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FRONT

Regular Town Meeting — Town Hall
January 2, 1992 — 7:30 P.M.

Present were Councilman Mark Flowers, Councilman Don A. Wohlhueter, Councilman David Zimmerman, Councilman Milton Wittmeyer, Supervisor Richard Kennedy, Highway Superintendent Eugene, E. Ruchalski, Town Attorney Michael Perley.

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy that the minutes of the Special Meeting of December 27, 1991 be approved. (see corrections page 12)

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to accept the Town Clerks monthly report for December 1991.

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 #1, January 2, 1992 in the amount of $9,470.69 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer that the Highway Fund on Abstract #1, January 2, 1992 in the amount of $5,009.90 be paid.

five (5) Ayes — Carried

Received corrected pages of the Erie County Water Authority Tariff which reflects the amendment adopted by the Authority on August 28, 1991.

State Senator William Stachowski acknowledges receipt of resolution which was adopted by the Town Board on December 4, 1991 with respect to the importation of solid waste from Canada. Senator Stachowski plans on supporting any future legislature which will hopefully prohibit this dumping in our area and the state in general.

Supervisor Kennedy acknowledged receipt of correspondence from Assemblyman and State Senator in opposition to the importation of solid waste from Canada.

County Board Canvassers for Erie County, hereby, certify that it appears from the Certification of said County Board of Canvassers, on file inthis office that the following persons were duly elected to the several office herein named for your town at the general election held on the 5th day of November, 1991:

Councilman	Mark W. Flowers
Councilman	Don A. Wohlhueter
Town Clerk	David J. Shenk
Town Superintendent of Highways	Eugene E. Ruchalski

The County Board of Canvassers having canvassed the whole number of votes cast for all candidates in the General Election for the Offices of Boston Local Proposition No. 1, County of Erie, State of New York, held on the 5th day of November, 1991, hereby certifies that the following named persons received the votes set opposite their names:

YES	1128
NO	1127

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to appoint Milton I. Wittmeyer to the Office of Deputy Supervisor, term to expire December 31,1992.

five (5) Ayes — Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to appoint Michael Perley to the Office of Town Attorney, term to expire December 31, 1993.

four (4) Ayes — Carried
one (1) Nay

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to appoint Joseph G. Terrizzi to the position of Town Prosecutor, part-time to expire December 31,1992.

four (4) Ayes
one (1) Nay — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlehueter to appoint Joyce Carr to position of Clerk, part-time to serve as clerk to the respective Boards: Planning, Zoning and when needed the Conservation Council and also, to serve as an aide and secretary to Supervisor Kennedy, term to expire December 31,1992.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to appoint Nussbaumer & Clarke, Inc. to the position of Town Engineers term to expire December 31,1993.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to appoint Dennis J. Kramer to Code Enforcement Office, part-time term to expire December 31,1992

five (5) Ayes — Carried

A motion was made by Councilman Flowers, no second to appoint Joseph Santonocito, Deputy Code Enforcement Officer, part-time term to expire December 31,1992.

Denied

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to appoint Frank Lisowski to Deputy Code Enforcement, part-time term to expire December 31,1992.

four (4) Ayes
one (1) Nay — Carried

A motion was made by Councilman Wohlehueter and seconded by Councilman Zimmerman to appoint Geral O'Brien to position of Recreation Director, part-time term to expire December 31, 1992.

four (4) Ayes
one (1) Nay — Carried

A motion was made by Councilman Flowers, no second to appoint Remy Orffeo to position of Recreation Director, part-time term to expire December 31,1992.

Denied

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlehueter to appoint Robert Steiner to position of Dog Control Officer, part-time term to expire December 31,1992

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to appoint Marjorie Steiner to the position of Deputy Dog Control Officer, part-time term to expire December 31,1992.

five (5) Ayes — Carried

A motion was made by Councilman Flowers with no second to appoint Carolyn Latosinski to the position of Bingo Inspector, part-time term to expire December 31,1992.

Denied

A motion was made by Councilman Wohleheuter and seconded by Supervisor Kennedy to appoint Margaret Edington to the position of Bingo Inspector, part-time term to expire December 31,1992. CORRECTED 1/15/92

four (4) Ayes
one (1) Nay — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to appoint Doris Follman to the position of Cleaner, part-time term to expire December 31,1992.

five (5) Ayes — Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to appoint James Jehle to the position of Town Historian, term to expire December 31,1992.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to appoint Wayne Kreitzbender to the position of Highway Working Crew Chief, term to expire December 31,1992.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohleheuter to appoint Leo Jensen to the position of Laborer, part-time term to expire December 31,1992.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to appoint Jean Kleis to the position of Bookkeeper to the Supervisor and also, Clerk to the Assessor, term to expire December 31, 1993. CORRECTED 1/16/92

five (5) Ayes — Carried

A motion was made by Councilman Flowers with no second to appoint Barbara Ballachino to the position of Recreation Leader, part-time term to expire December 31,1992

Denied

A motion was made by Supervisor Kennedy and seconded by Councilman Wohleheuter to appoint John Herman to the position of Recreation Leader, part-time term to expire December 31,1992. CORRECTED 1/15/92

four (4) Ayes
one (1) Nay — Carried

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy to appoint Anna M. O'Neill to the position of Deputy Town Clerk, term to expire December 31,1993.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to appoint David Shenk to the position of Registrar of Vital Statistics, term to expire December 31,1993.

five (5) Ayes — Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to appoint Anna M. O'Neill to the position of Deputy Registrar of Vital Statistics, term to expire December 31,1993.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohleheuter to appoint Joyce Carr to the position of Marriage Officer.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to appoint David Shenk to the position of Officer of Record Management Offices and Affirmation Action Officer, term to expire December 31,1993.

five (5) Ayes — Carried

A motion was made by Councilman Flowers with no second to appoint Michael Riley to the position of Deputy Town Attorney, term to expire December 31, 1992.

Denied

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohleheuter to appoint David Wilson to the position of Deputy Town Attorney, term to expire December 31,1992.

four (4) Ayes
one (1) Nay — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers to appoint the following Fire Police, term to expire December 31,1992.

Boston Fire Co.:
Leroy Pfarner, Dave Emerling, Ray Worth, Bob Weber, Bob Pettit, Greg Stromecki, Ed Dzierzanowski, Bob Zwack, Norm Sequin, James Cunningham.

N. Boston: Randy Seufert, Joseph Gern, Robert Karcher, Sean Crotty, Timothy Gennocro, Peter Haumesser

Patchin: Duane Brock, Mark Brock, Dick Chambers, Norm Gagne, Grover Grinsell, Bob Pfluger, Rodney Roll, Paul Whittemore

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy to appoint Greg Stromecki to the position of Court Officer to serve interim until such time as the Town Attorney makes a clarification to the Board by the next meeting as to whether or not Mr. Stromecki has qualifications to serve in that capacity.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers to designate Evans National Bank for Supervisor, Town Clerk, Town Justice and Tax Collectors Accounts.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to schedule dates and times for Regular Monthly Meetings and Work Sessions as follows:

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

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy to appoint the following Town Board Liaisons for 1992:

Councilman Mark Flowers	Chamber of Commerce, Conservation Council and Street Lighting
Councilman Don Wohleheuter	Solid Waste, Recreation & Youth Service and the Planning Board
Councilman David Zimmerman	Emergency Squad, South Boston Parks, Cable T.V. and Southtown Planning Group.
Councilman Milton Wittmeyer	Fire Companies, Senior Citizens and Traffic Safety

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to designate the South Towns Citizen as the official paper for the Town of Boston.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to establish the following Salary Schedule for 1992:

Supervisor	Richard L. Kennedy		$20,300
Dep. Supervisor	Milton I. Wittmeyer		1,000
Councilman	Milton I. Wittmeyer		5,500
	David G. Zimmerman		5,500
	Don A. Wohlhueter		5,500
	Mark W. Flowers		5,500
Town Justice	Robert W. Tills		17,500
Clerk to Town Justice	Joyce E. Thurber		17,100
Town Clerk	David J. Shenk		27,500
Deputy Town Clerk	Anna M. O'Neill	Start	7.00 hr.
		3 mos.	7.50 hr.
		6 mos.	7.75 hr.
Clerk Typist	Wendy Kummer		7.75 hr.
Clerk P/T	Joyce A. Carr		7.75 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 P/T	Joseph G. Terrizzi		8,000
Dep. Town Attorney	David Wilson		3,600
Book. to Supr/Assess Clk.	Jean Kleis		19,240
Dog Control Off/Constable	Robert E. Steiner		4,000
Code Enforcement Officer	Dennis J. Kramer		7,800
Dep. Code Enforce. Off.	Frank Lisowski		4,000

Constable/Ct. Officer	Gregory L. Stromecki	$ 2,800
Recreation Director	Gerald W. O'Brien	5,800
Cleaner P/T	Doris Follman	6.00 hr.
Laborer P/T	Leo Jensen	6.75 hr.
Group Leader, Sen Citizen	Delores Seufert	19 p mtg.
Town Historian	James J. Jehle	600
Deputy Dog Cont. Off.	Marjorie F. Steiner	600
Bingo Inspector	Margaret Edington	22 per # Inspec.

Election Inspectors - PER DAY	
Registration	42
Primary	75
Chairman	15
Election Day	75
School	15

Highway Department			
Working Crew Chief			12.40 hr.
M.E.O.'s			11.60 hr.
Laborers	4.50	-	7.00 hr.
M.E.O. Trainees (incremental raises)	7.00	-	11.60 hr.
Laborer's P/T	4.50	-	7.00 hr.

Court Officer's salary will be paid on a pro-rata basis because this position is only an interim appointment at the present time.

five (5) Ayes Carried

CORRECTED 11/15/82

A motion was made by Councilman Wohleheuter and seconded by Councilman Flowers to set the payment of salaries as follows:

Bi-weekly checks to the Justice, Town Clerk, Deputy Town Clerk Supervisor, Highway Superintendent, Highway Crew Chief, Bookkeeper, Clerk P/T, Clerk Typist, Assessor and Laborers P/T, all others are paid on a monthly basis.

five (5) Ayes Carried

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

five (5) Ayes Carried

A motion was made by Councilman Wohleheuter and seconded by Councilman Flowers to accept the investment policy previously adopted by the Town of Boston where idle town monies may be invested as follows:

1. Obligations of Federal Government - Treasury Notes, Treasury Bills etc.

2. Obligations of Federal Agencies Guarenteed by the Government.

3. Obligations of the State of New York

4. Certificates of Deposit in Commercial Banks which are FDIC insured.

5. Regular Savings Accounts, Money Market Accounts in Commercial Banks if proper securities are provided for all monies invested in excess of the amount secured by FDIC.

6. Tax Anticipation Note and Revenue Anticipation Notes of another municipality, district, corporation or school district, any other investments not listed will require prior approval by the Town Board and be in conformance of all state statutes.

The Town Supervisor will keep a record of all such investments and provide a report to all Town Board Members monthly.

Procurement Policy

BE IT RESOLVED: That the Town of Boston does hereby adopt the following procurement policies and procedures:

Guideline 1. Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML, §103. Every Town officer, board, department head or other personnel with the requisite purchasing authority (hereinafter "Purchaser") shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of other Town departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.

Guideline 2. All purchases of (a) supplies or equipment which will exceed $10,000 in the fiscal year; or (b) public works contracts over $20,000 shall be formally bid pursuant to GML, §103.

Guideline 3. All estimated purchases of:
Less than $10,000 but greater than $5,000 require a written request for a proposal (RFP) and written/fax quotes from 3 vendors;
Less than $5,000 but greater than $3,000 require an oral request for the goods and oral/fax quotes from 2 vendors;
Less than $3,000 but greater than $250 are left to discretion of the Purchaser.

All estimated public works contracts of:
Less than $20,000 but greater than $10,000 require a written RFP and fax/proposals from 3 contractors;
Less than $10,000 but greater than $3,000 require a written RFP and fax/proposals from 2 contractors;
Less than $3,000 but greater than $500 are left to the discretion of the Purchaser.

Any written RFP shall describe the desired goods, quantity and the particulars of delivery. The Purchaser shall compile a list of all vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered.

All information gathered in complying with the procedures of this Guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

Guideline 4. The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the Purchaser prepares a written justification providing reasons why it is in the best interest of the Town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

Guideline 5. A good-faith effort shall be made to obtain the required number of proposals or quotations. If the Purchaser is unable to obtain the required number of proposals or quotations, the Purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

Guideline 6. Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following circumstances:

(a) Acquisition of professional services;
(b) Emergencies;
(c) Sole source situations;
(d) Goods purchased from agencies for the blind or severely handicapped;
(e) Goods purchased from correctional facilities;
(f) Goods purchased from another Governmental agency;
(g) Goods purchased at auction;
(h) Goods purchased for less than $250.00;
(i) Public works contracts for less than $500.00.

Guideline 7. Notwithstanding any of the foregoing provisions of this policy, no purchase in excess of $1,000 shall be made without authorization from the Town Board.

Guideline 8. This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as is reasonably practicable.

five (5) Ayes Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to authorize the use of a signature stamp by Supervisor Kennedy.

five (5) Ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers to retain the rate of .21 cents per mile as paid by the Town for milage.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to schedule the Annual Audit Meeting for January 15, 1992.

five (5) Ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to authorize the Town Clerk Shenk to send notices for the collection of trailer park fees.

five (5) Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to set an appointment to inspect the trailer parks in the Town of Boston on Saturday, January 18,1992 at 9:30 A.M.

five (5) Ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to set Petty Cash Funds as follows:

Supervisor	25.00
Town Clerk	200.00
Town Justice	100.00
Highway Superintendent	25.00

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to appoint Don A. Wohleheuter, Delagate and David Wilson be appointed Alternate to attend the Association of Towns Meetings in New York City, In February 1992.

five (5) Ayes Carried

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

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohleheuter to table the form and sufficiency bonds upon recommendation of Town Attorney Perley, awaiting receipt of information from insurance carriers.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer request bid specifications should be received from the Recreation Director in Clerk's Office on February 19,1992 at 10:00 A.M.

five (5) Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to assign the following work days to be reported by New York State Retirement purposes for elected and appointed Town Personnel with six (6) hours being designated as a work day:

Supervisor	20 Days
Town Justice	12
Town Prosecutor P/T	8
Councilman	8
Councilman/Dep. Supvsr.	12
Dep. Code Enforcement	7
Assessor	20
Town Attorney	12
Constable/Court Officer	5
Dep. Town Attorney	7

For a seven (7) day work week a motion to designate the following elected and appointed positions as full-time based on a seven (7) hour work day for New York State Retirement purposes:

Town Clerk	7 Days
Superintendent of Hghwy	7
Bookkeeper to Supervisor	7
Clerk to Town Justice	7

five (5) Ayes Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to approve Building Permit requested by James Millich, tabled from Town Board Meeting of December 27, 1991. Councilman Flowers upon contacting several people in the neighborhood where the building permit has been granted have expressed disbelief that the Town would allow this particular building to be built on this site.

one (1) Nay
four (4) Ayes Carried

Town Attorney Perley stated that the Zoning Board of Appeals authorized the construction of that building as a variance. It is not within the power of this Board to tell Mr. Millich that he cannot build it. The Board can only approve the site plan.

A motion was made by Councilman Flowers and seconded by Councilman Zimmerman to maintain highways as in the past. Unfortunately, we will have to suffer with the rate offered by the County of $1300 a lane mile. For the good of all the people in the Town of Boston we will keep the roads as they are.

two (2) Nays
three (3) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy, Eden No.2 Water Pumping Station Capacity Modification to accept the bid from Kandey Company, Inc. in the amount of $23,293.00

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer, the following are the holidays set for the Town of Boston as part of contract or arrangement we have with both the Highway Department and Clerical work: January 1, 1992 - New Year's Day, January 20,1992 - Martin Luther King's Birthday, February 7,1992 - Patriots Day, April 17, 1992 Good Friday, May 25,1992 - Memorial Day, July 4, 1992 - Independence Day, September 7,1992 - Labor Day, October 12, 1992 - Columbus Day, November 13, 1992 - Election Day, November 11, 1992 - Veteran's Day, November 26, 1992 - Thanksgiving Day, December 25, 1992 - Christmas Day.

five (5) Ayes — Carried

Supervisors Report - Move Reserve Parking Signs for Town Officials from in front of Town Hall to designated area in rear of Town Hall.

Reserve appointment of committees until 2nd meeting of the month with the exception of Capitol Improvement Committee.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to appoint the following to the Capitol Improvement Committee:

Rev. Richard Seaman
Robert McDonald
Frank Lisowski
Dennis Kramer
Lisa Rood
Charles Pettit
Renata Neidzwiecka
Jean Kleis
Richard Kennedy
Michael Perley
Milton Wittmeyer

Jean O'Connell - Grantsperson

five (5) Ayes — Carried

Town Clerks Report - Town Clerk Shenk acknowledges the people for electing him to office and promises to do the best job possible.

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohleheuter to approve Town Clerk Shenk to attend the Annual Meeting of the Association of Towns of the State of New York in New York City, February 16 - 19, 1992. Also, Deputy Town Clerk Anna M. O'Neill to attend the 1992 Training School for Town Clerks in Rochester, New York, January 13,1992.

five (5) Ayes — Carried

Town Clerk will announce his evening office hours at the January 15, 1992 Board Meeting.

TOWN OF BOSTON

SERIAL BOND RESOLUTION DATED JAN. 2, 1992

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 2nd day of January 1992 at 7:30 PM, EST , there were:

Present: Richard L. Kennedy, Supervisor
Milton I. Wittmeyer, Councilman
David G. Zimmerman, Councilman
Don A. Wohlhueter, Councilman
Mark A. Flowers, 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) 1992 Chevrolet truck and attachments at a total cost of $45,181.00 and it is provided that the sum of $22,590.50 of such cost was to be paid from Grant funds, $2,590.50 of such cost to be paid from existing funds, and the balance of $20,000.00 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 highway truck.

2. The maximum cost of such vehicle is $45,181.00 as required by the terms of the proposals of $45,181.00 and the plan of financing of such cost is as follows:

The sum of $22,590.50 to be paid from Grant money obtained by the Town of Boston. The sum of $2,590.50 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 $20,000.00 consisting of two (2) separate Bonds, each in an amount of $10,000.00 pursuant to this Resolution.

3. The following determinations are hereby made:

A. The period of probable usefulness of such vehicle is at least five (5) years;

B. The subdivision of Paragraph "A" of §11.00 of the Local Finance Law as applicable in the circumstances is Subdivision "29";

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 $20,000.00 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 $20,000.00 and shall mature in numerical order in annual installments in the years and total amounts as follows:

$10,000.00	January 2, 1993
$10,000.00	January 2, 1994

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 Seven and one-half (7½%) 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 ZIMMERMAN, duly put to a vote on roll call, subscribed by the members voting in the affirmace thereof, which resulted as follows:

Supervisor Kennedy Voting aye

Signature

Councilman Wittmeyer Voting aye

Signature

Councilman Zimmerman Voting aye

Signature

Councilman Wohlhueter Voting aye

Signature

Councilman Flowers Voting aye

Signature

AYES: Five (5) NOES: None ABSENT: None

David J. Shenk, Town Clerk
Town of Boston

TOWN OF BOSTON

BOND ANTICIPATION NOTE RESOLUTION DATED JANUARY 2, 1992 FOR THE ISSUANCE AND SALE OF A BOND ANTICIPATION NOTE OF THE TOWN OF BOSTON, NEW YORK, IN ANTICIPATION OF THE SALE OF $20,000.00 IN SERIAL BONDS FOR THE PURCHASE OF ONE (1) NEW 1992 CHEVROLET TRUCK.

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 2nd day of January 1992 at 7:30 PM, EST, there were:

Present: Richard L. Kennedy, Supervisor
Milton I. Wittmeyer, Councilman
David G. Zimmerman, Councilman
Don A. Wohlhueter, Councilman
Mark A. Flowers, Councilman

COUNCILMAN WITTMEYER 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) new 1992 Chevrolet truck, in accordance with proceedings heretofore taken by the Town Board of said Town, are hereby authorized to be issued a $20,000.00 Bond Anticipation Note of said Town.

2. Specific reference is hereby made to a Resolution entitled "Serial Bond Resolution Dated Jan. 2, 1992", 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 $20,000.00, and such Bonds shall be Serial Bonds.

4. The amount of the Bond Anticipation Note to be issued is $20,000.00. Such Note shall be dated January 3, 1992 and shall be numbered "No. 1", and shall mature January 2, 1993, bearing interest at a rate not exceeding Seven and one-half (7½%) percent per annum, payable at maturity. Such Note shall be signed by the Supervisor of said Town, 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 affirmance thereof, which resulted as follows:

Supervisor Kennedy	Voting aye	Signature
Councilman Wittmeyer	Voting aye	Signature
Councilman Zimmerman	Voting aye	Signature
Councilman Wohlhueter	Voting aye	Signature
Councilman Flowers	Voting aye	Signature

AYES: Five (5) NOES: None ABSENT: None

David J. Shenk, Town Clerk
Town of Boston

Town Justice Monthly Report received.

Highway Superintendents Report - Truck chasis for chipper truck is in, chasis meets all specifications. I have accepted it and it is at the Unicel Truck Body Shop, they are mounting the chipper box on it. It should be ready for pick-up next week. The Superintendent will do a final inspection to make sure all the specifications have been met.

Upon receipt of the truck, depending on the weather, we will pick-up christmas trees. People who cannot wait for the pick-up can bring their trees to the Highway Department like they did last year. Since weather is a main factor I cannot set a definite date for pick-up.

