as County Commander and Department of New York Commander, and

WHEREAS, Ed served his nation with honor and distinction during World War II in the U. S. Air Force and was awarded the following citations: The Distinguished Flying Cross, Air Medal with three battle stars, The European-African-Middle Eastern Medal with four battle stars, Air Force Good Conduct Medal, American Campaign Medal and the World War II Victory Metal, and

WHEREAS, He continues to offer his services to his nation and town as an active member of the local Amvets Post and the Post Color Guard and Drill Team.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Boston extend our sincere commendations to Edward and his supportive wife Edith at the testimonial dinner held in his honor.

BE IT FURTHER RESOLVED, that we offer our sincere best wishes to both Ed and Edie in the promising years ahead.

Seconded by Councilman Wittmeyer and duly 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

April 17, 1991

him and Deputy Attorney Wilson in the matter of Glenn McKillen and that it is returnable before Judge Doyle on April 30, at which time both he and Mr. Wilson will appear on behalf of the town in the action to compel Mr. McKillen to clean up his property.

Attorney Perley said that some minor revisions are now being made in the Cable TV franchise renewal after which time it will again be reviewed by Councilman Zimmerman and himself, presented to Adelphia Cable for approval and then to the Town Board.

Councilman Lisowski reminded residents of the Welcome Home ceremony for Operation Desert Storm troops on Sunday, April 28, 1991 at 2:00 P.M. at the Town Hall, with Congressman L. William Paxon as guest speaker.

Councilman Wohlhueter reminded residents of the Earth Day events, to be held at the Town Park and Lions Shelter on Saturday, April 20, 1991 from 9:00 A.M. to 2:00 P.M. He outlined the items that will be accepted for collection, the plant-a-tree giveaway, the children's program at the Boston Library, bottle and can collection by the Lions Club and various activities, such as a recycling demonstration, contest for schoolchildren for a logo, essay and poster celebrating Earth Day and the adopt-a-road clean up that is being done by various community groups and individuals.

Councilman Wittmeyer reported that he, County Legislator Desmond and Highway Superintendent Ruchalski accompanied County Highway District Engineer Guglielmo on an inspection of various county highways and bridges in town on April 5 and had the opportunity to point out several problem areas, as well as present Mr. Guglielmo with petitions containing 2000 signatures asking for repair of county roads. Mr. Wittmeyer said that the senior citizen walkway guiderail has been repaired since that inspection and hopefully other necessary remedial work will also be done by the county. Councilman Wittmeyer requested Town Clerk Carr direct a letter to the Erie County Division of Highways, asking them for a written reply as to the projected completion date of the Patchin Road bridge.

Councilman Zimmerman reminded residents that the Southtowns Rural Preservation Company will be holding an open house on Saturday, April 20, 1991 from 2:00 - 5:00 P.M., at which time County Executive Gorski will be officiating at a ribbon-cutting ceremony marking the renovation of the building into an office and apartments.

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to adjourn at 8:47 P.M.



Joyce Carr  
Town Clerk

Regular Meeting  
May 1, 1991

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 Zimmerman and seconded by Councilman Wittmeyer to approve the Minutes of the April 17, 1991 Regular Meeting.

five (5) ayes

Carried

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

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 #5, May 1, 1991, in the amount of \$11,796.15 be paid.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter that the Highway Bills on Abstract #5, May 1, 1991, in the amount of \$7,760.60 be paid.

five (5) ayes

Carried

Received resolutions from the towns of Newstead and Concord in opposition to the proposal for abandonment of some county roads and assignment of those roads to the towns in which they exist. Also received a letter from the Erie County Association of Town Superintendents of Highways relative to this matter.

#### RESOLUTION - COUNTY ROAD TURNBACK

Received a memorandum from Erie County Department of Environment and Planning relative to the May 2, 1991 workshop on community development block grants. Supervisor Kennedy said Jean O'Connell, the town's grantsperson, will attend this workshop on the town's behalf.

William Sprague, owner of Sprague's Mobile Home Park, said that the requested remedial electrical work has been completed and inspected by the New York Board of Fire Underwriters and notification of same will be sent to the Town Board by the electrical inspector. He also stated that park resident Nancy Burke, who complained to the Town Board about conditions at the park, has cited him through the Department of Housing and the citation noted that the Erie County Health Department and the Town of Boston had not helped her. He advised that he wanted to inform the town of this action, although he was the only one who had to appear to answer the charges.

Received a letter from Erie County Division of Highways stating they have ordered their district forces to install driveway warning signs in the vicinity of 7420 Boston State Road. Town Clerk Carr was directed to send a copy of this letter to Mrs. Carol Stutzman, who originally requested this signage.

A motion was made by Councilman Zimmerman and seconded by Councilman Lisowski to grant permission to the Town Girls Softball League to use the Lions Shelter for their picnic on July 20, 1991 from 9:00 A.M. to 3:00 P.M.

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 1st 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 |

Supervisor Kennedy presented the following resolution and moved its adoption:

WHEREAS, ON May 1, 1991 the Town Board of the Town of Boston took special issue with the latest proposal by Legislator G. Steven Pigeon to transfer the burden of maintenance of 184 miles of horrendous roadways to local governments; and

WHEREAS, as the many years of neglect reflects the poor condition of the roadways; and

WHEREAS, the Town of Boston contains 36 square miles, with a population of approximately 7500 residents; and

WHEREAS, the burden of maintenance of this proposed turnback by Legislator Pigeon would overwhelm the ability of Boston's residents tax base to pay the cost; and

WHEREAS, the county roads are our major return for our tax dollars,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Boston does hereby go on record as vehemently opposed to the turnback of any County roads in the Town of Boston.

Seconded by Councilman Wittmeyer and duly 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

May 1, 1991

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 Carl and Roy Emerling for a 12 foot X 38 foot storage shed addition to their present building at 9000 Boston State Road.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to refer to the Planning Board for review and recommendation the application of Donald P. Mitscher to construct greenhouses at 7945 Back Creek Road.

five (5) ayes

Carried

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 Rucker Lumber, Inc. to construct additions to two buildings at 9184 Boston State Road.

five (5) ayes

Carried

A letter was received from John P. Falkides, requesting a special meeting with the Town Board relative to the site plan for his proposed manufactured home park, as he feels the Planning Board does not agree with the Town Board's decision to rezone the property. Mr. Falkides was present at the meeting and said that he met with the Town Engineer since he wrote this letter and now feels they will make progress on the site plan. If he feels there is still a problem after the next Planning Board meeting, he will again request a meeting with the Town Board.

Received correspondence from the Erie County Water Authority relative to new procedures. James Carr of the North Boston Fire Company asked for a clarification of fire hydrant servicing as to who is responsible for checking the hydrants. Town Clerk Carr was requested to clarify this matter and to send a copy of the letter to the three fire companies.

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter to defer until the May 15 Town Board meeting the request of Recreation Director Gerald O'Brien for appointment of the Summer Recreation Staff.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to appoint Edward Ruchalski as a Laborer-Temporary at \$5.65 per hour.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Lisowski to authorize Supervisor Kennedy to sign an agreement with Dover Elevator Company for inspection and repair of the Town Hall elevator, at a cost of \$972.00.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Supervisor Kennedy to appoint the following softball and baseball coaches for the 1991 season:

Softball:

Gary Burdick  
Julie Duffett

Christopher Burdick  
James May

May 1, 1991

Sue Buifett  
Lisa Vasi  
Tony Staub  
Jean Fico  
Cathy Boltz  
Sally Marks  
Henry Abramowski

John Lenox  
Frank Vasi  
Bob Ehlers  
Pat Hacker  
Greg Burroughs  
Roif Torno  
Donald Frydrych

Officers:

President  
1st Vice President  
2nd Vice President  
Treasurer  
Secretary  
Head Umpire

Gary Burdick  
Henry Abramowski  
Annette Reynolds  
Tony Staub  
Kevin McKenzie  
Rachei Was

Baseball:

Jim Dion  
Craig Wilson  
Kevin Elsaesser  
Bob Monczynski  
Jim Frascella  
Elliott Pfeiffer  
Doug Hanny  
Mark Warnke  
Larry Steward  
Jerry Potter  
Ron Pachan  
Frank Valentine  
David Zubek

Mike Eimer  
Roger Melius  
Dan Woodrow  
James Appenheimer  
Ken Taylor  
Mark Smith  
Doug Kreiger  
Rick Emerling  
Clay Olds  
Pat McCormack  
Frank Kruszynski  
Eugene Smolinski  
Paul Ketzner

five (5) ayes

Carried

Supervisor's Monthly Financial Report was received.

Supervisor Kennedy read a letter received tonight from John and Joan Schlenker and Alfred Czora relative to their private road off Ward Road being constructed for a dedicated town highway. Supervisor Kennedy said he has received a letter from Mr. and Mrs. Carroll Geiger, private road residents, who are not in favor of this project. Mr. Czora, who was present at the meeting, said that, as far as he knows, Mr. and Mrs. Geiger are the only residents not in favor of the road, but he plans on having an meeting with all the residents. Supervisor Kennedy said he will draft a letter, explaining the cost and procedure for the roadway and will also inform the residents that, unless he hears to the contrary, the Town Board will continue this application on the premise that they do not object.

Tax Collector's Report was received.

Town Justice Monthly Financial Report was received.

Upon the request of Highway Superintendent Ruchalski, a motion was made by Councilman Wohlueter and seconded by Councilman Lisowski to authorize the Town Clerk to advertise for bids for a hydraulic excavator; bids to be opened May 21, 1991 at 10:00 A.M.

five (5) ayes

Carried

Attorney Perley said that a Notice of Petition was served today in the matter of Justin D. Sucato vs. the Town Board, with a return date of May 20, 1991.

May 1, 1991

Attorney Perley said an Application for Permit has been received from George Wendling for a storage building at 8358 Boston State Road, which under the Zoning Law, must be approved by the Town Board, as there will be more than one accessory building on the property. A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to refer this application to the Planning Board for review and recommendation.

five (5) ayes

Carried

Attorney Perley reported that in the matter of the Town of Boston vs Glenn McKillen, Judge Doyle on April 30, 1991 granted a two week adjournment in order to enable Mr. McKillen's attorney time to prepare his case.

Supervisor Kennedy said he will direct Code Officer Dennis Kramer to inspect property adjacent to 8678 Boston State Road to determine if the greenhouse on the property poses an unsafe or dangerous condition, as he has received a complaint regarding it.

Councilman Wohlhueter reported that Earth Day, which was celebrated on April 20 was a great success, despite the inclement weather and that he and Co-Chairman David Early are in the process of writing letters of thanks to all who contributed to its success.

Councilman Wittmeyer said he would like to publicly thank Councilman Lisowski and his committee for a beautiful Welcome Home ceremony on April 28 for the troops who served in Operation Desert Storm; he also asked that thank you letters be sent to all who served on this committee.

A motion was made by Councilman Zimmerman and seconded by Supervisor Kennedy to authorize the Southtowns Haz-mat Team to use the town's frequency for their portable radios, as the Emergency Squad has no objection.

five (5) ayes

Carried

Councilman Zimmerman reported that the Southtowns Solid Waste consortium approved a comprehensive study to satisfy a state mandate and the Southtowns Planning & Development Group also approved the concept, with a cost not to exceed \$20,000. This study will not cost the town, as the monies will be paid from funds collected in the form of dues to the organization.

Councilman Zimmerman said a Health Fair will be held on June 8 at the Town Hall to benefit the South Boston Park Committee, with the Red Cross available to do cholesterol and blood pressure screenings; more information will be available later on the program.

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

Dog Control Officer Monthly Report was received.

A motion was made by Councilman Zimmerman and seconded by Supervisor Kennedy to adjourn at 8:29 P.M.

*Joyce Carr*

Joyce Carr  
Town Clerk

Regular Meeting  
May 15, 1991

Town Hall  
7:30 P.M.

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

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to approve the Minutes of the May 1, 1991 Regular Meeting.

four (4) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman that the General Fund and Special District Bills on Abstract #5A, May 15, 1991, in the amount of \$42,062.57 be paid.

four (4) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Lisowski that the Highway Bills on Abstract #5A, May 15, 1991, in the amount of \$1,928.25 be paid.

four (4) ayes

Carried

Received and filed acknowledgement from the NYS Department of State that they have received and filed on May 2, 1991 Local Law No. 1 of 1991 from the town.

Received check in the amount of \$7,792.88 from Adelphia Cable Communications, representing payment of franchise fees for the period from April 1 through September 30, 1990.

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to request in writing to be included on a second waiting list, prior to May 28, 1991, of the Northern Recycling Council. This request will enable the town to receive information regarding participation in the construction and operation phase of the Materials Recycling Facility on Walden Avenue in Depew.

four (4) ayes

Carried

Received and filed Monthly Activity Report of the Erie County Sheriff's Department for the month of April.

Reed Garver, 8363 Lower East Hill Road, said he understands that the County Division of Highways has postponed the reconstruction planned for Boston Cross Road and Lower East Hill Road and added that he feels with the government budget crunch we should "take our lumps", but to take both much-needed projects away, while at the same time retaining projects outside the southtowns, was discriminatory. Supervisor Kennedy said he agreed with Mr. Garver and said he and Legislator Joseph Desmond met with County Executive Gorski last fall, at which time a commitment was made by Mr. Gorski that these projects would go forward. Supervisor Kennedy said he will work with Town Clerk Carr to draft a letter to Mr. Gorski relative to this matter and at the same time express appreciation that Boston State Road is being "strip-paved" as a result of hundreds of signatures submitted on petitions to the County Executive.

Supervisor Kennedy noted that Alfred Czora was in attendance and said that he expects to send letters to property owners on the private road off Ward Road on May 16 in order to determine if the majority are willing to accept the costs entailed in the construction of this road into a dedicated highway.

May 15, 1991

At 7:45 P.M. a public hearing was held on the request of Anthony Bernardi for a Special Use permit to construct a private horse stable at 6385 Willow Drive. Town Clerk Carr read the Legal Notice and a letter received from the Planning Board with a favorable recommendation. Clerk Carr also said that neighbors in the vicinity of the property were also notified of the hearing, but no responses were received. Supervisor Kennedy opened the hearing and stated that Mr. Bernardi recently built his home at 6385 Willow Drive and at the time he received his permit the zoning of the property allowed for a stable. Since that time his property has been rezoned to R-2 Single-Family Residence District and horses are allowable only under a Special Use Permit. Lisa Rood, 8798 Zimmerman Road, said she thought having horses was a good idea, but there were no other questions or comments.

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

four (4) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Supervisor Kennedy to grant a Special Use Permit to Anthony Bernardi for the construction of a private horse stable at 6385 Willow Drive in conformance with the Zoning Law, Article VIII, §123-25 (B)6.

four (4) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to make the following Correction of Abstract #5 - May 1, 1991:

Flasher Handling Corp.  
From: 5182.4 Street Lighting  
To: 3310.4 Traffic Control

four (4) ayes

Carried

Upon the request of the Boston Youth Baseball Association, a motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to grant permission for their use of the Town Park and Lions Shelter for their annual baseball all-star games and family picnic on Saturday, August 3, 1991 from 8:00 A.M. to dusk.

four (4) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to grant permission to Patchin Volunteer Fire Company to use the softball diamond to host a benefit game between radio station WYRK and their company on Thursday, June 27, 1991 at 7:00 P.M.

four (4) ayes

Carried

Upon the recommendation of Recreation Director Gerald O'Brien, a motion was made by Councilman Lisowski and seconded by Councilman

# LEGAL NOTICE

## TOWN OF BOSTON

NOTICE OF PUBLIC HEARING  
NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston, Erie County, New York, will hold a Public Hearing at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on Wednesday, May 16, 1991 at 7:45 P.M., Eastern Daylight Saving Time, to consider the application of Anthony Bernardi for a Special Use Permit to construct a private horse stable at 6385 Willow Drive.

At this hearing, at the time and place above noted, all interested persons will be heard for or against said Special Use Permit.

By Order of the Town Board of the Town of Boston, New York.  
Dated: April 30, 1991

5-9

Joyce Carr  
Town Clerk

May 15, 1991

Zimmerman to appoint the Summer Recreation Staff and set salaries, as follows:

| Name               | Job Title        | Site          | Salary    |
|--------------------|------------------|---------------|-----------|
| Catherine Boltz    | Site Supervisor  | Boston Valley | \$6.75/hr |
| Bryan Krieger      | Asst. Site Sup.  | Boston Valley | 6.00/hr   |
| Jennifer Miller    | Arts&Crafts Sup. | Boston Valley | 5.50/hr   |
| Corey Hacker       | Recreation Att.  | Boston Valley | 4.50/hr   |
| Sharon Musselman   | Recreation Att.  | Boston Valley | 4.50/hr   |
| Jennifer Rosinski  | Recreation Att.  | Boston Valley | 4.75/hr   |
| Erin Smith         | Recreation Att.  | Boston Valley | 4.25/hr   |
| Rachel Was         | Recreation Att.  | Boston Valley | 4.50/hr   |
| Chris Wiktor       | Recreation Att.  | Boston Valley | 4.50/hr   |
| Michele Errington  | Site Supervisor  | ECC South     | 6.75/hr   |
| Kristin Hornberger | Asst. Supervisor | ECC South     | 6.00/hr   |
| Karen McKenzie     | Arts&Crafts Sup. | ECC South     | 5.50/hr   |
| Mary Boltz         | Recreation Att.  | ECC South     | 4.25/hr   |
| Matthew Glogowski  | Recreation Att.  | ECC South     | 4.25/hr   |
| Jeff Errington     | Lifeguard        | ECC South     | 5.75/hr   |
| Tracie Murphy      | Recreation Att.  | ECC South     | 4.50/hr   |
| Lori Metzger       | Recreation Att.  | ECC South     | 4.75/hr   |
| Michelle Schunk    | Recreation Att.  | ECC South     | 4.50/hr   |
| Scott Wiata        | Recreation Att.  | ECC South     | 4.50/hr   |
| Michele Riederer   | Site Supervisor  | Town Hall     | 6.75/hr   |
| Alison Becker      | Asst. Site Sup.  | Town Hall     | 6.00/hr   |
| Jackie Russell     | Arts&Crafts Sup. | Town Hall     | 5.50/hr   |
| Christina Brown    | Admin. Asst.     | Town Hall     | 5.50/hr   |
| Lisa Brehm         | Recreation Att.  | Town Hall     | 4.75/hr   |
| Jessica Burdick    | Recreation Att.  | Town Hall     | 4.25/hr   |
| Nicole DellaPenta  | Recreation Att.  | Town Hall     | 4.50/hr   |
| Sean Forney        | Recreation Att.  | Town Hall     | 4.75/hr   |
| Tiffany Krencik    | Recreation Att.  | Town Hall     | 4.50/hr   |
| Cheryl Wittmeyer   | Recreation Att.  | Town Hall     | 4.25/hr   |
| Christopher Zemrac | Recreation Att.  | Town Hall     | 4.75/hr   |
| Michael O'Brien    | Laborer          | Parks Dept.   | 5.50/hr   |

four (4) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to grant permission to a women's softball team from Grace Lutheran Church in Hamburg to use the diamond on Meadow Drive for four practices, after consultation with Recreation Director O'Brien to ascertain that there are no conflicts.

four (4) ayes

Carried

Received a letter from the Erie County Division of Highways stating they expect to reopen the Patchin Road bridge to traffic on July 1, 1991.

Supervisor Kennedy stated that he and Code Enforcement Officer Kramer made a site inspection of the area that Gregory Gerwitz has applied for a Soil Removal Permit and, with the exception of one area that has the correct slope, the excavated area has not been cleaned up. Some of the members of the Conservation Advisory Council plan also to make a site inspection, along with Councilman Wohlhueter. Supervisor Kennedy said he received a complaint from Currie Campbell, 7472 Boston State Road, relative to Mr. Gerwitz's adjacent property where a 10 foot barricade fence has been constructed by Mr. Gerwitz and Mr. Kennedy said that it is like a junkyard behind the fence. He also noted that large elm trees have been dumped on a pile on the property and it appears Mr. Gerwitz is bringing them in from out of town, which is illegal, and added that he did not believe Mr. Gerwitz should be considered for any new permits until he completes his commitments to the previous ones.

# 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 15th day of May, 1991, at 8:00 P. M. Eastern Daylight Saving Time, there were

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

ABSENT: Milton I. Wittmeyer Councilman

Councilman Lisowski presented the following resolution and moved its adoption.

RESOLVED, that the Town Board of the Town of Boston does hereby authorize Supervisor Richard L. Kennedy to sign, submit and execute a contract with Erie County Community Development Block Grant (ECCDBG) for the following projects upon approval of ECCDBG.

1. Boston Library Improvement Program
2. S.P.D.G. Rural Van Program
3. Drainage Project - Boston Cross Road

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

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

AYES:

4

NOES:

0

ABSENT:

1

  
Joyce Carr  
Town Clerk



I, Joyce Carr, the duly qualified and acting Clerk of the Town of Boston, New York, do hereby certify that the following resolution was adopted at a regular meeting of the Town Board held on May 15, 1991, and is on file and that said resolution has not been altered, amended or revoked and is in full force and effect.

RESOLVED, that Richard L. Kennedy, the Supervisor 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 the Land and Water Conservation Fund in an amount not to exceed \$77,500.00 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 Project.

This resolution was made by Councilman Wohlhueter and seconded by Councilman Lisowski and duly put to a vote which resulted as follows:

|                       |                   |
|-----------------------|-------------------|
| Supervisor Kennedy    | Voting <u>aye</u> |
| Councilman Zimmerman  | 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

May 15, 1991

Attorney Perley said that he will review all these matters for possible legal action.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to delay the request for a Soil Removal Permit for Burkhardt/Gerwitz in order to give Mr. Gerwitz a chance to rectify conditions prior to another review of the property.

four (4) ayes

Carried

At 8:00 P.M. a public hearing was held regarding the use of Federal Community Development Funds in the Town of Boston. Town Clerk Carr read the public notice and Supervisor Kennedy opened the hearing. Edna Rogger, Boston Librarian, asked for funding for repair and expansion of the parking lot. Reed Garver asked who the Town of Boston would be competing with for funding and Supervisor Kennedy said it would be with the Erie County consortium. Lisa Rood asked what projects are targeted and Supervisor Kennedy said that projects for senior citizens, handicapped and low-to-medium income persons are targeted. There were no further questions. Two other projects were then proposed by the Board.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to close the public hearing at 8:15 P.M.

four (4) ayes

Carried

#### RESOLUTION - COMMUNITY DEVELOPMENT FUNDS

Upon the receipt of compliance certificates from New York Board of Fire Underwriters, a motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to grant the 1991 license to Sprague's Trailer Court, contingent upon the completion of trailer skirting installation by July 1, 1991. A check has been received in the amount of \$600.00 for 40 trailers.

four (4) ayes

Carried

#### RESOLUTION - PARK FUNDS

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to authorize the Supervisor to purchase a new Chevrolet pickup truck at the state bid price to replace the pickup truck used by the Parks Department that was sold at the auction held May 11, 1991.

four (4) ayes

Carried

Supervisor Kennedy reported that approximately \$300 was raised at the auction last week of old and unused office equipment, etc., plus taking sealed bids on two town-owned vehicles; these proceeds will be donated to the Senior Citizens.

The bids received for the 1981 Chevrolet truck were:

|                 |          |
|-----------------|----------|
| Darryl Ryan     | \$300.00 |
| George Wendling | \$685.00 |

#### PUBLIC NOTICE

##### Notice of Public Hearing Notice to the Citizens of the Town of Boston

A public hearing will be held on May 15, 1991 at 8:00 P.M. Eastern Daylight Saving Time regarding the use of Federal Community Development Funds in the Town of Boston.

The Erie County Consortium is eligible for a Federal Community Development grant under Title I of the Housing and Community Development Act of 1974, as amended.

The purpose of the Hearing is to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects or programs to meet those needs, particularly projects which would benefit low and moderate income persons in the Town of Boston.

Citizens are urged to attend this meeting to make known their views and/or written proposals on Town of Boston's selection of projects to be funded by the Federal Community Development Grant Program.

The Hearing will also present a review of prior Community Development projects and expenditures and a discussion of eligible activities.

Dated: April 29, 1991

Richard L. Kennedy  
Supervisor  
Town of Boston

May 15, 1991

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to accept the bid of George Wendling for \$685.00.

four (4) ayes

Carried

The bids received for the 1981 Dodge police car were:

|                 |          |
|-----------------|----------|
| Joe Wells       | \$200.00 |
| George Wendling | \$385.00 |
| Darryl Ryan     | \$400.00 |

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to accept the bid of Darryl Ryan for \$400.00.

four (4) ayes

Carried

One bid was received for a roller from George Wendling at \$35.00. A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to reject this bid, as more money can be received by selling it for junk.

four (4) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to grant permission to Highway Superintendent Ruchalski to attend a seminar at Cornell University and the Association of Towns 1991 Highway School at Ithaca College on June 3, 4 and 5, 1991, with all appropriate expenses to be paid by the town.

four (4) ayes

Carried

Attorney Perley said that Judge Doyle has granted another two week adjournment of the Contempt Motion against Glenn McKillan, as efforts have begun to clean up his property at 9296 Zimmerman Road. Attorney Perley added that buildings have been constructed on this property without a permit and if they are deemed unsafe, action can be taken by the town under the Unsafe Buildings law to have them removed.

Attorney Perley said the return date for action of Justin Sucato vs the Town of Boston is scheduled for May 20, 1991 and he has prepared the necessary petitions.

Attorney Perley also reported that Ronald Bronstein has moved to intervene and become a party in the Slattery vs. Town of Boston lawsuit.

Councilman Zimmerman reported on the Health Fair the South Boston Playground Committee has planned for a fundraiser on June 8, 1991 from 10:00 A.M. to 3:30 P.M. at the Town Hall. He read a list of participants, such as the Red Cross, Heart Association, Cancer Society, Lung Association, etc. and noted that cholesterol testing will be done for a fee of \$6.00. He added that approximately \$14,000 has been raised so far for playground equipment. He also said that eleven trees have been donated and requested Highway Superintendent Ruchalski have his crew plant them temporarily at the site and after the playground is completed they can be permanently planted.

Town Engineer's Monthly Report was received.

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to appoint John David Early, 7125 Omphalius Road, to the Planning Board, term to expire February 1, 1992.

four (4) ayes

Carried

May 15, 1991

Attorney Perley said that Mr. Early's desire to remain as a member of the Conservation Advisory Council while a member of the Planning Board will not conflict with Town Law.

A letter was read from the Planning Board, recommending approval of the application of Donald P. Mitseher to build greenhouses and related buildings at 7945 Back Creek Road. Upon the request of Attorney Perley for an opportunity to review this application to ensure it meets the requirements of the Zoning Law, a motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to defer action on this application until the June 5, 1991 Board meeting.

four (4) ayes

Carried

A letter was read from the Planning Board, recommending approval of the application of George Wendling to construct a storage building on his property at 8358 Boston State Road. A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to defer action on this application until the June 5, 1991 Board meeting.

four (4) ayes

Carried

Upon a favorable Planning Board recommendation, a motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to approve the building permit application of Carl and Roy Emerling for a 12 foot X 38 foot storage building at 9000 Boston State Road.

four (4) ayes

Carried

Upon a favorable recommendation from the Planning Board, a motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to approve the building permit application of Rucker Lumber, Inc. for two additions to existing storage buildings at 9184 Boston State Road.

four (4) ayes

Carried

Received and filed letter from the Zoning Board of Appeals, stating they have established the first Tuesday of each month at 7:00 P.M. as a regular day for scheduling of hearings.

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to adjourn at 8:41 P.M.

*Joyce Carr*

Joyce Carr  
Town Clerk

Regular Meeting  
June 5, 1991

Town Hall  
7:30 P.M.

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

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to approve the Minutes of the May 15, 1991 Regular Meeting.

four (4) ayes

Carried

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

four (4) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski that the General Fund and Special District Bills on Abstract #6, June 5, 1991, in the amount of \$28,472.36 be paid.

four (4) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy that the Highway Bills on Abstract #6, June 5, 1991, in the amount of \$2,885.88 be paid.

four (4) ayes

Carried

Received and filed notification from Miller's Deli, 7178 Boston State Road, that they have renewed their liquor license for 1991.

Received notice from the New York State Division of Equalization and Assessment that the residential assessment ratio has been set at 84.88 on the 1991 Assessment Roll.

Received a reply to the our letter of inquiry from Northern Recycling Council, stating that they will need to have the decision of the Town Board on whether they are planning to join in the construction and operations phase of this operation by June 27, 1991. Supervisor Kennedy said he does not see the merit in joining at this particular time. Councilman Wohlhueter stated he feels this venture is too premature at this point and noted that the Southtowns Solid Waste Committee is reviewing a proposal for a landfill in Chautauqua County that could be used by the southtowns. Attorney Perley said there are several factors to take into consideration, such as the fact that the materials have to be transported to the facility, the facility itself is not yet built and that the issue is dependent on economic factors. Action on this matter was deferred until the June 19, 1991 meeting.

Clerk Carr reported that one bid was received on an excavator, from Nuttall Equipment Co., Inc., as follows:

|                                                     |             |
|-----------------------------------------------------|-------------|
| One used Badger Model 444 Multi-Purpose Excavator - |             |
| Price                                               | \$69,495.00 |
| Allowance for town's excavator                      | - 13,975.00 |
| Net Price, Delivered                                | \$55,520.00 |

Upon the recommendation of the Highway Superintendent, a motion was made by Councilman Lisowski and seconded by Councilman Wittmeyer to accept the bid of Nuttall Equipment, Co., Inc. for an excavator, with the net price of \$55,520.00.

four (4) ayes

Carried

TOWN OF BOSTON

SERIAL BOND RESOLUTION DATED JUNE 5, 1991

At a regular meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Town Hall in said Town of Boston on the 5th day of June, 1991 at 7:30 PM, Eastern Daylight Savings Time, there were:

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

Supervisor Kennedy presented the following Resolution and moved its adoption:

WHEREAS, the Town Board of the Town of Boston, New York, by a Resolution duly adopted on the 5th day of June, 1991 and pursuant to Section 103 of the General Municipal Law, duly accepted an offer and authorized the purchase of one (1) used Badger Model 444 Multi-Purpose Excavator, at a total cost of \$55,520.00 and it is provided that the sum of \$520.00 of such cost was to be paid from existing funds and the balance of \$55,000.00 of such cost was to be paid from the proceeds of obligations to be issued, pursuant to the Local Finance Law.

NOW, THEREFORE, BE IT RESOLVED,

1. The specific object or purpose for which obligations are to be issued, pursuant to this Resolution, is to finance the cost of said excavator.

2. The maximum cost of such vehicle is \$55,520.00 as required by the terms of the proposals of \$55,520.00 and the plan of financing of such cost is as follows:

The sum of \$520.00 to be provided from the current funds now available in the Highway Budget and General Fund and the balance of the cost is to be provided by the issuance of separate Serial Bonds in the total amount of \$55,000.00 consisting of five (5) separate bonds, each in an amount of \$11,000.00 pursuant to this Resolution.

3. The following determinations are hereby made:

- A. The period of probably usefulness of such vehicle is at least fifteen (15) years.
- B. The subdivision of Paragraph "A" of §11.00 of the Local Finance Law as applicable in the circumstances is Subdivision "28".
- C. The proposed maturity of the obligations authorized by this Resolution will not be in excess of five (5) years.

4. That the Town of Boston, Erie County, New York issue its Serial Bonds in the amount of \$55,000.00 to finance such cost in accordance with the financial plan set forth above. Such Bonds shall be dated approximately as of the date of the delivery of such machinery and apparatus, and the power to fix and determine the exact date of such Bonds is hereby delegated to the Supervisor.

5. Such Bonds shall be numbered consecutively and shall be in the total amount of \$55,000.00 and shall mature in numerical order in annual installments in the years and total amounts as follows:

|             |                   |
|-------------|-------------------|
| \$11,000.00 | June 7, 1992      |
| \$11,000.00 | June 7, 1993      |
| \$11,000.00 | June 7, 1994      |
| \$11,000.00 | June 7, 1995, and |
| \$11,000.00 | June 7, 1996,     |

in such individual amounts to be determined, and said Bonds shall be issued in bearer form without coupons and shall contain a power to convert to registered form in accordance with the provisions of the Local Finance Law. The Bonds shall bear interest at a rate not exceeding eight (8%) percent per annum. Payments of such interest shall be evidenced by notation thereon on the Bonds at the time of payment. The Bonds shall be substantially in the form of the proposed bond which is attached hereto and made a part hereof of this Resolution.

6. The Supervisor is hereby delegated the power to prepare such Bonds and to sell such Bonds at private sale at not less than par and accrued interest, and at such sale to fix the interest to be

borne by such Bonds within the limitations set forth in this Resolution. The Supervisor shall deliver such Bond to the purchaser thereof only against cash or a certified check. The proceeds of sale of the Bond shall be deposited in a special bank account, as required by Section 165.00 of the Local Finance Law and the powers delegated to the Supervisor by this Resolution shall be exercised in the conformity with the provisions of the Local Finance Law.

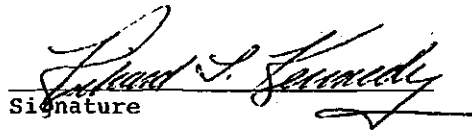
7. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Instrument was seconded by Councilman Wohlhueter, duly put to a vote on roll call, subscribed by the members voting in the affirmance thereof, which resulted as follows:

Supervisor Kennedy

Voting aye

Signature



Councilman Wittmeyer

Voting aye

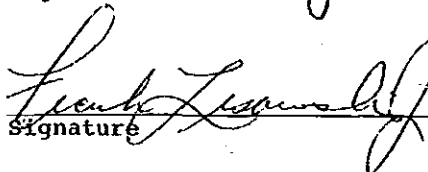
Signature



Councilman Lisowski

Voting aye

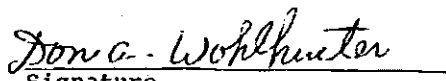
Signature



Councilman Wohlhueter

Voting aye

Signature



AYES: Four (4)

NOES: None

ABSENT: One (1)

  
Joyce Carr, Town Clerk  
Town of Boston

TOWN OF BOSTON

BOND ANTICIPATION NOTE RESOLUTION DATED JUNE 5, 1991 FOR THE ISSUANCE AND SALE OF A BOND ANTICIPATION NOTE OF THE TOWN OF BOSTON, NEW YORK, IN ANTICIPATION OF THE SALE OF \$55,000.00 SERIAL BONDS FOR THE PURCHASE OF ONE (1) USED BADGER MODEL 444 MULTI-PURPOSE EXCAVATOR.

At a regular meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Town Hall in said Town of Boston, on the 5th day of June, 1991 at 7:30 PM, EST, there were :

|          |                        |            |
|----------|------------------------|------------|
| Present: | Richard L. Kennedy     | Supervisor |
|          | Milton I. Wittmeyer    | Councilman |
|          | Frank A. Lisowski, Jr. | Councilman |
|          | Don A. Wohlhueter      | Councilman |

|         |                    |            |
|---------|--------------------|------------|
| Absent: | David G. Zimmerman | Councilman |
|---------|--------------------|------------|

Councilman Lisowski presented the following Resolution and moved its adoption;

BE IT RESOLVED, by the Town Board of the Town of Boston, Erie County, New York, as follows:

1. For the purpose of paying the cost of one (1) used Badger Model 444 Multi-Purpose Excavator, in accordance with proceedings heretofore taken by the Town Board of said Town, are hereby authorized to be issued a \$55,000.00 Bond Anticipation Note of said Town.

2. Specific reference is hereby made to a Resolution entitled "Serial Bond Resolution Dated June 5, 1991", authorizing the issuance and sale of Serial Bonds of the Town of Boston, New York, which Resolution authorized the Bonds in anticipation of the sale of which the Note hereby authorized is to be issued.

3. The amount of the Bonds to be issued for the aforesaid object or purpose is \$55,000.00, and such bonds shall be Serial Bonds.

4. The amount of the Bond Anticipation Note to be issued is \$55,000.00. Such Note shall be dated June 7, 1991 and shall be numbered "No.1", and shall mature June 6, 1992, bearing interest at the rate not exceeding eight (8%) percent per annum, payable at maturity. Such Note shall be signed by the Supervisor of said Town, and attested by the Town Clerk of said Town, and both principal of and

interest on said Note shall be payable in lawful money of the United States of America at the Boston Town Hall, 8500 Boston State Road, Boston, New York or such other address designated on said Note. Such Note shall be substantially the form as the copy of said Note hereto annexed.

Said Note shall be payable from the proceeds derived from the sale of said Bonds or otherwise redeemed in the manner provided by Section 23.00 of the Local Finance Law. The faith and credit of said Town are hereby irrevocably pledged for the payment of said Note and interest thereon.

5. There are no Bond Anticipation Notes outstanding which have been previously issued in anticipation of the sale of said Bonds. Neither is the Note hereby authorized a Renewal Note. The period of maturity of such Note is hereinabove set forth. Such Note is not issued in anticipation of Bonds for an assessable improvement.

6. The Supervisor of the Town of Boston is hereby authorized to sell said Note at private sale at not less than par and accrued interest; and when said Note shall have been duly executed and sold, the same shall be delivered to the purchaser upon payment of the purchase price to the Supervisor and the receipt of the Supervisor shall be a full acquittance to said purchaser who shall not be obliged to see to the application of the purchase money.

7. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was seconded by Supervisor Kennedy, duly put to a vote on roll call, subscribed by the members voting in the affirmative thereof, which resulted as follows:

Supervisor Kennedy

Voting aye

Richard S. Kennedy  
Signature

Councilman Wittmeyer

Voting aye

Thel. I. Wittmeyer  
Signature

Councilman Lisowski

Voting aye

Richard Lisowski  
Signature

Councilman Wohlhueter

Voting aye

Don A. Wohlhueter  
Signature

AYES: Four (4)

NOES: None

ABSENT: One (1)

Joyce Carr

Joyce Carr  
Town Clerk  
Town of Boston

June 5, 1991

**RESOLUTION - SERIAL BOND IN THE AMOUNT OF \$55,000**

**RESOLUTION - BOND ANTICIPATION NOTE**

Received a response from the Erie County Water Authority concerning hydrant maintenance. Supervisor Kennedy asked that this letter be kept on file so that the maintenance program schedule can be checked to be certain it is adhered to; Councilman Wittmeyer requested Clerk Carr to forward copies of the letter to each of the three fire companies for their review.

Received a request for a Special Use Permit to operate a Bed and Breakfast establishment from Shash Georgi, 7233 Lower East Hill Road. A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to refer this application to the Planning Board for their review and recommendation.

four (4) ayes

Carried

Received a letter from the Boston Hills Mobile Homeowners Association relative to fire protection and the suggestion that a yearly fire drill be held in both mobile home parks as a prerequisite to license renewal by the town. Also received was a letter from John Falkides, owner of Boston Hills Mobile Home Park, stating he has no objection to fire drills in the park. Councilman Wittmeyer said he will contact Patchin Fire Company relative to this matter and noted that the fire company has not encountered any problems in the past with insufficient hose for the homes at the far end of the park.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to approve the application of George A. Wendling, 8358 Boston State Road, for a 42 feet X 45 feet storage building, as tabled at the May 15, 1991 meeting.

four (4) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to approve the application of Donald P. Mitscher for greenhouses and related buildings at 7945 Back Creek Road, as tabled at the May 15, 1991 meeting.

four (4) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to grant permission for the use of the Town Park and Lions Shelter on July 3, 4, and 5, 1992 for the town's Triquiscentennial. Supervisor Kennedy said that additional restrooms that are being planned near the Lions Shelter will be completed by that time, if not, additional portable restrooms will be ordered for this event.

four (4) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to schedule summer Town Board meetings as follows:

Wednesday, July 17, 1991 - 7:30 P.M.  
Wednesday, August 14, 1991 - 7:30 P.M.

four (4) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to create a position of Clerk-Typist, in conformance with the directive received from the county that this action must

June 5, 1991

be taken if a parttime position entails more than 19 hours per week.

four (4) ayes

Carried

Upon the request of Recreation Director Gerald O'Brien, a motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to appoint Tammy Woodhouse as Recreation Attendant for the Summer Recreation Program, at a salary of \$4.25 per hour.

four (4) ayes

Carried

Supervisor Kennedy welcomed County Legislator Joseph Desmond to the meeting and thanked him for the good job he has done in representing the town and noted that, due to the county reapportionment, Mr. Desmond will not represent the Town of Boston after December 31. Legislator Desmond said the decision to postpone the reconstruction of Boston Cross Road and Lower East Hill Road was made by the county due to budget constraints and that he also hopes that the remedial work, as requested by Councilman Wohlhueter on Eckhardt Road, will find a place in the county budget. He added that, even when he will no longer be representing the Town of Boston, he will be stopping by to keep in touch.

Supervisor's Monthly Financial Report was received.

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to authorize the Supervisor to prepare specifications for a one-half ton pickup truck for use by the Parks Department, with bids to be opened June 24, 1991 at 10 A.M.

four (4) ayes

Carried

Supervisor Kennedy told Alfred Czora that he has received all but approximately four replies to letters sent to residents of a private road off Ward Road relative to their petition to have this road dedicated to the town. He added that when all the replies are received he will prepare a letter for the residents relative to this matter.

Tax Collector's Report was received.

Clerk Carr said the next surplus food distribution will be held on Wednesday, June 12, beginning at 9:00 A.M.

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to make the following Correction of Abstract #5A, May 15, 1991:

|                                                    |             |
|----------------------------------------------------|-------------|
| Voucher #366 - New York State Electric & Gas Corp. |             |
| From:                                              | \$ 1,511.09 |
| To:                                                | \$ 1,522.56 |
| Total Abstract -                                   |             |
| From:                                              | \$42,062.47 |
| To:                                                | \$42,073.94 |

four (4) ayes

Carried

Town Justice Monthly Financial Report was received.

Attorney Perley said that he appeared before Judge Sedita in the Article 78 proceedings of Justin Sucato vs the Town of Boston on June 3, 1991 and the decision has been reserved.

Attorney Perley said Judge Doyle has scheduled a new hearing date in the matter of Town of Boston vs Glenn McKillen.

June 5, 1991

Attorney Perley reported he is negotiating a payment-in-lieu of taxes for People, Inc. and is scheduled to talk with representatives of the Hamburg School district and Erie County in order to arrive at a payment amount.

Attorney Perley said that he will advise the Department of Environmental Conservation of the history of the permits granted by the town to Gregory Gerwitz, in conjunction with his application to them for a gravel removal permit. He added that the DEC is accepting comments on the application and Supervisor Kennedy said he is also forwarding a letter to the DEC on the application.

Councilman Wohlhueter requested that Attorney Perley draft legislation relative to development of steep slopes, as suggested by the Conservation Advisory Council. This legislation will be drafted and distributed to the Conservation Advisory Council, Planning Board and Town Board for review and comment.

Councilman Wohlhueter said he has drafted a letter to the Governor and state legislature relative to an adopt-a-road program, as suggested by an Omphalius Road resident and discussed at a Conservation Advisory Council meeting.

Donald Mitscher, 4589 Morningside Drive, suggested that elevations should be submitted along with an application for soil removal permit in order to ascertain the correct amount of cubic yards being removed. Supervisor Kennedy said this is a good idea in the case of Mr. Gerwitz, however, most contractors abide by the regulations.

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to release the sum of \$1000.00 that has been held in a special account from a donation by the Welcome Wagon to benefit the Jaws of Life equipment. It has been decided by the three fire companies and the Emergency Squad that this donation will be used for the purchase of an Amkus 30" ram for the Jaws equipment.

four (4) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to grant permission for Councilman Zimmerman to attend the summer conference of the New York State Supervisors and Legislators Association on June 16-19, 1991 at Saratoga Springs, New York, with all appropriate expenses to be paid by the town.

four (4) ayes

Carried

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.

Roy Ranic, 6700 Liebler Road, requested a 35 mph speed limit on Liebler Road, due to the poor condition and width of the road. This matter was referred to the Traffic Safety Committee for its review.

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to adjourn at 8:30 P.M.

*Joyce Carr*  
Joyce Carr  
Town Clerk

Regular Meeting  
June 19, 1991

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 to approve the Minutes of the Regular Meeting of June 5, 1991.

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 #6A, June 19, 1991, in the amount of \$45,177.77 be paid.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wittmeyer that the Highway Bills on Abstract #6A, June 19, 1991, in the amount of \$75,711.99 be paid.

five (5) ayes

Carried

Received and filed a Protest of the Special Franchise Assessment for the 1991 Tax Roll from New York Telephone Company.

Received from Erie County Department of Emergency Services a list of firemen from town that have completed a New York State Fire Police Training Course.

Received and filed Monthly Activity Report of the Erie County Sheriff's Department for the month of May, 1991.

Received notification from B-Kwik North Boston Market, Inc. that they intend to renew their off-premises beer license for premises at 7375 Boston State Road.

Nancy Stetter, 5562 James Drive, asked if the Patchin Road bridge was still scheduled for opening on July 1. Supervisor Kennedy said that grading work has been done from Shero Road to the bridge and Councilman Wittmeyer noted that a firm commitment was received from the county for this opening date and although there has been no work activity noticed in the past few days, possibly the remaining work will get underway shortly.

Roy and Nancy Ranic, 6700 Liebler Road, submitted a letter outlining the problems they have due to the fact that they share a house number with ten other homes. Their property has frontage on Liebler Road and the other homes are on the Niagara Mohawk powerline right-of-way. Supervisor Kennedy said that this request will be reviewed with the thought that a new house number may be designated for the Ranic's and a letter will be written to the residents of the powerline with the suggestion that they post a name sign at the entrance so that these problems can be alleviated.

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski to authorize the Supervisor to sign an agreement to renew the contract with Municipal Insurance Consultants, Inc. for the period June 1, 1991 - June 1, 1992.

five (5) ayes

Carried

12  
TOWN OF BOSTON



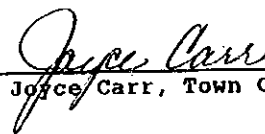
At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, in said town on the 19th day of June, 1991 at 7:00 P. M., Eastern Daylight Saving Time, there were present:

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

Supervisor  
Councilman  
Councilman  
Councilman  
Councilman

The following resolution was offered by Councilman Wittmeyer, who moved its adoption, seconded by Councilman Wohlhueter and unanimously carried:

BE IT RESOLVED, that the Town Board of the Town of Boston requests that the New York State Department of Transportation establish a lower speed zone of 40 MPH on Liebler Road, a Town road, from Boston State Road to Cole Road, which is the entire length of said road.

  
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 19th day of June, 1991, 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.

BE IT RESOLVED, that the Boston Town Board does hereby commit the Town of Boston to the completion of the section of 8" waterline that would transverse the Newland property at 7042 Taylor Road in the Town of Boston.

AND BE IT FURTHER RESOLVED that the Boston Town Board also grants permission to Mr. and Mrs. Newland to tap in on Pincrest Terrace utilizing the same right-of-way that the Town previously granted for their sewer tap in. This permission is granted contingent upon approval by the Erie County Water Authority.

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

|                       |                   |
|-----------------------|-------------------|
| Supervisor Kennedy    | Voting <u>Yes</u> |
| Councilman Wittmeyer  | Voting <u>Yes</u> |
| Councilman Zimmerman  | Voting <u>Yes</u> |
| Councilman Wohlhueter | Voting <u>Yes</u> |
| Councilman Lisowski   | Voting <u>Yes</u> |

AYES; 5

NOES; 0

ABSENT; 0

*Joyce Carr*  
Joyce Carr, Town Clerk

June 19, 1991

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to appoint Wendy S. Kummer as Clerk-Typist, effective June 19, 1991.

five (5) ayes

Carried

The Boston Hills Mobile Homeowners Association asked that their request to use the Town Park be deleted from the Agenda.

#### RESOLUTION - LIEBLER ROAD SPEED LIMIT

A motion was made by Councilman Zimmerman and seconded by Supervisor Kennedy to officially close the Highway Building project, with the final amounts being applied to the debt on the building, as follows:

|                           |                   |
|---------------------------|-------------------|
| Appropriated Fund Balance | \$17,129.43       |
| Appropriations -          |                   |
| S/B Principal             | \$7,233.98        |
| S/B Interest              | <u>\$9,895.45</u> |
|                           | \$17,129.43       |

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to promote Highway Department employees Ronald Smolinski and Joseph Wierzbic to MEO (Motor Equipment Operators) at \$11.20 per hour, effective June 19, 1991.

five (5) ayes

Carried

#### RESOLUTION - WATERLINE EASEMENT - PINECREST TERRACE

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to extend the contract of Kandey Co. for the Patchin Road waterline extension until August 1, 1991, upon the recommendation of Town Engineer Nussbaumer & Clarke, Inc.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to authorize Supervisor Kennedy to sign a contract for a state grant for a truck to transport wood chipping materials. Supervisor Kennedy asked that the Town Attorney review the contract before he signs it.

five (5) ayes

Carried

Received Tax Collector's Report for payments made through May, 1991.

Highway Superintendant Ruchalski thanked the Town Board for authorizing his attendance at a seminar at Cornell University on June 2-5, 1991 and said it was an informative session.

Attorney Perley said he is waiting for new FCC regulations to arrive from Congressman Paxon's office prior to the finalization by Councilman Zimmerman and himself of the negotiations for the new cable tv contract.

Attorney Perley reported he has scheduled a meeting early next week with representatives from Intertech Satellite, Inc., relative to their interest in obtaining two permits for installation in the town.

June 19, 1991

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to direct Code Enforcement Officer Dennis Kramer to inspect the Crossan property at 8517 Feddick Road in order to determine if it constitutes a public health nuisance and to report his findings in writing to the Town Board.

five (5) ayes

Carried

Councilman Lisowski asked that the matter of noncompliance of the Zoning Law by Gregory Gerwitz be actively pursued.

Councilman Wohlhueter asked Attorney Perley to review a letter received from Northern Recycling Council (NOREC) and it was noted that the date has been extended by NOREC for joining the operations and construction phase of the council.

Councilman Wittmeyer said he spoke with Chief Daniel Genzel of the Patchin Fire Company relative to a fire drill discussed for the Boston Hills Mobile Home Park and Chief Genzel said plans are being made to schedule a drill and that they have no difficulty in maneuvering fire equipment in the park.

Received notification from the Planning Board that they have scheduled summer meetings for 7:30 P.M. on July 16 and August 20.

Received proposed revisions in the Mobile Home Court Law with the recommendation from the Planning Board they be considered for adoption. Attorney Perley is presently drafting a revision relative to design specifications and this revision, as well as those suggested by the Planning Board, will be discussed at the next Agenda Review meeting by the Town Board.

A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer to authorize the attendance of Mary Thurber and Damian Wiktor at a housing seminar sponsored by the New York Planning Federation on June 27, 1991 at the Buffalo Hyatt Regency.

five (5) ayes

Carried

Received notification from the Zoning Board of Appeals that they have elected the following as officers for the remainder of 1991:

|               |                    |
|---------------|--------------------|
| Chairman      | Joseph Santonocito |
| Vice Chairman | Judith Scheetz     |
| Secretary     | Paul Woodhouse     |

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to adjourn at 8:19 P.M.

*Joyce Carr*

Joyce Carr  
Town Clerk

Regular Meeting  
July 17, 1991

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 to approve the Minutes of the Regular Meeting of June 19, 1991.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer 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 Wittmeyer that the General Fund and Special District Bills on Abstract #7, July 17, 1991, in the amount of \$82,746.32 be paid.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman that the Highway Bills on Abstract #7, July 17, 1991, in the amount of \$31,038.72 be paid.

five (5) ayes

Carried

Activity Report for the month of June, 1991 of the Erie County Sheriff's Department was received and will be on file in the Town Clerk's Office. Supervisor Kennedy commended Sergeant John P. Fox, who was present, for his quick action in the rescue this morning of five persons in a house fire in the city.

Received a letter from Southtowns Haz-Mat Team, thanking the Town Board for their assistance in posting "No Parking" signs during the time they used the old highway building at 8321 Boston State Road. As the owner of the building needs it now for his own purposes, they are presently looking in the southtowns area for a new facility.

Received notification from Marine & Industrial Services, Inc. that they have opened a waste tire drop-off center at 1346 South Park Avenue.

Received a letter from James M. Tammara, Associate Public Records Analyst of the State Archives and Records Administration, commending Town Clerk Carr for the excellent job done with the Records Management Improvement Grant awarded to the town, including arranging to have the Minutes and vital statistic records microfilmed. Supervisor Kennedy also commended Town Clerk Carr in the administration of the grant and for updating the records storage area of the vault.

Received a letter from Assemblyman Paul A. Tokasz relative to legislation he sponsored which would require the Niagara Frontier Transportation Authority to make annual payments in-lieu-of taxes for property owned by them and used for non-transportation purposes. Supervisor Kennedy said he will write a letter of support for this legislation.

Roy Ranic, 6700 Liebler Road, asked if consideration has been given to his request for new house number designations, due to the fact that his number is shared by ten homes. Supervisor Kennedy said he

July 17, 1991

has prepared color coded maps and a letter to be sent to these residents, explaining the importance of using the designated alphabetical letter, along with their house number.

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to make the following Correction of Abstract #6A, June 19, 1991:

|              |                     |          |
|--------------|---------------------|----------|
| Voucher #448 | Charles Bus Company |          |
| From:        | A7310.4             | \$120.00 |
| To:          | A7140.4             | \$120.00 |

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to award the only bid received June 24, 1991 for a 1991 Pickup Truck to Emerling Chevrolet, Inc., in the amount of \$12,498.00.

five (5) ayes

Carried

Received notification from Erie County Division of Highways that the reconstruction of the Patchin Road bridge has been completed and it has been reopened to traffic.

#### RESOLUTION - CONSOLIDATION OF ELECTION DISTRICTS

Received a request from Southtowns Haz-Mat Team for funding in the amount of \$3890.00 from the town in order to continue their service. Supervisor Kennedy said this request will be considered in formulating the fire district budget this year, and added that the town will offer its assistance but can not be sure it will be in the amount requested.

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to donate the old Patchin #7 rescue unit to Southtowns Haz-Mat, as Patchin as purchased a new unit and returned the old one to the town.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to make the following Transfers of Appropriations in the Highway Fund:

|       |                                  |             |
|-------|----------------------------------|-------------|
| From: | 5130.2 Machinery, equipment      | \$24,500.00 |
| To:   | 5130.4 Machinery, contractual    | \$23,980.00 |
|       | 9950.9 Transfer to Cap.Proj.Fund | 520.00      |

five (5) ayes

Carried

#### RESOLUTION - STOP DWI CONTRACT FOR 1991

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to authorize the attendance of Deputy Town Clerk Lucille Genzel on August 6, 1991 in Buffalo at a WordPerfect Computer Program seminar.

five (5) ayes

Carried

An Application for Permit was received from Jacob P. Karb, Jr. for an addition to a mobile home at 9529 Boston State Road. Supervisor Kennedy said permission was granted to Mr. Karb to replace a mobile home that was on the property for many years, as it was determined that permission had originally been granted by the Town Board at

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 17th day of July, 1991 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 |

The following resolution was offered by Councilman

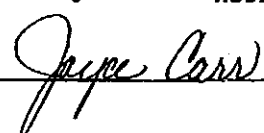
Zimmerman who moved its adoption:

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 11, 1991 and October 12, 1991.

Seconded by Councilman Wittmeyer 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, Town Clerk

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 17th day of July, 1991 at 7:30 P. M., Eastern Daylight Saving Time, there were present:

|                     |            |
|---------------------|------------|
| Richard Kennedy     | Supervisor |
| Milton Wittmeyer    | Councilman |
| David Zimmerman     | Councilman |
| Don Wohlhueter      | Councilman |
| Frank Lisowski, Jr. | Councilman |

The following resolution was offered by Councilman

Wittmeyer 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

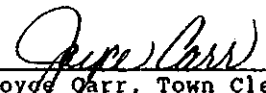
WHEREAS, an agreement has been presented to the Town of Boston for their approval to participate in the STOP-DWI Program.

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 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

## 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 July, 1991 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, Erie County, New York, hereby consents and approves that public water service be furnished to the following property owner, at the address as set opposite his name, as follows:

|                           |                 |                |
|---------------------------|-----------------|----------------|
| <u>SBL ACCOUNT NUMBER</u> | <u>NAME</u>     | <u>ADDRESS</u> |
| 212.00-1-19               | Mildred Higgins | 6983 Ward Road |

By Water District #17 of the Town of Orchard Park as an out-of-district customer, and that the Town Board further consents and approves that in the event of a default in payment with respect to said water service should result in said sum or sums as may be unpaid may be placed on the tax rolls in the Town of Boston for collection thereof, and be it further

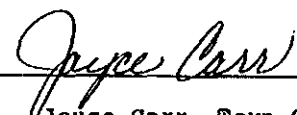
RESOLVED, that when and if the Town of Boston forms a Water District to service the area in which this petitioner resides, that this petitioner be and is hereby obligated to join the Town of Boston Water District, and be it further

RESOLVED, that if the Town of Orchard Park Water District involved is under Lease Management with the Erie County Water Authority that the permission granted above be and hereby is subject to the approval of the Erie County Water Authority's Engineering and Tariff requirements.

Seconded by Councilman Zimmerman and duly put to a vote, and upon roll call the vote was 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

July 17, 1991

that time for a mobile home. Attorney Perley said that, even though the Town Board allowed the replacement of the home, they do not have the authority to approve the expansion of a nonconforming use and that Mr. Karb has the alternative of requesting a variance from the Zoning Board of Appeals to allow for the construction of the addition.

A letter was received from the Boston Emergency Squad, Inc., outlining many reasons that additional space is needed, especially for training classes and meetings at the squad hall. Supervisor Kennedy said the work that is done by the squad is invaluable and much appreciated, however, there are no plans at this time for expansion of their facilities. He requested Councilman Zimmerman to contact the members and invite them to utilize the Community Room at the Town Hall for the times they need more space.

Received a letter from the New York State Department of Transportation relative to our request for a lower maximum speed limit on Liebler Road. The recently instituted procedure for expediting speed zone requests was outlined and Supervisor Kennedy said the town will instead utilize the alternative procedure of the traffic engineering study being made by the state.

Councilman Wittmeyer said the Traffic Safety Committee is currently reviewing the speed zones in the entire town, with an eye to having all subdivisions conform, with the speed reduction requests being transmitted at one time.

#### RESOLUTION - OUT-OF-DISTRICT WATER SERVICE

Received a letter from County Executive Dennis Gorski in response to the letter sent Mr. Gorski asking why projects committed to this area have been postponed. Supervisor Kennedy said will respond to this letter from Mr. Gorski, as the Lower East Hill and Boston Cross Road projects were not only much needed, but were personally committed by Mr. Gorski at a meeting with Supervisor Kennedy and County Legislator Desmond last fall.

Received a report from Code Officer Dennis Kramer of the dates of inspections at the multiple dwelling construction by Gregory Gerwitz at 7456 Boston State Road, together with a list of unfinished items on the project. Supervisor Kennedy directed Town Attorney Perley to draft a letter to Mr. Gerwitz on this matter, as the building permit expired on July 6, 1991 and renewal of the building permit will have to be requested, prior to any more work being done on this building.

Deferred until the August meeting a request from Tax Collector Joyce Carr, to use the Town Hall for the collection of the 1991-92 School Tax, with a reimbursement to the town by Mrs. Carr in the amount of \$500.00.

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to approve a Change Order in the Patchin Road waterline extension project, to install 480 feet of 8 inch waterline northerly, along the west side of Back Creek Road for a lump sum of \$10,000.00.

five (5) ayes

Carried

Received two letters from John P. Falkides relative to proposed revisions in the Mobile Home Court Law that were drafted by the Planning Board and sent to the Town Board with the recommendation they be adopted. Mr. Falkides requested written confirmation that any revisions to this Law will not apply to his proposed

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development that is currently being reviewed. Mrs. Falkides noted that, if the proposed revisions are approved, there would be no provisions made for consideration of single-width mobile homes. Supervisor Kennedy said the Town Board has received study copies of these proposals for review and consideration, but at this time no action has been taken to schedule this item either for agenda review or a public hearing.

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to grant permission to Recreation Director Gerald O'Brien to use the Town Park and Lions Shelter for a series of "Concerts in the Park" on the Wednesday evenings of August 7, 21 and 28 from 7:00 to 9:00 P.M. These concerts will be sponsored by the Town of Boston Arts Council and Recreation Department and Supervisor Kennedy commended Mr. O'Brien for his efforts in chairing these events.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to grant permission to the residents of Pinecrest Terrace to block off a portion of Pinecrest Terrace from 4668 to 4725 Pinecrest for their annual Block Party on July 20, 1991 from 2:00 P.M. to 12:00 Midnight.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to grant permission to the residents of Old Orchard Drive to have a Street Party on August 3, 1991, with the stipulation that the starting and ending time be noted for the party.

five (5) ayes

Carried

Supervisor's Monthly Financial Report was received.

Tax Collector's Final Report for Collection of 1991 Town and County Tax was received.

Town Justice Monthly Financial Report was received.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to prepare bid specifications for a single-axle dump body truck with a chipper box; bids to be opened on Monday, August 12, 1991 at 10:00 A.M.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to authorize the Supervisor to sign an Amendment to the Joint Agreement Creating the Southtowns Solid Waste Management Board.

five (5) ayes

Carried

Councilman Wohlhueter said that the Towns of Tonawanda and Cheektowaga have not opted to join the operations and construction phase of NOREC, a proposed recycling center; Boston has no plans either to join, at least at this time.

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to grant permission to the South Boston Park Committee to use the Lions Shelter on September 20, 1991 for a fundraiser. He added that a total of \$15,800 has been raised thus

July 17, 1991

far for park equipment and improvements.

five (5) ayes

Carried

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

Supervisor Kennedy said that many inquiries have been received relative to the landscaping at People, Inc., 8169 Boston State Road and Code Officer Kramer reported to him that at this time the grading and landscaping work is going forward and is under the process of being completed.

Dog Control Officer Monthly Report was received.

Town Engineer Monthly Report was received.

Upon the recommendation of the Planning Board, a motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to approve the application of Shash Georgi, 7233 Lower East Hill Road, for a Special Use Permit to operate a Bed-and-Breakfast establishment.

five (5) ayes

Carried

A letter was received from the Planning Board relative to their review of the final Site Plan for "Boston Hills Estates" from John and Katherine Falkides and also a copy of a letter dated July 11, 1991 from Town Engineer Charles R. Pettit stating that his review has determined that previous concerns and recommendations have been addressed and satisfied on this project. Councilman Lisowski, as liaison with the Planning Board, went over the items listed by the Planning Board and noted that these points were made after countless hours in review of this proposal. Supervisor Kennedy also enumerated the points made by the Planning Board and Katherine Falkides stated her views on the concerns they have with some of the items noted, such as the necessity of planting trees, as the property borders on R-A zoning which does not require a tree buffer. She also noted that it should be unnecessary to make their Park Rules and Regulations a part of the final Site Plan approval and that if they make modifications to them, they will become more stringent, not less, and it should be unnecessary to have public hearings everytime they wish to make a change or revision. Attorney Perley said that the tree buffer is not mandatory, however, the Town Board has the authority to require the trees and he suggested that they be planted along the access road to a point where the property drops off, which is approximately half-way, which would provide a visual buffer from Boston State Road traffic. Supervisor Kennedy commended the Planning Board for their review of this project and added that miscommunication on both sides probably lengthened the review process.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to approve the Final Site Plan for "Boston Hills Estates", to be developed adjacent to the Boston Hills Mobile Home Park at 7898 Boston State Road, including the following restrictions:

1. Evergreen trees, having a height of at least three (3) feet, with a maximum of fifteen (15) feet in between, shall be planted at least to the point of the area where the topography drops off.
2. The minimum front yard, whenever possible, shall be twenty-five (25) feet; the Town Board will review those lots where, for reasons such as terrain, make this impossible.