Town Attorneys Report - Town Attorney Perley asks the Board to consider the Serial Bond Resolution and also the Bond Anticipation in reference to the Chipper Truck being purchased for the Highway Department.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to move the Serial Bond Resolution.

five (5) Ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to move the Bond Anticipation Note Resolution.

five (5) Ayes Carried

Councilmens Report - Nothing to Report

Dog Control Officers Monthly Report received.

Code Enforcement Officers Report to be submitted at Board Meeting on January 15,1992.

Town Engineers Monthly Report received.

Councilman Flowers acknowledges those who voted for him and offers to do the best possible job he can. I look forward to working with the other gentlemen on the Town Board and the Town Clerk. However, the people in the Town have sent a message and the Town Board has in turn sent them a message. With my request for some appointments I realize that I am out voted 4-1 on the Town Board. I had six (6) people who were qualified for position that I submitted but, the Town Board said business as usual and I regret that. I submitted these names in good faith. The other gentlemen on the Town Board did not give me the letters that they had, and in turn I didn't realize how many people that I had the opportunity to vote for or make a request for a nomination. I hope, that we can put this behind us and work together.

A motion was made by Councilman Zimmerman and seconded by Supervisor Kennedy to adjourn the meeting at 9: 32 P.M.

David J. Shenk
Town Clerk

REGULAR BOARD MEETING
JANUARY 15, 1992

TOWN HALL
7:30 P.M.

Present were Councilman Mark Flowers, Councilman Don A. Wohlhueter, Councilman David Zimmerman, Councilman Milton Wittmeyer, Supervisor Richard Kennedy, Highway Superintendent Eugene Ruchalski, Town Attorney Michael Perley.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to approve the minutes of the Regular Monthly Meeting of January 2, 1992 with the following corrections:

See correction page 21

1.) Councilman Wohlehueter, name spelled incorrectly, should be Councilman Wohlhueter.

2.) Appointment of Jean Kleis to the position of Bookkeeper to the Supervisor and also Clerk to the Assessor term to expire December 31, 1992.

CORRECTION:

Appointment of Jean Kleis to the position of Bookkeeper to the Supervisor term to expire December 31, 1993.

3.) 1992 Salary of the Registrar of Vital Statistics should read as follows:

Registrar of Vital Statistics, David J. Shenk $25.00.

five (5) Ayes Carried

A motion was made by Councilman Zimmerman and seconded by Supervisor Kennedy to approve the Town Clerk's Yearly Report for 1991.

five (5) Ayes Carried

corrected pg. 21 2/5/92

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter that the General Fund and Special District Bills on Abstract #1A, January 15, 1992 in the amount of $95,410.12 be paid.

five (5) Ayes Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to approve the Appropriation of Highway Funds from December 27, 1991, Special Meeting.

five (5) Ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter that the Highway Funds on Abstract #1A, January 15, 1992 in the amount of $15,349.00 be paid.

five (5) Ayes Carried

Erie County Sheriff's Report for the months of November and December, 1991 have been received and are on file in the Town Clerk's Office.

A letter from County Executive Dennis Gorski regarding a cut in the Erie County Youth Service Funding, received and on file in the Town Clerk's Office.

Regular Board Metting — Town Hall
January 15, 1992 — 7:30 P.M.

Resolution #25 received from the Town of Concord regarding the funding decerease to municipalities to provide Youth Service and Recreation Programs. This resolution was previously adopted and forwarded to the County.

Adelphia Cable payment of franchise, a check in the amount of $13,728.24 was received from International Cablevision, Inc. This check represents payment of the franchise fees for the period from April 1 through September 30, 1991. Payment was based on gross revenues of $290,649.48 at five (5%) percent less a credit of $804.23 for New York State Cable Commission.

Town Attorney Perley states that the franchise fee has been modified by five (5%) percent. He also pointed out that this franchise has become a fairly good source of revenue.

Supervisor Kennedy acknowledged Town Attorney Perley and Councilman Zimmerman for the negotiations of this contract and complimented them on their accomplishment.

Letter received from Barbi Ballachino, Chairman of the Triquasquicentennial asking what financial support can be expected from the Town in reference to the 4th of July celebration that is being planned by this committee.

Supervisor Kennedy stated that there has been $7,000.00 set aside for various Town Celebrations. $5,000.00 of which has been allocated to be used for the Triquasquicentennial Celebration at the descretion of said committee with the approval of the Town Board.

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to grant permission to the Patchin Volunteer Fire Company to hold their annual 25 Week Club Party at the Lion's Club Pavillion on Sunday, July 26, 1992, with permission to serve beer also given.

five (5) Ayes — Carried

National Fuel Blanket Permit approved by Supervisor Kennedy and agreed upon by Highway Superintendent Ruchalski.

ADDENDUM TO APPLICATION

This annaul Blanket permit shall become effective as of the date of its execution, and shall remain in full force and effect until December 31, 1992. This blanket permit shall satisfy the requirements of Local Law No. 1 of 1983, as amended, except that National Fuel shall be required to provide a sketch of each job undertaken pursuant to this blanket permit. National Fuel has no major excavation work scheduled at this time, but will provide sketches of all excavation projects performed pursuant to this permit when they beome available.

National Fuel Gas Distribution Corporation has a valid franchise agreement with the Town of Boston governing work performed in the public streets and rights-of-ways. This franchise agreement contractually obligates National Fuel to restore the property disturbed in the public streets and rights-of-ways. Consequently, it will not be necessary for National Fuel to provide a surety bond.

Letter from Susan Grelick, Town Clerk of Amherst with regard to Randall Terry and Operation Rescue, received and filed.

Letter from New York Association of Towns acknowledges receipt of dues for 1992.

Regular Board Metting — Town Hall
January 15, 1992 — 7:30 P.M.

Response to letter from Janet C. Orser and Glenn L. Orser representatives of the people on Chestnut Ridge Road regarding Water District.

Supervisor Kennedy states that the Town Attorney has gone through an extensive process of preparing figures as to cost. We have to review the homes in this area to see what it would be, assessed the cost to each individual home. After reviewing these cost estimates to go forward to the Erie County Water Authority and see at a joint meeting with them whether we could get them to appropriate any amount of money to this project which would lower the cost to the individual homeowner, if they see the Town has appropriated $75,000.00 of our unexpended balance as well as receiving a $25,000.00 grant from the State of New York they may be responsive in helping us initiate this Water Improvement at a cost affordable to the people.

Town Attorney Perley is arranging a meeting to go over figures where we can begin to produce some estimates not only of how it's going to affect the people initially, but how we can make some reasonable plan.

Sucato v Town of Boston, Town Attorney Perley has submitted a Notice of Motion to Dismiss Appeal along with supporting Affadavit and Affirmation of Service with regard to the afore mentioned matter to the Appellate Division of Supreme Court.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to approve the Agreement for the Expenditures of Highway Moneys.

five (5) Ayes — Carried

Letter from Town Justice regarding Court Officer Appointment received and filed.

At the January 2nd meeting, the Town Board requested that Town Attorney ascertain the requisite qualifications for the position of Court Attendant in the Town of Boston Justice Court.

The Town Board previously eliminated the Boston Constabulary; therefore, the Court Officer appointed by the Board serves no constabulary functions such as serving legal papers or summons, is unarmed at all times, and merely provides a uniformed presence in the Courtroom and assists the Justice and Clerk during Court sessions. In fact, the Town has eliminated all insurance coverage for police liability.

Based upon my review of the history pertaining to the appointment of the Court Officer, it is my opinion that he/she is neither a Constable as defined in Town Law 39 or a Special Police Officer as defined in Town Law 158, and is therefore not a Peace Officer as same is defined in Criminal Procedure Law 2.10 and not required to have Peace Officer training as set forth in CPL 2.30.

I have also spoken with Harold Brand, Esq., Executive Secretary to the Honorable James B. Kane, Administrative Judge of the Eighth Judicial District. Mr. Brand advised me that the Justice Court is not an Office of Court Administration OCA. Civil Court, is not funded by that office and therefore, is not subject to the OCA Rule that Court Attendants be "Police Officers" having 400 hours of training. Mr Brand further informed me that a Court Officer in the Town Court is not required to be a Constable or Peace Officer.

Therefore, it is my opinion that the Court Officer appointed by the Town is not required to be a Constable or have Constable training. In fact, there is no particular training required. I recall, however, that the payroll classification is listed under "Constable" and therefore, recommend to the Board that the payroll designation be changed to eliminate the term "Constable", and that all Badges, etc. containing the term "Constable" be removed from the Officer's uniform.

Supervisor Kennedy states that it is necessary to create a new position which would be Court Officer, part-time. At this time we will leave the interim appointment on a temporary basis until such position has been created. Supervisor Kennedy moves that we apply to the County Personnel to create a new position of Court Officer, part-time to replace what we have currently as Constable, part-time. Appropriate action will be taken after approval is given by personnel.

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to approve the following appointments to the Recreation Department and salaries for 1992 as recommended by Gerald O'Brien, Recreation Director:

Cathy Boltz	Recreation Leader, P/T Friday Evenings, to replace John Herman, Recreation Leader who was appointed at the Town Board of January 2, 1992.	$10.00 hr. not to exceed $2,200.00
Donna Odoj	Recreation Attendant, P/T Friday Evenings.	$5.50 hr.
Daniel Poppenberg	Recreation Attendant, P/T Friday Evenings.	$5.50 hr.
Michelle Riederer	Recreation Attendant, P/T Friday Evenings.	$5.50 hr.
Jennifer Schunk	Recreation Attendant, P/T Friday Evenings.	$5.50 hr.
Christopher Zemrac	Recreation Attendant, P/T Friday Evenings.	$5.50 hr.

All appointments will be effective immediately and expire December 31, 1992.

Also, please authorize the Town Clerk to notify John Herman of change and thank him for his years of service with the Recreation Department.

five (5) Ayes Carried

At the January 2nd meeting, we deferred approving the Form and Sufficiency of Bonds for Town employees, including the Clerk (in his capicity of County Tax Collector), and the Supervisor. The Town may require, in addition to any personal undertaking, that insurance or a Bond be purchased at Town expense in an amount determined by the Board and as to the form and sufficiencey thereof. (Town Law, Sec. 25).

Regular Board Metting — Town Hall
January 15, 1992 — 7:30 P.M.

The Board did have the actual Bond available on January 2nd, and at the Board's instruction, Town Attorney Perley obtained a copy of The Hartford Bond Issued to the Town. Please note that under Coverage C (Theft, Disappearance and Destruction"), the Tax Collector is covered in the amount of $80,000 and the Supervisor in the amount of $30,000.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers that the Form and Sufficiency Bond tabled from January 2, 1992 be approved in the amounts that were, hereto for set, by the insurance carrier.

five (5) Ayes — Carried

Supervisors Report — Monthly report for December, 1991 received and on file in the Town Clerk's Office.

Debra Zanolli, Rural Van Project Coordinator had a meeting here at the Boston Town Hall. This is a van service being provided jointly by the Towns of Boston and Colden, similar to what they have now set up in the Town of Concord, where we will take people that require transportation not only senior citizens but those that are handicapped and those that fall within the guidelines of low and moderate income to different required destinations. It is my understanding that this Rural Van will be dispatched from the Town of Brant. The real need that we have in the Town of Boston and the Town of Colden is volunteer drivers. We have already set up with the Town of Boston with the OK of the Highway Superintendent, he has acquiest to my request to house the van at the Town Highway garage. We have also, in contact with Mrs. Zanolli have arranged that she would be able to use one of our offices here one day a week for four (4) hours that she is interviewing perspective clients for the van. It is my understanding that the van will be available February 15, 1992. She is meeting now with senior citizens groups in Colden and Boston and certainly she is appealing to the community in general for people that are willing to drive the van. The insurance coverage for those people is provided by the county. The insurance on the van itself is being provided jointly by the Towns of Boston and Colden, the ownership will be retained by the County of Erie. These were bought with Community Development Fund application that was submitted. This is good program and has had excellent results in the Town of Concord it is going to be initiated in the Towns of Boston and Colden as soon as we have enough drivers that are required. We will need between twelve (12) and fourteen (14) drivers to cover it for the periods necessary.

Regular Board Metting
January 15, 1992

Town Hall
7:30 P.M.

Received a letter from Bob Pettit with regard to the Pump Replacement at Proposed Rehabilitation Project, East Eden Road Pump Station #2 (T) Eden.

The Erie County Health Department recommends that the Erie County Water Authority retain disinfection records to document the integrity of the work performed.

Received the final numbers for the 1992 sewer rates for those that are in the sewer districts in the Town of Boston. The unit charge remains the same for the Boston lateral as $175.00, the footage charge remains the same at $1.25 per lineal foot, but the valuation charge has been reduced from $0.47/M to $0.44/M.

Supervisor Kennedy would like to appoint the following Committees for 1992:

Insurance Committee	Milton Wittmeyer, Don Mayer, Don Wohlhueter, Mark Flowers, David Shenk, Brian Baty, Supervisor Kennedy.
Senior Citizens Council	Michael Czechowski, Jack Suefert, Dolores Suefert, Harold Rodkwood, Joe Mertzlofft, Dorothy Overhoff, Irving Overhoff, Mary Yoder, Caroline Burkard, Dick Sacilowski. Appoint Ruth Garrison, Primary Senior Leader, Dolores Suefert, Secondary Leader (Whoever is present to preside over the meeting will be compensated).
Creative Playground	Gregg K.Gibbs, Mike Mandiville, Michael Perley, Barbara Wagner, Judy Gutekunst, Leroy Pfarner, Dennis Kramer, Don Wohlhueter.
Capital Improvement	Add the following appointment to the original list of January 2, 1992; Gerald O'Brien.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to appoint Gerald O' Brien to the Capital Improvement Committee.

five (5) Ayes — Carried

Town Clerk's Report	Announced regular evening hours to be every Tuesday Evening from 5:00 P.M. til 8:00 P.M. Requests permission to attend a three (3) hour training program in Rochester, January 16, 1992. Program on How to Fillout Application for Records Management Grant. There is no registration fee.

Regular Board Metting — Town Hall
January 15, 1992 — 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer for Town Clerk Shenk to attend the training program in Rochester.

five (5) Ayes — Carried

HEAP Program will be here at the Town Hall on January 23, 1992, at 9:00 A.M.

Federal Food Giveaway will also be here on January 23, 1992, from 8:30 A.M. til 4:30 P. M.

For the next three weeks I will be in the process of conducting a phone survey at home to find out the most desired hours for the peoples convenience to pay tax bills. At the next Town Board Meeting on February 5, 1992 I am going to give the results and my extended hours for the tax payers.

Town Justice — Yearly financial report for 1991 received and filed in the Town Clerk's Office.

Highway Supt. — The Chipper truck has be completed and I have inspected it, it meets the specifications and will be delivered to the Town Barn, January 16, 1992. Weather permitting we will start picking up trees.

Request authorization to attend the Association of Town's 1992 Training School in New York, February 16-19, 1992.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to send Highway Superintendent Ruchalski to the Association of Town's Training School in New York February 16 - 19, 1992.

five (5) Ayes — Carried

Town Attorney — With regards to creating the position of Deputy Highway Superintendent, it is within the power of the Town Board to create this position, however, I feel a more informed decision should be made and I will continue to keep you advised.

Payment in Lieu of Taxes from People Incorporated, on December 19, 1991, it was finally passed by the County Legislature. When I get this I will send it to the School District Office.

Acknowledges Joyce Carr for her assistence in coloring the town maps.

Councilman Flowers — Request for funding from the Southtowns Hazmat Team which will be carried on at a later date.

Councilman Wohlhueter — Requests permission to attend the Association of Towns Meeting from February 16 - 19, 1992, in New York City.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to approve Councilman Wohlhueter attend the Association of Towns meeting to act as our delegate, in the amounts that have been set aside in the budget and not to exceed these amounts.

five (5) Ayes — Carried

Councilman Wohlhueter — I attended a meeting last Thursday night in Elma as the South Towns Solid Waste Representative and at that time the three Boards from the County were there , The Northwest Board, Northeast Board and the Southtowns Board and there is a concensus of opinion now that the three Boards merge considering that NORAC is no longer in existence. It was pretty much unanimous that the three Boards join together for the purpose of comprehensive recycling analysis and other solid waste matters. The County Representatives were there although this still has to be finalized there is going to be representatives from the three Boards that will form a committee to decide what procedures should be taken to merge. I think it is in the best interest of the committees to join in one big Board. There are some matters that have to be resolved.

Councilman Zimmerman — January 11, 1992, I attended the Emergency Squads Installation of Officers and their Anniversary Party that they had for twenty-five (25) years. I would like to ask the Town Clerk to send them a letter congratulating them for their twenty-five (25) years of service. Also, one to Warren Burger who was one of the original members and is still an active member of the unit.

I would like to ask the Town Clerk to send a letter of congratulations to Chris Zemrac for serving over three thousand (3,000) hours with the squad and also for the many hours he has spent with our youth and Recreation Department helping Gerry O'Brien.

Councilman Wittmeyer — Remind the Board that we have scheduled the inspection of the trailer parks this coming Saturday morning at 9:30 A.M., January 18, 1992.

In the future when we are setting up the inspection of the trailer parks we should also make arrangemnets that both trailer parks have one fire drill per year as part of that application.

Regular Board Metting
January 15, 1992

Town Hall
7:30 P.M.

Code Enforcement — Monthly report for December 1991 has been received and filed in the Town Clerks Office.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to approve the Capital Funding for the new truck as follows:

Cost of the truck is forty-five thousand, one hundred and eighty-one ($45,181.00) dollars, the funding would be in the following manner: A low technology resource recovery project grant which is the grant we received from the Department of Environment of twenty-two thousands, five hundred and ninety dollars and fifty cents ($22,590.50). A BAN in the amount of twenty thousand ($20,000) dollars and the Highway Fund would compensate the remaining two thousand, five hundred and ninety dollars and fifty cents ($2,590.50).

five (5) Ayes — Carried

A motion was made by Councilman Zimmerman and seconded by Supervisor Kennedy to adjourn the meeting at 8:50 P.M.

five (5) Ayes — Carried

David J. Shenk

DAVID J. SHENK
TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
FEBRUARY 5, 1992 — 7:30 P.M.

Present were Councilman Mark Flowers, Councilman Don A. Wohlhueter, Councilman David Zimmerman, Councilman Milton Wittmeyer, Supervisor Richard Kennedy, Highway Superintendent Eugene Ruchalski, Town Attorney Michael Perley.

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to approve the minutes of the Regular Board Meeting of January 15, 1992.

five (5) (Ayes) Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to accept the Town Clerk's Monthly Report for January, 1992.

five (5) (Ayes) Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to accept and approve the corrections of Abstract #1A of January 15, 1992 as follows:

Voucher #19	Service Office Supply		
	From:	A1220.A Supervisor	$139.67
	To:	A1220.4 Supervisor	113.19
		A1410.4 Tn. Clerk	26.48
Voucher #24	Schwaab, Inc.		
	From:	A1410.4 Tn. Clerk	60.50
	To:	A1410.4 Tn. Clerk	64.75
Voucher #29	Nussbaumer & Clarke, Inc.		
	From:	A1440.1 Tn. Engineer PS	
	To:	A1440.4 Tn. Engineer Cont.	
Voucher #48	B-Kwik Market		
	From:	A7310.4 Youth Prog.	22.00
	To:	A7140.4 Play/Rec. Ctr	22.00
Voucher #57	Nussbaumer & Clarke, Inc.		
	From:	SW2 8340.2	
	To:	H 8340.2 (Capital)	
Corrected General Fund Total			40,317.55
Corrected Capital Projects Fund Total			48,341.00
Corrected Water District #1 Total			203.32
Corrected Total Abstract			$ 95,414.37

five (5) (Ayes) Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer that the General Fund and Special Districts Bills on Abstract #2, February 5, 1992 in the amount of $53,164.83 be paid.

five (5) (Ayes) Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer that the Highway Bills on Abstract #2, February 5, 1992 in the amount of $32,947.20 be paid.

five (5) (Ayes) Carried

REGULAR BOARD MEETING — TOWN HALL
FEBRUARY 5, 1992 — 7:30 P.M.

Letter received from Southtowns Haz/Mat Team on file in Town Clerks Office. After receiving said letter Councilman Wittmeyer did set up a meeting with Mr. Messing, and Representatives of three fire companies to discuss this problem with Supervisor Kennedy, Councilman Flowers, and Councilman Wittmeyer in attendance. Councilman Wittmeyer will report on that meeting. At that meeting with Dean Messing, who is the Team Leader from Southtowns Haz/Mat. In order to come on line with them they requested in their budget a figure of approximately three thousand and nine hundred dollars ($3,900). At that time they gave us a copy of their contract which was given to Town Attorney Perley for review. The only thing he added was based on something that Mr. Messing had said was that they were fully insured under a policy that they get through an Association of Volunteer Firemen, the contract only adds that they will submit in addition to the annual fiscal statement an insurance certificate so that the town understands that they are contracting with an agency that has insurance. Everything else, is in fact, substantially the same. The contract recites a consideration of payment of one thousand nine hundred and forty-five dollars ($1,945.00) which is one half of the amount that was sought by Haz/Mat in its request.

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers recommend that we move into a contract with Haz/Mat for the figure amount of one thousand, nine hundred and forty-five dollars ($1,945.00) funds to be taken from the Fire Protection District Funds.

Councilman Flowers suggests that we send out letters to our Congressman and U.S. Senators requesting that they send us some money to help us out in a situation like this rather than just send us a blanket letter saying that you will be covered or you will pay a substantial fine every day that you are not covered. In the economic times that we have now we just can't afford this.

five (5) (Ayes) Carried

Letter from Ronald H. Moline, Supervisor, Town of Tonawanda, N.Y. with regard to the Sales Tax Extension Resolution letter on file in Town Clerk's Office. Tabled until next Board Meeting, February 19, 1992.

Letter from Erie County Water Authority with reference to rate increase effective with January billing as follows:

Hydrants in Districts Town Lines

District #1	- 171 Hydrants	$796.86
District #2	- 52 Hydrants	242.32

Letter from the Corp of Engineers regarding the expansion of the existing Town Park. The information that accompanied your application indicates that the proposed work will not involve a discharge or dredge or fill material into "Waters of the United States.". We have no jurisdiction over the proposal and a Department of the Army permit is not required.

Letter from the Office of the State Comptroller, regarding Extension No. 1 to Water District No.1 (Boston Crossroad), acknowledges receipt of the order of the Town Board, dated December 4, 1991. This order was filed in the Office of the State Comptroller on December 20, 1991.

REGULAR BOARD MEETING
FEBRUARY 5, 1992

TOWN HALL
7:30 P.M.

Letter from the County of Erie, Environmental Health Services - regarding Waterline Extension, Boston Crossroad Extension, Approval Permit issued. Within thirty (30) days of completion of the project, the Certificate of Construction Compliance, bacteriological, disinfection and hydrostatic test results must be filed with this office. This material is required for issuance of a Certificate of Completed Works by the County Health Department. The project may be put into service only after the Certificate of Completed Works has been issued.

Letter from Barbi Ballachino, Chairman, Triquasquicentennial Committee request permission to use the entire Boston Town Park on July 3, 4, 5, 1992. We request this be extended to include land near and around the Highway Garage, which will be used for parking, and any new area landscaped for placement of the proposed bandstand.

The committee also requests the right to rent spaces of the Town Park to businesses, organizations and individuals from the Town of Boston and surrounding area. Monies will be used to defray costs of the Celebration.

Let me extend my personal thanks for your generous contribution of $5,000.00. We thank you for your continued support.

five (5) (Ayes) Carried

Letter from Boston Hills Homes, requesting approval for placement of first model home in the Boston Hills Estates expansion.

Supervisor Kennedy states that upon receipt of this letter it was referred to the Town Attorney to review the Mobile Home Ordinance and to render us an opinion as to what constituted the square footage of the building.

Town Attorney Perely researched the law and it is his opinion that the carport would constitute occupied space as it would be included as part of the term "Mobile Home Stand". Therefore, as I Have told Mr. & Mrs. Falkides, they would have to go with a smaller building because they won't meet the maximum lot coverage restriction with a larger home because the carport is included. I would also like to remind Mr. & Mrs. Falkides and the Board that when this lot comes up for license we then, I expect, we will receive our first contribution to the recreation trust fund, in the amount of $150.00, along with the initial license fees. Town Attorney Perley suggests to the Board not to consider this in the abstract.

Supervisor Kennedy asks Mr. & Mrs. Falkides if they would like us to consider an exception, then He would like to see the size of the carport drawn up to scale on the drawing so that we could examine it and make a determination.

Memo received from Gerald O'Brien, Recreation Director, Boston Baseball Association is requesting permission to utilize the Lion Shelter and baseball diamonds on Saturday, August 1, for its annual baseball picnic and all star games from 8:00 A.M. to dusk.

five (5) (Ayes) Carried

REGULAR BOARD MEETING TOWN HALL
FEBRUARY 5, 1992 7:30 P.M.

Letter from Adelphia Cable, request renewal of Certificate of Confirmation and franchise for the Town of Boston, on file in Town Clerk's Office.

Requests from the Floor, Lisa Rood speaking as liaison from the Conservation Advisory Council wishes to inform the Town Board of two (2) resignations, Jack Penrod and Ron Vondell and recommends the appointment of Barbara Hodge to fill one of the vacancies.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to accept the recommendation of the Conservation Advisory Council to appoint Barbara Hodge to fill the unexpired term of Ron Vondell which is due to expire March 1, 1993.

five (5) (Ayes) Carried

Mr. Sprague asked from the floor what is the status of the Town Law affecting Mobile Home Parks and their existence later down the road.

Town Attorney Perley's response to Mr. Sprague, I have been working on legislation that would regulate the operation of the existing parks, if this is what you are talking about the two that predated are current law.

Town Attorney Perley requests that the Town Board allow him to schedule a hearing, any of the other board members may attend, I would like to receive comments from the residents of the park, the neighbors surrounding the park as well as the owners of the park concerning this so that I may present to the board an informed document concerning the regulations of these parks which really with the exception of just issuing an annual license fee remain unregulated.

Supervisor Kennedy addresses both of the Trailer Operators, the Board members and himself feel that it is very difficult to inspect the park premises during the dead of winter, it seems as thought each day that a hearing date has been set it is very cold and this certainly is not conducive to seeing what actually the park looks like because there is very often a heavy concentration of snow and it is difficult to see what we would like to see when we make our park inspection. Not to spring anything on you in this particular given year because that would not be fair but I would say that when we grant a license in this year we will grant it for twelve (12) months, when we grant the license next year it is going to be our proposal to grant that license for six (6) months and then our inspection will run from June to June. This is an effort on the part of the Board to make a more accurate and knowledgeable inspection of the park premises during a time when the weather is more conducive to inspection.
When action has been taken by the Board we will send a letter to you in time so that you can make preparations.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman move that the license for the Boston Hills Mobile Park be renewed for one year.

five (5) (Ayes) Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to renew Sprague Mobile Park Home license for one year.

five (5) (Ayes) Carried

REGULAR BOARD MEETING TOWN HALL
FEBRUARY 5, 1992 7:30 P.M.

Town Clerk Shenk reported that he 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 Wohlhueter and seconded by Councilman Flowers to approve the following recreation appointments for 1992 made by Gerald O'Brien, Recreation Director, all appointments would be effectively immediately and expire December 31, 1992:

Corey Hacker	Recreation Attendant, P/T Friday evenings.	$5.50 Hr.
Tiffany Krencik	Recreation Attendant, P/T Friday evenings.	5.50 Hr.

five (5) Ayes Carried

Press release received from the Office of Frederick Marshall, Food Distribution Program for eligible Town of Boston Residents will be held on Thursday, February 20, 1992, at the Boston Town Hall, distribution will begin at 9:00 A.M. and continue until supplies are exhausted.

Citizens Action of New York is preparing for it's annual door-to-door canvass drive. Town Board asked the Town Clerk to provide them with a map and have them outline the dates and approximate times when they will be canvassing in any given area.

Letter received from the Office of the State Comptroller, we are scheduled to visit your municipality in the near future to conduct a review into the financial affairs of the Town of Boston.

Letter from Angelo Bellittiere requesting reappointment to the Planning Board.

A motion was made by Councilman and seconded by Councilman Flowers to reappoint Angelo Bellittiere to the Planning Board, term to expire February 1, 1999.

five (5) Ayes Carried

Supervisor's Monthly report on file in Town Clerk's Office.

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to grant authorization to Supervisor Kennedy to sign the necessary contracts or documents needed to implement the Firemen's Benefit Plan.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to donate the Nativity Creche that is now the property of the Town of Boston by virtue of the fact that it was donated by the Chamber of Commerce be donated back to the Chamber of Commerce.

REGULAR BOARD MEETING — TOWN HALL
FEBRUARY 5, 1992 — 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to appoint Greg Stromecki as the Court Officer, part time with a salary of twenty-eight hundred dollars ($2800.00) as provided in this years budget.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to introduce a resolution certifying that the Chipper Truck was delivered and was acceptable for the grant project #9MSWSS0180Q under Low Technology Resource Recovery Program.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to appoint members to the Youth Advisory Board as:

Paul Becker, Sally Marks, Gary Burdick, Linda Dion, Tina, Fracella, David Fregelette, Don Wohlhueter (Liaison), Ron Smith, Betty Vara, Gary Vara and Jerry O'Brien (Recreation, Director).

five (5) Ayes — Carried

Registrar of Vital Statistics Report for January 1992 on file in Clerk's Office.

Town Clerk after completing a phone survey with reference to establishing additional hours to make tax collection more convenient to the public, the majority of the people would prefer Saturday hours, the reason for this is because I have regular evening hours year-round from 5:00 P.M. til 8:00 P.M., so I have decided to open the Town Hall from 9:00 A.M. to 3 P.M. on Saturdays for the tax collection period, which for this time will be the first Saturday, February 22nd and the last Saturday will be March 14th. The due date for taxes this year is March 16, 1992. I probably will put a few extra hours in on Friday and Sunday the last few days before the deadline, I will announce the times for this at the next Board Meeting.

Town Justice monthly Financial Report on file in Clerk's Office.

Highway Superintendent Ruchalski would like to replace a 1985 Chevy pickup truck 3/4 ton and I am asking the Town Board authorization to purchase a 1992 Chevy one ton chevy pickup truck under state contract. The price of the 1992 chevy one tone pickup truck would be thirteen thousand, three hundred and thirty-nine dollars ($13,339.00) with accessories the price goes up to seventeen thousand nine hundred and fifteen dollars ($17,915.00). On the 1985 Chevy I would put that out for sealed bids and I am looking for probably between three thousand thirty-five hundred dollars ($3,335.00) on it, the plow package that is on it now is eight (8) years old has some service left in it but is not worth moving over to a new truck. With this it would bring the cost of the new truck down to about fourteen thousand four hundred and fifteen dollars ($14,415.00) and I do have money in the budget for that.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to grant the Highway Superintendent authorization to buy at state bid the vehicle that he has described.

five (5) Ayes — Carried

REGULAR BOARD MEETING TOWN HALL
FEBRUARY 5, 1992 7:30 P.M.

Town Attorney Perley on October 21, 1991 sent to the County of Erie the payment in lieu of taxes agreement between the Town of Boston , People Incorporated, the County of Erie and the Hamburg Central School District. I received it back today from the County of Erie, I immediately mailed it to the Hamburg Central School District in sincere hope that they will act on it more quickly. The first payment on the contract is due thirty (30) days after it is executed and the second payment is due March 15, 1992. I will be in touch with People Incorporated so that they understand the status of the contract and I will keep the Board informed.

Councilman Flowers would like to request the use of the Town Hall and the grounds April 18, 1992 for the 31st Annual Democratic Club's easter egg Hunt, as usual this event is open to all Town residents, it has been going on for thirty (30) years. A letter will be forthcoming to the Board.

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to give permission to the Boston Democratic Club to use the Town Hall and grounds on April 18,1992, from 10:00 A.M. til 2:30 P.M.

five (5) Ayes Carried

Councilman Flowers contacted the State Comptroller's Office about Water District #1 Extension #1. I had a couple of calls from residents up there wondering how soon are we going to have this, in talking with the Comptroller's Office they said Audit Control could take some period of time to review this. At that point I expressed to them that this is a matter of some emergency if we don't get sufficient amount of rain fall or snow these people are going to be high and dry again. They told me that these things take time. At that point I called Senator Stachowski's Office, who returned my call quite promptly, saying that it is currently in review and said that if there was anything out of place they would contact us immediately, as it stands all the paperwork appears to be in order.

Supervisor Kennedy states that we had a meeting with representatives of the Water Authority and as a result of that meeting Mike Merrick who is the Town Engineer from Orchard Park contacted me and I feel that we are going to be able to work this out. There was some concern expressed by members of the Water Authority that the capacity of the Ward Road tank was almost at its limits. After speaking with Mike I feel confident that we can work something out, at this point I certainly don not want to see anything jeopardized the project at this juncture.

A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer to grant permission to the Boston Lion's Club to use the Lion's Shelter and parking areas surrounding the shelter on Friday, July 24 and Saturday July 25 1992 for their annual Octoberfest Fund Raiser, also permission to serve beer and wine at this event, the proper insurance coverage will be provided. Also, permission to use the shelter from Monday, July 20, to Thursday, July 23, 1992 for setting-up for this event.

five (5) Ayes Carried

REGULAR BOARD MEETING — TOWN HALL
FEBRUARY 5, 1992 — 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to grant an advance of two hundred dollars ($200.00) to the following people who will be attending the Association of Towns Meeting in New York City from February 15 thru 18, 1992 for expenses:

David Early	Planning Board
David Wilson	Deputy Town Attorney
David Shenk	Town Clerk
Eugene Ruchalski	Highway Superintendent
Don Wohlhueter	Town Board (Liaison)

five (5) Ayes — Carried

Councilman Zimmerman checked with the Town Engineer on the plans for the South Boston Drainage Plans and the plans are finished, he is completing the specifications and should have them done by the end of the week and he will forward the information to us so that we can submit it to the County for their approval.

Councilman Zimmerman was in contact with Mr. Russell from the D.O.T. and he informed him that the Rice Road access road to the valley plans are almost completed, he expects that late this fall it will go out for bid with construction to be started in the Spring of 1993.

Councilman Wittmeyer called Legislature Fred Marshall regarding the Boston Seniors reservation for the winter carnival to be held at Chestnut Ridge Park so that when they call to make their reservation there will be no problems in the future.

Councilman Wittmeyer talked with Jim Carr from Traffic Safety regarding pot holes at South Abbott and Boston State Road and asks Highway Superintendent Ruchalski if he would call the County and ask them to come out and patch those holes.

Code Enforcement Officers monthly report for January 1992 on file in Clerk's Office.

Town Engineers monthly report for January 1992 on file in Clerk's Office.

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter to adjourn meeting at 8:58 P.M.

five (5) Ayes — Carried

David J. Shenk

DAVID J. SHENK
TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
FEBRUARY 19, 1992 — 7:30 P.M.

Present were Councilman Mark Flowers, Councilman Don A. Wohlhueter, Councilman David Zimmerman, Town Attorney Michael Perley, Highway Superintendent Eugene Ruchalski was absent.

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to approve the minutes of the Regular Meeting of February 5, 1992. correction page 33

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 #2A, February 19, 1992 in the amount of $46,303.46 be paid. correction p. 33 3-4-92

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter that the Highway Bills on Abstract #2A, February 19, 1992 in the amount of $12,135.10 be paid.

five (5) Ayes — Carried

The triquasquicentennial committee has reviewed three special bids on fireworks display from Zambelli, Young Explosives and Rockingham Fireworks and they indicated that the most they can get for the money is from Young Explosives of Rochester, New York, where they will fire six hundred and ninety-eight (698) shells for four thousand and five hundred ($4,500) dollars. The other two were lesser shells at five thousand ($5,000) and six thousand ($6,000) dollars and the committee would like to have the town approve Young Explosives as the company to take care of the fireworks at four thousand and five hundred ($4,500) dollars.

Town Attorney Perley feels that they should consider awarding the bids subject to receiving a certificate of liability insurance in an amount that is suitable to the board, I would recommend five hundred thousand ($500,000) dollars. This should enable coverage of the firework presenter should make more coverage for the presentation of the fireworks since your entering into the contract as well and it's for at least in some respect what might be considered a town function.

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy that the contract be awarded to Young Explosives of Rochester subject to the provisions that have been outlined by the Town Attorney and them providing five hundred thousand ($500,000) dollars in liability for the people that are actually putting on the fireworks display.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers to refer a request from Allan H. Wittmeyer for rezoning of a portion of property at 7631 Zimmerman Road from residential to Commercial 2, to the Planning Board.

five (5) Ayes — Carried

A letter received from the County of Erie - Approval of Plans has been issued to the Town of Boston for the Waterline Extension on Taylor Road in Water District #1.

REGULAR BOARD MEETING — TOWN HALL
FEBRUARY 19, 1992 — 7:30 P.M.

RESOLUTION - AUTHORIZING THE SUPERVISOR TO SIGN THE CONTRACTS WITH THE D.E.C. TO RECEIVE GRANT MONEYS IN THE AMOUNT OF $25,000 FOR WATER DISTRICT #1 IMPROVEMENT.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to authorize the Town Clerk to advertise for the bids for the Taylor Road Water extension in Water District #1 the bids to be received in the Supervisors office on March 16, 1992 at 10:30 A.M. Final approval of these bids will be made at the regular scheduled March meeting on March 18th.

five (5) Ayes — Carried

A letter of thank you received from the Souththowns Haz/Mat Team for making a commitment to funding the Team for 1992, received and filed in the Town Clerk's Office.

A letter received from Gier Development, Inc. requesting permission to make a road cut on 6559 Valley View Lane.

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers to waive restriction that the road be bored if it's open cut according to specification that have been outlined by both the Town Engineer and by Gier Construction. It has been suggested that a surety bond be posted in the amount of five thousand ($5,000) dollars for two (2) years.

five (5) Ayes — Carried

Letter from the Benevolent Association of the Boston Emergency Squad requesting permission to plant a living memorial in front of the Emergency Squad Hall. Tabled until next meeting or until a sketch has been obtained by Town Clerk.

Letter received from Clayton G. Schunk notifying the Town that he is renewing the liquor license in the name C.A.M.C., INC. (d.b.a. Valley View Inn) located at 8326 Boston State Road, Boston.

Letter received from John Falkides, requesting approval to place a home measuring 26.67' x 48' on lot #1 of the Boston Hills Estate Expansion.

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter to grant Mr. Falkides variance for this particular home with the full knowledge that there will be no more exceptions. This will be a one time one shot deal, no more. From now on everything has to conform with what the codes are. This will not set a precedence.

five (5) Ayes — Carried

SUPERVISORS REPORT;

Supervisors monthly report for the month of January 1992 received and on file in the Town Clerk's Office.

Supervisor Kennedy received a letter from Charlene Carr, Boston Hills Mobile Home Park resident, in regard to the letter that Town Attorney sent to John and Kay Falkides last October indicating that he planned to draft new legislation for Mobile Home Parks. Letter received, read at Town Board Meeting, on file.

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 February, 1992 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
Mark W. Flowers	Councilman

Councilman Zimmerman presented the following resolution and moved its adoption:

WHEREAS, the Town of Boston herein called the "Municipality," after thorough consideration of the various aspects of the problem and study of available date, has hereby determined that certain work, as described in the State Contract, herein called the "Project," is desirable, in the public interest, and is required in order to study and/or implement the local project or program; and

WHEREAS, under Chapter 53, Section 1 and 2, of the Laws of 1991 relating to the Local Assistance Budget the Legislature has authorized financial assistance to localities for services and expenses related to local projects, programs and studies by means of a written agreement; and

WHEREAS, the Municipality has examined and duly considered Chapter 52, Sections 1 and 2, of the Laws of 1991 relating to the Local Assistance Budges and deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW, THEREFORE, BE IT RESOLVED BY BOSTON TOWN BOARD.

1. That Richard L. Kennedy, Supervisor is directed and authorized as the official representative to act in connection with any contracts between the Municipality and the State, and to provide such additional information as may be required:

2. That on (1) certified copy of this Resolution be prepared and sent to the New York State Department of Environmental Conservation, Albany, New York together with the State Contract.

TOWN OF BOSTON

3. That this Resolution take effect immediately.

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

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

AYES: 5 NOES 0 ABSENT 0

David J. Shenk

David J. Shenk, 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 March 1992 at 7:30 P.M. Eastern Standard Time, there present:

	Milton I. Wittmeyer	Councilman
	David G. Zimmerman	Councilman
	Don A. Wohlheuter	Councilman
	Mark W. Flowers	Councilman
ABSENT	Richard L. Kennedy	Supervisor

Councilman Wittmeyer presented the following resolution and moved its adoption.

WHEREAS, the County of Erie has provided pass through state funds to municipalities to provide youth service and recreation programs since 1978; and

WHEREAS, Erie County Executive, Dennis T. Gorski has withheld $143,117.00 of Youth Development and Delinquency Prevention dollars for recreation and youth services from Erie County's municipal governments for fiscal year 1992; and

WHEREAS, the County of Erie and Erie County municipal governments are in the last year of a three year Comprehensive Planning Agreement for the purpose of financial planning; and

WHEREAS, the Erie County Youth Service Board determined to release pass through funds for Erie County municipal governments in 1992, according to the Comprehensive Planning Agreement made between the County of Erie and Erie County municipal governments; and

WHEREAS, the Erie County Legislature, with bi-partisan support, resolved that the County Executive should release the $143,117.00 for Erie County municipal governments for recreation and youth services,

NOT THEREFORE BE IT

RESOLVED, that the Boston Town Board requests that the total amount of $143,117.00 of Erie County youth service and recreation dollars be released to Erie County municipal governments as per the County Comprehensive Planning Agreement, and

BE IT FURTHER RESOLVED, that the Town of Boston is entitled to receive $5,765.00 for youth service and recreation from the County of Erie as per County Comprehensive Planning Agreement, and

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Boston be and is hereby directed to furnish a certified copy of this resolution to County Executive, Dennis T. Gorski, the Erie County Legislature, Erie County Budget Director and Sheila Kee.

Seconded by Councilman Wohlheuter and duly put to a vote and upon roll call, the vote was as follows:

Milton I. Wittmeyer	Voting aye
David G. Zimmerman	Voting aye
Don A. Wohlhueter	Voting aye
Mark W. Flowers	Voting aye

AYES 4 NOES 0 ABSENT 1

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
FEBRUARY 19, 1992 — 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to authorize the Town Clerk to advertise transportation bids for Recreation, those bids be received in the Supervisors Office on March 16, 1992 at 11:00 A.M. That the Town Clerk get the information from the Recreation Director if there is any changes in the specifications for the buses that are used for recreation. These bids are to be received in my office one-half hour after we receive the bids on the Water District Extension.

five (5) Ayes — Carried

TOWN CLERKS REPORT:

Town Clerk has set extra hours for Tax Collector to avoid last minute rush, long lines and delays for Friday, March 13th, 5:00 P.M. til 8:00 P.M., Sunday, March 15th, 12:00 P.M. til 5:00 P.M., Monday, March 16th, 5;00 P.M. til 9;00 P.M.