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3. The Final Site Plan shall show the main access road has a width of twenty-four (24) feet.
4. All parking spaces shall be a minimum length of 20 feet and the parking area shall have a total of 360 square feet, e.g., two (2) 9 foot x 20 foot spaces. Two spaces shall be reserved for parking at all times.
5. Lot #6 and Lot #7 shall be noted as Exceptions, and are approved, per Section 70-13 of the Mobile Home Court Law, as they contain the minimum square feet required.
6. The egress from the access road to Boston State Road shall be made as level and have as little of an incline as possible; the Town Engineer shall approve the design.
7. The Park Rules and Regulations, which are currently in effect for this development, shall be made a part of the Final Site Plan approval. Any periodic revisions and/or additions to the Park Rules and Regulations which may be made by the owners shall be submitted to the Town Board at least thirty (30) days prior to their implementation, at which time discussion with the owners may be held on the proposals.

five (5) ayes

Carried

Upon the recommendation of the Planning Board, a motion was made by Councilman Lisowski and seconded by Councilman Zimmerman to approve a revision in the approved Final Site Plan of Roy Emerling for the multi-family complex at 7287 Boston State Road. The modification will allow the sidewalks for future buildings to be constructed adjacent to the parking area, and the green area that is now between the parking area and the sidewalk be added to the green area between the sidewalk and the building.

five (5) ayes

Carried

Upon the recommendation of the Planning Board, a motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to approve a revision in the approved Final Site Plan of Sam Butera for the storage units at 7849 Boston State Road. This modification will permit the elimination of the metal corner panels on each side of the overhead doors.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Supervisor Kennedy to adjourn at 9:16 P.M.

*Joyce Carr*

Joyce Carr  
Town Clerk

Regular Meeting  
August 14, 1991

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 to approve the Minutes of the July 17, 1991 Regular Meeting.

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 Supervisor Kennedy that the General Fund and Special District Bills on Abstract #8, August 14, 1991, in the amount of \$95,043.09 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 14, 1991, in the amount of \$25,364.44 be paid.

five (5) ayes

Carried

Received notification from New York State Electric & Gas of Replacement of Defective MV Fixtures with HPS, as follows:

Feddick Road - Pole #11, Line #1039

Install 1 - 8500 lumen HPS lamp @ \$111.54 ea. = \$111.54  
Remove 1 - 9400 lumen HPS lamp @ \$153.46 ea. = \$153.46

Total Annual Decrease = \$ 41.92

Received notice from New York State Department of Transportation that the Consolidated Local Street and Highway Improvement Program (CHIPS) will be continued, but at a reduced funding level.

Received and filed letter of appreciation from Southtowns Haz-Mat Team for the town's donation of the old Patchin Fire Company rescue vehicle, which they plan on modifying and putting into use.

Received and filed notification from the Erie County Department of Emergency Services that an "Operation Big Three" Disaster Exercise will be held on September 14, 1991 at Niagara Falls International Airport.

Received verification from the New York State Department of Environmental Conservation that the Town of Boston's application for the National Small Business Tree Planting Program has been selected and the town will be awarded \$5,000. Supervisor Kennedy said he is delighted this application, which was prepared by the town's grant consultant, has been approved and noted that plans are to plant linden trees along the Town Park Drive and Black Hill spruce trees at the entrance from Meadow Drive to the North Boston Stadium.

Received and filed a copy of the Monthly Activity Report of the Erie County Sheriff's Department for the Town of Boston for the month of July, 1991.

August 14, 1991

Jeff Maciuba, 12202 Pine Valley Road, Holland, New York, spoke on behalf of a group of six skateboarding boys who have been cautioned several times by the New York State Police to stop skateboarding on the roads in town or their skateboards will be confiscated. Jeff said they have been told by various persons in places in town, such as the Boston Post Office, St. John's and Churchill Memorial churches and the Super Chicken Restaurant that they can not skateboard on these properties, therefore, they have been skating on the road shoulders. They requested the town build a skate park for them and wondered why they are not allowed on the roads when bicycles are. Supervisor Kennedy said that the Town Attorney will check the Vehicle and Traffic Law for regulations pertaining to skateboarding and Councilman Wittmeyer will discuss this matter with the State Police. The South Boston Park committee could also be contacted to see if a skate park might be incorporated into their development plans. Supervisor Kennedy advised the boys to stay off the roads, as directed by the State Police, as the main concern is with their safety and said they will all be notified when this matter will once again appear on the agenda for a Town Board meeting.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to schedule a public hearing on September 4, 1991 at 8:00 P.M. on the application of Orville Ziecker, 7305 Omphalius Road, for installation of a television satellite dish; this application was referred to the Planning Board for their review and recommendation.

five (5) ayes

Carried

Norbert Koester, Commander of VFW Post 2556, along with members Martin Timmel and Grant McClellan, spoke to the Board about the understanding they had that property would be provided to them at the South Boston Park for a structure to house a VFW Post and that it appears as if this will not happen. Councilman Zimmerman will notify them of the next meeting of the South Boston Park committee in order that they may attend and discuss with them the possibility of utilizing a portion of the property for their use.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to authorize the Supervisor to sign an Agreement with the Town of Hamburg for fire dispatching services for 1992 in the amount of \$20,225.00.

five (5) ayes

Carried

Received and filed Financial Report for the period of August 1, 1990 to July 31, 1991 from the Boston Historical Society.

Received a letter from Erie County Division of Highways which stated the two capital road reconstruction projects - Lower East Hill and Boston Cross Road - continue to be scheduled for bidding in February, 1992. Supervisor Kennedy noted he is pleased that these projects are still viable and that these projects will go forward, as they were postponed this year.

Received an Approval of Completed Works from the Erie County Department of Health for the installation of 744 feet of eight inch diameter waterline, with hydrants, to serve Patchin Road and Back Creek Road.

Upon the request of the Boston Fire Company, a motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski to grant permission for the use of the Boston Town Park on August 25, 1991 at 1:00 P.M. for a softball game with North Boston Fire Company;

August 14, 1991

permission was also granted for beer to be served, but not sold, at this function.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to schedule a public hearing on September 4, 1991 at 7:45 P.M. on the request of Shash Georgi, 7233 Lower East Hill Road, for a Special Use Permit to operate a Bed-and-Breakfast establishment.

five (5) ayes

Carried

Received a communication from Don Hauri of Blasdell, New York requesting the Town of Boston consider a resolution opposing the proposed low-level radioactive waste dump in the Town of Ashford; a second letter was received from the Chairperson of Ashford Concerned Citizens, extending an invitation to meetings on August 17 and 18 relative to the waste dump proposal. The Boston Conservation Advisory Council also sent a letter in opposition to any additional nuclear waste being brought into West Valley. Supervisor Kennedy said he received a letter this date from Sandra Bernhoft, a member of the Ashford Concerned Citizens, requesting attendance at the information fair on August 17 and 18. A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to support the resolutions of the Towns of Concord and Colden that opposes any legislation which would allow more radioactive waste to be brought into West Valley, New York, for either temporary or permanent storage.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to renew the building permit application of Gregory Gerwitz for a three-family apartment house at 7456 Boston State Road, with conditions as set forth in a resolution, which is heretofore made a part of these Minutes. Mr. Gerwitz, who was present, said he agreed to all the conditions outlined in the resolution relative to the renewal of the building permit, as well as the independent condition of the removal of the above-ground gasoline storage tank situated on his premises, which is in violation of Section 123-119.D of the Boston Town Code.

five (5) ayes

Carried

In response to a query by Mr. Gerwitz on the lack of progress by the owners of TNT Battery, 8344 Boston State Road, in the reconstruction of the building's roof, Code Enforcement Officer Dennis Kramer said a building permit was not necessary, as this is replacement construction. Supervisor Kennedy directed Attorney Perley to review the Town Code to determine if a permit is required for this work, as it is in a C-1 Commercial zoning.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to grant permission to Tax Collector Joyce Carr to use the Town Hall for the collection of the 1991-92 Hamburg School tax, with reimbursement by Mrs. Carr to the town in the sum of \$600.00.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Supervisor Kennedy to direct Town Clerk Carr to respond to a letter dated August 7, 1991 from John P. Falkides and acknowledge receipt of his check in the amount of \$14.00, which represents the license fee for the expansion of the Boston Hills Mobile Home Court. Mr. Falkides will be notified that the Town Board considered his offer of 1.55 acres, which is excluded from development, for recreation land

August 14, 1991

in-lieu-of a fee of \$150.00 per lot, and declined this property on the basis that the land set aside is not practical for recreational use due to its size, location in relation to dedicated highways and the fact that the property is apparently a federally protected wetland. The fee for each lot is to be paid upon application for the inspection and issuance of the annual license for each lot.

five (5) ayes

Carried

Upon the request of State Senator William T. Stachowski, the Town Board authorized the use of the Conference Room at the Town Hall on the third Monday of each month from the hours of 10:00 A.M. to 2:00 P.M. for a satellite office. Supervisor Kennedy said he will confirm with Senator Stachowski the use of the room and will request he advertise that he will be present to answer questions and also directed Town Clerk Carr to make a sign to be posted at the Town Hall in this respect.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to grant tentative approval to Gloria Coleman to sponsor a bike trek in the town, contingent upon her making the necessary traffic safety arrangements for the trek. Ms. Coleman will also attempt to ascertain the number of participants, as well as the timeframe the trek will entail.

five (5) ayes

Carried

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 Glenn Wetzel to construct duplex housing on Pin Oak Drive.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to make the following General Fund Transfers of Appropriations:

|       |        |                              |                    |
|-------|--------|------------------------------|--------------------|
| From: | 1460.1 | Records Manage., Pers. Serv. | \$ 2,385.00        |
|       | 9710.6 | S/B, Principal               | 7,230.00           |
|       | 9710.7 | S/B, Interest                | 390.00             |
|       |        |                              | <u>\$10,005.00</u> |
| To:   | 1460.2 | Records Manage, Equip.       | \$ 2,800.00        |
|       | 1460.4 | Records Manage, Cont.        | 1,785.00           |
|       | 8020.4 | Planning, Cont.              | 5,000.00           |
|       | 9040.8 | Workmens Compensation        | 420.00             |
|       |        |                              | <u>\$10,005.00</u> |

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to grant permission to the New York Public Interest Research Group, Inc. (NYPIRG) to conduct a door-to-door campaign in the town during the month of September, 1991.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to appoint Gerald O'Brien to administer the SMART Program at a salary of \$2400.00 and Michael O'Brien as an Aide to the Administrator at a salary of \$500.00.

five (5) ayes

Carried

Supervisor's Monthly Financial Report was received.

August 14, 1991

Supervisor Kennedy directed Clerk Carr to send a letter of commendation to Joshua Pettit, 6198 Tillen Road, for the excellent job he, for an Eagle Badge requirement, and his fellow Scouts did in repainting the bleachers in the town parks.

Supervisor Kennedy said he received information from, and will write a letter of appreciation to, Senator William Stachowski for his efforts on behalf of the town which resulted in a \$25,000.00 appropriation in the 1991 state budget for the establishment of Water District #3.

Town Justice Monthly Financial Report was received.

Highway Superintendent Ruchalski reported bids were opened on August 12, 1991 on a new 1992 Single-Axle Cab and Chassis and Dump Body Chipper Box, as follows:

1992 Single-Axle Cab and Chassis:

|                                                                          |             |
|--------------------------------------------------------------------------|-------------|
| Buffalo White GMC, Inc.<br>271 Dingens Street<br>Buffalo, New York 14206 | \$39,608.00 |
|--------------------------------------------------------------------------|-------------|

|                                                                               |             |
|-------------------------------------------------------------------------------|-------------|
| Bison Ford Truck Sales, Inc.<br>2370 Walden Avenue<br>Buffalo, New York 14225 | \$39,618.00 |
|-------------------------------------------------------------------------------|-------------|

|                                                                              |             |
|------------------------------------------------------------------------------|-------------|
| Hanson International Trucks<br>2425 Walden Avenue<br>Buffalo, New York 14225 | \$37,999.98 |
|------------------------------------------------------------------------------|-------------|

|                                                                              |             |
|------------------------------------------------------------------------------|-------------|
| Emerling Chevrolet, Inc.<br>9000 Boston State Road<br>Boston, New York 14025 | \$37,987.00 |
|------------------------------------------------------------------------------|-------------|

Dump Body Chipper Box:

|                                                                                   |             |
|-----------------------------------------------------------------------------------|-------------|
| Valley Truck & Equipment Co., Inc.<br>9776 Trevett Road<br>Boston, New York 14025 | \$ 7,739.00 |
|-----------------------------------------------------------------------------------|-------------|

|                                                                        |             |
|------------------------------------------------------------------------|-------------|
| Unicell Body Company, Inc.<br>P. O. Box 426<br>Buffalo, New York 14240 | \$ 7,194.00 |
|------------------------------------------------------------------------|-------------|

|                                                                            |             |
|----------------------------------------------------------------------------|-------------|
| Roberts Equipment, Inc.<br>829 Sheridan Drive<br>Tonawanda, New York 14150 | \$ 7,987.00 |
|----------------------------------------------------------------------------|-------------|

Upon the recommendation of Highway Superintendent Ruchalski, a motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to award the bid for the 1992 Single-axle cab and chassis to Emerling Chevrolet, Inc. in the amount of \$37,987.00 and the bid for the Dump body Chipper Box to Unicell Body Company, Inc. in the amount of \$7,194.00.

five (5) ayes

Carried

Councilman Lisowski noted that a "Buffalo News" recent article noted that the Erie County Water Authority has agreed to contribute \$286,000 to the Town of Marilla for a proposed water district. Upon reading the article, he talked with Debra Norton of the Water Authority Legal Department and received permission for the town to begin preliminary discussions on the possibility of this type of agreement with the Town of Boston. Attorney Perley will contact

August 14, 1991

Attorney Norton to arrange a meeting in order to determine if this would be a viable answer to Boston's efforts to expand the water service.

Councilman Wittmeyer reported that he and Highway Superintendent Ruchalski met this date with June Goehler, relative to her property on Butternut Road and have agreed that the Highway Department will cut some trees, stabilize the bank, install drainage and seed the property to restore it.

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 Conservation Advisory Council, requesting permission to amend their by-laws to include the office of Treasurer. Supervisor Kennedy noted that none of the Boards or Committees of the town have the office of Treasurer, as he is responsible, as Fiscal Officer, for all revenues and appropriations. This request was directed to Attorney Perley, who will review the matter and submit a letter to the Conservation Advisory Council on it.

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to adjourn at 9:16 P.M.



Joyte Carr  
Town Clerk

Regular Meeting  
September 4, 1991

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 to approve the Minutes of the August 14, 1991 Regular Meeting.

five (5) ayes

Carried

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

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman that the General Fund and Special District Bills on Abstract #9, September 4, 1991, in the amount of \$24,992.04 be paid.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski that the Highway Bills on Abstract #9, September 4, 1991, in the amount of \$32,126.61 be paid.

five (5) ayes

Carried

A press release was received from Erie County Water Authority, which outlines the need for the planned rate increase, which will average approximately \$2.75 a quarter per household. Supervisor Kennedy said he is pleased that the Authority plans to spend \$2 million on refurbishing storage tanks in the southtowns.

Referred to Attorney Perley Notice of Petitions from New York State Electric & Gas Corporation and New York Telephone Company vs. the Town of Boston, the Assessor and the Board of Assessment Review for a Review of the 1991-92 Tax Assessment of Certain Real Property in the Town of Boston.

Received a letter from the Northern Recycling Council (NOREC) stating they have scaled back their original materials recycling facility design and that the deadline for decisions by the town whether to join is October 17. Councilman Wohlhueter will attend a NOREC meeting on September 10 and will receive additional information at that time; the Town Board deferred action on this matter until this information is received.

Received notification from Erie County Department of Emergency Services relative to their "Operation Big Three" Disaster Exercise, scheduled for September 14, 1991. Councilman Wittmeyer said the fire companies have been involved in many joint exercises in the past, but have no plans to participate in this one.

Received a letter from William J. McGirr, with notification that he has applied for a liquor license renewal for McGirr's, Inc., 9373 Boston State Road. Supervisor Kennedy said that, as a number of complaints have been received relative to parking problems and noise at this location, he will discuss with the Code Enforcement Officer these problems prior to submitting a letter to the State Liquor Authority in conjunction with the liquor license renewal request.

September 4, 1991

At 7:45 P.M. a public hearing was held to consider the application of Shash Georgi for a Special Use Permit to operate a Bed and Breakfast establishment at 7322 Lower East Hill Road. The Legal Notice and a letter of recommendation from the Planning Board were read by Clerk Carr and Supervisor Kennedy opened the hearing. There were no questions or comments.

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

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wittmeyer to grant the request of Shash Georgi for Special Use Permit to operate a Bed and Breakfast establishment at 7233 Lower East Hill Road, pursuant to Article VIII, Section 123-25 B(2) of the Town of Boston Zoning Law.

five (5) ayes

Carried

Received a resolution from the Town of Clarence relative to the restoration of funds for firemen training, which has been cut in the New York State budget.

#### RESOLUTION - RESTORATION OF FUNDS FOR FIREMEN TRAINING

Received and filed from Sgt. John Fox the Activity Report for the month of August, 1991 of the Erie County Sheriff's Department.

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to renew the Special Use Permit of Allan H. Wittmeyer for the storage and maintenance of tandem dump trucks at 7631 Zimmerman Road; permit to expire September 6, 1994.

five (5) ayes

Carried

Received a check in the amount of \$8,718.45 from Adelphia Cable Communications, which represents payment of the franchise fees for the period from October 1, 1990 through March 31, 1991.

Received notice from Adelphia Cable of monthly rate increases, effective November 1, 1991, with the standard service rate rising \$2.00, from \$18.95 to \$20.95.

Supervisor Kennedy said that this increase, as well as the increase in water rates noted earlier, is an example of how the taxpayer is bearing the burden of increased costs in all areas. He added that he wrote an article this week for the Hamburg "Sun" on this subject, specifically that all mandated programs still have to be funded without federal or state assistance and the taxpayer, at the bottom of the totem pole, has to pay for these programs through his property tax.

William Sherk, 6064 Thornwood Drive, said the cable tv rate increase is an example of why he has been attempting to install a television satellite dish and has met with opposition, which he believes is because he lives near Supervisor Kennedy. Attorney Perley told Mr. Sherk he has been in contact with Mr. Stevens of

**LEGAL NOTICE -  
TOWN OF BOSTON  
NOTICE OF PUBLIC HEARING**  
NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston, Erie County, New York, will hold a public hearing at the Boston Town Hall, 8500 Boston State Road, Boston, New York on Wednesday, September 4, 1991 at 7:45 P.M., Eastern Daylight Saving Time, to consider the application of Shash Georgi for a Special Use Permit to operate a Bed and Breakfast Establishment at 7233 Lower East Hill Road, pursuant to Article VIII, Section 123-25 B(2) of the Town of Boston Zoning Law.  
At this hearing, at the time and place above noted, all interested persons will be heard for or against said Special Use Permit.  
By Order of the Town Board at the Town of Boston, New York.  
Dated: August 16, 1991

8-22

Joyce Carr  
Town Clerk



17

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 September, 1991 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, the Volunteer Firemen of the Town of Boston provide valuable and necessary services, and

WHEREAS, The recruitment, retention and training of said Volunteers is of vital interest to the Citizens of the Town of Boston, and

WHEREAS, The Office of Fire Prevention and Control provides the necessary training for our Volunteer Firemen, and

WHEREAS, the Department of the State of New York has cut the budget of the Office of Fire Prevention and Control, and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Boston does request the restoration of funds to the Office of Fire Prevention and Control, so that proper and necessary training of our Volunteer Firemen may continue.

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:

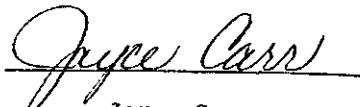
5

NOES:

0

ABSENT:

0

  
Joyce Carr  
Town Clerk

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 4th day of September, 1991 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 |

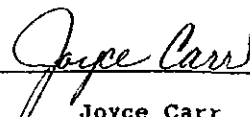
Councilman Zimmerman presented the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of Boston does hereby accept the waterline extension on Back Creek Road at Patchin Road.

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

September 4, 1991

the satellite dish company and when he spoke to his this afternoon he outlined the procedure necessary to apply for a Special Use Permit. He told Mr. Sherk to call him at his office after he has had an opportunity to again speak with Mr. Stevens and he will outline the procedures to him.

At 8:00 P.M. a public hearing was held on the application of Orville Ziecker for a Special Use Permit to erect a satellite dish on his property at 7281 Omphalius Road. The Legal Notice was read by Clerk Carr and a letter was also read received from the Planning Board, which recommended the application be approved. Supervisor Kennedy opened the hearing and there were no questions or comments from the floor.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to close the public hearing at 8:03 P.M.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to approve the application of Orville Ziecker, 7305 Omphalius Road, for a Special Use Permit to erect a satellite dish on his property at 7281 Omphalius Road, pursuant to Article XI, Section 123.48 B(1) of the Zoning Laws of the Town of Boston.

five (5) ayes

Carried

Received a letter from David A. Fox of Lawtons, New York, requesting assistance in obtaining petition signatures for double stop signs and cleanup of roadside vegetation in rural southern Erie County. These petition forms will be available for signatures in the Town Clerk's Office. Discussion was held on other intersection problem areas and the Traffic Safety Committee was directed to review once again the intersection of Eckhardt and Taylor Roads, with possible thought given to the installation of double Stop signs and to also review the Stop sign on Morningside Drive as to its necessity.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to grant permission to Assessor William Kleis to attend the New York State Assessors' Association, Inc. annual meeting and seminar on Assessment Administration in Ellenville, New York from September 29 to October 2, 1991, with seminar expense to be reimbursed by New York State.

five (5) ayes

Carried

#### RESOLUTION - BACK CREEK ROAD WATERLINE EXTENSION

Supervisor's Monthly Financial Report was received.

Town Justice Monthly Financial Report was received.

Councilman Lisowski reported that he has contacted Phil Cook of the Erie County Water Authority and received permission to begin the preliminary work, such as determining density of homes, etc., on the west hill for the purpose of extending the water district. He will contact Town Engineer Charles Pettit in this regard and Lisa Rood, 8798 Zimmerman Road, offered her assistance to Councilman Lisowski in this preliminary work.

#### LEGAL NOTICE

##### TOWN OF BOSTON

NOTICE OF PUBLIC HEARING  
NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston, Erie County, New York, will hold a public hearing at the Boston Town Hall, 8500 Boston State Road, Boston, New York on Wednesday, September 4, 1991 at 8:00 P.M., Eastern Daylight Saving Time, to consider the application of Orville Ziecker for a Special Use Permit to erect a Satellite dish at 7305 Omphalius Road pursuant to Article XI, Section 123.48 B(1) of the Zoning Laws of the Town of Boston.

At this hearing, at the time and place above noted, all interested persons will be heard for or against said Special Use Permit.

By Order of the Town Board at the Town of Boston, New York.  
Dated: August 16, 1991

8-22

Joyce Carr  
Town Clerk

September 4, 1991

Councilman Lisowski asked that thought be given to the possible drafting of legislation relative to the existing mobile home courts and the practice of replacing smaller units with larger ones on the same lot.

Councilman Wittmeyer said he has spoken with the owner of B-Kwik Market relative to traffic flow patterns in and out of the parking lot and that he will cooperate in any way that he can to help alleviate the potential for traffic problems. Councilman Wittmeyer will discuss this matter with the Traffic Safety Committee, with a possibility of creating a one-way only entrance and exit.

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 Lisowski to reappoint Ken W. Kloeber to the Assessment Board of Review, term to expire September 30, 1996.

five (5) ayes

Carried

A letter was received from the Planning Board, recommending the approval of the site plan of Stephanie Mahagan, 7494 Boston State Road. Town Engineer Charles R. Pettit submitted a letter relative to the site plan, recommending that diagonal parking with a turn-around be considered. A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to authorize Code Officer Dennis Kramer to issue a Temporary Certificate of Occupancy, to expire on September 15, 1991, in order to give Mrs. Mahagan an opportunity to speak with the Town Engineer and Mr. Kramer relative to the striping of the pavement and possible signage to indicate how vehicles should park and exit. This will also allow time for the Planning Board to review the parking plan.

five (5) ayes

Carried

Deferred action on the recommendation of the Planning Board that Glenn Wetzl's site plan for three duplex units on Pin Oak Drive be approved, as the sewer lines must be installed prior to the approval of the site plan. Supervisor Kennedy added that Kenneth Decker made a commitment to install these lines at the time he petitioned for rezoning of the property and that until they are installed, the remainder of the sewer line construction on Pin Oak Drive is being delayed.

A motion was made by Councilman Lisowski and seconded by Supervisor Kennedy to adjourn at 8:36 P.M.



Joyce Carr  
Town Clerk

Regular Meeting  
September 18, 1991

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 to approve the Minutes of the September 4, 1991 Regular Meeting.

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 9A, September 18, 1991 in the amount of \$40,456.10 be paid.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman that the Highway Bills on Abstract 9A, September 18, 1991, in the amount of \$5,358.04 be paid.

five (5) ayes

Carried

A notice was received from New York State Electric and Gas advising of the replacement of defective MV fixtures with HPS as follows:

Lower East Hill Road

|                                                |          |
|------------------------------------------------|----------|
| Install 1 - 8500 lumen HPS lamp @ \$111.54 ea. | \$111.54 |
| Remove 1 - 9400 lumen MV lamp @ \$153.46 ea.   | \$153.46 |
| Pole # 56, Line 1043                           |          |
| Total Annual Decrease                          | \$ 41.92 |

Thornwood Drive

|                                               |          |
|-----------------------------------------------|----------|
| Install 1 - 5200 lumen HPS lamp @ \$ 97.99 ea | \$ 97.99 |
| Remove 1 - 7000 lumen MV lamp @ \$119.32 ea.  | \$119.32 |
| Pole #5, Line #3067                           |          |
| Annual Decrease                               | \$ 21.33 |

Ripple Drive

|                                               |          |
|-----------------------------------------------|----------|
| Install 1 - 3300 lumen HPS lamp @ \$87.94 ea. | \$ 87.94 |
| Remove 1 - 3200 lumen MV lamp @ \$86.14 ea.   | 86.14    |
| Annual Increase                               | 1.80     |
| Total Annual Decrease                         | \$ 19.53 |

A letter was received from the U. S. Route 219 Association, Inc. advising of accomplishments during the year and asking for continued support as they work toward the completion of the Route 219.

A notice of a conference entitled "Long Term Care CHOICES" was received and filed.

A letter was received from New York State Electric and Gas advising of a request for a 10.8 percent rate increase. This would mean an average increase in residential customers bills of \$7.13 a month. Supervisor Kennedy advised that we had received notice of a raise in the cable TV rates and water rates, but did not feel that the 10.5 percent would be approved. He further noted that they would

September 18, 1991

probably be granted at least 5%. The notice was received and filed.

A letter was received from Assemblyman Joseph Piliittere and Senator John B. Sheffer, Jr. asking the support of the Town Board in helping to publicize proposal #3 which will be on the November ballot with respect to the New York State Canal System. Supervisor Kennedy stated this will appear on the ballot in November and he will have more information on this at the October meeting after he has talked with Senator John Sheffer. The Town Clerk was directed to send a copy of this letter to the Conservation Advisory Council.

A notice of liquor license renewal was received from Tony's Patchin Pizzeria.

Lisa Rood, 8798 Zimmerman Road asked Councilman Lisowski what progress he was making with the Erie County Water Authority relative to funding for the extension of the line on Zimmerman Road. She advised that she was completely out of water. Councilman Lisowski stated he had talked to Mr. Pettit, Town Engineer and they would be meeting on Monday, September 23 relative to this matter. He stated he had volunteered the services of himself and Ms. Rood to do a head count if it should be necessary in their pursuit for funding. Supervisor Kennedy stated that water is a problem on both the East and West Hill and possibly discussion with the Water Authority is the way to go. He further advised Ms. Rood that she is not in the Water District and for her to get water would necessitate setting up a new district and this is a lot more involved than just running a water line to that area. Mr. Angelo Bellittiere, 8406 Zimmerman Road, stated the lack of water is a serious thing and the Town has to think of some way to get a tank and pump onto the West hill. Supervisor Kennedy explained that he has tried every area to get a grant for extension of the waterlines, but grant money is pretty well dried up at the State and Federal level.

A letter was received from The Triquasquicentennial Committee requesting funding in the amount of \$7,500.00 for the celebration in 1992 and also advising that they would be interested in erecting a bandstand type gazebo on the Town Park grounds. Supervisor Kennedy stated that there would be some financial assistance for this event, but in view of the budget crunch he did not think it would possible. He further noted that he did not feel that the location suggested for the gazebo is appropriate as he did not know if it would fit in with the existing park plans. He asked that the response to this letter be deferred until he has had a chance to discuss the matter with the Town Board.

#### RESOLUTION - VOLUNTEER FIREFIGHTERS SERVICE AWARD PROGRAM

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to set a Public Hearing date of October 24, 1991 at 7:30 P. M. for a purpose of appraising the voters of the Town of Boston of the Firefighters Service Award Program and to answer any questions they may have. This Public Hearing is to be opened by Supervisor Kennedy and then conducted by members of the three volunteer fire companies in the Town of Boston.

five (5) ayes

Carried

The referendum which will be placed on the November ballot relative to the Firefighters Service Award Program was read and explained by Town Attorney Michael Perley. A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to adopt the referendum and further directed the Town Clerk to submit this referendum to the Erie County Board of Elections by September 30, 1991.

five (5) ayes

Carried

In the Matter of Establishing  
a Service Award Program for  
Volunteer Firefighters in the  
Town of Boston, New York.

WHEREAS, a proposal has been made to establish a Service Award Program for active Volunteer Firefighters of the Town of Boston Fire Protection District, and

NOW, therefor, be it

RESOLVED, that the Town Board of the Town of Boston shall conduct a mandatory Referendum of the eligible voters residing in the Town of Boston Fire Protection District to determine whether the Board shall establish a Service Award Program as provided in the NYS General Municipal Law, effective Jan.1, 1992.

The type of program shall be a defined benefit plan as described in §219 of the General Municipal Law. Pension, death and disability benefits shall be provided to eligible firefighters under the program. The pension benefit, called the "Service Award" will be a monthly payment life annuity beginning at age sixty (60), the "entitlement age", with payments to continue for at least one hundred twenty (120) months, to be equal to Twenty Dollars (\$20.00) for each qualified year of active firefighting service not in excess of forty (40) years, and including up to five (5) years before 1992 but after 1976. The death benefit shall be a lump-sum, payable to the firefighter's designated beneficiary and equal to the actuarial value of the firefighter's accrued Service Award at death. A firefighter who is awarded Social Security Disability Benefit payments, Workers' Compensation Disability Benefit payments, or disability

benefit payments by some other authority, approved by the Town Board for total and permanent disability, will qualify for disability payments from the Service Award Program. The disability benefit shall be a lump-sum equal to the actuarial value of the firefighter's accrued Service Award as of the date of the awarding of the disability benefit payment by the Town Board. Any firefighter who is determined by the Town Board to be unable to continue to earn qualifying service credit under the Service Award Program as the direct result of a disablement sustained during a line-of-duty Volunteer Firefighter activity covered by the Volunteer Firemens Benefit Law shall be credited with one (1) year of service credit under the Program for each complete calendar year within the period of such disablement with pro-rated credit for periods of less than one (1) full calendar year within the period of such disablement.