Town Clerk received a letter from the Hamburg Central School District announcing that on Monday, March 2, 1992 the elementary schools will be dismissed at 2:00 P.M. and the secondary schools at 2:45 P.M., the buses will depart the schools fifteen (15) minutes before there normally scheduled time.

TOWN ATTORNEY:

Town Attorney Perley has been in contact with the home office of Adelphia Cable Communications, they advise that the franchise application has been received and has been placed on the agenda for the next meeting of the Commission of Cable Television New York State. We should have a response on the renewal of the franchise within about four (4) to six (6) weeks.

Town Attorney Perley has been in telephone contact with David Wilson who was at the Association of Town's Meeting in New York and he was trying to get an opportunity to talk with Robert Mark the attorney in the State Comptrollers Office that has our Water District #1 application to see if there was anything that could be done, to talk to him about it and to receive any comments from him. I will be in touch with David Wilson concerning this to see what the status is of the Water Improvement and some other issues that I asked Mr. Mark to look into on behalf of the Town.

Town Attorney Perley has been advised by the Hamburg Central School District that the payment in lieu of taxes agreement signed by the Town of Boston and the County of Erie has been signed by the School District and will be forwarded to his office and then be sent to People Incorporated and that program will then be in place, now for the next four (4) years and will receive two (2) payments within about thirty (30) day period of twenty-five hundred ($2500) dollars. When the payments come in I ask the Clerk to get in touch with me because there is a formula on which that is distributed and it is based in large part on what the general town tax is, either talk with myself or if I am not available I'll try to leave word with Bill Kleis the Assessor, give him a copy of the agreement so he can compute the division of funds.

REGULAR BOARD MEETING — TOWN HALL
FEBRUARY 19, 1992 — 7:30 P.M.

COUNCILMENS REPORTS:

Councilman Wohlhueter acknowledges the Town Board for sending him to the Association of Town's Meeting in New York, it was a very informative meeting. Very exciting meeting, Senator D'Mato attacked the state on their spending policies, Senator Monaghan was also there, he discussed the transportation bill that was passed by the federal government which will definitely help New York State in their highway system. There was also a lot on solid waste and also the environmental assistance bill which the governor is trying to get through the legislature and into the budget.

Councilman Zimmerman was unable to attend the meeting for the South Boston Park on Tuesday, so Councilman Wittmeyer attended in his place. Councilman Wittmeyer will make a report on that.

Councilman Wittmeyer attended the meeting for the South Boston Park on Tuesday, February 11, 1992 and their concern was more or less how they could get going along with their project through the summer. I had a copy of the preliminary drainage plans which I took with me from Nussbaumer & Clarke and we will be ready to go to bid I understand around April 1, 1992. I assured these people that this would be done and we would work for as early a completion date as we can because of the weather we could not promise them anything, probably won't be able to get in there till May to start doing some work. They were interested in getting a schedule so that they can get into the park and start spending some of their money that they have been going around town for. They have collected about twenty thousand ($20,000) dollars plus the grant they received. This money is ready to be spent, to start developing the park as soon as the drainage work is done.

After talking to the Highway Superintendent at the last Board Meeting the very next day the County Highway was our and patched up the holes at South Abbott Road and Boston State Road. Now I would like to ask the Highway Superintendent to look into the State Road near the Boston Library and Boston Historical Society. The road is absolutely breaking up, the holes in that section of the road are so deep you can hardly drive through that area.

CODE ENFORCEMENT OFFICERS REPORT:

Deputy Code Enforcement Officers report for January 1992 received and on file in the Town Clerks Office.

DOG CONTROL OFFICER REPORT:

Dog Control Officers report for January 1992, received and on file in the Town Clerks Office.

A motion was made by Councilman Zimmerman and seconded by Councilman Flowers to adjourn the meeting at 8:30 P.M.

David J. Shenk

DAVID J. SHENK
TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
MARCH 4, 1992 — 7:30 P.M.

Present were Councilman Mark Flowers, Councilman Don A. Wohlhueter, Councilman David Zimmerman, Councilman Milton Wittmeyer , Town Attorney Michael Perley, Highway Superintendent Eugene Ruchalski, Supervisor Richard L. Kennedy was absent. In his capacity as Deputy Supervisor, Councilman Wittmeyer chaired the meeting.

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to approve the minutes of the Regular Board Meeting of February 19, 1992.

four (4) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman that the General Fund and Special District Bills on Abstract #3, March 4, 1992 in the amount of $252,254.76 be paid.

four (4) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to approve the correction of Abstract #2A, February 19, 1992 as follows:

Voucher #132 West Publishing Company

From:	1410.4	Town Clerk	$135.75
To:	1410.4	Town Clerk	17.00
	1420.4	Attorney	118.75

four (4) Ayes — Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer that the Highway Bills on Abstract #3, March 4, 1991 in the amount of $15,540.77 be paid.

four (4) Ayes — Carried

Watkins v Town of Boston - tried before the Supreme Court Jury in Erie County on February 18 and 19, 1992. After receiving the case, the Jury issued a verdict dismissing the claim against the Town. Mr. Watkins has thirty (30) days from the entry of the judgement, based upon that verdict, to appeal.

Town Attorney Perley commended John Morett the attorney who tried the case saying he did an excellent job both preparing it and in the actual trial of the case, and he deserves the thanks of the Town for doing an excellent job on their behalf.

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers move that the Citizens Campaign for the Environment be allowed to work in the Town of Boston during the Spring and Summer of 1992.

four (4) — Carried

Received letter of approval from the Erie County Department of Public Works Division of Highways Agreement for the Expenditure of Highway Moneys made between Eugene E. Ruchalski, Town Superintendent of Highways and the Town Board received and filed in the Town Clerks Office.

RESOLUTION ON RECREATION AND YOUTH FUND

REGULAR BOARD MEETING — TOWN HALL
MARCH 4, 1992 — 7:30 P.M.

Requests for Soil Removal Permits from the following:

Martin & Mildred Logal	7784 Boston State Road
Joseph Simmeth	8010 Boston State Road

tabled for the next meeting, until an on-site review can be made.

Councilman Flowers would like to see the Soil Removal Permits changed to show up to six hundred (600) yards. Town Attorney Perley said that he will provide a formal letter on this matter at the next meeting.

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers to grant permission to Leigh and Dianne Emerling to use the Boston Lion's Club Shelter for the graduation party of their daughter Lisa on Sunday, June 28, 1992, serving both beer and wine. To be covered by their personal insurance.

four (4) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer granting Gerald Wm. O'Brien permission to use the Boston Lion's Shelter on Saturday, June 20, 1992 for a private Wedding Reception from 10:00 A.M. until dusk, food and alcoholic beverages will be served. To be covered by his Homeowners Insurance.

four (4) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to reappoint Ramona Murphy to the Conservation Advisory Council term to expire March 1, 1995.

four (4) Ayes — Carried

Letters received from Members of the Boston Hills Mobile Home Park Homeowners Association with reference to possible legislation pertaining to Mobile Home Parks in the Town of Boston, received and on file in the Town Clerk's Office.

Councilman Wittmeyer assures the Mobile Park Homeowners that this Board has no intention of, or authority to remove anyone from their home in the trailer parks now or in the future, and further states that he does not believe that at anytime has Town Attorney Perley proposed that.

Town Attorney Perley states that he has not drafted any legislation, has not proposed any legislation to the Board, he has been working with some concepts and ideas. This whole thing got started when he wrote to Mr. Falkides and Mr. Sprague asking them for information about their parks so that he could develop, with information from a position of knowledge a concept of whether or not the parks could or would change over time and if so what concerns the Town should address. He has never proposed to anyone condemning any house, compelling its removal, he has never proposed to the Board any legislation that would remove any existing home or any existing tenant from the trailer park. Anyone who says otherwise has either misunderstood him or is misquoting him.

Karen Blake of the Boston Hills Mobile Home Park Homeowners Association states that they didn't like the wording in Mr. Perley's correspondence with Mr. Falkides and that the whole situation in regard to legislation on this type of thing just does not sit well with us. It seems that there should be some other way to manage this, rather than having a large piece of legislation requiring input from full town residents because I feel that this is an internal matter.

Town Attorney Perley states that both of the Mobile Parks in the Town of Boston are going to be handled by general legislation so that there are minimum standards of services.

Town Attorney Perely did not really intend to call a public meeting for the entire Town in the course of drafting this, He intended to invite the residents and the owners of the Parks. However, we must conduct all of our official business in the public eye. This meeting must be open to the public, whether they choose to come is a different matter.

Mrs. Kay Falkides comments that there are two things that really bother us about this whole matter, one of them is that we met with the Town Board primarily to discuss this exact issue and at that meeting one of the Councilmen who is no longer a Councilman, told us that he would like to see fifteen (15) less homes in the park. He said he would like to see it go from seventy-seven (77) to maybe sixty (60) or something like that. I don't know of any way to change something like that in our park and not affect any of the residents, if you know someway to do this I'd be interested in hearing what it is. And secondly, Mr. Perley told me on the telephone that he was thinking not so much of changing the existing parks to require up to six thousand (6,000) square feet lot as required in the new law but he was thinking of four thousand (4,000) square feet. Four thousand (4,000) square foot lots in our park would reduce it by about half the number of homes in the park. Furthermore, I would think that if you are going to do something like this that affects so many people it would have been kind if you would have at least, in your letter, have said, Iam thinking of drafting legislation and here what this legislation basically will do, because John and I have said time and time again in front of the Town Board privately and at public meetings that if you do not want a larger home on a smaller lot we are perfectly willing to agree not to do that. We do not have to change the world and upset everyone in these parks to do it.

Former Councilman Frank Lisowski currently appointed Deputy Code Enforcement Officer strongly disagreed with Mrs. Falkides, stating that he never once said how many lots were going to be dispersed of nor never once did we talk about the size of the lots. Mr. Perely asked you and John to send us a statement of the size of the trailers so something could be done through attrician to get yourself eight by forty (8x40) foot trailers, not being replaced by fourteen by seventy (14x70) foot trailers which is being done now.

Councilman Wittmeyer assures that from now on since you are forming the new Homeowners Association in the Sprague Park with the Homeowners Association in the Boston Hills Mobile Park that we will keep you informed with everything that is going on, to make sure that you are in on the ground floor on anything at all that is being planned, any legislation or whatever.

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter that Gerald O'Brien, Recreation Director attend the Annual Recreation Conference held from April 7 - 11, 1992, at the Indianapolis Convention Center.

four (4) Ayes Carried

REGULAR BOARD MEETING — TOWN HALL
MARCH 4, 1992 — 7:30 P.M.

REQUEST FROM FLOOR

Mike Altieri comments that he hopes one day that the hatred towards the Mobile Park would be gone

SUPERVISORS REPORT

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to set a date for public hearing for community development funds, for April 1, 1992 at 8:00 P.M.

four (4) Ayes — Carried

Received a call from Senator William Paxon informing us that our grant for seventy-nine thousand and nine hundred ($79.900.00) dollars for the improvements in the Boston Town Park.

Received a grant from the Arts Council in Buffalo and Erie Count in the amount of eight hundred ($800.00) dollars through Category I of the Decentralization/County/Initiative Program.

Rural Van Service now in effect in the Town of Boston in conjunction with the Town of Colden. Information is available in the Town Hall, Mrs. Zanolli is in the Town Hall every Tuesday, from 10:00 A.M. until 2:00 P.M.

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers to give Frank Lisowski permission to use the Town Hall in coordination with the Clerks evening hours to offer a tax preparation service to the low income, retired and elderly on a volunteer basis. There will be no charge for this service.

four (4) Ayes — Carried

Received a letter from the Erie County, Department of Public Works, Division of Highways, the Deputy Commissioner and District Engineers are available to meet with the Town Supervisors and with their Town Boards, to discuss County Roads and Bridges.

TOWN JUSTICE

Report for the month of February 1992 received and on file in the Town Clerks Office.

HIGHWAY SUPERINTENDENT

The 1992 brush pickup schedule is available. Pickup with be the first and third monday of April and the first and third monday of May. June, July and August there will be no pickup, continue again in September the first and third monday, also the first and third monday in October. Signs are being put up in town and also slingers will be passed out to all residents.

Brush will not be pickup from clearing out lots or clearing out woods, we do not have the staff, time or equipment to handle this.

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter the Highway Superintendent be authorized to do the brush collection as per the schedule he has set up.

four (4) — Carried

REGULAR BOARD MEETING
MARCH 4, 1992

TOWN HALL
7:30 P.M.

TOWN ATTORNEY

Town Attorney Perley had a meeting with Supervisor Kennedy and the Investment Counselor and we have made the initial deposit into the Volunteer Firemens Service Award Program about a week ago. All of the Town Board Members are trustees, Supervisor Kennedy has made the deposit and upon his return he is going to have a meeting with the Town Board and the Fire Companies to discuss this further.

One of the loose ends that the Legislature decided to address when they passed this legislation is the standards for the investments, there are absolutely no standards within the legislation, so i think it is proper for the Town Board and the Fire Companies as to how this is going to be handled.

COUNCILMEN

Councilman Flowers met with the Conservation Advisory Council received a letter from Supervisor Kennedy asking their input on the gazebo which will be funded and constructed by the Triquasquicentennial Committee, the council came up with some very nice input and sent a letter to both Supervisor and the Triquasquicentennial Committee.

Councilman Flowers received some paperwork from Southtowns Haz/Mat as per our agreement with the Town we are going to have a representative attend the first initial meeting on March 21, 1992. Councilman Flowers will attend that meeting.

Councilman Wohlhueter is working on a date for Earth Day or Recycling Day with B.F.I. and it probably will be the first Saturday in May, a definite date has not been set yet. Dates will be set for tire drop-off and other things that can be brought to the Highway area. I will have more information at the next meeting, since I plan to meet with B.F.I. this next week.

Councilman Zimmerman will have a response from the Boston Emergency Squad on the location of the proposed flowerbed at the next Board Meeting.

CODE ENFORCEMENT OFFICER

Monthly report from the Code Enforcement Officer and also the Deputy Code Enforcement Officer for February 1992 received and on file in the Town Clerks Office

COMMUNICATION BY MEMBERS OF THE TOWN BOARD

Councilman Flowers with reference to the Triquasquicentennial Committee - the first event that the Tri-Q Committee is going to have will be on April 4, 1992. The Founders Ball at the Boston Fire Company from 8:00 P.M. until 1:00 A.M. Tickets are thirty ($30.00) dollars per ticket.

A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer to adjourn the meeting at 9:30 P.M.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

[illegible] TOWN HALL
MARCH 24, 1992 [illegible] P.M.

Present were Councilmen Mark Flowers, Councilman Don A. Wohlhueter, Councilman David Zimmerman, Councilman Hilton Wittmeyer, Town Attorney Michael Perley, Highway Superintendent Eugene Brzezicki. Supervisor Richard Kennedy was absent. In his capacity as Deputy Supervisor, Councilman Hilton Wittmeyer chaired the meeting.

See reverse side 44

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to approve the minutes of the Regular Board Meeting of March 1, 1992.

Four (4) Ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to accept the Town Clerks Monthly Report for February 1992.

Four (4) Ayes Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer that the bills for the General Fund and Special Districts on Abstract 3A, March 18, 1992 in the amount of $60,042.22 be paid.

Four (4) Ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter that the Highway Bills on Abstract 3A, March 18, 1992 in the amount of $12,730.20 be paid.

Four (4) Carried

Public Notice from County Executive, Dennis T. Gorski, on Boston Town Road Drainage Improvements received and filed in Town Clerks Office.

Resolutions received from the Towns of Amherst, Alden and Grand Island pertaining to the County Youth Service and Recreation Funding, received and filed in the Town Clerks Office.

On March 18, 1992, seven (7) bids were received, opened, and publicly read aloud for the Taylor Road Waterline Extension. It is the recommendation of the Town Engineers Rossbaumer & Clarke, Inc. that the bid be awarded to Klarberg, Inc. in the amount of $17,077.55.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to award bid on Taylor Road Waterline Extension to Klarberg, Inc in the amount of $17,077.55.

Four (4) Ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers to refer the Klarberg Inc. bids for the Taylor Road Waterline Extension to the Planning Board for review.

Delete 4-1-92 pg 44

Four (4) Ayes Carried

Notice of Public Hearing for the adoption of amendments to the Rules and Appendices of the Rules for the Classified Civil Service of the County of Erie and the Towns, Villages, Special Districts and School Districts within the County, received and on file in the Town Clerks Office.

REGULAR BOARD MEETING — TOWN HALL
MARCH 18, 1992 — 7:30 P.M.

New York Planning Federal is holding several planning workshops throughout the State. A workshop is being co-sponsored by the Town of Clarence on April 10 and 11, letter received and on file in the Town Clerks Office.

Letter received from Erie County Department of Environment and Planning Division of Planning with reference to the Anti-Recession Infrastructure Jobs Act of 1992. Councilman Flowers suggested that Highway Superintendent Ruchalski pick one of the worst roads in Boston in need of repair put the project on paper and be ready for immediate bidding if this Act passes. Town Attorney Perley asks that the Capital Improvement and Town Engineer be advised of this project. Councilman Wittmeyer said that he will personally take the notice to the Planing Board.

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers to refer to the Planning Board for review the Petition of Mark W. Warnke for rezoning from R-A to R-2 of northerly portion of premises on southeast corner of Back Creek Road and Polish Hill Road (now Hillcroft Drive).

four (4) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to Undertake Co-ordinate review and apply for Lead Agency Status pertaining to the petition of Mark W. Warnke for rezoning of premises on southeast corner of Back Creek Road and Polish Hill Road (now Hillcroft Drive).

Four (4) Ayes — Carried

Councilman Wittmeyer directed Town Clerk Shenk to forward a copy of the complete application to the Town Engineer.

Requests for Soil Removal Permits from Martin & Mildred Logal and Joseph Simmeth tabled from the Regular Board Meeting of March 4, 1992 have been tabled, pending weather conditions.

Town Attorney Perley reports as per Councilman Flowers request pertaining to NYS DEC Jurisdictional Threshold for Mining Permits.

Environmental Conservation Law 23-2711 as amended requires a State Permit and Mining Plan for the removal of the lesser of 1,000 tons or 750 cubic yards of minerals from the earth. Therefore, it is within the authority of the Town to issue a permit for the removal of 600 yards of topsoil (provided same weighs less than 1,000 tons) pursuant to Town Code, Chapter 101 if the Board is so inclined.

Letter received from Joan Kesner, Senator William T. Stachowski's office, due to the budget problems all grants have been frozen until negotiations are resolved. It is important to note that you do not spend any money from this grant until it is released and your contracts have been approved.

In the meantime, write your Albany Contact person assigned to your grant and request an extension to March 31, 1993. Please send us a copy of this letter for our records so that we can make sure it is reappropriated in the 1992-93 Budget.

Councilman Wittmeyer states that this will affect Water Improvement #1 Grant Moneys, putting this project on hold.

Letter received from John and Katherine Falkiden regarding restriction on the development of the Boston Hills Estates received and on file in the Town Clerks Office.

REGULAR BOARD MEETING — TOWN HALL
MARCH 18, 1992 — 7:30 P.M.

Town Attorney Perley suggests that Code Enforcement Kramer go to the Mobile Park and inspect Stand #1 if all the requirements are met give them a license. In the letter Attorney Perley wrote to Mr. Falkides he asked him to do five things: build a street, pay fees-license fee, inspection fee and recreation fee and make a deposit for the landscaping which the law requires.

Councilman Wittmeyer is going to hold the checks sent by Mr. Falkides until Supervisor Kennedy returns, have Code Enforcement Kramer go and look at the lot and if it does not meet requirements we will tell Mr. Falkides that we cannot accept his checks at this time.

Letter received from Charlene A. Carr with reference to an article in the Springville Journal, March 12, 1992 issue pertaining to the Boston Hills Estates received and on file in the Town Clerks Office.

Councilman Wittmeyer recommends that a meeting should be called with the Town Board, Supervisor Kennedy, Town Attorney Perley, Code Enforcement Officer Kramer and Mr. & Mrs. John Falkides at a date and time to be set in the near future.

Southtowns Haz/Mat Team announces first meeting of the Board of Directors of the Southtowns Haz/Mat Team, March 21, 1992 at the Armor Vol. Fire Co., 4932 Clark St., Hamburg, N.y. at 9:00 A.M. Councilman Wittmeyer asked Councilman Flowers to attend this meeting in an interim period as a Representative of the Town of Boston until Supervisor Kennedy returns and appoints a permanent member to this Board. Councilman Flowers agreed to attend.

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter grant permission to New York Public Interest Research Group, Inc to conduct a door-to-door outreach in Boston between May 4 and August 31, 1992

four (4) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers to grant permission to Boston Soft Ball League to use the Lion's Club Shelter for picnic on Saturday, July 18, 1992. from 9:00 A.M. until 3:00 P.M.

four (4) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to appointment of William Ferguson as a Patchin Fire Company Fire Police, term to expire December 31, 1992.

four (4) Ayes — Carried

Letter of resignation from the Senior Council received from Richard Sacilowski.

Councilman Wittmeyer requests that a letter be sent to Richard Sacilowski thanking him for his part in working with the Senior Council in the past.

Letter from Karen Blake requesting reappointment to the Conservation Advisory Council.

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers to reappoint Karen Blake to the Conservation Advisory Board, term to expire March 1, 1995.

four (4) Ayes — Carried

REGULAR BOARD MEETING
MARCH 18, 1992

TOWN HALL
7:30 P.M.

SUPERVISORS REPORT

Deputy Supervisor, Councilman Wittmeyer and Highway Superintendent, Eugene Ruchalski went over to Colden and met with Colden Officials and County Representatives and reviewed the final design plans for Lower East Hill Road 4.68 miles. The bids are going to be let in June, work will be started this summer and be completed in 1993.

The road will be twenty feet (20') of driving surface, ten feet (10') lanes, four feet (4') paved shoulders and ditching, some areas where there are blind section they are going to cut-out the blind sections, probably about three (3) or four (4) section. The Plans are on file in the Supervisors Office.

South Boston Park Councilman Wittmeyer attended a meeting with them, and we are into some drainage easements up there now involving eight (8) property owners. Letters have been sent from the Town Attorney notifying them of this. Councilman Wittmeyer will attempt to set up a meeting with the Town Engineer, Town Attorney and any Board Members that would like to attend with the eight property owners that are involved.

Bid openings for recreation buses were opened on Monday, March 16,1992, we received bids from five (5) bus companies. The bids were referred to Gerald O'Brien, Recreation Director. Mr. O'Brien will be back with the low bidder on this at the next Board Meeting in April.

Received a call from Mrs. Darling on Valley View Lane, Nussbaumer & Clarke Representative was called to be present to inspect the work on the waterline between 1:00 P.M. and 2:30 P.M., the engineer showed up at 11;00 A.M. they were not ready for him and he stayed till 2;30 P.M. and billed them for the whole time that he was there. Councilman Wittmeyer took this matter up with the Town Engineer and he said that he would work this problem out.

Supervisors Monthly Report for February 1992 received and on file in the Town Clerks Office.

TOWN CLERK

Registrar of Vital Statistics Monthly Report for February 1992 on file in the Town Clerks Office.

Town Clerk/Tax Collector Shenk announced that the tax collection was very successful. All the extra hours that he incorporated to make it more convenient for the tax payer were a great success.He received many compliments when people came in and they really appreciated it. He also, received a few notes, much like this, this lady circles in my letter that I mailed with the tax bills, "to help avoid long lines and delays, I have decided to open the Town Hall a few extra last minute hours" accompanied by this note "How very thoughtful I am delighted to see public employees trying to do their very best to serve the people. Thank You Laurie Sandarski."

HIGHWAY SUPERINTENDENT

On the meeting with the County Representative, Mr. Gugino he did mention that the Boston Cross Road is on hold for 1992 due to the budget.

REGULAR BOARD MEETING — TOWN HALL
MARCH 18, 1992 — 7:30 P.M.

TOWN ATTORNEY

Town Attorney Petley received back from the attorneys for People, Inc. the fully executed payment in lieu of taxes agreement. I will deliver to the Town Clerk one completely executed copy for him to file together with a letter. I would appreciate it if he would forward a copy of both the agreement and the letter to the Assessor.

Town Attorney also received a letter from Edward J. Houlihan who is the Plan Administrator for the Firemen's Volunteer Service Award Program concerning some technical items that I will review with the Board probably at the March 30th Agenda Review. I expect that by that time we will also have the complete Volunteer Service Award Program Plan in our possession for review of the Board as the Trustees for the Plan.

COUNCILMEN REPORT

Councilman Flowers reports that the 175th Committee has signed a contract to put on a "Kids Carnival" meaning that they are going to have children's rides at the centennial celebration on the 3rd, 4th and 5th of July. They are also, sponsoring a bicycle race which will be put on by the Buffalo Bicycling Club. There will be a variety of races, club races and then there will be a citizens race also, that will be on the 4th of July. In talking with the Town Attorney and other Board members we thought that we will suspend the noise regulation for one day so that the Hamburg Knights Model Flying Club could put on a demonstration during the 175th celebration.

The Chamber of Commerce announces that Kay Falkides has been named to a position on the Board of Directors for the Boston Chamber of Commerce for the year 1992.

Councilman Wohlhueter would like to remind the Board Members that the planning Board has asked him a liaison to set up a joint meeting with the Town Board which has been scheduled for March 30, 1992 at 7:30 P.M.

Councilman Wohlhueter announced that there will be a tire and battery drop-off on Saturday, May 9, 1992. More information will follow at the next meeting.

Councilman Wohlhueter has a meeting with a BFI representative to go over the different items that can be recycled. There will also be some advertisement in the Pennysavers with more clarification as to what can be collected.

Councilman Zimmerman has been informed by the Emergency Squad Benevolent that the proposed flowerbed for the Emergency Squad has been put on hold temporarily and he will be advised in the future if they want to still have it installed.

There was a question about a sink being installed in the truck bay for the emergency building as soon as Supervisor Kennedy gets back he will check with him to see if he has been in contact with anyone on it. I will have a report on that at the next meeting.

DOG CONTROL OFFICER

Monthly report for February 1992 received and on file in the Town Clerks Office.

REGULAR BOARD MEETING
MARCH 18, 1992

TOWN HALL
7:30 P.M.

TOWN ENGINEER

Monthly report for February 1992 received and on file in the Town Clerks Office.

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to adjourn the meeting at 9:27 P.M.

David J. Sherk
DAVID J. SHERK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
APRIL 1, 1992 — 7:30 P.M.

Present were Councilman Mark Flowers, Councilman Don A. Wohlhueter, Councilman David Zimmerman, Councilman Milton Wittmeyer, Supervisor Richard Kennedy, Town Attorney Michael Perley, Highway Superintendent Eugene Ruchalski.

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter to accept the corrections and adoptions of the minutes of the March 18, 1992 Regular Board meeting with the following correction:

Delete - A motion made by Councilman Wittmeyer and seconded by Councilman Flowers to refer the Klarberg, Inc. bids for the Taylor Road Waterline Extension to the Planning Board for review.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to accept the Town Clerk's Monthly report for March 1992.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer that the General Fund and Special District Bills on Abstract #4, April 1, 1992 in the amount of $28,671.04 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers that the Highway Bills on Abstract #4, April 1, 1992 in the amount of $19,698.76 be paid.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to schedule a Public Hearing at the May 6, 1992, Regular Board Meeting at 8:00 P.M. to consider the zoning request by Allan Wittmeyer for property at 7631 Zimmerman Road.

five (5) Ayes — Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhuete to move a Resolution to Establish a Capital account and create a funding for the Eden Pump Station Project. To be paid 54.7% from Eden, 45.3% Town of Boston in an amount not to exceed $49,000.

five (5) Ayes — Carried

Resolution from City of Buffalo - Restoration of Youth Funding received and filed in the Clerk's Office.

Resolution from the Town of Eden - Restoration of Youth Funding received and filed in the Clerk's Office.

Resolution from the Town of Eden - State Funds to Local Municipalities for Highway Improvement Programs received and on file in the Clerk's Office.

Resolution from the Town of Brant - State Aid for Code Enforcement Officers and Fire Prevention received and filed in Clerk's Office.

RESOLUTION State Aid for Code Enforcement Officers and Fire Prevention

TOWN OF BOSTON

STATE AID FOR CODE ENFORCEMENT OF
FIRE PREVENTION AND BUILDING CODE

At a regularly scheduled meeting of the Town Board of the Town of Boston, held at the Boston Town Hall, 8500 Boston Sate Road, Boston, New York on the 1st day of April 1992 at 7:30 P.M. Eastern Standard Time,

PRESENT:

Richard L. Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Don A. Wohlhueter	Councilman
Mark W. Flowers	Councilman

Supervisor Kennedy presented the following resolution and moved its adoption.

WHEREAS, it has come to the attention of the Town Board of the Town of Boston that the Governor of the State of New York has proposed to eliminate all state aid for code enforcement of the fire prevention and building code in localities such as the Town of Boston, and

WHEREAS, it is recognized by the Town Board that effective fire prevention and building code enforcement programs are critical to maintaining the quality of housing and protecting the health and safety of the residents of the Town of Boston and of the State of New York.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Boston that the Town of Boston go on record as being in favor of restoration of the fire prevention and building code moneys for the 1992-1993 executive budget to the 1991-1992 funding levels, and

BE IT FURTHER RESOLVED, that copies of this resolution be directed to Hon. Saul Weprin, Hon. Ralph J. Marino, Hon. Kemp Hannon, Hon. Sheldon Silver and Hon. Tarkey Lombardi.

Seconded by Councilman Flowers and duly put to a vote and upon roll call, the vote was as follows:

SUPERVISOR	KENNEDY	Voting aye
COUNCILMAN	WITTMEYER	Voting aye
COUNCILMAN	ZIMMERMAN	Voting aye
COUNCILMAN	WOHLHUETER	Voting aye
COUNCILMAN	FLOWERS	Voting aye

AYES 5 NOES 0 ABSENT 0

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
APRIL 1, 1992 — 7:30 P.M.

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to accept low bid from Laidlaw Transit in the following amounts for Route #1, seventy-four dollars and fifty cents ($74.50), Route #2, seventy-nine dollars and fifty cents ($79.50) and for the Ski Program, one hundred-fifteen dollars ($115.00).

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to grant permission for "Block Party" on Fairlane Drive, August 15, 1992 with the stipulation that the Patchin Fire Company, Boston Emergency Squad and the State Police be advised and that any barriers will be removed if an emergency situation should arise from any of these agencies.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer to appoint Christopher Wiktor, Recreation Attendant, P/T, Friday evenings, $5.00 per hour. This appointment will replace Chris Zemrac who has left the program due to employment with ambulance service.

Also, Len Souliere, in charge of Baseball and Softball Programs at a salary of $1,000 to be paid in two installments of $500.00 end of May and $500.00 end of August, 1992.

All appointments would be effective immediately and expire August 31, 1992.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to appoint the following as members of the Triquasquicentennial Committee:

Barbara Ballachino	Mark Hartman
Joyce Carr	Pattie Hartman
Jim Jehle	Wayne Kreitzbender
Sherrie Pluta	Karen Kreitzbender
Dolores Seufert	Donna Odoj
David Wilson	Mark Flowers
Dodie Tipton	John Szalay
David J. Shenk	Sue Szalay
Audrey Frank	Karen Wendling
Brenda Frank	Tony Staub
Rick Bethge	
Councilman Flowers	Abstention
Councilman Wohlhueter	Aye
Councilman Zimmerman	Aye
Councilman Wittmeyer	Aye
Supervisor Kennedy	Aye

four (4) Ayes
one (1) Abstention — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to approve Soil Removal Permit be granted to Joseph Simmeth - 8010 Boston State Road.

five (5) Ayes — Carried

Application for Soil Removal Permit from Martin & Mildred Logel 7784 Boston State Road tabled until after May 1, 1992.

REGULAR BOARD MEETING — TOWN HALL
APRIL 1, 1992 — 7;30 P.M.

SUPERVISORS REPORT

Monthly Report for March 1992 received and on file in Clerk's Office.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to appoint Mark Flowers, Town of Boston, Liaison to the Southtowns Haz/Mat Board.

five (5) Ayes — Carried

Received a letter of request from Paul Sawicki asking to be considered for appointment to the Conservation Advisory Council. Letter to be referred to the Conservation Advisory Council Liaison, Mark Flowers and to the rest of the Board to review prior to making an appointment, to be considered at the next Board Meeting.

Supervisor Kennedy asks for authorization from the Board to forward letter to the Department of Environment and Planning on solid waste planning indicating that the Town of Boston has selected Option #3.

Option #3 - Prepare a CRA (Comprehensive Recycling Analysis) for the entire county outside of Buffalo, and postpone the SWMP. The Northwest Board municipalities may be included in the CRA. A consultant will be hired to prepare the initial document, assisted by County and local staff. County CDBG municipalities may use their prior funding commitments for the SWMP for this CRA. Municipalities not part of the County CDBG consortium will pay five cents per capita.

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy that we support Option #3 and forward to the Erie County Department of Environment and Planning. This should be sent to Dale J. Morris, Erie County Planning Division, Rath Building, 95 Franklin St., Buffalo, New York.

five (5) Ayes — Carried

PROCLAMATION - MONTH OF MAY 1992 AS UNITED WAY 75TH ANNIVERSARY MONTH IN TOWN OF BOSTON

At 8:00 P.M. a Public Hearing was held regarding the use of Federal Community Development Funds in the Town of Boston. Supervisor Kennedy opened the Public Hearing.

Reed Garver, 8363 Lower East Hill Road, a representative of the Boston Free Library presented a proposal for the Boards consideration for possible use of Community Funds to pave the parking lot at the Boston Free Library. Two options were presented along with letters from three handicapped people that use the Library and some of their comments are really quite interesting, two other Board members are also, here present. I, present the proposals to you, one of the proposals is for thirteen thousand dollars ($13,000) which would provide eighteen (18) parking spaces, and the smaller proposal for fifteen (15) parking spaces is seven thousand nine hundred dollars ($7,900).

PUBLIC NOTICE

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

A Public Hearing will be held on April 1, 1992 at 8:00 P.M., local 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 & 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.

By order of the Town Board of the Town of Boston.

Dated: March 4, 1992
David J. Shenk, Town Clerk

REGULAR BOARD MEETING TOWN HALL
APRIL 1, 1992 7:30 P.M.

Supervisor Kennedy received a letter from the Community Development to include as one of our request to Community Development funding for the Rural Transit Service. This is a service established within this community as well as other communities in the Southtowns, where as, we provide a Van Transportation for those people whose income falls within the guidelines as prescribed by the Federal Government.

This van service is available for people within our community and Colden, we have jointly received a van through community development for this purpose to transport people, not only to medical facilities or to dentists or doctors but also to be utilized as need be to shop or whatever those people might need that have no other means of transportation. It has been a very successful program to this point. Since it was initiated there has been a great response. A great number of people from the Town of Boston have volunteered their services to drive the van, so there are no expenses incurred as far as persons that take these people here and there. The County funds the maintenance of the van itself, it is housed in the highway garage here in Boston where it is washed as the need arises and oil changes etc. are taken care of. All other costs incurred are part of the HUD money that is administered through the Department of Environmental Planning.

We request that CDBG Funding be continued for the maintenance and the service of this van as well as our primary consideration if it be the consensus of the Board to ask for help for our local library.

Lisa Rood, 8798 Zimmerman Road, asked what is the maximum amount of funding that you can ask for? As I understand it, Community Development Funds are aimed at low income or Senior Citizens. Supervisor Kennedy replied that usually the median guidelines are those established by HUD. Lisa Rood questioned how do you get a survey done? Supervisor Kennedy offered to provide Lisa Rood with any forms she might need if she intended to apply for Community Development Funding she could pursue a survey to see if the area that she has is mind qualifies. There were no other questions or comments.

A motion was made by Supervisor and seconded by Councilman Wittmeyer to close the Public Hearing at 8:10 P.M.

five (5) Ayes Carried

A motion was made by Councilman Zimmerman and seconded by Supervisor Kennedy to table until the next Board Meeting the proposals that have been given us by Mr. Garver from the Library Association and The Rural Transit Van Service for review and also to talk with our Grantsperson before we make a final determination.

five (5) Ayes Carried

TOWN CLERKS REPORT

Registrar of Vital Statistics Report for March 1992 on file in the Town Clerk's Office.

Town Clerk presented a Proposal from Pitney-Bowes for Metered Stamp Machine to be utilized by all departments operating out of the Town Hall.

Pitney Bowes has offered the Town of Boston a thirty (30) day free trial of Metered Stamp Machine.

REGULAR BOARD MEETING
APRIL 1, 1992

TOWN HALL
7:30 P.M.

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to authorize the Town Clerk to use a semi-automatic postage meter in the Town Hall on a thirty (30) day free trial.

five (5) Ayes — Carried

Town Clerk Shenk is going to circulate a survey throughout the County. The main Towns that he is looking to get a response from are those that have purchased a stamp machine similar to this within the last five years, to find out how much they have saved and how cost effective it has been for them.

Town Clerk Shenk asks the Highway Superintendent to move the voting machines on Tuesday, April 7, 1992, Presidential Primary Day to the designated polling sites.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to authorize the Superintendent of Highways Ruchalski to make provisions to move whatever voting machines are necessary to the respective polling places and to assist the Town Clerk in this matter.

five (5) Ayes — Carried

TOWN JUSTICE

Town Justice Monthly Report for the month of March 1992 received and on file in the Clerk's Office.

TOWN ATTORNEY

Town Attorney Perley received a telephone call from the State Comptroller's Office from Robert Mark. The attorney reviewing the application for Chestnut Ridge Road Water Improvement #1. Mr. Mark reviewed some areas of the application where they are requesting additional documentation. I am waiting for his letter outlining that to me and I will be in contact with the Supervisor, Town Engineer and the Town Clerk and we will put together the additional documentation that is necessary. That application is now in the process of going forward subject to whatever the State is going to do with the funding.

Town Attorney received a record of the documents presented to the Courts in the Sucato matter, I should receive the brief by Friday, which is the deadline, and I will prepare and file a brief on behalf of the town and keep the Town Board posted on developments in that regard.

When the town adopted the Zoning Law we adopted an official map, for the past six (6) or seven (7) months Town Attorney Perley has been outlining a series of thirty-seven (37) plus one cover map and since January, Joyce Carr has been kind enough to do the coloring. We have now finished a series of thirty-seven (37) maps which are much more detailed. Some are a one inch to one hundred foot scale which is a much more easily readable scale.

Town Attorney Perley asks the Board for a Resolution adopting these thirty-eight (38) sheets as the official Zoning Map of the Town of Boston, a direction to the Clerk that he so indicate by affixing a stamped certificate containing the Town of Boston Seal and that they will be deposited in the map chest.

RESOLUTION Adopt Official Zoning Maps of the Town of Boston

REGULAR BOARD MEETING
APRIL 1, 1992

TOWN HALL
7:30 P.M.

COUNCILMEN

Councilman Flowers attended the Southtowns Haz/Mat Board of Directors meeting, a lot was accomplished. Their planned meetings are going to be the third Saturday of every month at 9:30 A.M. at the Armor Fire Company. The meetings are open to anyone on the Town Board or Public who would like to come and see what goes on here. I will submit a report to the Town Board.

Councilman Flowers asked the Town Board to have someone as a back-up for these meetings in case he cannot make the meetings because of his work schedule in the summer months which requires him to work overtime on Saturdays occasionally.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman that Councilman Wittmeyer be appointed as the alternative delegate from the Town of Boston to the Southtowns Haz/Mat Board.

five (5) Ayes Carried

Councilman Flowers announces that the Conservation Advisory Council regretfully accepted the resignation of Susan Penrod, she recently graduated from Nursing School and is seeking employment out of the area.

Councilman Flowers announced that on Saturday night, April 4, 1992 the Triquasquicentennial Ball will be held at the Boston Fire Hall is not a formal affair as the tickets indicated. It is not a black-tie affair as the tickets indicated. You can come anyway you want, just come and have a good time.

Supervisor Kennedy directed the Town Clerk to draw up a letter to Susan Penrod expressing the appreciation of the Town for the services she has given the Conservation Advisory Council.

Councilman Wohlheuter met with a Representative from BFI and he is going to put a flier in the Pennysavers to update what materials can be recycled, there are some new items that have been added to the list. This is a form that can be clipped and saved. BFI is going to do this at their expense. Also, on May 9, 1992, there will be a tire and battery drop-off at the Town Highway Department two (2) tires per household and batteries, they will supply the boxes to put the batteries in.

Councilman Wohlhueter will be putting an ad in the Pennysaver for the May 9, 1992 drop-off at the Town Highway Department.

Councilman Zimmerman was approached by the Emergency Squad about a sink in the truck bay and he talked with the Supervisor and he said that he had been approached about it and he would follow through on it. Apparently it is something that OSHA has come through and said that a sink is needed in this area for them to wash.

Councilman Zimmerman, Councilman Wittmeyer, Town Attorney Perley and the Town Engineer attended a meeting with the people who we need to get easements from for the South Boston Drainage Project and we quite an interesting meeting with the people and I think that we do have this matter resolved. We are realigning the pipe to meet some of the objections that they had and it looks like everything is going well.

Councilman Wittmeyer, met with the people who the town requested easements from for the South Boston Drainage Project and I left the meeting feeling that we had accomplished quite a bit.

REGULAR BOARD MEETING
APRIL 1, 1992

TOWN HALL
7:30 P.M.

Supervisor Kennedy appointed the following to the Traffic Safety Committee for 1992:

Sergeant Broderick
Trooper Carpenter
James Carr
Frank Lisowski
Milton Wittmeyer

CODE ENFORCEMENT OFFICER

Monthly report for March 1992 received and on file in the Clerks Office.

DOG CONTROL OFFICER

Monthly report for March 1992 received and on file in the Clerks Office.

TOWN ENGINEER

Monthly report for March 1992 received and on file in the Clerks Office.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to adjourn the meeting at 8:45 P.M.

David J. Shenk
DAVID J. SHENK
TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
APRIL 15, 1992 — 7:30 P.M.

Present were Councilman Mark Flowers, Councilman David Zimmerman, Councilman Milton Wittmeyer, Supervisor Richard Kennedy, Town Attorney Michael Perley.