To obtain credit under the Service Award Program for service before 1992, a firefighter must be a member of a fire company in the Town of Boston Fire Protection District on January 1, 1992 and earn one (1) year of qualifying service during 1992 unless an extension beyond 1992 is granted by the Town Board for a medically-connected reason.

All active firefighters at least eighteen (18) years old begin to participate in the Program on December 31st of the first calendar year during which they earn a year of qualifying service. All firefighters age 18 or older, who are active members of the Fire Protection District on January 1, 1992, participate in the Program as of January 1, 1992 provided they would have earned at least

one (1) year of qualifying service credit under the Program had the Program been in effect prior to 1992.

A firefighter's Service Award Benefits become fully vested (i.e., he obtains a non-forfeitable right to his accrued Service Award) after: He has been granted credit for at least five (5) years of qualifying service; or he attains age sixty (60) and earns one (1) year of qualifying service after 1992; he dies; or he qualifies for a total and permanent disability benefit.

A nonvested Program participant who terminates membership in the Fire Department or who fails to earn at least fifty (50) points in three (3) consecutive calendar years shall forfeit any qualifying service credit he had earned in the Program.

A year of qualifying service credit is granted for each calendar year during which a firefighter earns at least fifty (50) "points" for participating in the Fire Department activities selected by the Town Board and authorized by §217 of the General Municipal Law. In addition, the Town Board, by adopting a Resolution, can impose further non-discriminatory, uniform restrictions or requirements for a firefighter to obtain a year of qualifying service credit for participating in those selected Fire Department activities.

Under the General Municipal Law, the Town Board of the Town of Boston is the Service Award Program "Sponsor", and the Town Board Members are the "Trustees." The Town Board has the authority to manage or dispose of Program assets and must do so solely in the interest of the firefighters who participate in the Program and their beneficiaries. The Town Board may authorize individuals or entities to hold and invest the Program assets. They may also seek investment counsel.

The Town Board may retain a third-party Service Award Program Administrator to administer the Program.

The estimated total 1992 annual cost of funding the Program benefits for current firefighters is \$193,472.00, or the average annual cost of \$1,599.00 per each eligible active firefighter including the cost of administration. The cost of granting credit for up to five (5) years of qualifying service prior to 1992 will be completely funded by the year 2002, and the estimated total annual cost (\$193,472.00 for 1992) is expected to decrease to \$65,500.00 for calendar year 2002. The estimated cost to administer the Program is \$1,226.00 for 1992.

Service Award Program pension, death and disability benefits will commence to eligible firefighters after December 31, 1991 when they and/or their beneficiaries qualify for payment.

All other provisions of the Service Award Program shall be in accordance with Article 11-A of the General Municipal Law as it is amended from time-to-time.

Councilman Wittmeyer moved, Councilman Zimmerman seconded, and the Town Board of the Town of Boston voted as follows:

| <u>Councilman</u>             | <u>Aye</u> | <u>No</u> |
|-------------------------------|------------|-----------|
| <u>Milton I. Wittmeyer</u>    | <u>X</u>   | <u>—</u>  |
| <u>David G. Zimmerman</u>     | <u>X</u>   | <u>—</u>  |
| <u>Don A. Wohlhueter</u>      | <u>X</u>   | <u>—</u>  |
| <u>Frank H. Lisowski, Jr.</u> | <u>X</u>   | <u>—</u>  |
| <br><u>Supervisor</u>         |            |           |
| <u>Richard L. Kennedy</u>     | <u>X</u>   | <u>—</u>  |

REFERENDUM  
VOLUNTEER AWARD PROGRAM

SHALL THE BOARD RESOLUTION OF THE TOWN BOARD IN THE TOWN OF BOSTON, COUNTY OF ERIE, STATE OF NEW YORK, ADOPTED SEPT. 18, 1991, AUTHORIZING THE ESTABLISHMENT OF A DEFINED BENEFIT PLAN SERVICE AWARD PROGRAM FOR THE VOLUNTEER FIREFIGHTERS OF THE TOWN OF BOSTON FIRE PROTECTION DISTRICT PURSUANT TO ARTICLE 11-A OF THE GENERAL MUNICIPAL LAW OF THE STATE OF NEW YORK: STATING THAT UNDER THE PROGRAM, ACTIVE FIREFIGHTERS WILL RECEIVE, BEGINNING AT AGE 60, MONTHLY TEN-YEAR (10 YR.) CERTAIN AND CONTINUOUS LIFETIME AWARD PAYMENTS OF TWENTY DOLLARS (\$20.00) FOR EACH YEAR OF CREDITED ACTIVE FIREFIGHTER SERVICE UP TO FORTY (40) YEARS AND INCLUDING CREDIT FOR UP TO FIVE (5) YEARS OF FIREFIGHTER SERVICE BEFORE JANUARY 1, 1992; STATING ACTIVE FIREFIGHTER DEATH BENEFITS ARE PAYABLE UNDER THE PROGRAM EQUAL TO THE ACTUARIAL VALUE OF THE SERVICE AWARD EARNED UP TO THE TIME OF DEATH; OR, IF GREATER, TWENTY THOUSAND (\$20,000.00) DOLLARS FOR FIREFIGHTERS LESS THAN AGE 61 IN 1992; STATING THAT ACTIVE FIREFIGHTER DISABILITY BENEFITS ARE PAYABLE UNDER THE PROGRAM EQUAL TO THE ACTUARIAL VALUE OF THE SERVICE AWARD EARNED UP TO THE TIME TOTAL AND PERMANENT DISABILITY IS DETERMINED; STATING THAT FIREFIGHTERS DISABLED AS THE RESULT OF THEIR PARTICIPATION IN A COVERED FIREFIGHTER ACTIVITY WILL CONTINUE TO EARN SERVICE CREDIT UNDER THE PROGRAM DURING SUCH PERIODS OF DISABILITY; STATING THE ESTIMATED ANNUAL COST OF THE PROGRAM TO BE \$193,472.00 FOR 1992, DECREASING TO \$65,500.00 AFTER THE YEAR 2002 BASED ON THE CURRENT ROSTER OF ACTIVE FIREFIGHTERS; STATING THE 1992 COST

OF ADMINISTRATION OF THE PROGRAM TO BE \$1,226.00; STATING THE  
TOTAL COST PER CURRENT ELIGIBLE ACTIVE FIREFIGHTER TO BE \$1,599.00  
IN 1992; AUTHORIZING THE PAYMENT OF PROGRAM BENEFITS TO COMMENCE  
AFTER DECEMBER 31, 1991 AS FIREFIGHTERS AND THEIR BENEFICIARIES  
BECOME ELIGIBLE FOR PAYMENT; AND APPROPRIATING SAID AMOUNTS THERE-  
FORE; BE APPROVED ?

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 18th day of September, 1991 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, that the Town Board of the Town of Boston, Erie County, New York hereby consents and approves that public water service be furnished to the following property owner, at the address set opposite his name, as follows:

| SBL ACCOUNT NUMBER | NAME               | ADDRESS        |
|--------------------|--------------------|----------------|
| 211.00-3-15        | Leonard L. Janicki | 6215 Ward Road |

By Water District #17 of the Town of Orchard Park as an out-of-district customer, and that the Town Board further consents and approves that in the event of a default in payment with respect to said water service should result in said sum or sums as may be unpaid may be placed on the tax rolls in the Town of Boston for collection thereof, and be it further

RESOLVED, that when and if the Town of Boston forms a Water District to service the area in which this petitioner resides, that this petitioner be and is hereby obligated to join the Town of Boston Water District, and be it further

RESOLVED, that if the Town of Orchard Park Water District involved is under Lease Management with the Erie County Water Authority that the permission granted above be and hereby is subject to the approval of the Erie County Water Authority's Engineering and Tariff requirements.

Seconded by Councilman Wohlhueter and duly put to a vote, and upon roll call the vote was 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

September 18, 1991

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to make the following Transfer of Appropriations:

LIGHT DISTRICT

|       |                 |           |         |
|-------|-----------------|-----------|---------|
| From: | Street Lighting | SL 5182.4 | \$12.00 |
| To:   | Judge & Claims  | SL 1930.4 | \$12.00 |

WATER DISTRICT 1

|       |                     |            |             |
|-------|---------------------|------------|-------------|
| From: | Trans & Dist, Cont  | SW1 8340.4 | \$19,000.00 |
| To:   | Trans & Dist, Equip | SW1 8340.2 | \$19,000.00 |

\$19,000.00

|                         |            |             |  |
|-------------------------|------------|-------------|--|
| Approp of Interest      |            |             |  |
| Interest & Earning      | SW1 2401   | \$ 3,045.00 |  |
| To: Trans & Dist, Equip | SW1 8340.2 | \$3,045.00  |  |

WATER DISTRICT 2

|       |                     |            |             |
|-------|---------------------|------------|-------------|
| From: | Trans & Dist, Cont  | SW2 8340.4 | \$14,310.00 |
| To:   | Trans & Dist, Equip | SW2 8340.2 | \$14,310.00 |

APPROPRIATION OF INSURANCE RESERVE

|                |           |          |
|----------------|-----------|----------|
| Approp Reserve | CS 511.   | \$435.35 |
|                | CS 1931.4 | \$435.35 |

Five (5) ayes Carried

A letter was received from Mr. John Falkides, owner of the Boston Hill Mobile Home Park with a status report on his mobile home park expansion. The letter pointed out a problem he is having with the Erie County Water Authority relative to the running of a waterline under the State Road into the park which entails boring under the roadway. The Water Authority is telling Mr. Falkides that they will let the contract for this work at a cost of \$16,500.00 and Mr. Falkides states he can have the work done for about \$7,000.00 and he does not feel he should have to spend such a large amount of money when it can be done in the same manner at a much lower rate. Supervisor Kennedy stated that he and Town Attorney Perley had met with Mr. Nicholas Konst of the Erie County Water Authority and had been told that by him that Mr. Falkides could use his own contractor as long as it was done in conformance with the plans and specifications of the Erie County Water Authority. Town Attorney Perley stated he would contact Mr. Konst to remind him of his conversation with Supervisor Kennedy and himself and hopefully he would honor what he had told them. Mr. Falkides advised Town Attorney Perley he appreciated his assistance.

RESOLUTION - OUT OF DISTRICT WATER CUSTOMER - LEONARD JANICKI

A letter was received from the New York State Department of Transportation advising that a lower speed limit of 40 MPH had been approved for Liebler Road. The Town Clerk was directed to forward a copy of this letter to Mr. and Mrs. Roy Ranic who had asked for this lower speed limit.

A letter was read from the South Boston Park Committee relative to a drainage schedule for the South Boston Park. Supervisor Kennedy explained that prior to our meeting tonight the Board had met with members of the Park Committee and advised them of some of the problems that were being experienced in getting the Community Development funding. He noted that this park falls within an archeological sensitive site location and he has asked Councilman Zimmerman to get in touch with the Springville Superintendent of Schools to see what kind of grade work had been done on this site and if it can be documented what has been done in the past as to the turning over of the ground then they will not have to go

September 18, 1991

through a study of this site. Mr. Jehle, Town Historian, has also agreed to write a letter to document what he recalls of work done there. Supervisor Kennedy stated he is hopeful that the drainage can be started as soon as the documentation is completed.

Following discussion on the site plan of Stephanie Mahagan, 7494 Boston State Road, a motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to extend her temporary Occupancy Permit to October 3, 1991 and further the Town Clerk was directed to send a letter to Mrs. Mahagan asking her for an up to date site plan which includes the new parking plan.

five (5) ayes

Carried

A letter was read from Gregory Gerwitz, owner of the North Boston Garage, advising that he knew of many above ground gasoline tanks used for business purposes in the Town of Boston and as he had been advised that he would have to move his tank he did not feel the Town wanted to single him out. Town Attorney Perley was directed to send a letter to Mr. Gerwitz advising him that he would have to move his above ground gasoline tank and that if he would supply the Town Board with a list of above ground tank owners they would investigate same.

Upon the request of the Boston Historical Society a motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski to grant the Historical Society permission to use the Boston Town Hall on Friday, November 8, 1991 for a card-party fund raiser.

five (5) ayes

Carried

A notice of approval of New York's National Small Business Tree Planting Grant in the amount of \$5,000.00 was received. Supervisor Kennedy stated he would sign the necessary forms and return them and hopefully we will receive this money soon so the trees can be purchased and possibly dedicated on October 19, 1991. On this date Congressman Paxon will be at the Town Hall for a Town Meeting and will be asked to take part in the dedication.

Supervisor Kennedy reported on the concern that had been expressed to him relative to the large trucks on the State Road. He stated he was concerned about what would be happening to the road which had been repaired with only a light topping. Supervisor Kennedy stated he called Supervisor Wendell of Concord and found that the trucks are hauling gravel from Snyder Road and taking it to Republic Steel. Councilman Wittmeyer stated he was of the understanding that they would be hauling for a period of at least two years. Supervisor Kennedy stated he would work with Councilman Wittmeyer and Town Clerk Carr to draft a letter to the County Highway Department to let them know of our concern with the weight that is being hauled on the State Road.

Town Clerk Carr advised that the Food Distribution would be on Wednesday, September 25th at the Boston Town Hall.

Upon the request of Highway Superintendent Ruchalski, a motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to grant him permission to attend the New York State Association of Town Superintendent of Highways annual conference at Kutschers Country Club, Monticello, New York from September 24 through September 27, 1991. Any expenses that exceed the budget will be at the expense of the Highway Superintendent.

five (5) ayes

Carried

A Memorandum Decision was read by Town Attorney Perley relative to the matter of Sucato v. Town of Boston, et al. Mr. Perley advised that as the petition was not filed within 30 days as required by law, Judge Sedita ruled that the motion to dismiss must be granted and an order will be filed for the Judges signature. He further

September 18, 1991

advised that the petitioner then has 30 days to file an appeal.

Councilman Wohlhueter stated he had talked with the Executive Director of NQREC, Jerry Knoll and he has forwarded a package of literature to the town on the updated NQREC proposal and as of this time Councilman Wohlhueter advised that he has not had a chance to study it. He asked that the Town Attorney also check into this proposal and advise if there is anything new that might pertain to the Town of Boston.

Councilman Wittmeyer stated he had a call from Jack Gasper of the Boston Cross Road requesting that the waterline be extended to his property. He further noted that he had discussed this with Supervisor Kennedy and Town Engineer Pettit and this extension will be studied to determine if there would be enough water pressure to extend this line to the Gasper household. Town Attorney Perley stated this would require a petition and he would be glad to assist with this.

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to adjourn at 9:01 P. M.

*Joyce Carr*

Joyce Carr  
Town Clerk

Regular Meeting  
October 2, 1991

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 Kuchalski.

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to approve the Minutes of the September 18, 1991 Regular Meeting.

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 #10, October 2, 1991, in the amount of \$21,717.72 be paid.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy that the Highway Bills on Abstract #10, October 2, 1991, in the amount of \$12,633.72 be paid.

five (5) ayes

Carried

Received and filed resolution from the Town of Wales relative to the restoration of funds for firefighting training, similar to the resolution adopted last month by the Town of Boston.

Received a resolution from the Town of West Seneca expressing opposition to the National Fuel Gas rate hike. Supervisor Kennedy said he appreciates their opposition to the requested rate hike and noted that New York State has been reducing the assessments of utility companies, which the communities then have to subsidize and that the Public Service Commission should scrutinize very carefully the higher rate requests before they grant them.

Received a resolution from the Town of Colden in opposition to the basis used for special franchise assessments. Attorney Perley commented on Article 6, Section 626 of the New York State Real Property Tax Law and its intent when it was drafted. A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to support the resolution of the Town of Colden.

five (5) ayes

Carried

Received and filed receipt from Governor Cuomo's and Senator Stachowski's offices of the Town of Boston resolution on firefighter training.

Received information from the New York State Secretary of State with the official 1990 population total for the Town of Boston of 7,443. Attorney Perley will prepare a memorandum for the Town Board relative to the advantages and/or disadvantages of the town optionally changing their classification to that of a first class town.

Supervisor Kennedy welcomed Boy Scouts Brett Williams and Ryan Donohue from Troop #525, who are attending this meeting as part of a Merit badge requirement.

October 2, 1991.

An observer at the meeting spoke on the subject of special franchise assessments and the amount of revenue loss surrounding towns will experience. Supervisor Kennedy said that the Association of Erie County Governments should collectively pursue this matter, as it would have more effect.

Mary Smithmeyer, 9272 Boston State Road, said she is very disturbed about the trucks that have been travelling on Boston State Road and noted that she counted 129 trucks from 6:00 A.M. to 4:00 P.M. this date. She said they raise much dust and have dirtied their house, which was painted this year and the dishes in the cupboards even rattle. Supervisor Kennedy said the owner of the trucks met with him and Councilman Wittmeyer following the complaints received at the last Town Board meeting and he said he is hauling impervious clay from Snyder Road in the Town of Concord to the LTV Company (formerly Republic Steel) and that the timetable is that he will haul 28 days this year, 36 days in 1992 and approximately 20 days in 1993. He has instructed his drivers they are not to stop in Boston for any reason, such as restaurants, and that they are not to travel in groups, so as to minimize traffic buildups. Mrs. Smithmeyer said she feels they are travelling at too high a rate of speed, that they may be overloaded, that they pose a jeopardy to children in schoolbuses and that she can not understand why they are allowed to travel through town. Supervisor Kennedy said that, although the trucks have the right to travel through the town, if it is felt that they are overloaded or speeding, the State Police can be called to more closely monitor them. As far as tarps to cover their loads, the State regulates what type of materials need to be covered and that it is also probable that a Mining Permit was issued by New York State for this clay, which would not necessitate getting the town's permission. Stephanie Mahagan, 8060 Cole Road, asked if truck owners pay a road deterioration tax and it was noted that they do pay substantial taxes toward maintenance of the roadways. Supervisor Kennedy said that he will contact the owner of the trucks to ascertain that correct procedures and agreed-upon conditions are being followed.

Lisa Rood, 8798 Zimmerman Road, said she recently paid \$600.00 to have her well cleaned out and that her water supply has not improved at all. She asked about recent developments in her request for public water. Councilman Lisowski said he has met with Town Engineer Charles Pettit and that studies are now being made as to possible locations for a water tank and pumping station on the west hill. Supervisor Kennedy said Mrs. Rood, as a member of the Conservation Advisory Council, could act as liaison with the Capital Improvements Committee, so that she can keep apprised of the ongoing efforts to provide water to residents.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to refer to the Planning Board for their review and recommendation the request of Erich Bickel to rezone 8.45 acres of property on the corner of Zimmerman Road and Heinrich Road from Residence-Agriculture R-A to Residence R-3 for the purpose of constructing a multiple dwelling.

five (5) ayes

Carried

A letter was received from Code Enforcement Officer Dennis Kramer relative to his inspection of a fire-damaged mobile home on Lot #69 at the Boston Hills Mobile Home Park. A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman that a notice be issued to the owner of the mobile home and also the owners of the mobile park, Mr. and Mrs. John Falkides, pursuant to Chapter 47-3 of the Town Code, on this matter.

five (5) ayes

Carried

October 2, 1991

Upon the receipt of a new site plan which includes a vehicle turnaround area, a motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman that a Certificate of Compliance be issued to Stephanie Mahagan for Jelly Bean Junction, 7494 Boston State Road.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to authorize the Code Enforcement Officer to issue building permits to Glenn Wetzl for three duplex homes on Pin Oak Drive, contingent upon Mr. Wetzl's signature on a document, to be prepared by Attorney Perley, to hold the Town harmless in the event that the installation of the sewer lines to the properties is not completed and accepted by the Erie County Sewer District, as installed by Kenneth Decker, as promised.

five (5) ayes

Carried

Supervisor Kennedy read through the 1992 Preliminary Budget and discussed the fact that, due to the loss of state revenues, this was the most difficult budget to prepare in all of his years as Town Supervisor. Following discussion on all aspects of the budget, Town Clerk Carr read the Summary of the 1992 Preliminary Budget.

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter that the 1992 General Fund Preliminary Budget be approved as follows:

|                            |              |
|----------------------------|--------------|
| Appropriations             | \$851,745.00 |
| Less Estimated Revenues    | 477,600.00   |
| Less Unexpended Balance    | 210,000.00   |
| Amount to be Raised by Tax | 164,145.00   |

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Supervisor Kennedy that the 1992 Highway Fund Preliminary Budget be approved as follows:

|                            |              |
|----------------------------|--------------|
| Appropriations             | \$665,100.00 |
| Less Estimated Revenues    | 245,000.00   |
| Less Unexpended Balance    | 20,000.00    |
| Amount to be Raised by Tax | 400,100.00   |

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman that the 1992 Fire Protection Preliminary Budget be approved as follows:

|                            |              |
|----------------------------|--------------|
| Appropriations             | \$433,000.00 |
| Amount to be Raised by Tax | 433,000.00   |

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman that the 1992 Light District Preliminary Budget be approved as follows:

|                            |              |
|----------------------------|--------------|
| Appropriations             | \$ 20,000.00 |
| Less Unexpended Balance    | 500.00       |
| Amount to be Raised by Tax | 19,500.00    |

five (5) ayes

Carried

October 2, 1991

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer that the 1992 Ambulance District Preliminary Budget be approved as follows:

|                            |              |
|----------------------------|--------------|
| Appropriations             | \$ 44,075.00 |
| Amount to be Raised by Tax | 44,075.00    |

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy that the 1992 Refuse & Garbage District Preliminary Budget be approved as follows:

|                            |              |
|----------------------------|--------------|
| Appropriations             | \$453,960.00 |
| Amount to be Raised by Tax | 453,960.00   |

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman that the 1992 Sewer District #2 Preliminary Budget be approved as follows:

|                            |             |
|----------------------------|-------------|
| Appropriations             | \$ 1,196.00 |
| Amount to be Raised by Tax | 1,196.00    |

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer that the 1992 Water District #1 Preliminary Budget be approved as follows:

|                            |              |
|----------------------------|--------------|
| Appropriations             | \$ 48,500.00 |
| Less Unexpended Balance    | 18,500.00    |
| Amount to be Raised by Tax | 30,000.00    |

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter that the 1992 Water District #2 Preliminary Budget be approved as follows:

|                            |              |
|----------------------------|--------------|
| Appropriations             | \$ 89,202.00 |
| Less Unexpended Balance    | 50,000.00    |
| Amount to be Raised by Tax | 39,202.00    |

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to schedule a public hearing for November 20, 1991 at 8:00 P.M. on the 1992 Preliminary Budget.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to accept the new 1991 Chevrolet Pickup truck for the Parks Department and to return the bid check of Emerling Chevrolet, Inc.

five (5) ayes

Carried

Supervisor's Monthly Financial Report was received.

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to authorize Supervisor Kennedy to sign a Scope of Services contract with Nussbaumer & Clarke, Inc., at a

October 2, 1991

cost not to exceed \$1,000.00, relative to the U.S. Corps of Engineers Permit Application for the Town Park improvements.

five (5) ayes

Carried

Supervisor Kennedy read portions of a letter received from James W. Everett, Jr., 8369 Lower East Hill Road, relative to planned reconstruction of Lower East Hill Road. Mr. Everett states that the planned work is all out of proportion to the actual needs of the community and that inappropriate criteria and population projections were used in determining the need to make this rural road into the width of an arterial highway. Supervisor Kennedy will communicate with Mr. Everett relative to this matter and will attempt to receive more information on this project.

Town Justice Monthly Financial Report was received.

Highway Superintendent Ruchalski thanked the Town Board for granting him permission to attend the New York State Association of Town Superintendents of Highways seminar in Monticello from September 24 through September 27, as it was a very informative conference.

Attorney Perley said he has prepared the first draft of Regulations to Develop Steep Slopes, as requested by Councilman Wohlhueter, and plans to submit it to Town Engineer Charles Pettit before the end of the year for his review, prior to submitting it to the Town Board for their consideration.

Attorney Perley said he contacted the owners of the two mobile home courts, as requested by Councilman Lisowski, and suggested he meet with them to discuss possible legislation relative to the replacement of existing mobile homes with larger ones on the same size lots. The attorney for William Sprague has agreed to meet with Mr. Perley, however, John Falkides has requested to meet with the entire Town Board instead. Attorney Perley will contact Mr. Falkides to let him know the Town Board will meet with him for approximately 15 minutes prior to their Agenda Review meeting on October 16, which begins at 6:30 P.M.

Attorney Perley said he has prepared a payment-in-lieu of taxes (PILOT) agreement between People, Inc. and the County of Erie. Hamburg School District and the Town of Boston and expects to have the final Agreement before the Town Board at the October 16, 1991 meeting.

Supervisor Kennedy reported that Attorney Perley has received word from Adelphia Cable Communications that, due to a clerical error in the calculation of franchise fees, the Town of Boston has been underpaid a total of \$31,152.00 since 1986. Supervisor Kennedy said well-deserved praise goes to Attorney Perley for his efforts in the discussion of franchise payments with Adelphia Cable, which led to the review of the records.

Councilman Zimmerman reported he requested and received letters from the Business Manager of Springville Griffith-Institute School and the custodian of the school relative to prior grading work that has been done on the grounds and it appears these letters will be sufficient to clear the property of any archeological studies so that the drainage work can begin.

Councilman Zimmerman said the auction that was held to benefit the South Boston Playground raised approximately \$3300.00 and he expressed his appreciation to all those who donated or bid on items on the auction.

October 2, 1991

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

Dog Control Officer Monthly Report was received.

A letter was received from the Planning Board, recommending approval of the Application for Permit of Martin Barrett for an addition to his business at 8032 Boston State Road. Councilman Zimmerman asked Charles Barrett, who was present, how much space there was between the two buildings on the property. Mr. Barrett said he thought there was about 45 feet and Councilman Zimmerman said he asked because he wanted to know if there would be sufficient side setbacks, in the event the property might be split at some point. A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to grant building permit approval to Martin Barrett for an addition to his business building at 8032 Boston State Road.

five (5) ayes

Carried

A letter was received from the Conservation Advisory Council. They asked for an explanation as to why the spring on Back Creek Road was closed. The owner of the spring closed it for the reason that it was low on water, and someone removed the cover and dipped water out, therefore the owner could not be sure it was not contaminated; this is his prerogative, as it was on private property. Supervisor Kennedy noted that the town has posted a sign near the football field also, asking for persons not to drink the water that it coming from a spring in that area, as it has not been tested for purity.

Upon the request of the Conservation Advisory Council, a motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to grant permission for two members to attend a conference in Rochester, on a commuter basis, on October 25, 26, and 27, 1991, with all appropriate expenses to be paid by the town; and that the Conservation Advisory Council has permission to purchase publications relative to conservation concerns.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to adjourn at 9:29 P.M.



Joyce Carr  
Town Clerk

Regular Meeting  
October 16, 1991

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 to approve the Minutes of the October 2, 1991 Regular Meeting.

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 #10A, October 16, 1991, in the amount of \$46,095.70 be paid.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer that the Highway Bills on Abstract #10A, October 16, 1991, in the amount of \$28,486.49 be paid.

five (5) ayes

Carried

Received notification from New York State Board of Equalization and Assessment that the Town of Boston tentative equalization rate for the 1991 Assessment Roll is 89.60. Supervisor Kennedy said he is disappointed in this rate and will review the matter with Assessor William Kleis and Attorney Perley to ascertain if fair market values were used, after which time appropriate action will be taken, if necessary.

Received a order from Judge Joseph J. Sedita, signed October 3, 1991, which grants the Town of Boston's motion in the matter of Justin D. Sucato vs. the Town Board of Boston. Attorney Perley said that Mr. Sucato may appeal this dismissal order, if he does not, Judge Sedita's motion is final; he will keep the Board informed as to any new developments in this case.

Received a letter from the Secretary of State's office relative to their receipt of the town's resolution regarding state fiscal cuts to the Office of Fire Prevention and Control. Also received was a resolution from the Town of Marilla, which also requests the restoration of funding, as the Town of Boston's resolution did. Councilman Wittmeyer directed Clerk Carr to send copies of matters pertaining to communications on this subject to the three fire companies in the town.

Received a letter from Assemblyman Bill Paxon relative to an E.P.A. grant to help develop a comprehensive wetlands program for Western New York. Supervisor Kennedy said the present program certainly needs study, with realistic guidelines. Councilman Wohlhueter asked Clerk Carr to provide a copy of this letter to the Conservation Advisory Council.

A letter was received from David A. Fox, relative to his request for support in his petitions for double stop signs and clean up of roadside vegetation at intersections in southern Erie County. Petitions that have been signed in the Town Clerk's office in support will be forwarded to Mr. Fox.

Relative to a letter received from the Department of Senior Services, Councilman Lisowski will contact Dolores Seufert, President of the Senior Citizens, to request she attend an informational meeting about the Home Energy Assistance Program, to

October 16, 1991

be held at the Hamburg Town Hall on November 14 and report to the Town Board on proposed changes in the 1991-92 program.

Received and filed Monthly Activity Report of the Erie County Sheriff's Department in the Town of Boston for the month of September, 1991.

Lisa Rood, 8798 Zimmerman Road, asked about the status of the water study on the west hill. Councilman Lisowski said he spoke with Town Engineer Charles Pettit today and he is preparing a map, which should be available at the next Town Board Meeting, of the area. Supervisor Kennedy again invited Mrs. Rood to attend the Capital Improvements Committee meetings, in order that she may be informed of the planned projects in town.

Norman Pfeffer, 7681 Boston State Road, said he has noticed the truck traffic through the valley has slowed down. Supervisor Kennedy said that the owner of the trucking outfit that is hauling clay had stated he would be finished for the season in mid-October, but will begin again in the spring of 1992.

Mrs. Rood asked about the sequence of events when a complaint call is made to the Dog Warden. She said she has placed three calls about dogs running loose, but has not received a return call. Supervisor Kennedy said he will be meeting with both the Dog Warden and his deputy shortly and will discuss the need to return calls with them. Councilman Lisowski said the Deputy Dog Warden did talk with him about the complaints, as she thought he might know of the owner.

Attorney Perley submitted a PILOT (Payment-in-Lieu of Taxes) Agreement that he drafted between People, Inc., Town of Boston, County of Erie and Hamburg Central School District, relative to a payment of \$2500 per year by People, Inc. for their ten bed group home at 8169 Boston State Road. Supervisor Kennedy said he appreciates Attorney Perley's efforts in drafting this agreement. as People, Inc. has a tax exempt status and Mr. Perley has negotiated these payments, which are highly favorable to the town. A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to authorize Supervisor Kennedy to sign the agreement.

five (5) ayes

Carried

A petition containing 62 signatures was received from the Boston Senior Citizens, requesting the construction of a Bocce Ball Court at the Town Park. Councilman Lisowski will obtain cost estimates on this request and report his findings to the Capital Improvements Committee for their review.

Received a letter from Robert D. Robson, 6760 Liebler Road, requesting he be incorporated into the water district, as he would like to access the existing water main to install approximately 900 feet of waterline to his home. This construction would involve obtaining easements from James Smolarek at 6696 Liebler Road and Niagara Mohawk, as well as permission from the Erie County Water Authority and the town. Supervisor Kennedy and Councilman Wittmeyer said they will make a site inspection of this property on Thursday, October 17, at which time they will be better able to discuss with Mr. Robson his request.

John Gasper, 7136 Boston Cross Road, also has requested water be extended to his residence, which would be approximately 60-feet. Estimates were received from the Town Engineer for the cost of this extension, which would cost approximately \$5000, and be at Mr. Gasper's expense. Attorney Perley will draw a petition on this request, which will include the legal description of the property, after which time a public hearing will be scheduled on this matter.

October 16, 1991.

RESOLUTION - POLISH-AMERICAN HERITAGE MONTH

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to grant a final extension of two weeks to Gregory Gerwitz for the construction of an apartment building at 7456 Boston State Road. Code Officer Dennis Kramer has reported that Mr. Gerwitz is making an effort to comply with the conditions set forth by the Town Board, and needs these two weeks to finish and have final inspections made by New York Board of Fire Underwriters. Supervisor Kennedy said this extension will be the final one issued to Gregory Gerwitz for this apartment building.

five (5) ayes

Carried

A letter was received from Mary Kraft, 5556 Meadow Drive, with the complaint that she believes a Nursery/Day School is being operated at 5562 Meadow Drive, and inquiring if proper licensing requirements have been met. Supervisor Kennedy said that Code Enforcement Officer Kramer talked with Mrs. Castellana at 5562 Meadow Drive, who told him she is not operating any type of nursery or day care and that there are always children from the neighborhood, as well as her own children, at her house and yard. Supervisor Kennedy said he will answer Mrs. Kraft's letter with this information and the situation will be monitored if there is any reason to believe a day care is in operation.

Supervisor Kennedy reported that he has met this date with Trustees of the Cobblehill Cemetery Association, who are interested in turning the monies they hold in trust over to the town, in exchange for the town accepting maintenance of this cemetery. When further arrangements are made, he will so inform the Town Board.

Clerk Carr requested Councilman Wohlhueter reconvene the Solid Waste Committee, in order to review the possibility of recycling of waste paper from the Town Hall offices.

Attorney Perley said service of an Order of Complaint against Shirley Costello for property at 6560 Fairlane Drive has been made: this is relative to the fact that garages have not been constructed, in accordance with the building permit stipulation for the apartment house on this property.

Councilman Wohlhueter scheduled a Solid Waste Committee meeting for Tuesday, November 12, 1991 at 7:00 P.M. at the Town Hall and said that a Conservation Advisory Council member would also be requested to be present for this meeting.

Councilman Wohlhueter said he received a telefax from BFI, stating that, effective November 4, 1991, they will be collecting colored glass and magazines in the blue bins for recycling. A news release will be issued prior to that date in local newspapers. It was noted by persons present that Tops Markets will accept old telephone directories at their stores.

Councilman Wohlhueter noted that he will discuss with the Conservation Advisory Council the General Municipal Law that became effective on July 26, 1991 that would enable volunteer "Adopt-a-Road" programs to be established in parks, shorelines, roadways and public lands.

Councilman Wittmeyer confirmed with Highway Superintendent Ruchalski that lower speed limit signs have been posted at the Creekside Apartment roadway and Liebler Road and asked Clerk Carr to follow up on the "Blind Driveway" sign that was to be installed by the county near the Wierzba residence at 8146 Boston State Road.

Supervisor Kennedy said he spoke with John J. Gugino at the Erie

## 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 16th day of October, 1991 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:

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 America 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.

NOW, THEREFORE, WE, THE TOWN BOARD OF THE TOWN OF BOSTON, do hereby proclaim October, 1991 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 16, 1991

County Division of Highways, who told him extensive improvements are planned for Lower East Hill Road, which will include eight feet of paving and four foot wide shoulders. The property owners in this area have no reason to be unjustly alarmed over these improvements, as they will in no way make this a super highway. The Supervisor will contact Mr. Everett, who was alarmed this improvement would result in increased truck traffic.

Councilman Zimmerman said the final cable television franchise agreement should be ready for Town Board consideration at the November 6, 1991 meeting.

Councilman Zimmerman reported that he has spoken with Larry Bartz and William Feasley at the Erie County Department of Planning and that he expects approval of the funding for the South Boston Park work by the next Town Board meeting.

Town Engineer's Monthly Report was received.

A motion was made by Councilman Wohihueter and seconded by Supervisor Kennedy to adjourn at 8:38 P.M.



Joyce Carr  
Town Clerk

Regular Meeting  
November 6, 1991

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 to approve the Minutes of the October 16, 1991 Regular Meeting.

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 Zimmerman and seconded by Supervisor Kennedy that the General Fund and Special District Bills on Abstract #11, November 6, 1991, in the amount of \$19,412.08 be paid.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer that the Highway Bills on Abstract #11, November 6, 1991, in the amount of \$14,768.18 be paid.

five (5) ayes

Carried

Received and filed letter of appreciation to the Town Board, Town Clerk and Parks Department for their support of the Boston Youth Soccer League and their successful 1991 season.

Received a letter from John P. Falkides, requesting he be advised in advance of any meetings or contemplated legislation concerning mobile home parks in the town. Supervisor Kennedy noted that Mr. Falkides has always been advised of any pending legislation, and has had the opportunity for input affecting mobile parks.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to be receptive to the Citizen Action of New York organization for its annual door-to-door canvass drive, with Town Clerk Carr submitting to the New York State Police and Sheriff's Department the information provided of their canvassers.

five (5) ayes

Carried

Received and filed Special Franchise Assessment for the 1991 Tax Roll from New York Telephone.

Received and filed Monthly Activity Report of the Erie County Sheriff's Department for the month of October, 1991 from Sergeant John F. Fox, who was present at the meeting.

Received Notice of Claim in the Matter of William Hallick on behalf of his son, Caine Hallick, for damages in conjunction with the Boston Little Loop Football Program and an alleged injury. Supervisor Kennedy said he has directed Councilman Lisowski to review the criteria used to admit persons from another community, in this case the Village of Springville, to recreation programs sponsored by the Town of Boston.

A letter to Mr. and Mrs. Gregory Gerwitz from Town Clerk Carr, dated October 22, 1991, was read, stating that the extended expiration date to complete work on the multi-family dwelling at 7456 Boston State Road was October 30, 1991. Code Enforcement

## 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 November, 1991 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:

WHEREAS, the Town Board of the Town of Boston acting as Water Commissioners for Water District Nos. 1 and 2, has entered into a Lease Management Agreement executed on November 5, 1986 with Erie County Water Authority for the sale and distribution of water to the customers in said Districts whereby the authority agreed to manage and operate said Districts which by said agreement was leased to the Authority for that purpose; and

WHEREAS, the Boston Town Board acting as Water Commissioners for Water Districts Nos. 1 and 2 hereby extend the aforementioned Lease Management Agreement for an additional five (5) year period under the exact same terms and conditions that exist in the current Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Boston Town Board acting as Water Commissioners for Water District Nos. 1 and 2, hereby renews the Lease Management Agreement between the Erie County Water Authority and the Town Board of the Town of Boston, acting as Water Commissioners for Water District Nos. 1 and 2 for an additional five (5) year period, to run from the expiration date of the Lease Management Agreement for Water District Nos. 1 and 2, under the same terms and conditions as contained in the existing Agreement;

AND BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized and directed to forward a certified copy of this Resolution to the Erie County Water Authority.

Seconded by Councilman Zimmerman 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

November 6, 1991

Officer Dennis Kramer said he inspected the property after this date from the outside only, as Mr. Gerwitz was out of town. He estimates that 95% of the outside work is completed, however, he is concerned with possible structural defects. He will also determine on his next inspection if the fuel tank has been removed from the premises, as promised. Supervisor Kennedy said Mr. Gerwitz was compiling a list of ten other places in town that he claims have above ground fuel tanks, but this list has not yet been received. Supervisor Kennedy said he reluctantly will agree to extend until November 20, 1991 the expiration date of the agreement to complete this construction.

Received from Erie County Commissioner of Highways John Gugino a copy of a letter from Acres International Corporation relative to James Everett's concerns about the reconstruction of Lower East Hill Road. Supervisor Kennedy said this road definitely needs improvements and he is happy the work is being planned.

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to refer to the Planning Board for review and recommendation the application of Boston Hotel for a sidewall enclosure of an existing porch.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski to renew the Special Use Permit of Donald Hossie for an antique shop at 8539 Boston State Road; to expire November 1, 1994.

five (5) ayes

Carried

#### RESOLUTION - EXTENSION OF LEASE MANAGEMENT AGREEMENT WITH ERIE COUNTY WATER AUTHORITY

Received a letter from Engineer Nussbaumer & Clarke, Inc. relative to their field investigation at the Robson residence, 6760 Liebler Road. The engineering review shows that the ground elevation would indicate adequate static pressure and the the 900 foot water service line should be no less than 1 1/2" in diameter. A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to approve this out-of-district water service, contingent on Erie County Water Authority approval and a yearly payment equivalent to the district taxes from this time forward; with the additional stipulation that this property be incorporated into the district if and when said district is extended.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Supervisor Kennedy to appoint the following Recreation Aides PT for the Friday evening program, effective immediately and to expire December 31, 1991:

|                  |                 |
|------------------|-----------------|
| Michele Riederer | \$5.00 per hour |
| Jennifer Schunk  | \$5.00 per hour |

five (5) ayes

Carried

#### AMENDED RESOLUTION - FORMATION OF WATER DISTRICT #3

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to authorize the Supervisor to enter into a contract with Nussbaumer & Clarke, Inc. to provide engineering services for the waterline extensions on Taylor Road to connect with Hamburg's system; said contract to be in the sum of \$4,700.00.

five (5) ayes

Carried

November 6, 1991

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski to make the following Correction of Abstracts:

Abstract #6 - Voucher #380 - June 6, 1991  
Nussbaumer & Clarke, Inc.

From: A1440.4 Engineer  
To: H1620.2 Emergency Squad Building Ext. Project  
Amount: \$840.00

Abstract #7 - Voucher #532 - July 18, 1991  
Nussbaumer & Clarke, Inc.

From: H1620.2 Emergency Squad Bldg. Ext. Project  
To: A1440.4 Engineer  
Amount: \$625.00

five (5) ayes

Carried

**RESOLUTION - EXTENSION OF WATER DISTRICT #1  
7136 BOSTON CROSS ROAD**

Received a check in the amount of \$31,152.48 from Adelphia Cable Communications, representing payment of the franchise fee adjustment for the period from April 1, 1986 through March 31, 1991. Supervisor Kennedy commended Attorney Perley for his diligence in reviewing the franchise fees that led to this adjustment of payments from Adelphia.

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter to authorize the Supervisor to sign a release absolving Adelphia Cable from any further liability from the dates of April 1, 1986 through March 31, 1991.

five (5) ayes

Carried

Supervisor's Monthly Financial Report was received.

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman to authorize the Supervisor to sign a document to employ Telecost Auditing Services to audit the telephone bills of the town in order to determine if a cost savings can be made; they will share 50/50 if any methods of saving can be found.

five (5) ayes

Carried

Received Tax Collector Joyce Carr's final report of the collection of taxes for the 1991 Town and County tax, along with a check in the amount of \$11,174.33 which represents interest, penalties and delinquent notice fees earned during 1991.

five (5) ayes

Carried

Town Justice Monthly Financial Report was received.

Attorney Perley said he has received a Notice of Appeal in the matter of Sucato vs. the Town of Boston and will keep the Town Board informed of any further action in this case.

Councilman Lisowski said he has received estimates from Engineer Nussbaumer & Clarke, Inc. on the costs to extend the water district to residents on Zimmerman Road. The installation of water lines would cost, on the average, approximately \$1200 per household. Councilman Lisowski said he appreciated the Engineer for expediting this report, which he will present at the Capital Improvements Meeting on November 25, 1991.

# TOWN OF BOSTON



## RESOLUTION

The following Resolution was offered by Councilman Wittmeyer who moved its adoption.

WHEREAS, a written Petition dated November 6, 1991 in due form and containing the required signatures, has been presented to and filed with the Town Board of the Town of Boston, Erie County, New York, for the annexation of property situate in said Town, to Water District #1 in said Town of Boston, to be bounded and described as herein below set forth; and

WHEREAS, improvements proposed consist of the construction and installatio of a water system to serve the annexed property including main waterline and such other pumping stations, valves and hydrants, including the acquisition of any lands and rights-of-way therefor, in accordance with certain Plans now on file in the Office of the Town Clerk of said Town of Boston; and

WHEREAS, the Petitioners have agreed to bear the expense of extending the waterline to serve the annexed property, including all engineering fees and an allowance for the work expended by salaried Town employees, excluding therefrom installation of a hydrant which cost will be borne by the Town of Boston Fire Protection District; and

WHEREAS, the Town Board of the Town of Boston duly adopted an Order reciting the filing of said Petition, the improvements proposed, the boundaries of said Extension to Water District #1, specifying December 4, 1991 at 8:15 PM in the evening of said date, in the Boston Town Hall, as the place where said Board would hear all persons interested in the subject thereof and concerning the same; and

WHEREAS, a Public Hearing was held in the Town Hall of the Town of Boston, 8500 Boston State Road, on the 4th day of December, 1991, at 8:15 PN, to consider said Petition and to hear all persons interested in the subject thereof, and all persons interested were heard;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Boston herein determined by this Resolution :

- 1) That the Notice of Hearing was published and posted as required by law and is otherwise sufficient; and
- 2) That the property and property owners within the proposed Extension are benefited thereby; and

3) That all property and property owners benefited are included within the limits of the proposed District Extension; and

4) That the Extension of Water District #1 is in the public interest; and

5) That the Petition is signed, acknowledged or proved as provided by law, and is otherwise sufficient.

BE IT FURTHER RESOLVED, that the Extension to Water District #1, as proposed in said Petition, be approved and constructed, and service provided in accordance with this Resolution, and that such Extension shall be designated and known as Water District #1 of the Town of Boston Boston Cross Road Extension #1.

BE IT FURTHER RESOLVED, that the following described property be, and the same is hereby, annexed to Water District #1 of the Town of Boston under the name and title Water District #1 of the Town of Boston Cross Road Extension #1.

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. 2, Township 8 and Range 7 of the Holland Land Company's survey, bounded and described as follows:

BEGINNING at the intersection of the center line of Boston Cross Road and the easterly right-of-way line of land formerly owned by the Buffalo and Susquehanna Railroad, which point is also the northwest corner of land conveyed to the party of the first part by Deed recorded in the Erie County Clerk's Office in Liber 4383 of Deeds at Page 443; thence east and along the center line of the Boston-Colden Road, Four Hundred Three and Sixty-Four Hundredths (403.64) feet to a point; thence southerly at an interior angle of Ninety-Five (95) degrees Fifty-Five (55) minutes a distance of Three Hundred One and One-Tenth (301.1) feet to a point; thence westerly at an interior angle of Eighty-Eight (88) degrees Nine (9) minutes a distance of Four Hundred (400) feet to the easterly right-of-way line of land formerly owned by the Buffalo and Susquehanna Railroad; thence northerly at an interior angle of Ninety-One (91) degrees Fifty-One (51) minutes and along the easterly bounds of former Railroad land Three Hundred Forty-One and Fifty-Seven Hundredths (341.57) feet to the point of beginning, containing 2.95 acres more or less.

BE IT FURTHER RESOLVED, that the expense in preparing Plans and in constructing and installing water service to the property included within the above-described Extension shall be borne by the owners thereof; and

BE IT FURTHER RESOLVED, that the cost of purchasing, installation and maintenance of the fire hydrant to serve the annexed property shall be borne by the Town of Boston Fire Protection District; and

BE IT FURTHER RESOLVED, that the Petitioners pay to the Town of Boston the sum of (waived) as and for an allowance fee for the services of the Town Attorney in connection with this Application; and

BE IT FURTHER RESOLVED, that the annexation of the property hereinabove described be, and the same is, subject to a permissive Referendum as provided by law; and

BE IT FURTHER RESOLVED, that the Town Clerk of this Town shall, within ten (10) days after the adoption of this Resolution, file Certified copies thereof, in duplicate, at the State Department of Audit & Control in Albany, New York.

Seconded by Councilman Zimmerman and adopted by the following votes:

Ayes: 5

Noes: 0

Absent: 0

November 6, 1991

Councilman Lisowski reported he spoke with the Senior Citizens relative to their request for a Bocce Ball Court and said they would be happy just to have an area off to the side of the park that could be levelled and maintained for this purpose and that he felt this could be worked into the Recreation budget.

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter to schedule a public hearing for December 18, 1991 at 8:00 P.M. on the Franchise Agreement between the Town of Boston and Adelphia Communications Corp.

five (5) ayes

Carried

Supervisor Kennedy said the monies that have been held in the Security Fund of Adelphia Cable will be returned to them at the end of the year.

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 Councilman Lisowski and seconded by Councilman Wohlhueter to adjourn at 8:26 P.M.



Joyce Carr  
Town Clerk

Regular Meeting  
November 20, 1991

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 to approve the Minutes of the November 6, 1991 Regular Meeting, with the following addition at the end of Paragraph 6, Page 215: "... and contingent on a reimbursement in-lieu of this property not being part of the existing water district; said amount of reimbursement to be determined at a later date by the Town Board."

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy that the General Fund and Special District Bills on Abstract #11A, November 20, 1991, in the amount of \$47,262.23 be paid.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter that the Highway Bills on Abstract #11A, November 20, 1991, in the amount of \$6,947.56 be paid.

five (5) ayes

Carried

Received a resolution from the Town of Amherst opposing Erie County's proposed elimination of funding for youth service and recreation programs to municipalities.

#### RESOLUTION - YOUTH SERVICE FUNDING

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter to authorize Supervisor Kennedy to sign an agreement with Niagara Sanitation Company, Inc., a subsidiary of Browning-Ferris Industries, Inc., to perform the services under the Collection and Disposal of Refuse, Garbage and Recyclables Agreement dated January 1, 1991 on behalf of Joe Ball Sanitation Service, Inc., a wholly-owned subsidiary of Browning-Ferris Industries, Inc.

five (5) ayes

Carried

Reed Garver, 8363 Lower East Hill Road, requested the town to contact the Erie County Division of Highways relative to at least a dozen six to eight inch holes on this road. Supervisor Kennedy said that this is also a concern of Highway Superintendent Ruchalski, as the condition of this road is a hazard to snowplowing operations. Town Clerk Carr was directed to correspond with Erie County and ask for patching work to be done prior to the winter season.

A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer to schedule the end-of the year Town Board meeting date for December 27, 1991 at 9:00 A.M.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to schedule the first Town Board meeting in January, 1992 for Thursday, January 2, 1992 at 7:30 P.M.; with the Agenda Review to be held that same date at 6:00 P.M.

five (5) ayes

Carried

TOWN BUDGET

FOR 1992

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 1992 budget  
of the TOWN OF BOSTON as adopted by the Town Board on the  
20th day of November, 1992.

Signed, Joyce Carr  
Town Clerk

Dated 11/21/91

(2)

## SUMMARY OF TOWN OF BOSTON BUDGET - 1992

|                  | APP/OTH USES | -EST REVENUE | -UNEXP BAL | RSD BY TAX                   |
|------------------|--------------|--------------|------------|------------------------------|
| A GENERAL        | 851,745.00   | 477,600.00   | 210,000.00 | 164,145.00                   |
| D HIGHWAY        | 665,100.00   | 245,000.00   | 20,000.00  | 400,100.00                   |
| SF FIRE PROTEC   | 433,000.00   | 0.00         | 0.00       | 433,000.00                   |
| SL LIGHT         | 20,000.00    | 0.00         | 500.00     | 19,500.00                    |
| SM AMBULANCE     | 44,075.00    | 0.00         | 0.00       | 44,075.00                    |
| SR REFUSE & GARB | 454,860.00   | 0.00         | 0.00       | 454,860.00                   |
| SS SEWER #2      | 1,213.50     | 0.00         | 0.00       | 1,213.50                     |
| SW WATER #1      | 48,500.00    | 0.00         | 18,500.00  | 30,000.00                    |
| SW WATER #2      | 89,892.00    | 0.00         | 50,000.00  | 39,892.00                    |
| TOTALS           | 2,608,385.50 | 722,600.00   | 299,000.00 | 1,586,785.50<br>1,586,785.50 |

(3)  
GEN - A

GENERAL GOVERNMENT SUPPORT - 1992 BUDGET

|             | CODE    | ACT 90 | 91 BUDGET | PRE 92 | ADOPT 92 |
|-------------|---------|--------|-----------|--------|----------|
| TOWN BOARD  |         |        |           |        |          |
| Pers Serv   | 1,010.1 | 21,200 | 22,000    | 22,000 | 22,000   |
| Contractual | 1,010.4 | 2,002  | 3,600     | 3,600  | 3,600    |
| Total       |         | 23,202 | 25,600    | 25,600 | 25,600   |
| JUSTICE     |         |        |           |        |          |
| Pers Serv   | 1,110.1 | 36,189 | 36,600    | 40,660 | 40,660   |
| Contractual | 1,110.4 | 5,465  | 5,700     | 5,940  | 6,440    |
| Total       |         | 41,654 | 42,300    | 46,600 | 47,100   |
| SUPERVISOR  |         |        |           |        |          |
| Pers Serv   | 1,220.1 | 32,668 | 32,300    | 34,000 | 34,000   |
| Equipment   | 1,220.2 | 1,400  | 1,000     | 500    | 500      |
| Contractual | 1,220.4 | 14,011 | 14,700    | 14,700 | 15,700   |
| Total       |         | 48,079 | 48,000    | 49,200 | 50,200   |
| ASSESSOR    |         |        |           |        |          |
| Pers Serv   | 1,355.1 | 24,514 | 29,100    | 27,750 | 27,750   |
| Equipment   | 1,355.2 | 0      | 0         | 0      | 0        |
| Contractual | 1,355.4 | 6,697  | 9,500     | 10,200 | 10,700   |
| Total       |         | 31,211 | 38,600    | 37,950 | 38,450   |
| TOWN CLERK  |         |        |           |        |          |
| Pers Serv   | 1,410.1 | 41,972 | 44,500    | 45,380 | 45,380   |
| Equipment   | 1,410.2 | 1,547  | 2,000     | 500    | 500      |
| Contractual | 1,410.4 | 5,992  | 6,750     | 7,000  | 8,000    |
| Total       |         | 49,511 | 53,250    | 52,880 | 53,880   |
| ATTORNEY    |         |        |           |        |          |
| Pers Serv   | 1,420.1 | 25,871 | 29,400    | 29,600 | 29,600   |
| Contractual | 1,420.4 | 2,704  | 3,100     | 3,400  | 3,400    |
| Total       |         | 28,575 | 32,500    | 33,000 | 33,000   |
| ENGINEER    |         |        |           |        |          |
| Contractual | 1,440.4 | 5,400  | 20,000    | 10,000 | 10,000   |
| Total       |         | 5,400  | 20,000    | 10,000 | 10,000   |
| ELECTIONS   |         |        |           |        |          |
| Pers Serv   | 1,450.1 | 0      | 0         | 0      | 0        |
| Contractual | 1,450.4 | 5,659  | 6,450     | 6,450  | 6,450    |
| Total       |         | 5,659  | 6,450     | 6,450  | 6,450    |
| REC MANAGE  |         |        |           |        |          |
| Pers Serv   | 1,460.1 | 0      | 2,972     | 0      | 0        |
| Equipment   | 1,460.2 | 449    | 0         | 0      | 0        |
| Contractual | 1,460.4 | 0      | 1,348     | 200    | 200      |
| Total       |         | 449    | 4,320     | 200    | 200      |

(4)  
GEN - A

GENERAL GOVERNMENT SUPPORT - 1992 BUDGET

|                           |         |         |         |         |         |
|---------------------------|---------|---------|---------|---------|---------|
| BUILDINGS                 |         |         |         |         |         |
| Pers Serv                 | 1,620.1 | 4,879   | 7,000   | 8,000   | 8,000   |
| Equipment                 | 1,620.2 | 214     | 48,000  | 30,000  | 30,000  |
| Contractual               | 1,620.4 | 31,418  | 30,000  | 35,000  | 35,000  |
| Total                     |         | 36,511  | 85,000  | 73,000  | 73,000  |
| CENT GARAGE               |         |         |         |         |         |
| Equipment                 | 1,640.2 | 0       | 0       | 0       | 0       |
| Contractual               | 1,640.4 | 403     | 1,500   | 1,500   | 1,500   |
| Total                     |         | 403     | 1,500   | 1,500   | 1,500   |
| CENT COMMUN               |         |         |         |         |         |
| Equipment                 | 1,650.2 | 0       | 0       | 0       | 0       |
| Contractual               | 1,650.4 | 300     | 400     | 500     | 500     |
| Total                     |         | 300     | 400     | 500     | 500     |
| CENT PR & MAIL            |         |         |         |         |         |
| Contractual               | 1,670.4 | 2,792   | 3,900   | 4,300   | 1,300   |
| Total                     |         | 2,792   | 3,900   | 4,300   | 1,300   |
| SPECIAL ITEMS             |         |         |         |         |         |
| Unalloc Insur             | 1,910.4 | 81,863  | 80,000  | 75,180  | 75,180  |
| Munic Assn Dues           | 1,920.4 | 889     | 1,200   | 1,200   | 1,200   |
| Judge & Claims            | 1,930.4 | 2,859   | 740     | 520     | 520     |
| Purchase/Land             | 1,940.4 | 3,092   | 20,000  | 12,000  | 12,000  |
| Tx&Asses Tn Prop          | 1,950.4 | 2,783   | 3,700   | 3,000   | 3,000   |
| Unclassified              | 1,989.4 | 25      | 500     | 100     | 100     |
| Contingent Acct           | 1,990.4 | 0       | 23,000  | 20,000  | 20,000  |
| Total                     |         | 91,511  | 129,140 | 112,000 | 112,000 |
| TOTAL GEN GOVT<br>SUPPORT |         | 365,257 | 490,960 | 453,180 | 453,180 |

(5)  
GEN - A

PUBLIC SAFETY - 1992 BUDGET

|                     | CODE    | ACT 90 91 | BUDGET | PRE 92 | ADOPT 92 |
|---------------------|---------|-----------|--------|--------|----------|
| POL & CONSTABLES    |         |           |        |        |          |
| Pers Serv           | 3,120.1 | 2,400     | 2,800  | 2,800  | 2,800    |
| Contractual         | 3,120.4 | 647       | 400    | 600    | 600      |
| Total               |         | 3,047     | 3,200  | 3,400  | 3,400    |
| TRAFFIC CONTROL     |         |           |        |        |          |
| Contractual         | 3,310.4 | 2,593     | 4,000  | 4,000  | 4,000    |
| Total               |         | 2,593     | 4,000  | 4,000  | 4,000    |
| CONTROL OF DOGS     |         |           |        |        |          |
| Pers Serv           | 3,510.1 | 7,480     | 8,600  | 4,600  | 4,600    |
| Equipment           | 3,510.2 | 10,986    | 500    | 500    | 500      |
| Contractual         | 3,510.4 | 2,979     | 7,200  | 7,560  | 7,560    |
| Total               |         | 21,445    | 16,300 | 12,660 | 12,660   |
| SAFETY INSPEC       |         |           |        |        |          |
| Pers Serv           | 3,620.1 | 11,094    | 11,800 | 11,800 | 11,800   |
| Contractual         | 3,620.4 | 186       | 1,200  | 800    | 800      |
| Total               |         | 11,280    | 13,000 | 12,600 | 12,600   |
| TOTAL PUBLIC SAFETY |         | 38,365    | 36,500 | 32,660 | 32,660   |

(6)  
GEN - A

HEALTH - 1992 BUDGET

|               | CODE    | ACT 90 | 91 BUDGET | PRE 92 | ADOPT 92 |
|---------------|---------|--------|-----------|--------|----------|
| REG VIT STATS |         |        |           |        |          |
| Contractual   | 4,020.4 | 6      | 25        | 25     | 25       |
| Total         |         | 6      | 25        | 25     | 25       |
|               |         |        |           |        |          |
| TOTAL HEALTH  |         | 6      | 25        | 25     | 25       |

(7)  
GEN - A

TRANSPORTATION - 1992 BUDGET

|                         | CODE    | ACT 90 | BUDGET 91 | PRE 92 | ADOPT 92 |
|-------------------------|---------|--------|-----------|--------|----------|
| SUPT HIGHWAYS           |         |        |           |        |          |
| Pers Serv               | 5,010.1 | 31,825 | 34,000    | 34,000 | 34,000   |
| Contractual             | 5,010.4 | 2,094  | 1,700     | 1,500  | 1,500    |
| Total                   |         | 33,919 | 35,700    | 35,500 | 35,500   |
| GARAGE                  |         |        |           |        |          |
| Equipment               | 5,132.2 | 0.00   | 0         | 0      | 0        |
| Contractual             | 5,132.4 | 13,538 | 16,000    | 18,000 | 18,000   |
| Total                   |         | 13,538 | 16,000    | 18,000 | 18,000   |
| STREET LIGHTING         |         |        |           |        |          |
| Contractual             | 5,182.4 | 25,807 | 20,000    | 21,500 | 21,500   |
| Total                   |         | 25,807 | 20,000    | 21,500 | 21,500   |
| TOTAL<br>TRANSPORTATION |         | 73,264 | 71,700    | 75,000 | 75,000   |

(3)  
GEN - A

ECONOMIC ASSISTANCE & OPPORTUNITY - 1992 BUDGET

|                                       | CODE    | ACT 90 91 | BUDGET | PRE 92 | ADOPT 92 |
|---------------------------------------|---------|-----------|--------|--------|----------|
| PUBLICITY                             |         |           |        |        |          |
| Contractual                           | 6,410.4 | 702       | 700    | 1,000  | 1,000    |
| Total                                 |         | 702       | 700    | 1,000  | 1,000    |
|                                       |         |           |        |        |          |
| 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<br>ASSISTANCE & OPPORT |         | 1,702     | 3,500  | 3,800  | 3,800    |

(9)  
GEN - A

CULTURE & RECREATION - 1992 BUDGET

|                                   | CODE    | ACT 90  | 91 BUDGET | PRE 1992 | ADOPT 92 |
|-----------------------------------|---------|---------|-----------|----------|----------|
| <b>PARKS</b>                      |         |         |           |          |          |
| Per Serv                          | 7,110.1 | 23,995  | 22,000    | 28,000   | 28,000   |
| Equipment                         | 7,110.2 | 2,000   | 5,500     | 5,000    | 5,000    |
| Contractual                       | 7,110.4 | 11,908  | 7,000     | 8,000    | 8,000    |
| Total                             |         | 37,903  | 34,500    | 41,000   | 41,000   |
| <b>PLAY &amp; REC CENTERS</b>     |         |         |           |          |          |
| Per Serv                          | 7,140.1 | 1,758   | 5,500     | 4,000    | 4,000    |
| Contractual                       | 7,140.4 | 2,199   | 5,000     | 4,000    | 4,000    |
| Total                             |         | 3,957   | 10,500    | 8,000    | 8,000    |
| <b>YOUTH PROGRAM</b>              |         |         |           |          |          |
| Pers Serv                         | 7,310.1 | 30,913  | 37,565    | 50,000   | 50,000   |
| Contractual                       | 7,310.4 | 45,556  | 32,000    | 33,000   | 33,000   |
| Total                             |         | 76,469  | 69,565    | 83,000   | 83,000   |
| <b>HISTORIAN</b>                  |         |         |           |          |          |
| Equipment                         | 7,510.2 | 685     | 1,200     | 1,200    | 1,200    |
| Contractual                       | 7,510.4 | 1,065   | 800       | 830      | 830      |
| Total                             |         | 1,750   | 2,000     | 2,030    | 2,030    |
| <b>HISTORICAL PROPERTY</b>        |         |         |           |          |          |
| Contractual                       | 7,520.4 | 3,400   | 3,400     | 3,400    | 3,400    |
| Total                             |         | 3,400   | 3,400     | 3,400    | 3,400    |
| <b>CELEBRATIONS</b>               |         |         |           |          |          |
| Contractual                       | 7,550.4 | 750     | 1,500     | 8,000    | 8,000    |
| Total                             |         | 750     | 1,500     | 8,000    | 8,000    |
| <b>ADULT RECREATION</b>           |         |         |           |          |          |
| Contractual                       | 7,620.4 | 5,483   | 5,500     | 5,500    | 5,500    |
| Total                             |         | 5,483   | 5,500     | 5,500    | 5,500    |
| <b>OTH CULT/REC</b>               |         |         |           |          |          |
| Contractual                       | 7,989.4 | 0       | 1,000     | 500      | 500      |
| Total                             |         | 0       | 1,000     | 500      | 500      |
| <b>TOTAL CULTURE - RECREATION</b> |         | 129,712 | 127,965   | 151,430  | 151,430  |