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

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to accept correction and adoption of the Minutes of the April 1, 1992 Regular Board Meeting.

Corrections page 51

four (4) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers to accept the correction of General Funds and Special District Abstract #4, April 1, 1992 as follows:

Voucher #257 New York Telephone

From: $32.33 to: $32.32

Voucher #266 National Fuel

From: $15.00 to: $15.42

Total General Fund $17,879.40

Total Abstract $28,671.45

four (4) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman that the General Fund and Special District Bills on Abstract #4A, dated April 15, 1992 be paid.

four (4) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman that the Highway Bills on Abstract #4A, dated April 15, 1992 be paid

four (4) Ayes — Carried

Letter from Southtowns Haz/Mat and copy of minutes from Haz/Mat Board of Directors meeting held March 21, 1992, received and on file in the Town Clerk's Office.

Resolutions: Youth Service and Recreation Fund from the Town of Colden and Town of Tonawanda received and on file in the Town Clerk's Office.

Memo received from New York State Senate - Joan Kesner - Announces that legislation that will enable the extension and appropriations for 1991 Grants has been approved in the 1992 Budget Negotiations. Also, in a few weeks all contracts and payments will move accordingly.

Supervisor Kennedy assures the people on Chestnut Ridge Road that the grant monies have been installed in the State Budget, the only delay right now in proceeding with this is in regard with State Audit and Control. Seventy-five thousand ($75,000) dollars in General Fund Moneys that the Town has appropriated, the twenty-five ($25,000) dollars in Grant Moneys that are coming from the State of New York are all in place. We have gone ahead with plans for the Water District and the only thing right now that is prohibiting us from going forward is approval from Audit and Control.

REGULAR BOARD MEETING — TOWN HALL
APRIL 15, 1992 — 7:30 P.M.

As soon as we receive approval from Audit and Control, questionnaires will be sent out to all the people in that respective Water District, if we receive affirmative note from those people then we will proceed with construction as soon as possible. Hopefully we can begin construction somewhere in this year.

Letter received from David W. Wilson, Esq. requesting that Norma Gasper be appointed to the Triquaquicentennial Committee, received and on file in the Town Clerk's Office.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to appoint Norma Gasper to the Triquasquicentennial Committee.

four (4) Ayes — Carried

Supervisor Kennedy notes that the Town Attorney has received communication from the Town Insurance Consultant indicating that upon review of the Certificates of Insurance that were sent from the North Boston Volunteer Fire Company they have found it sufficient for the Tri-Q Celebration on July 3, 4, 5, 1992. Depending on the event and location of the event would determine whether the same coverage and limits are applicable. Everything is in place.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer grant Citizens for Action permission to conduct it's annual door-to-door canvass drive with the following contingency:

Provide the Town Clerk the areas in which they are going to be on specific dates, prior to their beginning the canvass on the 1st of May.

Amend canvassing hours to 4 P.M. until 8 P.M.

four (4) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to issue a Peddler's Permit to Anchors Away Meat and Seafood contingent upon providing Picture I.D.'s of each of the individuals requesting this Commercial Peddler's Permit (Photos must be on file).

four (4) Ayes — Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to grant Federation for the Future of New York permission to conduct a door-to-door canvass with the stipulation that they notify us where they are going to be on specific dates. And to amend hours to 4 P.M. until 8 P.M. Also, direct the Town Clerk to contact Federation for the Future of New York and make certain that they have the information that is necessary.

four (4) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Zimmerman to appropriate three hundred and fifty ($350.00) dollars to the V.F.W. Post No. 2556 to provide wreaths, flags, etc. for the 1992 Memorial Day Celebration.

four (4) Ayes — Carried

Letter received from Frederick J. Marshall, Erie County Legislature announcing the Food Distribution Program for Town of Boston on Thursday, May 7, 1992 at Boston Town Hall at 9:00 A.M.

TOWN OF BOSTON

At a regular Meeting of the Town Board of 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 April, 1992 at 7:30 P.M. Eastern Daylight Saving Time, there were:

PRESENT:	Richard L. Kennedy	Supervisor
	Milton I. Wittmeyer	Councilman
	David G. Zimmerman	Councilman
	Mark W. Flowers	Councilman
ABSENT:	Don A. Wohlhueter	Councilman

Supervisor Kennedy presented the following resolution and moved its adoption:

BE IT RESOLVED that the Town of Boston does hereby support the application of the Southtowns Rural Preservation Committee (SRPC) for a grant of thirty thousand ($30,000) dollars to conduct a study for affordable housing in the Southtowns.

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

Supervisor Kennedy	Voting aye
Councilman Wittmeyer	Voting aye
Councilman Zimmerman	Voting aye
Councilman Flowers	Voting aye
Councilman Wohlhueter	Voting absent

AYES; 4 NOES; 0 ABSENT: 1

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING
APRIL 15, 1992

TOWN HALL
7:30 P.M.

SUPERVISORS REPORT

Supervisor Kennedy received communication from Orin Lehman, Commissioner of Parks and Recreation in Albany informing us that a matching grant of seventy thousand nine hundred ($70,900) has been awarded for the development of the Boston Town Park under the Federal Land and Water Conservation Fund.

Received a letter from Mr. Banko indicating that he owns 17.7 acres in the Town of North Boston on route 391 which is zoned agricultural. Mr. Banko would like to request a zone change for two lots on route 391 as commercial, sixteen lots as residential and one lot as multiple dwelling adjacent to the Creekside Apartment area.

The Town Board would like more specific information as to what Mr. Banko's exact plans are before he files applications for a zoning change.

Supervisor Kennedy asked Councilman Wittmeyer to schedule a meeting with Mr. Banko prior to our next Town Board Agenda Review on May 4, 1992 at 7:00 P.M. at that time we will advise Mr. Banko what of what procedure he should follow.

Received a letter from Gerald and Theresa Nawotka requesting permission to connect to existing water line on Omphalius Road.

Supervisor Kennedy would like to check with the Town Engineer before responding to this request.

RESOLUTION - Southtowns Rural Preservation Committee (SRPC) In support of $30,000 Grant Money for affordable housing in the Southtowns.

TOWN CLERKS REPORT

A) Tax Collectors Report for March 1992 on file in the Town Clerk's Office.

B) Town Clerk shows that after doing some research when ordering computer paper was able to purchase at a considerable savings recycled paper from Moore Business Forms and recommends that other departments within the Town consider doing the same when they are ordering paper since it is not only cost effective but also environmentally safe.

TOWN ATTORNEY

Town Attorney Perley, Supervisor Kennedy and Deputy Supervisor Wittmeyer met with the Trustees of the Cobble Hill Cemetery, Association and conducted a meeting with those Trustees which resulted in them adopting two resolutions, first of all, to convey to the Town all the assets of the Cemetery Association which includes the property of the cemetery as well as their liquid assets which were obtained in four bank accounts.

The second resolution that they adopted was on acceptance by the Town of Title to the property and acceptance of the bank accounts that the Cobble Hill Cemetery Association would cease to exist and essentially go out of business. This was all done pursuant to the Non-profit Corporation Law and pursuant to the Town Law under which the Town, first of all, must accept an abandoned cemetery and can by resolution accept a public cemetery taking over the assets, subject to the same terms and conditions that the public cemetery operated under.

REGULAR BOARD MEETING
APRIL 15, 1992

TOWN HALL
7:30 P.M.

With the resolutions on file and an executed deed to the property which I am presently holding in escrow I am prepared to record the following resolution:

RESOLUTION - COBBLE HILL CEMETERY ASSOCIATION

Town Attorney Perley received revised maps of Drainage Easement of South Boston Park from the Engineer. I am reviewing with the Engineer one of the alterations. I will be mailing the Easements out to the people that I have talked with for their signatures by the end of this week.

Town Attorney Perley has met with Donna Odoj of the Emergency Squad regarding staffing problem and they are looking to the Fire Companies for assistance. Councilman Wittmeyer was asked to arrange for a meeting between the Emergency Squad, Representatives of the Fire Companies, Board Members who are interested and myself, so that we can gain a better understanding of how they intend this to work and we can make sure that the people who respond to these calls are properly protected.

Town Attorney received a letter from the Comptrollers Office requesting additional information regarding Proposed Water Improvement #1 relevant to the processing of our application. It may require an amended resolution from the Town Board and if so I will have the amended resolution at the next Board Meeting.

COUNCILMEN REPORT

Councilman Flowers acknowledges that Martha Perizak has received top honors from the Federated Garden Club of New York State, receiving the Dr. Martin Horticulture Excellence Award and Councilman Flowers asks that the Board send Mrs. Perizak a letter of congratulations on her very fine effort. This is a highly coveted award for Garden Societies and Garden Clubs.

There will be a fund raiser for Triquasquicentennial at the Boston Gardens on Monday, April 20, 1992, from 7:00 P.M. until 9:00 P.M.

Councilman Flowers acknowledged the Brunners for opening their establishment up to the Tri-Qui committee.

Councilman Flowers reminds everyone of the 31st Annual Easter Egg Hunt, Saturday, April 17, 1992 at 1:00 P.M. at the Boston Town Park.

Councilman Flowers wishes everyone a Happy Easter.

DEPUTY CODE ENFORCEMENT OFFICER

Deputy Code Enforcement Officer Report for March 1992, received and filed in the Town Clerk's Office.

PRESENTATION OF RESOLUTION

RESOLUTION - COMMUNITY DEVELOPMENT FUNDS

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

David J. Shenk
DAVID J. SHENK, TOWN CLERK

TOWN OF BOSTON

At a Regular Meeting of the Town Board of the Town Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 15th day of April, 1992 at 7:30 P.M.

PRESENT:	Richard L. Kennedy	Supervisor
	Milton I. Wittmeyer	Councilman
	David G. Zimmerman	Councilman
	Mark W. Flowers	Councilman
ABSENT:	Don A. Wohlhueter	Councilman

Councilman Zimmerman 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 the 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 - Continuation

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

Supervisor Kennedy	Voting	Aye
Councilman Wittmeyer	Voting	Aye
Councilman Wohlhueter	Voting	ABSENT
Councilman Zimmerman	Voting	Aye
Councilman Flowers	Voting	Aye

AYES: 4 NOES: 0 ABSENT: 1

David J. Shenk

DAVID J. SHENK, TOWN CLERK

TOWN OF BOSTON

R E S O L U T I O N

Town Board Meeting of the
Town of Boston, County of Erie, State of New York
held on April 15, 1992 Councilman Milton I. Wittmeyer
offered the following Resolution:

WHEREAS, there has been established in this Town a cemetery known as the COBBLE HILL CEMETERY ASSOCIATION, INCORPORATED, which Association maintains a public cemetery on Boston State Road in the Town of Boston, Erie County, New York, and owns real property in said Village, and

WHEREAS, said Association has under its care certain funds for perpetual care, permanent maintenance, special trust, general, deposited in the following bank : Key Bank of Western New York.

Account No. 1770 188 2253	(General Fund)	$ 3,682.20
Account No. 1770 188 3713	(Perpetual Care)	1,592.84
Account No. 1057 814 8413	(Checking Act.)	586.00
Account No. 1760 060 0419	(Perm. Maintenance)	2,206.71

WHEREAS, the Association has been and still is unable to procure sufficient income from above investments, the Members of the Association, and from the Representatives of the deceased persons interred in the cemetery, and

WHEREAS, the cemetery Association has requested that the Town of Boston, pursuant to Section 1506(j) of the Not-for-Profit Corporation Law, accept the conveyance of the cemetery premises and transfer of assets.

RESOLVED, that the Town of Boston accept the conveyance of the cemetery premises and the transfer of the assets from the cemetery Association, such conveyance shall be subject to all agreements as to lots sold and all trust, restrictions and conditions upon the title or use of the real property or assets.

SECONDED by Supervisor Richard L. Kennedy, resulting in its adoption by the following vote:

Ayes 4 Noes 0 Absent 1

David J. Klenk
Town Clerk

TOWN OF BOSTON

R E S O L U T I O N

Town Board Meeting of the
Town of Boston, County of Erie, State of New York
held on April 15, 1992 Councilman Milton I. Wittmeyer
offered the following Resolution:

WHEREAS, there has been established in this Town a cemetery known as the COBBLE HILL CEMETERY ASSOCIATION, INCORPORATED, which Association maintains a public cemetery on Boston State Road in the Town of Boston, Erie County, New York, and owns real property in said Village, and

WHEREAS, said Association has under its care certain funds for perpetual care, permanent maintenance, special trust, general, deposited in the following bank : Key Bank of Western New York.

Account No. 1770 188 2253	(General Fund)	$ 3,682.20
Account No. 1770 188 3713	(Perpetual Care)	1,592.84
Account No. 1057 814 8413	(Checking Act.)	586.00
Account No. 1760 060 0419	(Perm. Maintenance)	2,206.71

WHEREAS, the Association has been and still is unable to procure sufficient income from above investments, the Members of the Association, and from the Representatives of the deceased persons interred in the cemetery, and

WHEREAS, the cemetery Association has requested that the Town of Boston, pursuant to Section 1506(j) of the Not-for-Profit Corporation Law, accept the conveyance of the cemetery premises and transfer of assets.

RESOLVED, that the Town of Boston accept the conveyance of the cemetery premises and the transfer of the assets from the cemetery Association, such conveyance shall be subject to all agreements as to lots sold and all trust, restrictions and conditions upon the title or use of the real property or assets.

SECONDED by Supervisor Richard L. Kennedy, resulting in its adoption by the following vote:

Ayes 4 Noes 0 Absent 1

David J. Klink
Town Clerk

TOWN OF BOSTON

RESOLUTION

Town Board Meeting of the
Town of Boston, County of Erie, State of New York
held on April 15, 1992 Councilman Milton I. Wittmeyer
offered the following Resolution:

WHEREAS, there has been established in this Town a cemetery known as the COBBLE HILL CEMETERY ASSOCIATION, INCORPORATED, which Association maintains a public cemetery on Boston State Road in the Town of Boston, Erie County, New York, and owns real property in said Village, and

WHEREAS, said Association has under its care certain funds for perpetual care, permanent maintenance, special trust, general, deposited in the following bank : Key Bank of Western New York.

Account No. 1770 188 2253	(General Fund)	$ 3,682.20
Account No. 1770 188 3713	(Perpetual Care)	1,592.84
Account No. 1057 814 8413	(Checking Act.)	586.00
Account No. 1760 060 0419	(Perm. Maintenance)	2,206.71

WHEREAS, the Association has been and still is unable to procure sufficient income from above investments, the Members of the Association, and from the Representatives of the deceased persons interred in the cemetery, and

WHEREAS, the cemetery Association has requested that the Town of Boston, pursuant to Section 1506(j) of the Not-for-Profit Corporation Law, accept the conveyance of the cemetery premises and transfer of assets.

RESOLVED, that the Town of Boston accept the conveyance of the cemetery premises and the transfer of the assets from the cemetery Association, such conveyance shall be subject to all agreements as to lots sold and all trust, restrictions and conditions upon the title or use of the real property or assets.

SECONDED by Supervisor Richard L. Kennedy, resulting in its adoption by the following vote:

Ayes 4 Noes 0 Absent 1

David J. Klink
Town Clerk

REGULAR BOARD MEETING — TOWN HALL
MAY 6, 1992 — 7:30 P.M.

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

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to accept correction and adoption of the Minutes of the April 15, 1992 Regular Board Meeting.

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, dated May 6, 1992 be paid.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman that the Highway Bills on Abstract #5, dated May 6, 1992 be paid.

five (5) Ayes — Carried

Letter received from Division of Municipal Affairs regarding 1992-93 State Revenue Sharing payments. This is a notice that we received from the State Legislature when their budget was adopted indicating that we are going to receive thirty-four thousand, seven hundred dollars ($34,700) year. Received and on file in Town Clerks Office.

Letter received from Richard Tobe, Commissioner, Department of Environment and Planning with regards to Comprehensive Recycling Analysis Funding, which must be in effect by September 1, 1992, we have delegated community development funds to this effort. Received and on file in the Town Clerks Office.

Letter received from Thomas J. Dearing, Community Planning Coordinator regarding Solid Waste Management received and on file in the Town Clerks Office.

Letter from New York State Department of Environmental Conservation, State Coordinator for the National Flood Insurance Program, is holding a workshop on community rating system. Supervisor Kennedy has requested information concerning a workshop that was held and the information that was provided at that workshop to allow us greater participation in the National Flood Insurance and a reduction in those rates if we do in fact have legislation in effect that prohibits certain building and development in flood prone areas. Received and on file in the Town Clerks Office.

Letter from State of New York Executive Department, Division of Equalization and Assessment pertaining to the 1992 Tentative Special Franchise Assessments, received and on file in the Town Clerks Office.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman that bids for the Boston Ambulance Garage addition will be opened in the Supervisor office on Wednesday, May 27, 1992 at 1:00 P.M.

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
MAY 6, 1992 — 7:30 P.M.

Letter from Boston Planning Board requesting that Property owned by Maurice and Pearl Emerling located between the carpet store and the post office be rezoned. This matter has been tabled until the next Town Board Meeting pending a formal request from the owners Maurice and Pearl Emerling, as there is no application before the Town Board at this time.

RESOLUTION AMENDMENT — 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

RESOLUTION — TOWN OF BOSTON HIRING POLICY

A motion was made by Councilman Flowers with no second offered and no votes cast - Resolution Denied.

Supervisor Kennedy recommended that Councilman Flowers draft a resolution to his State Legislatures.

Councilman Flowers produced the list of appointments submitted by Recreation Director Gerald O'Brien as follows:

Damian Wiktor, Deputy Republican Committee Chairman/Planning Board Secretary, son- Chris Wiktor - recommended for appointment to summer recreation.

Jackie Russell, father is a Deputy Republican Committee member, recommended for appointment to summer recreation.

Michelle and Jeffrey Errington, father is a Deputy Republican Committee member, recommended for appointment to summer recreation.

Mary and Cathy Boltz, father is a Deputy Committee member, Vice Chairman of the Planning Board, recommended for appointment to summer recreation.

Tracy Durphy, father is a former Deputy Republican Committee member, recommended for appointment to summer recreation.

Michael O'Brien, father runs recreation program and is recording secretary for the Republican Committee, recommended for a summer job with the Parks Department.

Also, recommended for summer employment with the Parks Department Ed Ruchalski, father Highway Superintendent,

Councilman Wittmeyer states that he has been on the Town Board for eighteen years and I have not had a son, daughter, granddaughter, grandson not even a close friend have I offered the name of anyone to work in highway positions, park positions or any position at all.

Councilman Zimmerman states for the record that he has five (5) daughters and he has never asked for any of them to work for any position in the Town, County or State.

At 8:07 P.M. a Public Hearing was held to rezone a portion property at 7631 Zimmerman Road owned by Allan Wittmeyer.

Planning Board voted unanimously to recommend to the members of the Town Board that this request be granted and that Mr. Wittmeyer furnish the Town Board with the necessary legal description of said property.

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 May, 1992 at 7:30 P.M. Eastern Daylight Savings Time, there were:

PRESENT: Supervisor Richard L. Kennedy
Councilman Milton I. Wittmeyer
Councilman David G. Zimmerman
Councilman Don A. Wohlhueter
Councilman Mark Flowers

Councilman Flowers presented the following resolution and moved its adoption:

WHEREAS, political nepotism and cronyism should be exposed, confronted and prevented wherever they exist because they create cynicism among the public, reward political connections and family ties over merit and ability, and improperly favor one group over another, and

WHEREAS, past appointments of the Boston Town Board have habitually included the hiring of relatives by Town Board Members of family members for permanent, part time and summer employment, and

WHEREAS, another round of such hiring is almost certainly about to occur with the pending appointments of various individuals for summer employment positions, NOW THEREFORE BE IT

RESOLVED, that this Board stands united against the spread and continuation of political nepotism and cronyism in the Town of Boston, and be it further

RESOLVED, that in the furtherance of that commitment, this Board hereby adopts and enacts a hiring policy for all individuals employed by the Town of Boston that no more than one person within the 6th degree of consanguinity to any Board Member (the same standard which governs judicial hiring for New York courts) shall be employed by the Town, and be it further

RESOLVED, the enforcement of this policy shall be the responsibility of the Town Clerk, and be it further

RESOLVED, that this hiring policy shall take effect immediately.

No second was made which resulted as follows:

No votes cast.

Resolution Denied

David J. Shenk

DAVID J. SHENK, TOWN CLERK

TOWN OF BOSTON

AMENDED 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 has determined to proceed pursuant to Article 12-C of the Town Law as opposed to Article(s) 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 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 said Town of Boston, and discussion upon the matter having been had, and all persons desiring to be heard having been duly heard;

NOW, upon evidence given at such Hearing and upon the motion of Supervisor R.L. Kennedy , seconded by Councilman D.G. Zimmerman , and unanimously passed, it is

TOWN OF BOSTON

Amended Resolution (cont'd.)

RESOLVED AND DETERMINED that: (a) Map, Plan and Report aforesaid duly comply with the requirements of §209-q of the Town Law as to its sufficiency in form and content and 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's 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; 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 a portion of the cost of the proposed Improvement shall be borne by the area of the Town of Boston outside of any village; and be it further

RESOLVED that the portion of the cost of said proposed Improvement shall be paid by Town of Boston General Fund money in the amount of SEVENTY-FIVE THOUSAND ($75,000.00) DOLLARS; and it is further

RESOLVED that the proposed Improvement including 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 General Fund	$ 75,000.00
FmHA Loan, Forty (40) Years, Proposed Interest Rate at Seven (7%) Percent	$ 500,000.00

and it is further

RESOLVED that the owners of real property within the Benefited Area shall thereafter 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

RESOLVED that the Town Clerk of this Town shall, within ten (10) days after the adoption of this Resolution, file Certified Copies, 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 of Boston.