(10)  
GEN - A

HOME & COMMUNITY SERVICE - 1992 BUDGET

|                                    | CODE    | ACT 90 | 91 BUDGET | PRE 1992 | ADOPT 92 |
|------------------------------------|---------|--------|-----------|----------|----------|
| ZONING                             |         |        |           |          |          |
| Pers Serv                          | 8,010.1 | 204    | 500       | 500      | 500      |
| Contractual                        | 8,010.4 | 1,846  | 2,250     | 3,250    | 3,250    |
| Total                              |         | 2,050  | 2,750     | 3,750    | 3,750    |
| PLANNING                           |         |        |           |          |          |
| Pers Serv                          | 8,020.1 | 1,035  | 1,500     | 1,500    | 1,500    |
| Contractual                        | 8,020.4 | 4,220  | 6,000     | 8,000    | 8,000    |
| Total                              |         | 5,255  | 7,500     | 9,500    | 9,500    |
| DRAINAGE                           |         |        |           |          |          |
| Pers Serv                          | 8,540.1 | 0      | 0         | 0        | 0        |
| Contractual                        | 8,540.4 | 0      | 0         | 0        | 0        |
| Total                              |         | 0      | 0         | 0        | 0        |
| CONSERVATION                       |         |        |           |          |          |
| Pers Serv                          | 8,710.1 | 0      | 500       | 500      | 500      |
| Contractual                        | 8,710.4 | 0      | 1,000     | 1,500    | 1,500    |
| Total                              |         | 0      | 1,500     | 2,000    | 2,000    |
| HOME/COM SER                       |         |        |           |          |          |
| Pers Serv                          | 8,989.1 | 0      | 0         | 0        | 0        |
| Equipment                          | 8,989.2 | 11,986 | 0         | 0        | 0        |
| Contractual                        | 8,989.4 | 6,099  | 5,000     | 7,000    | 7,000    |
| Total                              |         | 18,085 | 5,000     | 7,000    | 7,000    |
| TOTAL HOME &<br>COMMUNITY SERVICES |         | 25,390 | 16,750    | 22,250   | 22,250   |

(11)  
GEN - A

UNDISTRIBUTED - 1992 BUDGET

|                       | CODE    | ACT 90 | 91 BUDGET | PRE 1992 | ADOPT 92 |
|-----------------------|---------|--------|-----------|----------|----------|
| UNDISTRIBUTED         |         |        |           |          |          |
| EMPLOYEE BENEFITS     |         |        |           |          |          |
| State Retirement      | 9,010.8 | 15,631 | 26,000    | 25,000   | 25,000   |
| Social Security       | 9,030.8 | 22,816 | 22,500    | 26,000   | 26,000   |
| Workmens Comp         | 9,040.8 | 2,580  | 3,000     | 4,000    | 4,000    |
| Unemploy Insur        | 9,050.8 | 330    | 1,000     | 1,000    | 1,000    |
| Disability Insur      | 9,055.8 | 278    | 500       | 500      | 500      |
| Hosp & Med Insur      | 9,060.8 | 9,284  | 10,500    | 11,500   | 11,500   |
| Total                 |         | 50,919 | 63,500    | 68,000   | 68,000   |
| DEBT SERVICE          |         |        |           |          |          |
| PRINCIPAL             |         |        |           |          |          |
| Serial Bonds          | 9,710.6 | 25,000 | 25,000    | 25,000   | 25,000   |
| Bond Anticipation     | 9,730.6 | 0      | 0         | 0        | 0        |
| Rev Anticipation      | 9,770.6 | 0      | 0         | 0        | 0        |
| Total                 |         | 25,000 | 25,000    | 25,000   | 25,000   |
| DEBT SERVICE INTEREST |         |        |           |          |          |
| Serial Bonds          | 9,710.7 | 10,350 | 18,200    | 16,400   | 16,400   |
| Bond Anticipation     | 9,730.7 | 0      | 0         | 0        | 0        |
| Rev Anticipation      | 9,770.7 | 0      | 0         | 0        | 0        |
| Total                 |         | 10,350 | 18,200    | 16,400   | 16,400   |
| INTERFUND TRANSFER    |         |        |           |          |          |
| Risk Retention        | 9,901.9 | 11,192 | 4,000     | 4,000    | 4,000    |
| Cap Proj Fund         | 9,950.9 | 0      | 0         | 0        | 0        |
| Total                 |         | 11,192 | 4,000     | 4,000    | 4,000    |
| TOT UNDISTRIBUTED     |         |        |           |          |          |
|                       |         | 97,461 | 110,700   | 113,400  | 113,400  |

(12)  
GEN - A

TOTAL APPROPRIATIONS - 1992 BUDGET

ACT 1990 1991 BUDGET PRELIM 1992 ADOPT 1992

SUMMARY

|                    |         |         |         |         |
|--------------------|---------|---------|---------|---------|
| GEN GOVT           | 365,257 | 490,960 | 453,180 | 453,180 |
| PUB SAFETY         | 38,365  | 36,500  | 32,660  | 32,660  |
| HEALTH             | 6       | 25      | 25      | 25      |
| TRANSPORTATION     | 73,264  | 71,700  | 75,000  | 75,000  |
| EC ASSIS & OPPOR   | 1,702   | 3,500   | 3,800   | 3,800   |
| CULTURE & REC      | 123,712 | 127,965 | 151,430 | 151,430 |
| HOME & COMM SERV   | 25,390  | 16,750  | 22,250  | 22,250  |
| UNDISTRIBUTED      | 97,461  | 110,700 | 113,400 | 113,400 |
| TOT APPROPRIATIONS | 731,157 | 858,100 | 851,745 | 851,745 |

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\*TRANSFER TO PAGE 2

(13)  
GEN - A

GENERAL FUND ESTIMATED REVENUES - 1992 BUDGET

|                                     | CODE  | ACT 90  | 91 BUDGET | PRE 1992 | ADOPT 92 |
|-------------------------------------|-------|---------|-----------|----------|----------|
| OTHER TAX ITEMS                     |       |         |           |          |          |
| Int/Pen R/Prop Tax                  | A1090 | 9,368   | 6,000     | 6,000    | 6,000    |
| Non Prop Tax, Co                    | A1120 | 308,809 | 210,000   | 255,000  | 255,000  |
| Franchises                          | A1170 | 13,558  | 13,000    | 15,000   | 15,000   |
| DEPARTMENTAL INCOME                 |       |         |           |          |          |
| Clerk Fees                          | A1255 | 1,132   | 500       | 500      | 500      |
| Dog Control Fees                    | A1550 | 440     | 250       | 250      | 250      |
| Park & Rec Charges                  | A2001 | 9,686   | 10,000    | 25,000   | 25,000   |
| Zoning Fees                         | A2110 | 1,075   | 750       | 750      | 750      |
| USE MONEY/PROPERTY                  |       |         |           |          |          |
| Interest & Earnings                 | A2401 | 27,732  | 10,000    | 10,000   | 10,000   |
| Rent R/Prop                         | A2410 | 772     | 0         | 0        | 0        |
| Rent/Other Govts                    | A2412 | 24,600  | 24,600    | 24,600   | 24,600   |
| Commissions                         | A2450 | 10      | 0         | 0        | 0        |
| Games of Chance                     | A2530 | 552     | 0         | 0        | 0        |
| Bingo Licenses                      | A2540 | 1,530   | 1,000     | 1,000    | 1,000    |
| Dog Licenses                        | A2544 | 5,164   | 5,000     | 5,000    | 5,000    |
| Licenses, Other                     | A2545 | 1,725   | 1,000     | 1,000    | 1,000    |
| Building Permits                    | A2555 | 6,932   | 4,000     | 3,500    | 3,500    |
| Permits, Other                      | A2590 | 650     | 0         | 0        | 0        |
| FINES & FORFEITURES                 |       |         |           |          |          |
| Fines/Forfeit Bail                  | A2610 | 93,492  | 39,000    | 75,000   | 75,000   |
| COMPENSA FOR LOSS                   |       |         |           |          |          |
| Sale of Property                    | A2660 | 0       | 0         | 0        | 0        |
| Sale of Equipment                   | A2665 | 0       | 0         | 0        | 0        |
| Insur Recoveries                    | A2680 | 275     | 0         | 0        | 0        |
| Oth Comp for Loss                   | A2690 |         | 0         | 0        | 0        |
| MISCELLANEOUS                       |       |         |           |          |          |
| Refunds Pr Yr Exp                   | A2701 | 475     | 0         | 0        | 0        |
| Gifts/Donations                     | A2705 | 25      | 0         | 0        | 0        |
| Miscellaneous                       | A2770 | 6,811   | 0         | 0        | 0        |
| TOTAL EST REV FROM<br>LOCAL SOURCES |       | 514,813 | 325,100   | 422,600  | 422,600  |

(14)  
GEN - A

GEN FUND EST REVENUE - 1992 - PAGE 2

|                   | CODE  | ACT 90  | 91 BUDGET | PRE 1992 | ADOPT 92 |
|-------------------|-------|---------|-----------|----------|----------|
| STATE AID         |       |         |           |          |          |
| Per Capita        | A3001 | 120,901 | 125,000   | 0        | 0        |
| Mortgage Tax      | A3005 | 72,116  | 40,000    | 55,000   | 55,000   |
| Record Management | A3060 | 4,340   | 4,340     | 0        | 0        |
| Rec for Aging     | A3801 | 2,118   | 2,000     | 0        | 0        |
| Youth Programs    | A3820 | 8,562   | 9,500     | 0        | 0        |
| Code Enforcement  | A3995 | 6,601   | 7,000     | 0        | 0        |
| Other             | A3089 | 0       | 0         | 0        | 0        |

|                               |  |         |         |        |        |
|-------------------------------|--|---------|---------|--------|--------|
| TOT EST REV FROM<br>STATE AID |  | 214,638 | 187,840 | 55,000 | 55,000 |
|-------------------------------|--|---------|---------|--------|--------|

REVENUE SUMMARY

|                                   |  |         |         |         |         |
|-----------------------------------|--|---------|---------|---------|---------|
| TOT EST REV FROM<br>LOCAL SOURCES |  | 514,813 | 325,100 | 422,600 | 422,600 |
|-----------------------------------|--|---------|---------|---------|---------|

|                               |  |         |         |        |        |
|-------------------------------|--|---------|---------|--------|--------|
| TOT EST REV FROM<br>STATE AID |  | 214,638 | 187,840 | 55,000 | 55,000 |
|-------------------------------|--|---------|---------|--------|--------|

|                  |  |         |         |         |         |
|------------------|--|---------|---------|---------|---------|
| TOT EST REVENUES |  | 729,451 | 512,940 | 477,600 | 477,600 |
|------------------|--|---------|---------|---------|---------|

ESTIMATED UNEXPENDED BALANCE

|                                                                                   |  |         |         |         |         |
|-----------------------------------------------------------------------------------|--|---------|---------|---------|---------|
| EST GENERAL FUND<br>UNEXPENDED BALANCE<br>(Transfer Total<br>"Adopted" to Page 2) |  | 187,000 | 290,000 | 210,000 | 210,000 |
|-----------------------------------------------------------------------------------|--|---------|---------|---------|---------|

## HIGHWAY FUND - APPROPRIATIONS - 1992 BUDGET - PG 1

(15)

HIGHWAY - D

|                     | CODE    | ACT 90         | 91 BUDGET      | PRE 1992       | ADOPT 92       |
|---------------------|---------|----------------|----------------|----------------|----------------|
| <b>GEN REPAIRS</b>  |         |                |                |                |                |
| Pers Serv           | 5,110.1 | 85,827         | 90,000         | 95,000         | 95,000         |
| Contractual         | 5,110.4 | 67,886         | 75,000         | 80,000         | 80,000         |
| Total               |         | 153,713        | 165,000        | 175,000        | 175,000        |
| <b>IMPROVEMENTS</b> |         |                |                |                |                |
| Cap Outlay          | 5,112.2 | 30,000         | 30,000         | 30,000         | 30,000         |
| Total               |         | 30,000         | 30,000         | 30,000         | 30,000         |
| <b>MACHINERY</b>    |         |                |                |                |                |
| Pers Serv           | 5,130.1 | 0              | 0              | 0              | 0              |
| Equipment           | 5,130.2 | 65,684         | 40,000         | 40,000         | 40,000         |
| Contractual         | 5,130.4 | 66,009         | 75,000         | 80,000         | 80,000         |
| Total               |         | 131,693        | 115,000        | 120,000        | 120,000        |
| <b>MISC/BR/WDS</b>  |         |                |                |                |                |
| Pers Serv           | 5,140.1 | 0              | 0              | 0              | 0              |
| Contractual         | 5,140.4 | 0              | 1,500          | 1,500          | 1,500          |
| Total               |         | 0              | 1,500          | 1,500          | 1,500          |
| <b>SNOW REMOVAL</b> |         |                |                |                |                |
| Pers Serv           | 5,142.1 | 46,704         | 64,000         | 68,500         | 68,500         |
| Contractual         | 5,142.4 | 35,288         | 37,000         | 40,000         | 40,000         |
| Total               |         | 81,992         | 101,000        | 108,500        | 108,500        |
| <b>SER/OTH GVT</b>  |         |                |                |                |                |
| Pers Serv           | 5,148.1 | 46,705         | 64,000         | 68,500         | 68,500         |
| Contractual         | 5,148.4 | 38,307         | 37,000         | 40,000         | 40,000         |
| Total               |         | 85,012         | 101,000        | 108,500        | 108,500        |
| <b>EMPLOY BEN</b>   |         |                |                |                |                |
| State Retire        | 9,010.8 | 12,789         | 21,500         | 21,500         | 21,500         |
| Soc Security        | 9,030.8 | 14,219         | 17,000         | 18,000         | 18,000         |
| Workers Comp        | 9,040.8 | 8,692          | 8,500          | 9,500          | 9,500          |
| Unemploy Ins        | 9,050.8 | 660.00         | 1,000          | 1,000          | 1,000          |
| Disability          | 9,055.8 | 310            | 350            | 500            | 500            |
| Hosp/Med Ins        | 9,060.8 | 22,099         | 23,500         | 27,500         | 27,500         |
| Total               |         | 58,769         | 71,850         | 78,000         | 78,000         |
| <b>TOT P. 1</b>     |         | <b>541,179</b> | <b>585,350</b> | <b>621,500</b> | <b>621,500</b> |

(16)  
HIGHWAY - D

HIGHWAY FUND - APPROPRIATIONS - 1992 BUDGET - PG 2

|            | CODE    | ACT 90  | 91 BUDGET | PRE 1992 | ADOPT 92 |
|------------|---------|---------|-----------|----------|----------|
| DEBT SERV  |         |         |           |          |          |
| Ser Bonds  | 9,710.6 | 0       | 0         | 0        | 0        |
| BAN's      | 9,730.6 | 20,000  | 20,000    | 36,000   | 36,000   |
| Total      |         | 20,000  | 20,000    | 36,000   | 36,000   |
| INTEREST   |         |         |           |          |          |
| Ser Bonds  | 9,710.7 | 0       | 0         | 0        | 0        |
| BAN's      | 9,730.7 | 3,867   | 2,600     | 7,600    | 7,600    |
| Total      |         | 3,867   | 2,600     | 7,600    | 7,600    |
| INT TRANS  |         |         |           |          |          |
| TO:        |         |         |           |          |          |
| Cap Proj   | 9,950.9 | 0       | 0         | 0        | 0        |
| Total      |         | 0       | 0         | 0        | 0        |
| BUDGETARY  |         |         |           |          |          |
| PROVISION  |         |         |           |          |          |
| OTH/USES   |         | 0       | 0         | 0        | 0        |
| TOT APPROP |         |         |           |          |          |
| &OTH USES  |         |         |           |          |          |
| Page 1     |         | 541,179 | 585,350   | 621,500  | 621,500  |
| Page 2     |         | 23,867  | 22,600    | 43,600   | 43,600   |
| Trans to   |         |         |           |          |          |
| Page TB-2  |         | 565,046 | 607,950   | 665,100  | 665,100  |

(17)  
HIGHWAY - D

HIGHWAY FUND - ESTIMATED REVENUE - 1992 BUDGET

|                                              | CODE  | ACT 90  | 91 BUDGET | PRE 1992 | ADOPT 92 |
|----------------------------------------------|-------|---------|-----------|----------|----------|
| <b>LOCAL SOURCES</b>                         |       |         |           |          |          |
| Lieu/Tax                                     | 1,081 | 389     | 0         | 0        | 0        |
| Non Prop Tax                                 |       |         |           |          |          |
| Dist/County                                  | 1,120 | 150,000 | 150,000   | 150,000  | 150,000  |
| Ser/Oth Govts                                | 2,300 | 58,102  | 40,000    | 50,000   | 50,000   |
| Int & Earn                                   | 2,401 | 9,030   | 8,000     | 8,000    | 8,000    |
| Rent/Equip                                   | 2,416 | 0       | 0         | 0        | 0        |
| Intfund Rev                                  | 2,801 | 6,099   | 5,000     | 7,000    | 7,000    |
| Misc(Specify)                                | 2,770 | 237     | 0         | 0        | 0        |
| <b>STATE AID</b>                             |       |         |           |          |          |
| Consolidated Highway                         | 3,501 | 30,734  | 30,000    | 30,000   | 30,000   |
| <b>FEDERAL AID</b>                           |       |         |           |          |          |
| (Specify)                                    | 4,500 | 0       | 0         | 0        | 0        |
| INTER TRANSF                                 | 5,031 | 0       | 0         | 0        | 0        |
| TOT EST REV                                  |       | 254,591 | 233,000   | 245,000  | 245,000  |
| UNEXPEND BAL                                 |       | 60,000  | 20,000    | 20,000   | 20,000   |
| Transfer Est<br>Rev and Unexp<br>Bal to TB-2 |       |         |           |          |          |

(18)  
FIRE - SF

FIRE PROTEC DIST - APPROPRIATIONS - 1992 BUDGET

|                                          | CODE    | ACT 90  | 91 BUDGET | PRE 1992 | ADOPT 92 |
|------------------------------------------|---------|---------|-----------|----------|----------|
| FIRE PROTEC                              |         |         |           |          |          |
| Judg/Claims                              | 1,930.4 | 622     | 70        | 0        | 0        |
| Contracts                                | 3,410.4 | 200,581 | 207,620   | 420,000  | 420,000  |
| Comp Insur                               | 9,040.8 | 22,504  | 11,000    | 13,000   | 13,000   |
| Total                                    |         | 223,707 | 218,690   | 433,000  | 433,000  |
| Tot Approp<br>(Trans Adopt<br>to Page 1) |         | 223,707 | 218,690   | 433,000  | 433,000  |

ESTIMATED REVENUE

|            |       |       |   |   |   |
|------------|-------|-------|---|---|---|
| Int & Earn | 2,401 | 1,890 | 0 | 0 | 0 |
| Gifts/Don  | 2,701 | 1,100 | 0 | 0 | 0 |
| Total      |       | 2,990 | 0 | 0 | 0 |

UNEPENDED BALANCE

|                                       |       |       |   |   |
|---------------------------------------|-------|-------|---|---|
| Est Fire Pr<br>Dist Unexpd<br>Balance | 8,000 | 9,000 | 0 | 0 |
|---------------------------------------|-------|-------|---|---|

Transfer  
total Adopt  
to page 2

(19)  
LIGHT - SL

LIGHT DISTRICT - APPROPRIATIONS - 1992 BUDGET

|              | CODE    | ACT 90 | 91 BUDGET | PRE 1992 | ADOPT 92 |
|--------------|---------|--------|-----------|----------|----------|
| LIGHT DIST   |         |        |           |          |          |
| Judge/Claims | 1,930.4 | 47     | 0         | 0        | 0        |
| Street light |         |        |           |          |          |
| Contractual  | 5,182.4 | 16,883 | 20,000    | 20,000   | 20,000   |
| Total        |         | 16,930 | 20,000    | 20,000   | 20,000   |

Tot Approp  
(Trans Adopt  
to Page 2)

ESTIMATED REVENUES

|             |       |     |   |   |   |
|-------------|-------|-----|---|---|---|
| Int & Earn  | 2,401 | 873 | 0 | 0 | 0 |
| Tot Est Rev |       | 873 | 0 | 0 | 0 |

(Trans Adopt  
to Page 2)

UNEXPENDED BALANCE

|                        |  |   |       |     |     |
|------------------------|--|---|-------|-----|-----|
| Est Light<br>Unexp Bal |  | 0 | 1,000 | 500 | 500 |
|------------------------|--|---|-------|-----|-----|

(20)  
AMBULANCE - SM

AMBULANCE DISTRICT - APPROPRIATIONS - 1992 BUDGET

|                     | CODE  | ACT 90 | 91     | BUDGET PRE 1992 | ADOPT 92 |
|---------------------|-------|--------|--------|-----------------|----------|
| <b>AMBULANCE</b>    |       |        |        |                 |          |
| Judg/Claims         | 1,930 | 0      | 0      | 0               | 0        |
| Ambulance, Eq       | 4,540 | 0      | 0      | 0               | 0        |
| Ambulance, C.       | 4,540 | 27,284 | 29,200 | 32,925          | 32,925   |
| Total               |       | 27,284 | 29,200 | 32,925          | 32,925   |
| <b>DEBT SERV</b>    |       |        |        |                 |          |
| Principal           |       |        |        |                 |          |
| Ser Bonds           | 9,710 | 0      | 0      | 0               | 0        |
| BAN's               | 9,730 | 6,500  | 10,000 | 10,000          | 10,000   |
| Total               |       | 6,500  | 10,000 | 10,000          | 10,000   |
| <b>INTEREST</b>     |       |        |        |                 |          |
| Ser Bonds           | 9,710 | 0      | 0      | 0               | 0        |
| BAN's               | 9,730 | 2,519  | 1,905  | 1,150           | 1,150    |
| Total               |       | 2,519  | 1,905  | 1,150           | 1,150    |
| <b>Budgetary</b>    |       |        |        |                 |          |
| Prov for            | 962   | 0      | 0      | 0               | 0        |
| Oth Uses            |       |        |        |                 |          |
| <b>Total Approp</b> |       |        |        |                 |          |
| (Transfer           |       |        |        |                 |          |
| Adopted to          |       | 36,303 | 41,105 | 44,075          | 44,075   |
| Page 2)             |       |        |        |                 |          |

ESTIMATED REVENUE

|               |       |     |   |   |   |
|---------------|-------|-----|---|---|---|
| Int & Earn    | 2,401 | 544 | 0 | 0 | 0 |
| Total Revenue |       | 544 | 0 | 0 | 0 |
| (Trans adopt  |       |     |   |   |   |
| To Page 2)    |       |     |   |   |   |

UNEXPENDED BALANCE

|               |  |   |   |   |   |
|---------------|--|---|---|---|---|
| Est Unexp Bal |  |   |   |   |   |
| (Transfer tot |  |   |   |   |   |
| to Page 2)    |  | 0 | 0 | 0 | 0 |

(21)  
REFUSE &  
GARBAGE - SR

REFUSE/GARBAGE - APPROPRIATIONS - 1992 BUDGET

|              | CODE    | ACT 90  | 91 BUDGET | PRE 1992 | ADOPT 92 |
|--------------|---------|---------|-----------|----------|----------|
| REFUSE/GARB  |         |         |           |          |          |
| Judge/Claims | 1,930.4 | 60      | 1         | 0        | 0        |
| Pers Serv    | 8,160.1 | 0       | 0         | 0        | 0        |
| Contractual  | 8,160.4 | 309,731 | 448,379   | 453,960  | 454,860  |
| Total        |         | 309,791 | 448,380   | 453,960  | 454,860  |

ESTIMATED REVENUE

|              |       |        |   |   |   |
|--------------|-------|--------|---|---|---|
| Ref/Gar Chgs | 2,130 | 1,572  | 0 | 0 | 0 |
| Int & Earn   | 2,401 | 8,471  | 0 | 0 | 0 |
| Total        |       | 10,043 | 0 | 0 | 0 |

UNEXPENDED BALANCE

|                                        |  |    |   |   |   |
|----------------------------------------|--|----|---|---|---|
| Est Refuse &<br>Garb Dist<br>Unexp Bal |  | 65 | 0 | 0 | 0 |
|----------------------------------------|--|----|---|---|---|

(Trans Adopt  
Totals to  
Page 2)

(22)  
SEWER  
DIST #2 - SS2

SEWER DIST #2 - APPROPRIATIONS - 1992 BUDGET

|              | CODE    | ACT | 90       | 91 | BUDGET | PRE      | 1992 | ADOPT | 92 |
|--------------|---------|-----|----------|----|--------|----------|------|-------|----|
| 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 |    | 1,196  | 1,213.50 |      |       |    |
| Total        |         | 0   | 1,198.50 |    | 1,196  | 1,213.50 |      |       |    |

ESTIMATED REVENUE

|            |       |    |  |   |  |   |  |   |  |
|------------|-------|----|--|---|--|---|--|---|--|
| Int & Earn | 2,401 | 97 |  | 0 |  | 0 |  | 0 |  |
| Total      |       | 97 |  | 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 - 1992 BUDGET

|                                                    | CODE    | ACT 90 | 91     | BUDGET TEN | 1992   | ADOPT 92 |
|----------------------------------------------------|---------|--------|--------|------------|--------|----------|
| Trans/Dist                                         |         |        |        |            |        |          |
| Judge/Claims                                       | 1,930.4 | 79     | 0      | 0          | 0      | 0        |
| Pera Serv                                          | 8,340.1 | 0      | 0      | 0          | 0      | 0        |
| Equipment                                          | 8,340.2 | 3,335  | 0      | 40,000     | 40,000 | 40,000   |
| Contractual                                        | 8,340.4 | 8,598  | 30,000 | 8,500      | 8,500  | 8,500    |
| Total                                              |         | 12,012 | 30,000 | 48,500     | 48,500 | 48,500   |
| DEBT SERV                                          |         |        |        |            |        |          |
| Principal                                          |         |        |        |            |        |          |
| Ser Bonds                                          | 9,710.6 | 0      | 0      | 0          | 0      | 0        |
| BAN's                                              | 9,730.6 | 0      | 0      | 0          | 0      | 0        |
| Total                                              |         | 0      | 0      | 0          | 0      | 0        |
| Interest                                           |         |        |        |            |        |          |
| Ser Bonds                                          | 9,710.7 | 0      | 0      | 0          | 0      | 0        |
| BAN's                                              | 9,730.7 | 0      | 0      | 0          | 0      | 0        |
| Total                                              |         | 0      | 0      | 0          | 0      | 0        |
| Total Approp<br>(Transfer<br>adopted to<br>Page 2) |         | 12,012 | 30,000 | 48,500     | 48,500 | 48,500   |

ESTIMATED REVENUE

|             |       |       |   |   |   |
|-------------|-------|-------|---|---|---|
| Spec Assess | 1,030 | 47.52 | 0 | 0 | 0 |
| Int & Earn  | 2,401 | 5,185 | 0 | 0 | 0 |
| Total       |       | 5,233 | 0 | 0 | 0 |

UNEXPENDED BALANCE

|                                              |   |   |        |        |
|----------------------------------------------|---|---|--------|--------|
| Est Unexp Bal<br>(Transfer tot<br>to Page 1) | 0 | 0 | 18,500 | 18,500 |
|----------------------------------------------|---|---|--------|--------|

(24)  
WATER  
DIST #2 - SW2

WATER DISTRICT #2 - APPROPRIATIONS - 1992 BUDGET

|              | CODE    | ACT 90 | 91 | BUDGET | PRE 1992 | ADOPT 92 |
|--------------|---------|--------|----|--------|----------|----------|
| Trans/Dist   |         |        |    |        |          |          |
| Judge/Claims | 1,930.4 | 56     |    | 0      | 0        | 0        |
| Pers Serv    | 8,340.1 | 0      |    | 0      | 0        | 0        |
| Equipment    | 8,340.2 | 28,760 |    | 0      | 80,000   | 80,000   |
| Contractual  | 8,340.4 | 1,950  |    | 38,720 | 9,202    | 9,892    |
| Total        |         | 30,766 |    | 38,720 | 89,202   | 89,892   |
| 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<br>(Transfer<br>adopted to<br>Page 2 | 30,766 | 38,720 | 89,202 | 89,892 |
|---------------------------------------------------|--------|--------|--------|--------|

ESTIMATED REVENUE

|            |       |       |   |   |   |
|------------|-------|-------|---|---|---|
| Int & Earn | 2,401 | 2,380 | 0 | 0 | 0 |
| Total      |       | 2,380 | 0 | 0 | 0 |

UNEXPENDED BALANCE

|                                              |   |   |        |        |
|----------------------------------------------|---|---|--------|--------|
| Est Unexp Bal<br>(Transfer tot<br>to page 2) | 0 | 0 | 50,000 | 50,000 |
|----------------------------------------------|---|---|--------|--------|

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 |

## 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 November, 1991 at 7:30 P. M. Eastern Standard 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, Erie County has provided state funds to municipalities to provide youth service and recreation programs since 1978, and

WHEREAS, the provision of those funds is a critical component of the County-wide Comprehensive Plan for Youth Services, and

WHEREAS, the proposed 1992 Erie County Budget eliminates county rollover of State funds to municipalities for youth service and recreation programs resulting in a decrease of funding for all municipal governments while Erie County reaps an increase in state funding.

NOW THEREFORE, BE IT RESOLVED that the Boston Town Board asks the Erie County Legislature to continue the practice of providing State funds to local municipalities for youth service and recreation programs and to restore the funds that have been cut from municipal allocations of rollover dollars to 1991 levels minus the 10% loss of state aid Erie County will suffer. We further ask that copies of this resolution be sent to Legislator Marshall, Erie County Clerk, Erie County Majority Leader and the County Executive.

Seconded by Councilman Wittmeyer 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

November 20, 1991

A motion was made by Councilman Zimmerman and seconded by Councilman Lisowski to authorize the Supervisor to sign a contract to provide engineering services for drainage improvements at the South Boston Playground with Nussbaumer & Clarke, Inc. at a cost of \$5,500.00.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to grant permission to the Boston Chamber of Commerce to use the Lions Shelter on December 7, 1991 from 7:00 to 8:00 P.M. for a Christmas Carol Sing-Along and a visit with Santa.

five (5) ayes

Carried

Upon the recommendation of the Planning Board, a motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to authorize the Code Enforcement Officer to issue a Certificate of Zoning Compliance to the Boston Hotel, 9378 Boston State Road, for the construction of a sidewall enclosure on an existing porch.

five (5) ayes

Carried

Town Clerk Carr read a letter dated November 14, 1991 that she wrote to Mr. and Mrs. Gregory Gerwitz relative to their building permit and aboveground fuel tank. She also read a letter received from Mr. Gerwitz, dated November 19, 1991, in which he requested more information on aboveground gasoline tanks. Supervisor Kennedy said he will send Mr. Gerwitz both Department of Environmental Conservation and Environmental Protection Agency regulations and requirements and will defer action once again on this matter until the December 3, 1991 meeting, due to the absence this evening of Code Enforcement Officer Dennis Kramer.

Supervisor Kennedy said he is pleased to appoint Renata Niedzwiecka, 8568 Lower East Hill Road, to the Capital Improvements Committee and cited her many accomplishments which will make her a valuable member.

Supervisor Kennedy noted a letter was received from Erie County Department of Youth Services relative to state aid claim status for the operation of Youth Service and Recreation programs. He noted that he has had Bookkeeper Jean Kleis review the letter and that all the records are correct.