TOWN OF BOSTON

Amended Resolution (cont'd.)

STATE OF NEW YORK)
: ss.
COUNTY OF ERIE)

I, DAVID J. SHENK, as Town Clerk of the Town of Boston, County of Erie, and State of New York, DO HEREBY CERTIFY that I have compared the preceding Amended Resolution consisting of three (3) pages and one (1) Exhibit, attached hereto, with the original thereof and filed in my office at Boston, New York on the 6th day of May , 1992, 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 May , 1992.

David J. Shenk

David J. Shenk, Town Clerk
Town of Boston

[Seal]

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

NOTICE OF ADOPTION OF RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN that at a regular meeting held on the 6th day of May 1992, the Town Board of the Town of Boston duly adopted a Resolution, an abstract of which follows, which Resolution is subject to a permissive referendum pursuant to Article 7 of the Town Law of the State of New York.

Said Resolution established Water Improvement No. 1 for the Town of Boston, New York, enacted pursuant to Article 12-C of the Town Law of the State of New York. The Benefited Area of Water District No. 1 contains lands having frontage on Chestnut Ridge Road, Hillcrest Road, Chestnut Lane, Hillside Drive, Crestwood Circle, and Omphalius and Ward Roads in the Town of Boston, New York. Pursuant to the Resolution, initial construction of a water line will be from the existing Ward Road tank in the Town of Orchard Park, to a point on the Chestnut Ridge Road at or near 7572 Chestnut Ridge Road in the Town of Boston. The total cost of the Improvement is estimated to be $600,000.00 and will be paid for through a $25,000.00 Grant from the State of New York; the appropriation of $75,000.00 from Town of Boston General Fund; and the issuance of debt obligations in the amount of $500,000.00. The responsibility to pay the principal and interest of this debt will be the obligation of the residents in Benefited Area of Water Improvement #1 in accordance with a benefit allocation prepared by the Engineering Firm of Nussbaumer & Clarke, Inc.

Dated: Boston, New York
May 6, 1992

David J. Shenk

David J. Shenk, Town Clerk
Town of Boston

REGULAR BOARD MEETING
MAY 6, 1992

TOWN HALL
7:30 P.M.

James R. Kersten of Ludon Drive asks why Mr. Wittmeyer is asking for a rezoning of this property?

Mr. Wittmeyer has a building on his property that he uses for truck repairs for which he has had a special use permit for a number of years to conduct the type of business that he wants to rezone to conduct. He has been using this special use permit which has been granted each year and at the suggestion of the Board was that if he intended to do this over a period of time it should be appropriately zoned.

Councilman Wittmeyer is concerned about stock-piling and would like a restriction in the rezoning that there be no stock-piling, or materials like that around the building. There were no other questions or comments.

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to close the Public Hearing at 8:15 P.M.

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston, Erie County, New York, will hold a Public Hearing on the 6th day of May, 1992 at 8:00 P.M. Eastern Daylight Savings Time, at the Boston Town Hall in Boston, New York, to rezone the following described property which is presently zoned Residential-Agricultural R-A to General Commercial C-2 under the Zoning Law of the Town of Boston (Local Law #6-1990 as amended), said property being described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Boston, County of Erie and State of New York, being part of Lot No. 99, Township 8, Range 7 of the Holland Land Company's Survey, described as follows:

BEGINNING at the southwest corner of lands conveyed to Rudolph A. Streich and Frances Streich, h/w, by Deed recorded in the Erie County Clerk's Office in Liber 6089 of Deeds at Page 301; then southwesterly 12.57 feet along the extension, southwesterly of the west bounds of lands described in the aforesaid Deed; thence southeasterly at an interior angle of 111° 58' 20", 450 feet to a point; thence northeasterly at an interior angle of 90° 00' feet to a point; thence northwesterly at an interior angle of 90°, 375 feet to a point; thence southwesterly at an interior angle of 90°, 100 feet to a point; thence northwesterly at an interior angle of 270°, 100 feet more or less to a point on the west bounds of lands described in the aforesaid Deed which point is 67.43 feet northeasterly from the point or place of beginning as measured along the westerly bounds of premises described in the aforesaid Deed; thence southwesterly and along the westerly bounds of lands described in the aforesaid Deed, 67.43 feet to the point or place of beginning.

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

Dated: April 7, 1992
David A. Shenk, Town Clerk
Town of Boston, New York

five (5) Ayes Carried

Supervisor Kennedy recommends that the rezoning be tabled until the next Town Board Meeting to give the Town Attorney an opportunity to draft a resolution with the appropriate restrictions and it will be adopted at the next meeting, if there are no objections.

REQUEST FROM THE FLOOR:

James R. Kersten, Ludon Drive, Boston

Would like to discuss what he recently read in the Hamburg Sun regarding the School Board Tax increase here in the Town of Boston as a result of the State Equalization Rates. Mr.Kersten did some research and also called the Town Board to try to find out what was going on. He would like the Boston Town Board to do something about this matter. He would like to propose that if it is procedurally correct that the Town Board make some kind of special resolution tonight on behalf of the Supervisor and on behalf of the Town or send a letter to Mr. Ogilvie as the Superintendent of the School Board and voice objection to the increase, stating the impact it would have on the community here in the Town of Boston, or maybe, for starters a letter from your level telling them what you think of this particular rate increase and how it is going to impact your citizens here in the Town.

What Mr. Kersten states, what the Town should be doing is taking a strong position against the proposed School Budget send a clear message to the Hamburg School Board and voice an objection to the rate increase to see if there is some other way that this could be evaluated or a least to have it substantiated. We should not just be sitting back because of an evaluation from Mr. Ogilvie and his peers on the Board telling us that the Town of Boston is going to be making noise this year when the School Budget comes around. The message that he wants to send to all the citizens is to go and vote no on that budget and that the Town of Boston should turn out in force. The Town Board in the Town of Hamburg should not be dictating to us with those kinds of rates and rate increases. The only way that we can control that, is for the Town to take a closer look at how our properties are being evaluated.

I would ask you, if you could on behalf of the Town of Boston and the residents to do that, to make a motion and to take an action on this newspaper article and the Hamburg School Budget.

Supervisor Kennedy appreciates your comments because they voice and re-echo what he has been hearing from a number of the residents in the Town.

Supervisor Kennedy replied that he had talked with School Superintendent Ogilvie about what is taking place this year and what has happened is that in the Town of Boston which constitutes a portion of the Hamburg School District up until this year we were paying approximately sixteen percent (16%) of the total school budget because that is based on the wealth of the district, the evaluation of the properties in the Town of Boston as compared to the evaluation of the properties in the Town of Hamburg because this school district overlaps Town District boundaries. The Town of Boston actually has four (4) school districts, Eden, Orchard Park, Hamburg and Griffith. This year because of the numbers that they got from Equalization and Assessment we now are assessed at seventeen and a half percent (17-1/2%) of that total budget. They take the figures from three (3) years ago 1989, take a random sampling from the properties here in Boston and also, use factors like the sale of properties and through that they determine what value your assessing properties are to their true worth, some of the properties are actually appraised by the State Appraisers, also. Boston re-evaluated last year. This year Supervisor was advised that in the Hamburg School District they are making every effort to keep the budget low and that the total budget was only going up three and a half percent (3-1/2%). These concerns should be addressed at the School Board Budget Meeting.

Supervisor Kennedy would be willing work with the Assessor William Kleis and James Kersten, as something has to be done about the school budget and evaluation rates.

Jean Fico, May Drive, Boston

Representing Boston Valley School P.T.A. concerning the Creative Playground vandalism. A letter is being sent to all the parents of children in the school about the break-in, in the gymnasium and equipment was taken, also, the playground was defaced with fluorescent paint over the Easter Holiday. We understand that there is money left over with the Town and want to know if the Town could help us out.

Supervisor Kennedy has convened a meeting with the creative playground committee as well as the school principle and the grounds party and also the towns grounds people. He indicated to them the defacement that took place, we have pictures of it that were provided by the Town Attorney, I am going to open a

case at the State Police building so that if they have all the information, the State Police has a handle on perhaps, some of the people that were involved, that doesn't however, rectify our problem. It is going to cost considerable money with equipment to clean this all down to clean off the different color spray paint that was used to deface the whole playground. In addition to that, last year they set fire to a port-o-john which cost the Town upwards of two hundred and fifty dollars ($250.00) to have the inside of it repaired. We have to see if there is anything that we can do to police the area and certainly to ask the cooperation of everyone in the community to see what we can do. It is unfortunate that the work that was done by everyone in this community in providing that playground, all the equipment that was donated and the people that worked so very hard to have something like this occur. The Town is going to work collectively with the Creative Playground Committee to do whatever to rectify this situation.

Nancy Boltz, May Drive, Boston

Has pictures that were taken April 10th of the playground which were taken during an Easter Egg Hunt with a lot of the things in their original shape which have been given to the principle. They are the "before pictures."

Beth Seider, Dunn Road, Boston, New York

Requests a "Caution Children Playing" sign or a possible "Speed Limit" sign on Dunn Road as there are several children living up there and playing there. There are a lot of blind grades and curves and she is concerned about the safety of not only her child but other children. Beth Seider presented a petition from concerned residence to the Supervisor.

Supervisor Kennedy will refer the petition to the Traffic Safety Liaison, Councilman Wittmeyer for examination and every effort will be made to correct this if possible.

Request to subdivide the Lesinski property at the end of George Drive referred to the Planning Board.

Town of Boston received the "1991 Employee Award" in Appreciation for outstanding leadership in service to people in our community by Boston Town Employees. This was received because of the increase that the Boston Town employees had in contributing to the Community United Way.

Request from AMVETS Boston Post No 219 for a grant of four hundred dollars ($400.00) for Memorial Day ceremonies deferred until next Town Board Meeting.

Letter received from Mrs. P. Kowalewski regarding the former Highway Department Building. The driveway that gives access to the rear of my property in case of fire or for emergency squad is now blocked by six (6) tractor trailers. This driveway has been in existence since 1913. It is an easement of record. The new owner has six (6) tractor trailers parked 20 feet from my house. They do welding, use lasers, they use great amounts of plastic all of which could result in a chemical fire. The new owner dumps waste oil on the ground. This is an industry that clearly does not belong in a business district. Did they get a zoning variance? If they did ask for a variance why were the immediate neighbors not notified?

Supervisor Kennedy recommended that this item be tabled until we have an opportunity to discuss this with the Deputy Town Attorney after he has researched the deed that we presently have to see if there is any way that we can document that there are easements on that property. Code Enforcement will investigate

the dumping of oil on this premises, with regards to the tractor- trailers, Supervisor Kennedy will contact Mr. Bonerb.

James Kersten, Ludon Drive, Boston

What is being done about the debris on the property of James Schunk on Boston State Road where there was a barn fire? On that same piece of property there are heaps of bricks, garbage and debris, over the last month more and more is being dumped back in there, do they have a permit is this property suitable for this type of stuff? "It really is an eye sore."

Jim Harris, Boston State Road, Boston

Something should be done about the tires and trucks that are sitting at the Weber property on the Boston State Road.

Deputy Code Enforcement Officer Lisowski responded:

He has stopped and talked with Mr. Weber and gave him thirty (30) days to clean up the tires. If he does not comply he will be cited.

Mr. Schunk has been visited and was asked to clean up the mess from the fire. With regards to the brick piles that are there it has been indicated that he is going to put in a driveway and use it for fill when he does, he will be cited.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to appoint William Forness @ $6.75/hr. and Edward Ruchalski @ $5.75/hr. as temporary laborers in the Parks Department.

Councilman Flowers	Voting Nay
Councilman Wohlhueter	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wittmeyer	Voting Aye
Supervisor Kennedy	Voting Aye

four (4) Ayes
one (1) Nay — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer to appoint the following names to the Boston Recreation Summer Program as recommended by Gerald O'Brien, Recreation Director:

Bryan Krieger	Asst. Site Spvsr.	Boston Valley	$6.15/hr
Jackie Russell	Arts & Crafts Spvsr.		5.65
Rachel Was	Rec. Attendant		4.65
Eric Steward			4.25
Andrea Dye			4.25
Donna Odoj			4.25
Michele Errington	Site Supervisor	ECC South	6.90
Mary Boltz	Arts & Crafts Spvsr.		5.65
Jeff Errington	Lifeguard		5.90
Tracie Durphy	Rec. Attendant		4.65
Matthew Glogowski			4.40
Lori Metzger			4.90
Michelle Schunk			4.65
Scott Wiate			4.65
Sharon Musselman			4.65
Chris Wiktor			4.65
Michele Riederer	Site Supervisor	Town Hall	6.90
Alison Becker	Asst. Site Spvsr.		6.15
Jennifer Schunk	Arts & Crafts Spvsr.		5.65
Lisa Brehm	Rec. Attendant		4.90

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 May, 1992 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
Mark W. Flowers	Councilman

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

WHEREAS, the Town of Boston is honored to have a young man from Troop 583, who on May 8, 1992, at a Court of Honor will be awarded the rank of Eagle Scout, and

WHEREAS, this nation has a great need for distinguished young men with leadership qualities and perserverance, and

WHEREAS, this young man has spent many hours of diligent study and extensive preparation to attain this high honor, and

WHEREAS, this accomplishment is not only a credit to him, but also to his leaders, his father and mother and other members of Troop 583 who assisted him and encouraged him in this endeavor, and

WHEREAS, the achievement of this goal reminds us all of the vital importance of scouting and its contribution to the youth of our community.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Boston offer our heartiest congratulations to Joshua Pettit on attaining the rank of Eagle Scout with the knowledge that he will serve as a shining example to others in our community who will follow in his stead.

Seconded by Councilman Zimmerman 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 Flowers	Voting Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
MAY 6, 1992 — 7:30 P.M.

Jessica Burdick	4.40
Nicolle DellaPenta	4.65
Cheryl Wittmeyer	4.40
Christopher Zemrac	4.90
Jennifer Staub	4.25

Michael O'Brien Laborer Parks Dept. 5.65/hr.

All appointments effective immediately and expire on September 30, 1992.

Councilman Flowers	Voting Nay
Councilman Wohlhueter	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wittmeyer	Voting Aye
Supervisor Kennedy	Voting Aye

four (4) Ayes
one (1) Nay — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to give William Kleis, Jr. permission to obtain prices to buy a new computer system for the Assessor's Office.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to grant permission for Damian Wiktor and John David Early to attend a Local Land Use Seminar on May 6 and 7, 1992 in the village of Ellicottvile. Cost of registration is fifteen dollars ($15.00) per person per day for a total cost of sixty dollars ($60.00).

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to grant a soil removal permit to Martin & Mildred Logel 7784 Boston State Road.

five (5) Ayes — Carried

SUPERVISOR

Supervisor's monthly report for April 1992 received and on file in the Town Clerks Office.

RESOLUTION ACKNOWLEDGING JOSHUA PETTIT - ATTAINING RANK OF EAGLE SCOUT

TOWN CLERK

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to accept the Tax Collectors report for April 1992 as given the Clerk/Tax Collector.

five (5) Ayes — Carried

TOWN JUSTICE

Town Justice monthly report for April 1992 received and on file in the Clerks Office.

HIGHWAY SUPERINTENDENT

Several complaints have been received on Kevington and Tricia Lane with regards to an open intersection where there is no Stop of Yield Sign. Highway Superintendent Ruchalski inspected the intersection and found that these complaints were valid and

recommends that at least a "Yield" sign be installed at this intersection.

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy that at the recommendation of Highway Superintendent Ruchalski a "Yield" sign be installed at the intersection of Tricia Lane and Kevington.

five (5) Ayes Carried

Highway Superintendent Ruchalski reports that the one (1) ton pick-up truck that was ordered is in Syracuse. Superintendent Ruchalski will go to Syracuse to inspect the truck and if it meets the specifications requested will bring the truck to the Highway Department.

TOWN ATTORNEY

Town Attorney Perley is pleased to say that the construction standards have been completely retyped by Joyce Carr, this was an awful lot of work, it is approximately one hundred and twenty (120) pages long. She did a great job putting them into a cohesive format and Mr. Perley would like to thank Joyce for getting all of that done.

Town Attorney Perley received a Notice of Final Rule Making from the New York State Commission of Cable Television which adopted a new definition of gross revenue. The reason he brings this up is that the definition was actually incorporated into the franchise that Councilman Zimmerman and Attorney Perley were negotiating. That was a proposed rule for a period of time.

Town Attorney Perley was given a proposed rule from the New York State Commission of Cable Television on a modification of the line extension and they are proposing a rule now to require line extension of twenty (20) home a mile. We have an agreement with Adelphia Cable for a line extension of fifteen (15) homes per linear mile which is more favorable than the State standard. He will track the adoption of that rule. However, our franchise being more favorable will obviously supersede it and he will advise when the rule has been adopted.

Town Attorney Perley presented the Town Board with an executed petition from Victor and Gabrielle Frappa for inclusion into the existing Town of Boston Water District #1. The application is before the Board, therefore, it is appropriate to schedule a Public Hearing.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to schedule a Public Hearing for Frappa's inclusion into the Boston Water District #1 on June 3, 1992 at 7;55 P.M.

five (5) Ayes Carried

COUNCILMEN

Councilman Flowers received some inquiries about cable service on Haag and Rockwood Roads, talked to the people at Adelphia Cable and they plan construction late summer or early fall, they are waiting for utility pole contracts to come back.

Councilman Flowers received a call regarding National Fuel Gas, there seems to be leak in the main transmission line on Eckhart Road. People would get up in the morning and their meters were frozen and the Gas Company would have to come out and put a heater box over it, the people could not get any satisfaction as to how this problem was going to be corrected. He got in touch

with National Fuel and they are going to get back to him on that issue.

Councilman Flowers reports that the Conservation Advisory Council recommends Paul Sawicki who is very well qualified be appointed to the Council.

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy to appoint Paul Sawicki to the Conservation Advisory Board to serve the unexpired term of Ron Vondell, term to expire March 1, 1993.

five (5) Ayes Carried

Councilman Flowers extended a "Happy Mothers Day" to all the mother of Boston.

Councilman Wohlhueter would like to remind the people of the tire and battery drop off behind the Lion's Shelter on Saturday, May 9, 1992. There is a hazardous waste drop off in Hamburg that the County is sponsoring at the County Highway garage on West Avenue on that date, also.

Councilman Wohlhueter wishes to reconvene the solid waste committee for a meeting on Thursday, May 28, 1992, at 7:00 P.M. And asks the Town Clerk to please send notices out for that meeting.

Councilman Zimmerman reports that the Supervisor Kennedy, Councilman Wittmeyer and Town Attorney and himself met with the Emergency Squad Representatives and the three Fire Company Representatives in regards to the lack of participation for the Emergency Squad having enough people to man the ambulance during the day. Things have been pretty well ironed-out. Donna Odoj has a list of names to present to the Board.

Councilman Zimmerman reports that there is some concern from the Emergency Squad with regards to the lighting and the numbering of the Musser Cabins on Omphalius Road.

Councilman Zimmerman asks that the Town Clerk send a letter to the Musser Cabins and also to the Sprague Mobile Home Park because the same problem exists there.

Councilman Zimmerman also reports that the Emergency Squad is having a problem with their repeater system. Supervisor Kennedy has received a call from Mike Saia who he negotiated with when the repeater was originally bought, he is willing to provide us with a repeater because of the problems that we have been having at near cost.

Councilman Zimmerman received a complaint from Donna Odoj from the Emergency Squad about the poor lighting outside the Squad building. Supervisor Kennedy is aware of this problem and is having work done at this time. In addition there is going to be a flood light placed at the front of the Town Hall on the steps. This problem will be taken care of as soon as possible.

A motion was made by Councilman Zimmerman and seconded by Supervisor Kennedy to appoint the following people to the Tri-Q Committee: Margaret Edington and Sandy Kadlubowski.

five (5) Aye Carried

Councilman Wittmeyer reports that the Pepsicola Co. has erected a new electric scoreboard at the end of the Little League Football field.

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REGULAR BOARD MEETING
MAY 6, 1992

TOWN HALL
7:00 P.M.

CODE ENFORCEMENT OFFICER

Code Enforcement Officer Monthly report for April 1992 received and on file in the Clerks Office.

DEPUTY CODE ENFORCEMENT OFFICER

Deputy Code Enforcement Officer Monthly report for April 1992 received and on file in the Clerks Office.

DOG CONTROL OFFICER

Dog Control Monthly report for April 1992 received and on file in the Clerks Office.

TOWN ENGINEER

Town Engineer Monthly report for April 1992 received and on file in the Clerks Office.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to adjourn the meeting at 10: 00 P.M.

David J. Shenk

DAVID J. SHENK
TOWN CLERK

TOWN OF BOSTON

At a Regular Meeting of the Town Board of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 20th day of May, 1992 at 7:30 P.M. there were resent:

Richard L. Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Mark W. Flowers	Councilman

Absent: Don A. Wohlhueter — Councilman

Councilman Wittmeyer presented the following resolution and moved its adoption.

WHEREAS, The Town of Boston is justifiably proud of the outstanding service provided our community by our three volunteer fire companies, and

WHEREAS, Our citizens realize that through the tireless efforts of these dedicated volunteers, many lives can be saved and property preserved, and

WHEREAS, The Town of Boston desires to recognize our Firemen during the observance of Volunteer Firemen Week.