Upon the request of Colleen O'Halloran, Coach of Little Loop Football Freshman Cheerleaders, a motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to grant permission for their annual sleepover in the Community Room of the Town Hall on Friday, November 22 from 6:00 P.M. to 12:00 Noon on Saturday, November 23, 1991.

five (5) ayes

Carried

Attorney Perley said he is preparing the necessary documents to transfer the ownership of Cobblehill Cemetery and the cemetery funds to the town, after which time Supervisor Kennedy will contact the Trustees of the cemetery and meet in order to go forward with their plans for this transfer.

five (5) ayes

Carried

At 8:00 P.M. a Public Hearing was held on the 1992 Preliminary Budget. Town Clerk Carr read the Legal Notice and Supervisor

November 20, 1991

Kennedy opened the hearing after first commenting on the factors that affected the budget for 1992, such as the fire service awards program that was passed by the voters and the fact that this budget was formulated without any state aid contemplated for revenues.

There were no questions or comments on the preliminary budget.

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 Councilman Zimmerman and seconded by Councilman Lisowski that the 1992 General Fund Budget be approved as follows:

|                            |              |
|----------------------------|--------------|
| Appropriations             | \$851,745.00 |
| Less Estimated Revenue     | 477,600.00   |
| Less Unexpended Balance    | 210,000.00   |
| Amount to be Raised by Tax | 164,145.00   |

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman that the 1992 Highway Fund Budget be approved as follows:

|                            |              |
|----------------------------|--------------|
| Appropriations             | \$665,100.00 |
| Less Estimated Revenue     | 245,000.00   |
| Less Unexpended Balance    | 20,000.00    |
| Amount to be Raised by Tax | 400,100.00   |

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman that the 1992 Fire Protection Budget be approved as follows:

|                            |              |
|----------------------------|--------------|
| Appropriations             | \$433,000.00 |
| Amount to be Raised by Tax | 433,000.00   |

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter that the 1992 Light District Budget be approved as follows:

|                            |              |
|----------------------------|--------------|
| Appropriations             | \$ 20,000.00 |
| Less Unexpended Balance    | 500.00       |
| Amount to be Raised by Tax | 19,500.00    |

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Supervisor Kennedy that the 1992 Ambulance District Budget be approved as follows:

|                            |              |
|----------------------------|--------------|
| Appropriations             | \$ 44,075.00 |
| Amount to be Raised by Tax | 44,075.00    |

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski that the 1992 Refuse & Garbage District

**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, 1992 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, 8500 Boston State Road, at 8:00 P.M. Eastern Standard Time on the 20th day of November, 1991 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.....                 | \$20,300.00 |
| Councilman.....                 | \$5,500.00  |
| Councilman.....                 | \$5,500.00  |
| Councilman.....                 | \$5,500.00  |
| Councilman.....                 | \$5,500.00  |
| Town Clerk.....                 | \$27,500.00 |
| Superintendent of Highways..... | \$32,500.00 |

By Order of the Town Board  
Dated: October 31, 1991

Joyce Carr  
Town Clerk

November 20, 1991

Budget be approved as follows:

|                            |              |
|----------------------------|--------------|
| Appropriations             | \$454,860.00 |
| Amount to be Raised by Tax | 454,860.00   |

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman that the 1992 Sewer District #2 Budget be approved as follows:

|                            |             |
|----------------------------|-------------|
| Appropriations             | \$ 1,213.50 |
| Amount to be Raised by Tax | 1,213.50    |

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy that the 1992 Water District #1 Budget be approved as follows:

|                            |              |
|----------------------------|--------------|
| Appropriations             | \$ 48,500.00 |
| Less Unexpended Balance    | 18,500.00    |
| Amount to be Raised by Tax | 30,000.00    |

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter that the 1992 Water District #2 Budget be approved as follows:

|                            |              |
|----------------------------|--------------|
| Appropriations             | \$ 89,892.00 |
| Less Unexpended Balance    | 50,000.00    |
| Amount to be Raised by Tax | 39,892.00    |

five (5) ayes

Carried

J. David Early, 7125 Omphalius Road, asked several questions pertaining to the Fire Protection Budget for 1992, particularly the impact the fire service award program will have on the budget, which Supervisor Kennedy answered.

Councilman Wohlhueter said the Solid Waste Committee met with a representative of BFI on November 12 relative to a pilot program for recycling waste paper from the Town Clerk's office. He also noted that shortly BFI will be able to accept magazines and colored glass from residents for recycling; a pamphlet will be attached to the blue bins prior to the enactment of this portion of the program.

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman to adjourn at 8:27 P.M.

*Joyce Carr*

Joyce Carr  
Town Clerk

Regular Meeting  
December 4, 1991

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 to approve the Minutes of the November 20, 1991 Regular Meeting.

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 #12 dated December 4, 1991, in the amount of \$16,307.88 be paid.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman that the Highway Bills on Abstract #12 dated December 4, 1991 in the amount of \$6,837.79 be paid.

five (5) ayes

Carried

A resolution was received from the Town of Wales Town Board expressing opposition to dumping of Solid Waste from Canada into the United States. Supervisor Kennedy stated he felt this resolution has merit as the dumping of solid waste is an ongoing problem and the Boston Town Board is in support of the Town of Wales resolution and each nation should address their own problem of solid waste.

#### RESOLUTION - SOLID WASTE FROM CANADA

A letter and fully executed agreement were received from the County of Erie relative to the Boston Crossroads Drainage funding received from Community Development Block Grant Funds. Supervisor Kennedy stated he had received a copy of a letter from Nussbaumer & Clarke to Ms. Schilling of the Department of Environment and Planning stating that Nussbaumer and Clarke had indicated on a map the areas that were previously disturbed and that this was extensive. Supervisor Kennedy explained that this was written as there was concern by the Department of Environment and Planning that this particular area might have historical artifacts and this documentation showed that this area had been disturbed a number of times and because of that letter they have signed off. A letter was also read from William Feasley Director of Community Development relative to the Status of the Environmental Review. The Town Clerk was directed to send a copy of this letter to Nussbaumer and Clarke.

A letter and lengthy report were received from the Bureau of the Census. This report will be on file in the Supervisor's Office.

A letter was received from the Coalition on West Valley Nuclear Wastes asking that the state leadership be advised of opposition to the use of West Valley as New York's low-level radioactive waste facility. Supervisor Kennedy directed the Town Clerk to forward a copy of the letter and report to the Conservation Advisory Council as he felt they might like to take some action on this. He further noted that the Town Board has previously gone on record in opposition to the reopening of West Valley. Supervisor Kennedy suggested that anyone who was opposed should

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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 4th day of December, 1991 at 7:30 P.M. Eastern Standard 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, disposal of solid waste is not only a local but national problem which has raised grave concerns regarding our environment, and

WHEREAS, the present disposal sites and systems within the State of New York are quickly becoming filled to capacity, and

WHEREAS, the problem of solid waste can only intensify in the future, and

WHEREAS, it has been proposed that Canada transfer a portion of its solid waste to New York state for disposal, and

WHEREAS, it is incumbent upon each nation to seek its own resolve to the solid waste problem and not to shift the burden to other countries, and

WHEREAS, we wish to maintain our good neighbor relationship with Canada which has existed for many years, and

WHEREAS, the proposed dumping of solid waste in New York will jeopardize this relationship based upon the overwhelming opposition to such a proposal,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Boston voices its strong and unanimous opposition to any proposal which would result in the dumping of solid waste of Canada in New York State and further

RESOLVED, that all governmental entities involved with the proposal are urged to oppose such transfers of solid waste, and further

RESOLVED, that certified copies of this Resolution shall be sent to all Federal and State officials representing Western New York, the County Executive and County Legislator.

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

# 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 December, 1991 at 7:30 P. M. Eastern Standard 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:

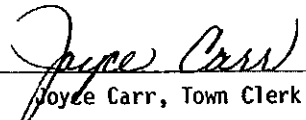
BE IT RESOLVED THAT THE TOWN BOARD of the Town of Boston does hereby request the County of Erie to place on the 1992 Tax Rolls the following unpaid Water Bill:

SBL # 212.00-1-15      6831 Ward Road      \$257.03 (1990 and 1991)

Seconded by Councilman Wittmeyer 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, Town Clerk

December 4, 1991

contact Assemblyman Maurice Hinchey and also Senator Present who he felt would have the deciding vote.

RESOLUTION - UNPAID WATER BILL

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman granting permission to Mark W. Flowers to use the Boston Town Hall and Community Room on January 1, 1992, from 10:45 A. M. to 12:30 P. M. for a swearing in ceremony and reception.

five (5) ayes

Carried

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

FROM:

|          |                         |           |
|----------|-------------------------|-----------|
| A 1355.2 | Assessor. Con           | 270.00    |
| 1450.4   | Elections, Cont         | 5,000.00  |
| 1910.4   | Unallocated Insurance   | 10,000.00 |
| 1940.4   | Purchase Land           | 10,000.00 |
| 1950.4   | Taxes/Assess on Tn Prop | 1,000.00  |
| 1990.4   | Contingent Account      | 23,000.00 |
| 3510.1   | Cont/Dogs PS            | 4,000.00  |
| 3510.4   | Cont/Dogs Cont          | 2,500.00  |
| 8010.4   | Zoning, Cont            | 825.00    |
| 9710.7   | Ser Bonds/Interest      | 9,185.00  |

65,780.00

TO:

|          |                          |           |
|----------|--------------------------|-----------|
| A 1110.1 | Town Justice, PS         | 4,100.00  |
| 1355.1   | Assessor, PS             | 50.00     |
| 1355.2   | Assessor, Equip          | 220.00    |
| 1420.1   | Town Attorney, PS        | 200.00    |
| 1450.1   | Elections, PS            | 4,900.00  |
| 1640.2   | Central Garage, Equip    | 13,350.00 |
| 3010.4   | Public Safety, Cont      | 200.00    |
| 5010.4   | Highway Supt, Cont       | 100.00    |
| 5182.4   | Street Lighting, Cont    | 6,000.00  |
| 7270.4   | Band Concerts, Cont      | 900.00    |
| 7310.1   | Youth Program, PS        | 11,200.00 |
| 7310.4   | Youth Program, Cont      | 10,000.00 |
| 7620.4   | Adult Recreation, Cont   | 600.00    |
| 8510.4   | Community Beautif, Cont  | 8,050.00  |
| 8989.4   | Home & Com Service, Cont | 1,300.00  |
| 9030.8   | Social Security          | 4,000.00  |
| 9040.8   | Workmen's Comp           | 200.00    |
| 9789.8   | Other Debt Serv          | 410.00    |

65,780.00

five (5) ayes

Carried

A letter was read from the New York State Department of Environmental Conservation relative to the \$25,000 grant received for Water Improvement District #3. Supervisor Kennedy explained about the grant and advised that he would go into more detail during the public hearing later in the meeting. The Town Clerk was directed to send a copy of this letter to our grantsperson, Jean O'Connell.

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski to authorize the Supervisor to enter into a contract with Nussbaumer & Clarke for 1992 General Consulting Services in the amount of \$2,650.00.

five (5) ayes

Carried

## PUBLIC NOTICE

**Amended Resolution in the Matter of the Formation of Water Improvement No. 3 in the Town of Boston, Erie County, New York Pursuant to Article 18-C of the Town Law**

WHEREAS, pursuant to its request, the Town Board of the Town of Boston has received and filed a potable water feasibility Study, Map and Plan and Report for the formation of 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, since the filing of that Report, the Town Board has determined to proceed by way of an Article 18-C improvement as opposed to an Article 12 or Article 12-A District, and

WHEREAS, the said feasibility Study, Map, Plan and Report propose the construction of 12,091 linear feet of 8-inch water main in the proposed benefited area, and

WHEREAS, said benefited area is described as set forth in Exhibit A attached hereto and made a part hereof, and

WHEREAS, the Plan provides for providing water service to a portion of the benefited area 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 is as follows: Grant money \$25,000; Appropriation from unexpended General Fund Balance of \$75,000; Amount to be financed within the benefited area \$500,000; and

WHEREAS, proposed method of financing shall be by FIMA Mortgage for a term of Forty (40) Years proposed at an interest rate of Seven (7%) Percent having an annual principal interest cost of \$37,069.64, and

WHEREAS, Map, Plan and Report allocate the unit payments within the benefited 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, and

WHEREAS, pursuant to a prior Resolution providing for financing through \$50,000 in Grant monies, a Public Hearing was held on the 16th day of May 1990 and said Resolution was tabled pending award of the Grant; and

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 4th day of December 1991, at 8:00 P.M. 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.

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 8582 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 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 6603 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 Omphallus Road extension #1 to Town of Boston Water District #1; running then easterly along the northerly line of said Omphallus 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 Omphallus Road, running thence westerly along the center line of Omphallus 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: November 18, 1991

Joyce Carr  
Town Clerk  
Town of Boston

December 4, 1991

Supervisor Kennedy explained that at the November 20, 1991 meeting action had been deferred until tonight's meeting for action on the building permit of Gregory Gerwitz. He further advised that the building inspector has reported that Mr. Gerwitz has completed almost all of the outside work on the building and has corrected the construction deficiencies that were in the rear of the property. In view of this report a motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to grant an extension of Gregory Gerwitz's building permit to March 31, 1992.

five (5) ayes

Carried

At 8:00 P.M. a Public Hearing was held on an Amended Resolution in the matter of the formation of Water Improvement No. 3 in the Town of Boston, Erie County New York pursuant to Article 12-c of Town Law. The Legal Notice was read by the Town Clerk. Supervisor Kennedy opened the Public Hearing and advised that the legal notice set forth the boundaries of the proposed improvement district which starts at Ward Road, comes down Chestnut Ridge Road, encompassing Hillside, Chestnut Lane, Hillcrest, as far as the Niagara Mohawk Power right-of-way, across the right-of-way and up Omphalius Road encompassing the north side of Omphalius Road up to Pitch Drive. He noted that the reason for these boundaries is due to the water tank in Orchard Park on Ward Road is only sufficient to provide pressures up Omphalius Road to that point. Town Attorney Perley explained that the reason this is called an improvement district not a water district is because a water district can only receive money from the general fund of the town for purposes of engineering only and after that the district must fund itself. A town is allowed to create a unit other than a district and is called an improvement and thus are allowed to receive money from general town funds as part of the construction cost. After this construction is finished then the benefitted area becomes self sufficient and will be responsible for paying the loan, operation costs and no general fund money from the town will be used for that purpose. There will be a line item on the taxes and this tax will be used for the purpose of paying off the loan and maintenance. Attorney Perley explained how this tax will be levied and noted that there will be a unit charge for a home in the serviced area, a lot in that area, a home in the area not being serviced, and a lot in the area not receiving water service. He noted that if the resolution is adopted this evening it is subject to a permissive referendum and can be brought about by the circulation of a petition and since there is general fund money involved the entire town would be involved and as there is debt involved an application must be filed with the State Comptroller and the Division of Audit and Control to approve the cost per unit.

Supervisor Kennedy explained that the reason this improvement district was initiated was because of the calls received of water problems in this particular area and some time ago a water feasibility study on Chestnut Ridge Road which was funded with Community Development monies. He further advised that when the study was done they went a little further and took core samples and there is a lot of work that has been done toward the first phase of construction on this project which will benefit the initial cost when it is submitted to the area residents for their rejection or approval. He further noted that several years ago there was a proposal offered to the people on the east hill and west hill and encompassed a larger area of the east hill and at that time the west hill area was in favor, but the east hill was not interested so the water district was created on the west hill and at this time is paid off. Supervisor Kennedy advised that he estimates that the cost for water for the serviced area will be approximately \$450.00 to \$500.00 and did not anticipate it getting any cheaper. He noted that the town has done all it can to obtain funding from government agencies and through the efforts of Senator Stachowski were able to get the \$25,000.00.

December 4, 1991

\$75,000.00 will be coming from the general fund for this district for a total of \$100,000.00.

Joanne Corlett, 6474 Omphalius Road, asked when would this referendum come before the voters. Town Attorney Perley explained that it would have to be a special election and that there is a time frame when a petition can be circulated for a referendum and at that time the Town Board would have to call a special election. Supervisor Kennedy stated that there would be no referendum if the people did not petition for one. It advised that once it is known exactly how much the cost will be there will then be a letter sent advising of the facts and costs and they will be asked to vote yes or no and after they have been returned and tabulated the Board will know if the people want them to go forward with the project.

Glen Orser, 7147 Chestnut Ridge Road asked what is a favorable vote. Supervisor Kennedy stated that more than 50% is needed to pass.

Denise Altherr, 6568 Hillcrest Drive questioned how long it would take for this letter to be sent out and was advised by Supervisor Kennedy that they would need at least thirty days to determine if a petition will be circulated by those who do not want \$75,000.00 of the town money spent. He felt that the letter would be going out sometime in January. Mrs. Altherr asked how long after it is determined that the service is wanted and no one circulates a petition will the bids be let. Supervisor Kennedy state a lot of the engineering is done and it is hoped that they would be able to go to bid in the next construction season. He stated an exact time frame is pretty hard to come up with as there are many variables. Town Attorney Perley stated it depends on the response time from Audit and Control which is a factor that may delay the polling of the people. When a response is forthcoming from Audit and Control then the financing will have to be put in order which means closing a FHA Loan and he felt this would take from six weeks to three months to process the paperwork for the loan. He further noted that a shovel cannot be put in the ground until the financing is in order. Mrs. Altherr stated that she lives on a private road and the waterline would only come down the main part of the road would she be responsible for the remainder of the way. Supervisor Kennedy stated yes.

Jennie Atwill, 7052 Chestnut Ridge Road asked if the \$450.00 was a one time charge. Supervisor Kennedy stated this is a yearly charge and asked not to be pinned down to the \$450.00. Town Attorney Perley cited figures that were used in the initial study and felt they were low and that the \$450.00 to \$500.00 for a house with service was close.

Glen Orser asked if the four houses on Serpentine would be serviced. Town Attorney Perley stated that from the map he has determined that it would not be served and Supervisor Kennedy stated that they would have to see what the cost would be.

Sharon Thompson, 6496 Chestnut Lane asked how many years on the loan and Town Attorney Perley stated 40 years.

A resident asked if there would be service to Omphalius Road and Supervisor Kennedy stated no not in the beginning. He explained that to get to Omphalius Road would require permission to go across the Niagara Mohawk Powerline and up as far as Fitch Drive as this is as high as it could go with the existing water tower. The resident asked about service to the top of the hill and Supervisor Kennedy noted that this would not take care of the top of the hill and this would require a big plan and it is possible it might be done in the future, but at the present they are trying to put together a plan that is economically feasible for the people. Supervisor Kennedy stated that the big plan would require a pump station and tank and explained that a study had

December 4, 1991

been done on the west hill which included a pump station and tank and the cost per home there was approximately \$1,200.00.

A resident noted that there are a number of homes being built on the east hill and Supervisor Kennedy stated that the Capital Improvements Committee will still be studying on water service, but at the present time the Board is doing what it can with the pressures that are available with the tank on Ward Road in the Town of Orchard Park.

Sharon Thompson asked if water service would raise the assessment and was advised by Supervisor Kennedy that no special districts do not raise assessments, but it was pointed out that water in that area might raise the selling price of a home.

Bob Potter, Serpentine Drive asked if it was stated there would be 98 houses served. Town Attorney Perley stated that was the number when the study was done. Mr. Potter stated he felt there were six or seven new homes built in that area. He also asked if there was a rule of 1,000 feet. Supervisor Kennedy stated that they have allowed residents to go long distances. Mr. Potter felt the more homes that were included the lesser the charge. Town Attorney Perley stated it was determined that it was not economically feasible to run an 8 inch line at \$65.00 per foot all the way around Serpentine Drive, but it could be looked at to see if there might be a way to do it. Supervisor Kennedy stated that they are governed by rules of the Erie County Water Authority and although sometimes they do not make any sense they must be adhered to.

Wayne Knodel, Serpentine Drive asked if this line wouldn't behoove the fire department and was advised by Supervisor Kennedy that this is one of the reasons this is a benefit because it helps lower the fire insurance as the department does not have to draft from ponds.

Mrs. Corlett asked if there would be water from the powerline up to Fitch Drive on Omphalius and Supervisor Kennedy stated not in the initial phase, but that is how far up the hill this district would go because of the elevation and anything higher would have no water pressure.

Beth Poltz, 6515 Chestnut Lane asked if they were going to be involved in a feasibility study and Supervisor Kennedy stated there has already been a feasibility study. When asked what the initial phase would be he reiterated where the service area would be noting that it did not go all the way down Chestnut Ridge, but ended about 1,000 feet after Crestwood Circle.

Thomas Jusiak, 6811 Liebler Road asked how far up Liebler Road would it be physically possible to extend the waterline. Supervisor Kennedy stated not far as they had looked at the area recently where the hydrant is and from there the hill really goes up at a steep angle and he did not feel they could go any further.

Robert Kleblewski, Serpentine Drive stated he understood Serpentine would not be served, but he heard the Town Attorney mention that the Engineer did recognize one home and Supervisor Kennedy stated it is probably the one that faces Chestnut Ridge Road and water would be allowable for that home and he did not feel there would be any problem with the Water Authority in that particular case.

A resident asked if the waterline would run along the sewer line and was advised that in most cases the waterline is on the opposite side of the sewer line.

December 4, 1991

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to close the Public Hearing at 8:48 P. M.

Five (5) ayes

Carried

RESOLUTION - FORMATION OF WATER IMPROVEMENT #1

RESOLUTION - APPLICATION TO STATE COMPTROLLER TO ESTABLISH

Councilman Wittmeyer asked when the time began now that the resolutions were passed and Town Attorney Perley stated that the time will start tomorrow, December 5, 1991 and under the law the Town Clerk is now directed to send both resolutions to Audit and Control within ten days.

#### PUBLIC NOTICE

##### RESOLUTION

In the Matter of  
John F. and Norma R. Gaspar  
to Annex Certain Property  
to Water District #1  
in the Town of Boston,  
County of Erie and  
State of New York.

Whereas, a written Petition dated November 6, 1991, in due form and containing the required signatures, has been presented to and filed with the Town Board of the Town of Boston, Erie County, New York, for the annexation of property situate in said Town, to Water District #1 in the said Town of Boston, to be bounded and described as herein below set forth and identified as Exhibit A and made a part hereof; and

Whereas, improvements proposed consist of the construction and installation of a water system to serve the annexed property including main water line and such other pumping stations, valves and hydrants, including the acquisition of any lands and rights-of-way therefore in accordance with certain Plans now on file in the Office of the Town Clerk of the said Town of Boston; and

Whereas, the Petitioners have agreed in their Petition to bear the expense of extending the waterline to serve the an-

#### PUBLIC NOTICE

nexed property, excluding from such expense the cost of purchasing, installing and maintaining a fire hydrant which at said cost will be borne by the Town of Boston Fire District.

It is hereby ordered that a meeting of the Town Board of said Town of Boston shall be held in the Town Hall, 8500 Boston State Road in Boston, New York, on the 4th day of December, 1991, in the evening at 8:15 o'clock of said date, to consider said Petition and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of said Town Board with relation to said Petition as may be required by Law or proper in the premises.

##### Exhibit 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. 2, Township 8 and Range 7 of the Holland Land Company's survey, bounded and described as follows:

Beginning at the intersection of the center line of Boston-Golden Road and the easterly right-of-way line of land formerly owned by the Buffalo and Susquehanna Railroad, which point is also the nor-

#### PUBLIC NOTICE

thwest corner of land conveyed to the party of the first part by Deed recorded in the Erie County Clerk's Office in Liber 4383 of Deeds at Page 443; thence east and along the center line of the Boston-Golden Road, Four Hundred Three and Sixty-Four Hundredths (403.64) feet to a point; thence southerly at an interior angle of Ninety-Five (95) degrees Fifty-Five (55) minutes a distance of Three Hundred One and One-Tenth (301.1) feet to a point; thence westerly at an interior angle of Eighty-Eight (88) degrees Nine (9) minutes a distance of Four Hundred (400) feet to the easterly right-of-way line of land formerly owned by the Buffalo and Susquehanna Railroad; thence northerly at an interior angle of Ninety-One (91) degree Fifty-One (51) minutes and along the easterly bounds of former Railroad land Three Hundred Forty-One and Fifty-Seven Hundredths (341.57) feet to the point of beginning, containing 2.95 acres more or less.

Dated: November 18, 1991  
Boston, New York

Joyce Carr  
Town Clerk  
Town of Boston

At 8:51 P. M. a Public Hearing was held in the matter of the establishment of Boston Cross Road extension #1 to Boston Water District #1 in the Town of Boston, County of Erie, New York. The legal notice was read by the Town Clerk. Richard Helmbrecht, 9752 Lango Road asked what size the main was that Mr. Gaspar would have to put in and he was told it would have to be an eight inch line.

# TOWN OF BOSTON



## RESOLUTION

IN THE MATTER OF THE FORMATION OF WATER IMPROVEMENT  
NO. 1 IN THE TOWN OF BOSTON, ERIE COUNTY, NEW YORK,  
PURSUANT TO ARTICLE 12-C OF THE TOWN LAW.

WHEREAS, pursuant to a request of the Town Board of the Town of Boston, the engineering firm of Nussbaumer & Clarke, Inc., has prepared and filed a Map, Plan and Report for the formation of a proposed Water District No. 3 in the Town of Boston, Erie County, New York, dated December 1989 and revised January 1990 and April 1990; and

WHEREAS, since the filing of said Report, the Town Board as determined to proceed pursuant to Article 12-C of the Town Law as opposed to Article 12 or 12-A of the Town Law; and

WHEREAS, an Order was duly adopted by the Town Board on November 6, 1991 reciting the filing of said Map, Plan and Report, and the improvements proposed, the boundaries of the proposed benefited area, and specifying December 4, 1991 at 8:00 PM as the time in said Town Hall, in the said Town of Boston, as the place where the said Board would meet to consider the Map, Plan and Report, and to hear all persons interested in the subject thereof, concerning the same; and

WHEREAS, prior hereto and on the 16th day of May, 1990, a Public Hearing was held concerning the aforesaid Map, Plan and Report, and said Resolution was tabled pending the awarding of Grant monies from the State of New York; and

WHEREAS, the Resolution of November 6, 1991 was adopted in order to reflect the changes in funding for the construction of said Water Improvement; and

WHEREAS, the Order of the Town Board of November 6, 1991 was duly posted and published as required by law; and

WHEREAS, a Hearing on the matter was duly held by the Town Board of the Town of Boston on this 4th day of December, 1991, commencing at

PM in the evening, in the Town Hall, in the said Town, and discussion upon the matter having been had, and all persons desiring to be heard having been duly heard;

NOW, upon the evidence given at such Hearing, and upon the motion of Supervisor Kennedy, seconded by Councilman Zimmerman, and unanimously passed, it is

# TOWN OF BOSTON



## RESOLUTION

IN THE MATTER OF THE FORMATION OF WATER IMPROVEMENT  
NO. 1 IN THE TOWN OF BOSTON, ERIE COUNTY, NEW YORK,  
PURSUANT TO ARTICLE 12-C OF THE TOWN LAW.

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RESOLVED AND DETERMINED, that (a) Map, Plan, and Report, aforesaid, duly complies with the requirements of §209-g of the Town Law, as to its sufficiency in form and content, and it is otherwise sufficient; (b) all the property and property owners within the proposed Benefited Area are benefited by the Improvement; (c) all property and property owners so benefited are included within the limits of the proposed Benefited Area; (d) it is in the public interest to form Water Improvement No. 1 as proposed in the Map, Plan and Report filed with the Town of Boston; and it is further

RESOLVED AND DETERMINED, that the establishment of Water Improvement No. 1 in the Town of Boston, as proposed in the Map, Plan and Report, be approved; that the improvement therein mentioned be constructed and the service therein mentioned be provided for upon the required funds being made available or provided for; and that such Water Improvement shall be designated and known as "Town of Boston Water Improvement No. 1" and shall be bounded and described as follows:- See Exhibit A attached; and it is further

RESOLVED, that the proposed Improvement, including the costs of rights-of-way, construction costs, legal fees, and all other expenses, shall be financed as follows:

|                                                                           |               |
|---------------------------------------------------------------------------|---------------|
| New York State Grant .....                                                | \$ 25,000.00  |
| Appropriation from unexpended<br>General Fund Balance .....               | \$ 75,000.00  |
| FmHA Loan, Forty (40) years,<br>Proposed Interest Rate Seven(7%)percent.. | \$ 500,000.00 |

and it is further

RESOLVED, that the owners of real property within the Benefited Area shall be taxed for the aforesaid Improvement on a benefit basis in accordance with the benefit units allocated in the Map, Plan and Report on Table II thereof; and it is further

EXHIBIT A

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's 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 said Lot 15 and extending south of the south line of the said Lot 15 along an extension the west line thereof, an additional distance of 1990 feet 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 8582 of Deeds at Page 11, said line being the so-called "Mid-lot line" of Lot 22; 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 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 6603 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 thence 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 Nowatka by Deed recorded in the Erie County Clerk's Office in Liber 7193 of Deeds, Page 13; running thence easterly along said southerly line of Nowatka to the southeast corner of same; running thence southeasterly all the boundary of lands conveyed to Nowatka in Liber 9718 of Deeds, Page 533, a distance of 118.14 feet; thence easterly along lands conveyed in Liber 9718 of Deeds, Page 533, and along an extension of said line to a point on the east line of Lot 14, a distance of 3,200 feet from the northeast corner 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.

# TOWN OF BOSTON



## RESOLUTION

IN THE MATTER OF THE FORMATION OF WATER IMPROVEMENT  
NO. 1 IN THE TOWN OF BOSTON, ERIE COUNTY, NEW YORK,  
PURSUANT TO ARTICLE 12-C OF THE TOWN LAW.

- 3 -

RESOLVED, that the Town Clerk of this Town shall within ten (10) days after the adoption of this Resolution file certified copies thereof in duplicate in the Office of the State Department of Audit & Control, Albany, New York, together with an Application by this Board, in duplicate, for permission to create such Water Improvement as provided for by the Town Law, §209-q; and that such Application shall be executed by and on behalf of the Town Board by the Supervisor of the Town.

STATE OF NEW YORK)  
                              : ss.  
COUNTY OF ERIE        )

I, JOYCE CARR, Town Clerk of the Town of Boston, Erie County, New York, DO HEREBY CERTIFY that I have compared the preceding Resolution consisting of three (3) pages and one (1) Exhibit, attached hereto, with the original thereof and filed in my office at Boston, Erie County New York, on the 4th day of December 1991, and that the same is a true and correct copy of said original and of the whole thereof.

IN TESTIMONY HEREOF, I have hereunto set my hand and affixed the Seal of the Town of Boston this 6th day of December, 1991.

Joyce Carr, Town Clerk  
Town of Boston, Erie County, New York

Seal

# TOWN OF BOSTON



## RESOLUTION

IN THE MATTER OF THE APPLICATION OF THE TOWN BOARD OF THE TOWN OF BOSTON FOR PERMISSION OF THE STATE COMPTROLLER TO ESTABLISH TOWN OF BOSTON WATER IMPROVEMENT NO. 1 IN THE TOWN OF BOSTON, COUNTY OF ERIE AND STATE OF NEW YORK.

TO THE COMPTROLLER OF THE STATE OF NEW YORK  
State Department of Audit and Control  
Alfred E. Smith State Office Building  
Albany, New York 12236

SIR:

The Petition of the Town Board of the Town of Boston, County of Erie, State of New York, for permission to establish Town of Boston Water Improvement No. 1 in the said Town of Boston, Erie County, New York, pursuant to Section 209-q of the Town Law of the State of New York, respectfully shows:

1. This Application is made pursuant to a Resolution of the Town Board of said Town of Boston adopted at the meeting of said Town Board held in said Town on the 4th day of December, 1991, a certified copy of which is hereto annexed and made a part hereof, wherein your Petitioner was duly authorized and directed to make this Application for permission to establish the Town of Boston Water Improvement No. 1 in said Town in compliance with the statutes in such cases made and provided.

2. A certified copy of the Map, Plan, and Report, dated December 1989 and revised January 1990 and April 1990, prepared by the engineering firm of Nussbaumer & Clarke, Inc., which said Report pertains to the establishment of Water Improvement No. 1, is also annexed hereto and made a part of this Application.

3. The aggregate assessed valuation of the taxable real property situate in the proposed Benefited Area is \$15,909,900.00, and the aggregate assessed valuation of the taxable real property situated in the proposed Benefited Area owned by resident owners is \$15,909,900.00, as such assessed valuations are shown on the latest completed Assessment Roll of the Town.

# TOWN OF BOSTON



## RESOLUTION

IN THE MATTER OF THE APPLICATION OF THE TOWN BOARD OF THE TOWN OF BOSTON FOR PERMISSION OF THE STATE COMPTROLLER TO ESTABLISH TOWN OF BOSTON WATER IMPROVEMENT NO. 1 IN THE TOWN OF BOSTON, COUNTY OF ERIE AND STATE OF NEW YORK.

- 2 -

4. The total assessed valuation of all taxable real property in the Town of Boston, according to the latest completed Assessment Roll of said Town, is \$242,461,528.00.

5. The average full valuation of the taxable real property of said Town of Boston is \$ 70,900.00 . Such average full valuation was determined in accordance with the provisions of the first paragraph of subdivision 7-a of Section 2.00 of the Local Finance Law.

6. The following is an itemized statement of the outstanding indebtedness for all purposes of the said Town of Boston, as evidenced by Bonds, Bond Anticipation Notes, Capital Notes and Budget Notes, to wit:

See Table A, attached hereto

7. The amount of budgetary appropriations for the payment of any such indebtedness, whether or not such appropriations have been realized as cash, and the amounts, purposes and probable dates of issuance of any Bonds, Bond Anticipation Notes, Capital Notes and Budget Notes which the said Town of Boston has authorized to be issued but which in fact have not been issued on the date of this Application are, as follows:

See Table B , attached hereto

8. The amount of indebtedness proposed to be contracted for by the proposed Town of Boston Water Improvement No. 1 is Five Hundred Thousand (\$500,000.00) Dollars.

# TOWN OF BOSTON



## RESOLUTION

IN THE MATTER OF THE APPLICATION OF THE TOWN BOARD OF THE TOWN OF BOSTON FOR PERMISSION OF THE STATE COMPTROLLER TO ESTABLISH TOWN OF BOSTON WATER IMPROVEMENT NO. 1 IN THE TOWN OF BOSTON, COUNTY OF ERIE AND STATE OF NEW YORK.

- 3 -

9. No State lands or institutions are included in the proposed Town of Boston Water Improvement No. 1.

10. No portion of the proposed district is in an existing or proposed agricultural district.

11. It is proposed to construct the Town of Boston Water Improvement No. 1 Benefited Area at a total maximum cost of Six Hundred Thousand (\$600,000.00) Dollars which will include estimated costs of rights-of-way, legal fees and miscellaneous other expenses involved in connection with the construction of said new Benefited Area within the Town of Boston Water Improvement No. 1, and the proposed improvement therein shall be financed by an FmHA Mortgage in an amount not to exceed Five Hundred Thousand (\$500,000.00) Dollars payable with interest over a period of Forty (40) years. The cost of construction of said Water Improvement No. 1 shall be assessed by the Town Board in proportion as nearly as may be to the benefit which each lot or parcel will derive therefrom.

12. The population of the territory embraced in the Benefited Area of the proposed Town of Boston Water Improvement No. 1 is approximately 330 persons, and is increasing by reason of the recent construction of new homes. At present, wells in the proposed Benefited Area are not producing potable water in sufficient quantities to service the existing homes and any new homes which may result from new construction. The potable water produced is unsatisfactory for human consumption.

13. A description of the territory to be embraced in the proposed Benefited Area of the proposed Town of Boston Water Improvement No. 1 is fully set forth in the certified copy of the Resolution of the Town Board adopted on December 4, 1991, attached hereto and made a part hereof.

# TOWN OF BOSTON



## RESOLUTION

IN THE MATTER OF THE APPLICATION OF THE TOWN BOARD OF THE TOWN OF BOSTON FOR PERMISSION OF THE STATE COMPTROLLER TO ESTABLISH TOWN OF BOSTON WATER IMPROVEMENT NO. 1 IN THE TOWN OF BOSTON, COUNTY OF ERIE AND STATE OF NEW YORK.

- 4 -

WHEREFORE, the Town Board of the Town of Boston, County of Erie, New York, through its Supervisor, Richard L. Kennedy, respectfully prays and requests permission to establish the Town of Boston Water Improvement No. 1 in the said Town of Boston, County of Erie and State of New York.

Dated: Boston, New York, this 6th day of December, 1991.

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

By:

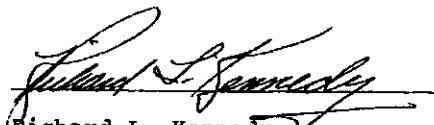
  
Richard L. Kennedy  
Supervisor

EXHIBIT A

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's 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 said Lot 15 and extending south of the south line of the said Lot 15 along an extension the west line thereof, an additional distance of 1990 feet 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 8582 of Deeds at Page 11, said line being the so-called "Mid-lot line" of Lot 22; 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 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 6603 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 thence 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 Nowatka by Deed recorded in the Erie County Clerk's Office in Liber 7193 of Deeds, Page 13; running thence easterly along said southerly line of Nowatka to the southeast corner of same; running thence southeasterly all the boundary of lands conveyed to Nowatka in Liber 9718 of Deeds, Page 533, a distance of 118.14 feet; thence easterly along lands conveyed in Liber 9718 of Deeds, Page 533, and along an extension of said line to a point on the east line of Lot 14, a distance of 3,200 feet from the northeast corner 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.

TABLE A

Debt Outstanding - end of 1991

|                     |     |         |
|---------------------|-----|---------|
| Highway Garage      | S/B | 250,000 |
| 2 Highway Trucks    | BAN | 20,000  |
| 1 Highway Excavator | BAN | 55,000  |
| 1 Ambulance         | BAN | 20,000  |

TABLE B

Amount Budgeted for Debt - 1992 Budget

|                   |       |        |
|-------------------|-------|--------|
| Highway Garage    | Princ | 25,000 |
|                   | Int   | 16,000 |
| Highway Equipment | Princ | 36,000 |
|                   | Int   | 7,600  |
| Ambulance         | Princ | 10,000 |
|                   | Int   | 2,250  |

December 4, 1991

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to close the Public Hearing at 8:55 P. M.

five (5) ayes

Carried

It was noted by Supervisor Kennedy that the legal fee contained in the resolution has been waived in this situation and also noted that this money would not have gone to the Town Attorney, but to the Town government.

**RESOLUTION - EXTENSION OF WATER #1 - BOSTON CROSS ROAD**

The Supervisor's Monthly Report was received.

Upon the request of Supervisor Kennedy a motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter directing the Supervisor to apply for State Aid for Recreation, Youth Service and Youth Initiative.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to set December 18, 1991 at 7:40 P.M. Fire Company Contracts, 7:45 P. M. Historical Society Contract and 7:50 P. M. Ambulance Contract.

five (5) ayes

Carried

Town Justice Monthly Financial Report was received.

Highway Superintendent Ruchalski reported that he had met with Carl Emerling of Emerling Chevrolet and the new dump truck should be built the week of December 2 and should be in in about two weeks.

Councilman Lisowski stated that he had met with the Capital Improvement Committee in regard to the formation of Water District #4 on the west hill and it was determined that Mr. Pettit of Nussbaumer and Clarke would break the district down to try to get a cost effective section which would include a storage tank and pumping station and until more figures are available and more work is done he has nothing more to report. Town Attorney Ferley stated there is also a study being done to determine if monies from District #2 can be used as this work would benefit said district.

The Code Enforcement Officers Monthly Reports were received.

The Dog Control Officer's Monthly Report was received.

The Town Engineer's Monthly Report was received.

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman to adjourn at 9:14 P. M.

*Joyce Carr*

Joyce Carr  
Town Clerk

Regular Meeting  
December 18, 1991

Town Hall  
7:30 P.M.

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Kohlhueter, 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 to approve the Minutes of the December 4, 1991 Regular Meeting.

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 #12A, December 18, 1991, in the amount of \$38,424.45 be paid.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer that the Highway Bills on Abstract #12A, December 18, 1991, in the amount of \$13,081.91 be paid.

five (5) ayes

Carried

Received a copy of a letter that Richard V. Slater, 6375 Tillen Road, sent to the New York State Department of Transportation relative to the proposed Rice Road interchange access road. Supervisor Kennedy said the Town Board has seen the need for this road for many years, as it will be much better than the present access road and it is hoped the project will not be put in jeopardy, however, when property owners have concerns about infringement on their land, the Town Board is also concerned. Mr. Kennedy said he will speak with Regional Director Robert Russell at the NYS DOT to attempt to work out a compromise with Mr. Slater.

At 7:40 P.M. a Public Hearing was held for the purpose of considering and entering into separate Fire Protection Contracts with the North Boston Volunteer Fire Company, Inc., Patchin Fire Company and Community Association, Inc. and Boston Fire Company, Inc. for the furnishing of fire Protection, each in the amount of \$70,000, for the calendar year 1992. Town Clerk Carr read the Public Notice and Supervisor Kennedy convened the hearing.

Rodney Carr, 7245 Boston State Road, asked why the contract prohibits fund drives. Supervisor Kennedy said that the firemen in the past held door-to-door collection drives, however, that was prior to receiving as much compensation from the town. Mr. Kennedy added that exceptions may be made, as was the case in the Boston Fire Company, and if the fire companies want to negotiate this clause next year, it can be.

Mr. Carr also asked if the Town of Concord contributes to the Town, or if a portion of the dispatching services are reimbursed by Concord.

#### PUBLIC 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 December 18, 1991 at 7:40 P.M. Eastern Standard Time for the purpose of considering and entering into separate Fire Protection Contracts with the North Boston Volunteer Fire Company, Inc., Patchin Fire Company and Community Association, Inc. and Boston Fire Company, Inc. for the furnishing of Fire Protection each in the amount of \$70,000 for the calendar year 1992, and a further Public Hearing by said Town Board at 7:45 P.M. Eastern Standard Time on the same date and place 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 1992 and a further Public Hearing by said Town Board at 7:55 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 Emergency Squad, Inc. for the furnishing of Ambulance Service in the amount of \$12,000 per annum for the year 1992.

All persons interested in the matter shall be heard at such time and place.

Dated: December 4, 1991

Town Board  
Town of Boston  
Joyce Carr  
Town Clerk

# TOWN OF BOSTON



TOWN OF BOSTON  
FIRE PROTECTION DISTRICT  
CONTRACT FOR FIRE PROTECTION  
WITH NORTH BOSTON FIRE COMPANY, INC.

THIS AGREEMENT, made this 18th day of December, 1991, between the Town Board of the Town of Boston, Erie County, New York, hereinafter designated as the party of the first part, and Boston Fire Company, Inc., hereinafter designated as the party of the second part.

W I T N E S S E T H :

WHEREAS, there has been duly established in the said Town of Boston a fire protection district known as the "Town of Boston Fire Protection District" embracing the entire geographical limits of said Town, and

WHEREAS, the previous contract between the parties will expire effective December 31, 1991.

NOW, THEREFORE, the party of the first part does engage the party of the second part to furnish fire protection to said district and party of the second part agrees to furnish such protection in manner following, to wit:

1. The party of the second part shall at all times during the period of this Agreement be subject to call for attendance upon any fire occurring in such district, and when notified by alarm or telephone call from any person within the district of a fire within the district, such company shall respond and attend upon the fire without delay with one or more companies and with suitable ladder, pumping and hose apparatus of the party of the second part. Upon arriving at the scene of the fire, the firemen of the party of the second part attending shall proceed diligently and in every way reasonable calculated to the extinguishment of the fire, and the saving of life and property in connection therewith.

2. The term of this Agreement shall be for a period of one (1) year, commencing on January 1, 1992 and terminating on December 31, 1992, payable on or before the 1st day of April, 1992, for and in consideration of the furnishing of aid and equipment by the party of the second part as foresaid, the party of the first part shall pay to the party of the second part the amount of \$70,000.00.

3. The party of the first part shall also pay Workmen's Compensation premiums and any and all claims authorized by law for medical expenses, loss of wages, compensation, benefits or other claims arising by reason of injury to or death of a fireman, or of a member of the fire department emergency relief squad, a fire police squad, a fire patrol, sustained while answering, attending upon, or returning from any such call, or while engaged in any other firematic duty, and in case the party of the second part shall be compelled or required to pay any such claims, the party of the first part shall reimburse the party of the second part the amount paid within thirty (30) days after making such payment.

4. It is hereby mutually understood and agreed that in further consideration of the Agreement herein, the party of the second part shall not sponsor or conduct a voluntary fund solicitation within the fire district during the terms of this Agreement, without prior approval of the Town Board.

5. All monies to be paid under any provision of this Agreement shall be a charge upon the said Fire Protection District to be assessed and levied upon the taxable property in said District and collected with the town taxes.

6. This Agreement has been adopted, after Public Hearing, pursuant to the provisions of Section 184 of the Town Law.

7. This Agreement shall continue from January 1, 1992 to December 31, 1992, 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, 1992; 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 executed and delivered this Agreement the day and year above mentioned.

TOWN BOARD OF THE TOWN OF BOSTON, NEW YORK

*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

Attest:

*Joyce Carr*  
Town Clerk - Joyce Carr

*Don A. Wohlhueter*  
Councilman - Don A. Wohlhueter

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

Attest:

NORTH BOSTON FIRE COMPANY, INC.

By: *Warren L. Skinner*  
President

*Joyce Carr*  
Town Clerk - Joyce Carr

# TOWN OF BOSTON



## CONTRACT WITH BOSTON HISTORICAL SOCIETY, INC.

THIS AGREEMENT, made the 18th day of December, 1991, 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 1992,

NOW, THEREFORE, the Town of Boston, party of the first part, does hereby engage the party of the second part for the year 1992 from January 1, 1992 to December 31, 1992 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 of 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, 1992.

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

S E A L

Attest:

*Joyce Carr*  
Town Clerk - Joyce Carr

*Don A. Wohlhueter*  
Councilman - Don A. Wohlhueter

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

Attest:

BOSTON HISTORICAL SOCIETY, INC.

*Joyce Carr*  
Town Clerk - Joyce Carr

By: *Allen S. Mungen*  
President

# TOWN OF BOSTON



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

AN AGREEMENT made this 18th 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 1992 from January 1, 1992 to December 31, 1992, to furnish general ambulance service and first aid to the sick and 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 the 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 \$12,000.00 for the calendar year 1992, 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 of the calendar year 1992.

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 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:

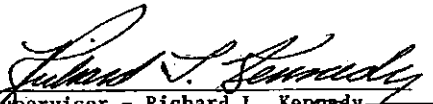
- a) Automobile non-ownership coverage to the extent of \$500,000.00.
- b) Comprehensive General Liability Insurance, including incidental malpractice coverage, to the extent of \$500,000.00.
- c) Fidelity Bond coverage of President and Treasurer of the Squad to the extent of \$5,000.00.
- d) Medical 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, 1992 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 31st 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.

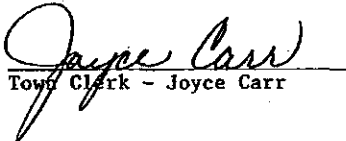
THE TOWN BOARD OF THE TOWN OF  
BOSTON, ERIE COUNTY, NEW YORK

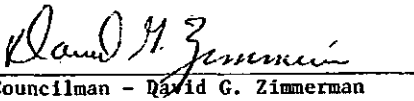
  
Supervisor - Richard L. Kennedy

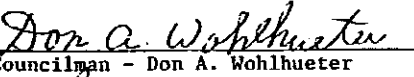
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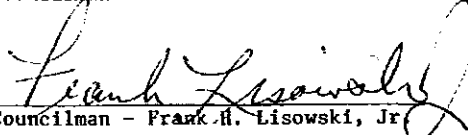
  
Councilman - Milton I. Wittmeyer

Attest:

  
Town Clerk - Joyce Carr

  
Councilman - David G. Zimmerman

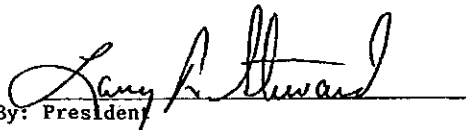
  
Councilman - Don A. Wohlhueter

  
Councilman - Frank H. Lisowski, Jr.

BOSTON EMERGENCY SQUAD, INC.

Attest:

  
Town Clerk - Joyce Carr

  
By: President

December 18, 1991

Supervisor Kennedy said that Boston Fire Company receives an additional stipend from Concord for that portion of their town that Boston Fire Company serves and that Concord does contribute toward Workman's Compensation, but not dispatching.

There were no further questions or comments. A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to close the public hearing at 7:53 P.M.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to enter into separate Fire Protection Contracts with the North Boston Volunteer Fire Company, Inc., Patchin Fire Company and Community Association, Inc. and Boston Fire Company, Inc. for the furnishing of Fire Protection, each in the amount of \$70,000 for the calendar year 1992.

five (5) ayes

Carried

Supervisor Kennedy noted at this point that final results tabulated from the Erie County Board of Elections show that the Firemen's Pension Contract was passed by one vote at the General Elections held on November 5, 1991.

A Public Hearing was held for the purpose of considering and entering into a contract with the Boston Historical Society, Inc., in the amount of \$3400.00 for the year 1992. Supervisor Kennedy convened the hearing, at which there were no comments or questions.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to close the public hearing at 7:59 P.M.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Lisowski 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 1992.

five (5) ayes

Carried

A public hearing was held for the purpose of considering and entering into a contract with the Boston Emergency Squad, Inc. for the furnishing of Ambulance Service in the amount of \$12,000.00 for the year 1992. Supervisor Kennedy convened the hearing. President Larry Steward noted that the Emergency Squad is looking for more volunteers, especially in the daytime hours. There were no further questions or comments.

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

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to enter into a contract with the Boston Emergency Squad, inc. for the furnishing of Ambulance Service in the amount of \$12,000.00 for the year 1992.

five (5) ayes

Carried

A public hearing was held to consider the proposal of Adelphia Cable International, successor to International Cable, to renew its cable television franchise within the Town of Boston for a period of ten years. The Public Notice was read by Town Clerk Carr and Supervisor Kennedy convened the hearing.

November 18, 1991

Attorney Perley outlined the changes that were made in this contract, which followed extensive negotiations with representatives of Adelphia Cable, Councilman Zimmerman and himself. He said the Town of Boston receives the legal maximum franchise fees that are allowed by law from Adelphia Cable. He said the line extension formula is extremely favorable to the residents of the Town. He also contacted the New York State Cable Commission and obtained information that they have never received any complaints from residents in Town relative to service. He said they have also reached a tentative agreement to make line extensions to Rockwood Road and a portion of Haag Road, without cost to the homeowners. There were no questions from the floor.

Councilman Zimmerman thanked Attorney Perley for the excellent job he did in negotiating this Cable Television Franchise Agreement.

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to close the public hearing at 8:20 P.M.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter to approve the renewal of the Cable Television franchise with Adelphia Cable International, successor to International Cable, for a period of ten years.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to return the security deposit, with any accrued interest, to Adelphia Cable International.

five (5) ayes

Carried

Received and filed resolution adopted by the Town of Lancaster, requesting the County to continue the practice of providing state funds to local municipalities for youth service and recreation programs.

Received and filed a press release from Assemblyman Thomas M. Reynolds, relative to opposition to the import of Canadian Waste, in response to the resolution adopted by the Town Board.

Mark Flowers asked if Senator Stachowski received a copy of this resolution, a copy was sent to him. Supervisor Kennedy added that he wished more persons would avail themselves of the opportunity to talk to Senator Stachowski's staff when they hold a satellite office here on the third Monday of each month.

#### RESOLUTION - UNPAID WATER BILLS

Highway Superintendent Ruchalski reported on a review he made of the cost of plowing 10.50 lane miles on Boston State Road, which encompasses the roadway from Zimmerman to Boston-Colden Road. His analysis shows that it costs \$38,768.72, or \$3,692.00 a lane mile.

#### PUBLIC NOTICE Notice of Public Hearing Regarding the Cable Television Franchise Between Adelphia Cable International and the Town of Boston

Notice is hereby given that pursuant to Section 626 (h) of the Communications Act of 1934 as amended by the Cable Communications Act of 1984, and the statutes of the State of New York, a public hearing will be held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 18th day of December, 1991 at 8:00 P.M. to consider the proposal of Adelphia Cable International successor to International Cable, to renew its Cable Television franchise within the Town of Boston, for the period of (10) years. A copy of the proposed franchise renewal is on file and available for review in the office of Joyce Carr, Town Clerk during regular business hours. At the time and place aforesaid, all persons interested in the subject hereof, shall be heard for or against the renewal proposal therein submitted.

Dated: November 21, 1991

By Order of the Town Board  
Town of Boston  
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 18th day of December, 1991 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 Board of the Town of Boston does hereby request the County of Erie to place on the 1992 Tax Rolls the following unpaid Water Bills:

|                     |                      |          |
|---------------------|----------------------|----------|
| SBL # 211.14-3-11   | 7363 Zimmerman Road  | \$121.43 |
| SBL # 211.10-1-65   | 7167 Abbott Road     | \$ 62.62 |
| SBL # 211.10-3-18.1 | 5569 Southside Drive | \$ 37.57 |

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

December 18, 1991

to remove ice and snow from this highway and that \$13,650.00 is reimbursed by the county, for a loss of \$25,118.72 to the town. Supervisor Kennedy said the Town Board is reviewing this situation in respect to snow removal on Boston State Road and that Attorney Perley will also review the 1991-92 Snow Removal Agreement with Erie County. This matter was then tabled until the December 27, 1991 meeting.

Councilman Wittmeyer requested that Highway Superintendent Ruchalski do a comparable review of the cost of snow and ice removal on Omphalius, Wohlhueter and Lower East Hill Road, so as to have comparisons with the costs of plowing Boston State Road. He also thanked Mr. Ruchalski for his review of the costs of plowing Boston State Road.

Highway Superintendent Ruchalski said that he has been informed by Emerling Chevrolet that the new chipper truck was shipped fourteen days ago, and it appears that it is "missing", as it has not yet arrived. A tracer has been put on it and he expects to receive it shortly.

Councilman Lisowski said he wished to thank the residents of the Town of Boston for giving him the opportunity to serve in the capacity of Councilman for the Town for the past four years. He also thanked Town Clerk Carr, Supervisor Kennedy, the other three Councilmen and his wife Ginger for all that they contributed to make his four years so fulfilling.

Councilman Wohlhueter said he has arranged for a representative of BFI to meet with Town Clerk Carr and himself at 9:30 A.M. on Monday, December 23 relative to the procedures that will be used on office recycling of waste paper at the Town Hall.

Upon the request of Councilman Wohlhueter, a motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to grant permission for the use of the Town Hall Meeting Room on January 1, 1992 at 2:00 P.M. for the swearing-in ceremony.

five (5) ayes

Carried

Councilman Wohlhueter thanked Town Clerk Carr and Councilman Lisowski for their years of service to the town, both as private citizens and as elected officials.

Councilman Wittmeyer expressed his thanks to Councilman Lisowski and Town Clerk Carr for the dedicated efforts over the years.

Councilman Zimmerman said it has been a pleasure serving with Town Clerk Carr over the past twenty years, as well as with Councilman Lisowski for the last four years and added they both will be missed.

Supervisor Kennedy said he wishes to make a statement relative to his appreciation to Town Clerk Carr and Councilman Lisowski for their service to the town, and particularly to Mrs. Carr, as they have worked together for many years. Mr. Kennedy wished both Mrs. Carr and Mr. Lisowski the very best in the future.

A letter was received from the Planning Board, recommending approval of the site plan of James Millich for a three-family dwelling on Boston State Road, between Fairlane Drive and Liebler Road. Councilman Zimmerman stated he has not had an opportunity to review the site plan submitted by Mr. Millich and this matter was tabled until the December 27, 1991.

A letter was received from the Planning Board relative to the election of officers for 1992, as follows:

December 18, 1991

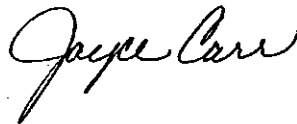
Vice Chairman  
Secretary

William Boltz  
Damian Wiktor

Herbert Klein, who has served as Chairman since April 11, 1985, was nominated again for the position, however, he declined. Supervisor Kennedy said he will talk with Mr. Klein and ask if he will serve as interim Chairman for the January, 1992 meeting, at which time it can be determined if any other member is willing to accept the Chairmanship, or there may be someone in the community who is interested. The Town Board also may appoint a Chairman, if they elect to do so.

Town Clerk Carr said she wished to thank all the members of the Town Board for their cooperation with her over the years she has served as Town Clerk.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to adjourn at 8:43 P.M.



Joyce Carr  
Town Clerk

SPECIAL MEETING  
DECEMBER 27, 1991

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 Wittmeyer and seconded by Councilman Wohlhueter to adopt the minutes of the December 18, 1991 Regular Town Board Meeting.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to approve the payment of the General Fund and Special District Bills on Abstract #12B dated December 27, 1991 in the amount of \$7,405.07.

five (5) ayes

Carried

A letter was received from the State of New York Office of the State Comptroller, acknowledging receipt of the application for the proposed Town of Boston Water Improvement No. 1. In answer to a question from Supervisor Kennedy, Town Attorney Perley advised that the time table to force a referendum is 30 days from the day of adoption, which was the first meeting in December.

Upon the recommendation of Insurance Consultant Brian Baty of Municipal Insurance Consultants, a motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to award the 1992 Insurance Coverage to UCIC with Briceland as Agent.

five (5) ayes

Carried

A letter was received from Rural Transit Service relative to the van which will be shared by Boston and Colden for Senior Citizen Transportation. A request was made for volunteers to drive the van and also office space one day a week. Supervisor Kennedy stated he had talked to Marilyn Calhoun, Colden Supervisor as there was a question regarding dispatching. He also stated that he would have Ms. Zanolli, Rural Van Project Coordinator, talk to the Senior Citizens to see if they have volunteers willing to drive the van.

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman authorizing the Supervisor to purchase a copy machine from Gestetner at a cost not to exceed \$3,680.00.

five (5)

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to make Transfer of Appropriation as follows:

#### FIRE PROTECTION DISTRICT

|       |                           |         |
|-------|---------------------------|---------|
| FROM: | SF 9040.8 Comp Insurance  | 1030.00 |
| TO:   | SF 3410.4 Fire Protection | 1030.00 |

#### WATER DISTRICT #2

|       |                                 |         |
|-------|---------------------------------|---------|
| FROM: | SW2 8340.4 Trans & Distr - Cont | 3300.00 |
| TO:   | SW2 8340.2 Trans & Dist - Eq    | 3300.00 |

December 27, 1991

## GENERAL FUND

|       |                         |               |
|-------|-------------------------|---------------|
| FROM: | A 9010.8 Retirement     | 1585.00       |
| TO:   | A 1410.1 Town Clerk     | 5.00          |
|       | 1450.1 Elections        | 30.00         |
|       | 3120.4 Police           | 150.00        |
|       | 5132.4 Highway Garage   | 1000.00       |
|       | 7310.1 Youth Program    | 300.00        |
|       | 7620.4 Adult Recreation | <u>100.00</u> |
|       |                         | 1585.00       |

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to make the following Appropriation of Revenue and Fund Balance:

## AMBULANCE DISTRICT

|       |                                  |                 |
|-------|----------------------------------|-----------------|
| FROM: | SM 960 ESTIMATED REVENUE         |                 |
|       | 2401 Int & Earnings              | 450.00          |
|       | 2680 Insurance Recovery          | 1,490.00        |
|       | SM 599 APPROPRIATED FUND BALANCE | <u>1,060.00</u> |
|       |                                  | 3,000.00        |
| TO:   | SM 4640.4 Ambulance Exp          | 3,000.00        |

## HIGHWAY FUND

|       |                             |                  |
|-------|-----------------------------|------------------|
| FROM: | D 510 ESTIMATED REVENUE     | 37,600.00        |
|       | D 2300 Serv for Oth Govts   | 31,000           |
|       | D 2401 Interest & Earnings  | 400              |
|       | D Interfund Revenue         | 6,200            |
|       | D 599 APPROPRIATED FUND BAL | 3,735.00         |
|       | D 960 APPROPRIATIONS        | 23,485.00        |
|       | D 5130.2 Machinery          | 11,215           |
|       | D 5140.4 Misc Brush/Weeds   | 1,500            |
|       | D 9010.8 Retirement         | 10,750           |
|       | D 9730.7 Interest           | 20               |
|       |                             | <u>64,820.00</u> |
| TO:   | D 960 APPROPRIATIONS        |                  |
|       | D 5110.1 General Repairs    | 6,150            |
|       | D 5110.4 General Repairs    | 2,410            |
|       | D 5112.2 Capital Outlay     | 2,650            |
|       | D 5130.4 Machinery          | 16,500           |
|       | D 5142.1 Snow Removal       | 3,700            |
|       | D 5142.4 Snow Removal       | 11,500           |
|       | D 5148.1 Serv Oth Govts     | 3,700            |
|       | D 5148.4 Serv Oth Govts     | 11,800           |
|       | D 9040.8 Unemployment       | 2,000            |
|       | D 9060.8 Hosp/Med Insur     | 2,200            |
|       | Total Appropriations        | <u>64,820.00</u> |

five (5) ayes

Carried

The building permit application for James Millich to construct a three-family dwelling on a two lot parcel of property, known as Sublot #44 and Sublot #55 of the Roseland Heights Subdivision on Boston State Road, between Fairlane Drive and Liebler Road, was discussed. Councilman Zimmerman stated he just had a chance

December 27, 1991

this morning to look at the plans and would like more time to study them. A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter to table this application to the January 2, 1992 Regular Meeting.

five (5) ayes

Carried

The Snow Removal Contract with the County of Erie which was tabled at the December 18, 1991 meeting was discussed. Highway Superintendent Ruchalski presented to the Town Board a breakdown of costs for the plowing of Omphalius, Lower East Hill, Wohlhueter and Boston Cross Roads. The Board stated they would like more time to study these latest figures. Town Attorney Perley stated he had reviewed the contract and advised the Board of the timetable set forth in the contract for the requesting of changes to be made. Supervisor Kennedy asked the Town Board to examine the documents submitted by Highway Superintendent Ruchalski and be ready to take action at the January 2, 1992 meeting. The Town Clerk was directed to make copies of the documents for Councilman-elect Flowers so he will have knowledge of the costs involved. Highway Superintendent Ruchalski stated that the County Legislature is meeting this morning in emergency session relative to the snow removal contract and he will advise the Board of the outcome as soon as he has heard something. A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer to table the 1991-92 Snow Removal Contract to the January 2, 1992 Regular Meeting.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to correct Abstract #12A as follows:

Voucher # 924 - Service Office Supply

|       |          |            |        |
|-------|----------|------------|--------|
| From: | A 1410.4 | Town Clerk | 108.57 |
| To:   | A 1410.4 | Town Clerk | 12.12  |
|       | A 1220.4 | Supervisor | 96.47  |

five (5) ayes

Carried

Town Attorney Perley expressed his appreciation to Town Clerk Joyce Carr and Deputy Town Clerk Lucille Genzel for the cooperation they have given him over the years.

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to adjourn at 9:30 A. M.

*Joyce Carr*  
Joyce Carr  
Town Clerk