NOW THEREFORE BE IT RESOLVED, that the residents of our community pay tribute to the members of our three Volunteer Fire Companies by officially observing the week of May 16th through 23rd as Volunteer Firemen's Week in the Town of Boston.

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

Supervisor Kennedy	Voting aye
Councilman Wittmeyer	Voting aye
Councilman Zimmerman	Voting aye
Councilman Flowers	Voting aye

AYES 4 NOES 0 ABSENT 1

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING
MAY 20, 1992

TOWN HALL
7:30 P.M.

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

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to accept correction and adoption of the Minutes of the May 6, 1992 Regular Board Meeting.

four (4) Aye Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer that the General Fund and Special District Bills on Abstract #5A dated May 20, 1992 in the amount of $43,581.37 be paid.

Four (4) Aye Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy that the Highway Bills on Abstract #5A dated May 20, 1992 in the amount of $14,229.40 be paid.

four (4) Aye Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to accept the Town Clerk's Monthly Report for April 1992.

Four (4) Aye Carried

Letter received from Vincent O'Connor, Director, Division of Equalization and Assessment, subject - 1992 Residential Assessment Ratios received and on file in the Clerk's Office.

Letter from County of Erie Department of Health - Approval of completed works for public water supply improvement on Taylor Road, received and on file in the Clerk's Office.

Letter from C.I.D. Refuse Service, Inc. - offering a new service to turn tree stumps and brush into mulch and compost, received and on file in the Clerk's Office.

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers to authorize Supervisor Kennedy to renew insurance contract with Municipal Insurance Consultants, Inc. The annual contract amount of six thousand dollars ($6,000) which shall be paid in eight equal installments each year of seven hundred and fifty dollars ($750.00) commencing on the 1st day of June, and payable on the 1st day of each and every month thereafter until the 1st day of January, for three consecutive years.

Four (4) Aye Carried

NYNEX sent a copy of a Protest of the Special Franchise Assessment for the 1992 Tax Roll, filed with the New York State Board of Equalization and Assessment, dated May 8, 1992, received and on file in the Clerk's Office.

RESOLUTION: OFFICIALLY OBSERVING THE WEEK OF MAY 17TH THROUGH THE 23RD AS VOLUNTEER FIREMEN'S WEEK IN THE TOWN OF BOSTON

REGULAR BOARD MEETING
MAY 20, 1992

TOWN HALL
7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to schedule a Public Hearing for Mark Warnke, 8833 Back Creek Road to rezone property located at the southeast corner of Back Creek Road and Hillcroft Drive from R-A to R-2, on Wednesday, June 17, 1992 at 8 P.M.

four (4) Aye Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to schedule a Public Hearing for Roy L. and Pearl M. Emerling to rezone Hickory Meadows Subdivision from R-A as follows: lots 1-32 to R-1, lots 33-39 to R-3 and lots 40-44 to R-1, on Wednesday, June 17, 1992 at 8:15 P.M.

four (4) Aye Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to authorize Supervisor Kennedy to spend up to four thousand dollars ($4,000) for a Motorola MSR2000 110 watt, VHF repeater to replace the repeater that is malfunctioning at the present time up on Cole Road.

four (4) Aye Carried

Supervisor Kennedy noted that Councilman Zimmerman informed him that the Rescue Squad did in fact vote to contribute five hundred dollars ($500.00) toward the purchase of the new repeater.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to schedule a Public Hearing for the Amendment of the Emergency Squad Contract to allow non-members to respond, on Wednesday, June 3, 1992 at 7:50 P.M.

four (4) Aye Carried

RESOLUTION: ALLAN WITTMEYER - REZONE PROPERTY ON ZIMMERMAN ROAD FROM R-A TO C-2

Supervisor Kennedy's response to the concerns expressed at the May 6, 1992 Town Board Meeting relative to the property that was formerly the Boston Highway Garage, he drafted a letter to Mr. Vincent Bonerb on May 11, 1992 outlining a number of complaints relating to the location and repair of trailer bodies at the front of property adjacent to the Patchin Fire Company. The Patchin Fire Company has registered complaints directly to our fire company liaison, Councilman Wittmeyer.

Mr. Bonerb and Supervisor Kennedy met and he apologized for giving anyone reason to complain. Mr. Bonerb requests to know the nature of the complaints and who made them. If we are doing something wrong unknowingly, we will certainly correct it.

With regards to Mrs. Kowalewski's complaint Mr. Bonerb asks that the Town review his report from Attorney Perley and the Title Search showed no easement or adverse possession.

Supervisor Kennedy went through the facilities with Mr. Bonerb and found a very clean industry which is referred to as R & D industry (research and development). When people wish to see how these trailers are utilized, the trailers parked in front are for demonstration purposes.

There is no work done outside of the building. Within a short period of time Mr. Bonerb stated that most of the trailers will be parked at the rear of the building with the exception of one or two trailers that will be used for demonstration purposes. Although he does have some apprehension as far as vandalism is concerned.

TOWN OF BOSTON

At a Regular Meeting of the Town Board of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 20th day of May at 7:30 P.M. there present were:

Richard L. Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Mark W. Flowers	Councilman

Absent: Don A. Wohlhueter

Councilman Zimmerman presented the resolution and moved its adoption:

WHEREAS, Allan S. Whittmeyer and Maureen P. Wittmeyer have made application to rezone certain property situated in the Town of Boston from Zoning Classification R-A to Zoning Classification C-2; and

WHEREAS, the property sought to be rezoned is described on Exhibit A annexed hereto and made a part hereof; and

WHEREAS, prior hereto, a Special Use Permit was granted under the 1958 Town of Boston Zoning Ordinance which said permit contained certain conditions; and

WHEREAS, a copy of the Special Use Permit Conditions and Restrictions is annexed hereto as Ex. B and made a part hereof; and

WHEREAS, the Town Board of the Town of Boston, under §123-177 of the Town Code desires to rezone property upon certain conditions.

NOW, THEREFORE, BE IT RESOLVED, that the property herein described on Ex. A be and the same is hereby rezoned to General Commercial C-2 under Chapter 123 of the Town Code, subject to the terms and conditions contained herein; and be it further

RESOLVED, that the aforesaid rezoning and the continued use of the land under Zoning Classification C-2 be and the same is hereby contingent upon compliance with the following conditions and restrictions:

That except for limited emergency situations, the hours of use shall be limited from 5:00 A.M. to 7:00 P.M.

That the premises shall not be utilized for stockpiling of material other than that which shall be utilized to construct a noise or visual barrier or for construction or maintenance of a driveway and parking area.

RESOLVED, that notwithstanding the foregoing, the Town of Boston shall have the right to seek a preliminary and permanent injunction enjoining the violation of any of the conditions contained herein; and be it further

RESOLVED, that within one hundred eighty (180) days, the applicant herein shall plant a row of pine trees at or near the easterly boundary of the property where same abuts property containing an "R" zoning to create a visual barrier between the two properties except that Applicant shall be allowed a common driveway for the use of the property described herein on Ex. A as well as other property owned by Applicant contiguous thereto; and be it further

RESOLVED. that the Special Use Permit previously granted and renewed by this Board be the same is hereby terminated upon the effective date of the rezoning herein adopted.

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

Supervisor Kennedy	Voting Aye
Councilman Wittmeyer	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Flowers	Voting Aye

AYES: 4 NOES: 0 ABSENT: 1

David J. Shenk

DAVID J. SHENK, TOWN CLERK

SPECIAL USE PERMIT CONDITIONS AND RESTRICTIONS

H. G. WITTMEYER AND SON, INC.
2459 SANDROCK ROAD
EDEN, NEW YORK 14057

The Special Use Permit granted to H. G. Wittmeyer and Son, Inc. is subject to the following conditions and restrictions:

1. That the portion of the 16.5 acres to be utilized for truck maintenance, repair and storage is limited to the following described area:

COMMENCING at the southeast corner of expection L 6068 P 435 as contained in a Bissell, Merrill Associates Engineers survey dated December 18, 1981 bearing Job # 37065 thence southeast parallel with the southwesterly boundary of lands now owned by Stimm Associates to a drainage ditch; thence southwest to the above mentioned Stimm Associates southwest boundary; thence northwest along said Stimm Associates southwest boundary to Zimmerman Road; thence northeast along Zimmerman Road 168.5 feet to the above referenced exception labeled L 6068 P 435; thence easterly along the southerly boundary of the above referenced exception 118.6 feet to point and place of beginning.

2. That the balance of the 16.5 acres shall be utilized as greenspace, shall be mowed, brush hogged, or maintained as open area. H. G. Wittmeyer and Son, Inc. may plant trees, landscape, provide visual and sound barriers and otherwise maintain and improve the balance of the 16.5 acres as greenspace.

3. H. G. Wittmeyer and Son, Inc. shall install a driveway and parking lot area which shall be reasonably dust free.

4. That H. G. Wittmeyer and Son, Inc. shall permit the Town of Boston Code Enforcement Officer/Deputy Code Enforcement Officer access to the premises.

5. That H. G. Wittmeyer and Son, Inc. shall install electricity and water as soon as practicable.

6. That H. G. Wittmeyer and Son, Inc. shall comply with the Erie County Health Department requirements for sanitary disposal commencerate with the use of the building.

7. That H. G. Wittmeyer and Son, Inc. shall dredge the drainage ditch which lies approximately 60 feet south, or southerly from the building.

8. That this Special Use Permit shall be limited to a maximum of six trucks. That the aforementioned trucks shall be owned and operated by H. G. Wittmeyer and Son, Inc. only and that no outside trucks shall be maintained, stored or repaired on premises.

9. That except for limited emergency situations the hours of use shall be limited to 5 AM to 7 PM.

10. That the premises shall not be utilized for the stock piling of material, other than that which shall be utilized to construct a noise or visual barrier or for the construction of the driveway or parking area.

11. That all trucks shall be equipped with block heaters and the idle of same shall be kept to a maximum, not to exceed five minutes per warmup.

12. That notwithstanding the issuance of this permit or any subsequent extension thereof, same shall be immediately subject to review upon the sale of ownership or control of the corporation to anyone other than a member of the Allan Wittmeyer family.

13. That parts cleaning solvent shall be kept in metal containers and shall be disposed of off premises.

14. Used oil shall be collected and stored according to the Health Department and Environmental laws to include the disposal of same off premises.

15. Insofar as is practicable no more than two trucks shall be stored outside of the building. Vehicles stored outside of the building shall be parked on the southerly side of the building.

I, Allan Wittmeyer, President H. G. Wittmeyer and Son, Inc. do hereby agree to the above conditions.

Allan D Wittmeyer Pres.

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. 29, Township 8, Range 7 of the Holland Land Company's Survey, described as follows:

BEGINNING at the southwest corner of lands conveyed to Rudolph A. Streich and Frances Streich, h/w by deed recorded in the Erie County Clerk's Office in Liber 6089 of Deeds at page 301; thence southwesterly 12.57 feet along the extension, southwesterly of the west bounds of lands described in the aforesaid deed; thence southeasterly at an interior angle of 111° 52' 20", 450 feet to a point; thence northeasterly at an interior angle of 90°, 200 feet to a point; thence northwesterly at an interior angle of 90°, 375 feet to a point; thence southwesterly at an interior angle of 90°, 100 feet to a point; thence northwesterly at an interior angle of 270°, 100 feet more or less to a point on the west bounds of lands described in the aforesaid deed which point is 67.43 feet northeasterly from the point or place of beginning as measured along the westerly bounds of premises described in the aforesaid deed; thence southwesterly and along the westerly bounds of lands described in the aforesaid deed, 67.43 feet to the point or place of beginning.

REGULAR BOARD MEETING
MAY 20, 1992

TOWN HALL
7:30 P.M.

Supervisor Kennedy will correspond with Mrs. Kowalewski and indicate to her the results of his meeting with Mr. Bonerb.

Councilman Wittmeyer will suggest to the Patchin Fire Company that if there are any complaints about this property to put them is writing and we will forward them on to Mr. Bonerb.

Mr. Bonerb is planning to do some hiring in the near future and hopefully provide some work for Boston residents. He has made arrangements with the Boston Chamber of Commerce to accept applications and resumes which will be kept on file in the Town Clerk's Office.

Letter received from Henry M. Andrzejewski, Jr. - Notice that the Boston Inn, Inc. shall apply this month to the New York State Liquor Authority for an on-premises liquor license for the premises at S9373 Boston State Road, received and on file in the Clerk's Office.

Letter from Ella Mye requesting a variance for temporary placement of a mobile home on her property on Dunn Road while her house is being built.

Town Attorney Perley states, that what Ella Mye is asking for is a "special permit", there is a fee involved in the application of one hundred and twenty-five dollars ($125.00), and a public hearing is required.

Supervisor Kennedy advises, that Town Clerk Shenk inform Ella Mye that a special use permit is required under our zoning laws as indicated by the Town Attorney.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to grant permission to Highway Superintendent Ruchalski to attend Highway School at Ithica College June 7, 8, 9, 1992.

four (4) Aye Carried

SUPERVISOR

Supervisor Kennedy received a call from John Gugino to set up a joint meeting with the Town of Boston and the Town of Colden relative to the construction of Lower East Hill Road. Supervisor Kennedy asks that Councilman Wittmeyer work with him to set up a meeting with Colden and Traffic Safety and any Councilmen that are able to attend.

Supervisor Kennedy had a complaint from someone about the condition of the Boston-Cross Road that he will present to John Gugino.

Supervisor Kennedy is going to try to set up a meeting with Jim Kersten, the Assessor and any of the Board Members to discuss and perhaps framework some method of execution pertaining to the tax structure of the town. He is going to take this matter up with the Erie County Governments Association to see if he can get any kind of response from the Supervisors as a group.

Letter received from Janice Wittmeyer, 6460 Omphalius Road, describing the financial out-put that she has incurred due to the salt in her well water. The Town is doing what it can.

REGULAR BOARD MEETING
MAY 20, 1992

TOWN HALL
7:30 P.M.

The Supervisor has had the Engineer do some assessments on the placement of a tank to boost the water supplies in Water District #1 in the valley because of the capacity, we have actually extended. We keep adding houses and we do need the capacity. We need a storage tank. Perhaps this storage tank could be located at a high enough elevation that it could service a few more homes up these roads. I am sure it is not going to go to the top, but any help that we can give I am sure would be appreciated and we are working in that regard.

A motion was made by Councilman Flowers and seconded by Councilman Zimmerman to authorize the Supervisor to go ahead with the conversion of the present florescent fixtures and to relamp the U-tubes in the Court Room at the cost of four thousand, seven hundred seventy-two dollars and sixty cents ($4.772.60), approximate cost to the Town after rebate to be one thousand, six hundred and forty dollars ($1,640.00).

four (4) Aye Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to enter into a contract with Home & Office for the installation of a Xerox Copy Machine that would include a zoom processor, automatic feeder and a two (2) tray drawer stand. Term Lease: thirty-six (36) monthly payments of one hundred and forty-nine dollars ($149.00), Buy-out at the end of the term five hundred dollars ($500.00). This pricing does assume the trade of #1025R/E copier (trade - one thousand, five hundred and one dollars ($1501.00). Net Price of Machine four thousand, two hundred and ninety-nine dollars ($4,299.00). Payment includes a three year (3) full service warranty.

four (4) Aye Carried

four (4) Aye Carried

TOWN CLERK

A) Registrar of Vital Statistics Report for April 1992 received and filed.

B) Pitney-Bowes Metered Stamp Machine - the Town Board has been provided with the results of a survey that was sent out to various businesses and municipalities in the County. Thirty-three (33) were sent out with twenty-seven (27) responding.

A motion was made by Councilman Flowers at the recommendation of the Town Clerk and seconded by Councilman Wittmeyer to lease the Metered Stamp Machine at eighty-five dollars ($85.00) a month.

four (4) Aye Carried

HIGHWAY SUPERINTENDENT

Superintendent Ruchalski went to Syracuse to inspect the 1992 one ton truck, all specifications were met so he accepted it and brought it back to the garage.

Superintendent Ruchalski requested a "yeild" sign at Tricia Lane and Kevinton, which has been installed.

TOWN ATTORNEY

Town Attorney Perley reports to the Board on the status of the easements for the South Boston Park Project, he has received signed easements back from Althea Spaulding and from the Patrick's.

REGULAR BOARD MEETING — TOWN HALL
MAY 20, 1992 — 7:30 P.M.

Not having had a response after sending out the revised easements he sent a follow-up letter asking anyone who was having difficulty in getting these things executed to call him. Attorney Perley received a call from the Putnam's and made arrangements with them to have theirs executed and he will be the notary. A fourth easement is involved in an estate and in a property transfer and that will be available once the transfer is completed. He will follow up on the remaining easements and asked Councilman Wittmeyer to help in that regard, too, and Councilman Zimmerman through the South Boston Park Committee maybe we can make some arrangements to assist these people.

Town Attorney would like to thank Joyce Carr for completion of the eleven by seventeen (11x17) zoning maps. These are full color reduction of the official zoning maps that the Town Board has adopted. With the Boards permission he has made arrangements with Seneca Copying to have the maps copied at a fairly favorable rate per page because of the volume and will provide copies for himself, Town Engineer, Clerk, Code Enforcement Officer, Planning Board and the Supervisor. There will be at least one spare copy. These should be available for the next meeting. At that time the public will be able to make arrangements to purchase copies probably the Board should set a price for the purchase of a copy of one page. He suggest five dollars ($5.00) per page.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to authorize Town Attorney Perley to contact Seneca Copying to copy the zoning maps at one dollar and seventy cents ($1.75) per page.

four (4) Aye — Carried

Town Attorney Perley reports in the absence of Councilman Wohlhueter that he has called a meeting of the Solid Waste Committee for Thursday, May 28, 1992 at 7:00 P.M. and they will review the recycling legislation that has been proposed. At Councilman Wohlhueter's request Town Attorney Perley has invited a representative of the County Department of Environment and Planning who is coordinating this program by the name of Janell Lundgren. She will be attending along with a representative from B.F.I.

COUNCILMEN

Councilman Flowers attended the meeting of Southtowns Haz/Mat Board of Directors and they are moving along with procedural problems, trying to get those ironed-out. There was some discussion that the Haz/Mat Team expand their area to include some other jurisdiction. At the present time the team is still looking for a place to erect it's building, so at this time they are not going to expand.

Councilman Flowers met with the foreman for National Fuel Gas regarding the problem with low pressure on the East and West Lane and Eckhart Road areas. National Fuel has recognized that this system is the old low pressure system and they plan to upgrade that particular system in that sub-division to a high pressure system as soon as they can get around to doing this. He explained to Councilman Flowers with the road construction that they had last year crews were tied up with line dig ups and breaks, and they don't have the manpower to take on a project of this nature and do it correctly until they get organized.

Councilman Flower reports that the Chamber of Commerce is sponsoring a new "Job Service". applications for anyone interested in seeking employment in businesses in the Town of Boston.

REGULAR BOARD MEETING — TOWN HALL
MAY 20, 1992 — 7:30 P.M.

They have asked that applications be put out in the Town Clerk's Office and kept on file there. Should a potential employer want to come down instead of advertising in the paper he could come to the Town Hall and look through the applications on file and possibly draw from those, hopefully, that will take and boost the employment for the people in the town.

Councilman Zimmerman would like to thank Donna Odoj for her help in getting the Squad to help purchase the repeater and hopefully it will be here shortly and we won't have anymore problems.

Councilman Wittmeyer asked Town Attorney Perley to get him copies of the names of the people whose easements have not been signed, for the South Boston Park.

Councilman Wittmeyer reports that he and Highway Superintendent Ruchalski met with John Gugino in March along with the Superintendent from Colden and the Supervisor and reviewed the preliminary plans for Lower East Hill Road. He would like to have this meeting set up before Superintendent Ruchalski leaves for school in June.

Town Clerk Shenk requests permission for the Deputy Town Clerk to attend a Conservation License training seminar in Hamburg on May 27th and he would also like to go to one in Salamanca on May 28th there is no registration fee for this seminar.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to grant permission for the Deputy Town Clerk to attend a Conservation License training seminar on May 27th in Hamburg and for the Town Clerk to attend one on May 28th in Salamanca.

four (4) Aye — Carried

Councilman Zimmerman has sent two Tri-Q shirts, along with calendars to Boston, England to people that he met when he was Town Supervisor.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to adjourn the meeting at 8:30 P.M.

David J. Shenk
DAVID J. SHENK, 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. on the 3rd day of June, 1992 at 7:30 P.M., Eastern Daylight Savings Time, there were present:

Richard L. Kennedy	Supervisor
Milton Wittmeyer	Councilman
David Zimmerman	Councilman
Don A. Wohlhueter	Councilman
Mark W. Flowers	Councilman

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

WHEREAS, the County , pursuant to the authority granted to it by Article 31 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 MUNICIPALITIES, including the detection and arrest of persons operating a motor vehicle in violation of Section 1192, Section 511 (2) (a) (i) and (iii), Section 511 (2) (a) (i) and (iv) or Section 511 (3) of the Vehicle and Traffic Law, and

WHEREAS, a Justice Court has been established in and for the MUNICIPALITY with jurisdiction to hear and determine cases involving alleged violations of Section 1192, Section 511 (2) (a) (i) and (iii), Section 511 (2) (a) (i) and (iv) or Section 511 (3) 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 authorize Supervisor Richard L. Kennedy to execute the agreement on behalf of the Town of Boston.

Seconded by Councilman Don A. Wohlhueter and put to a vote which resulted as follows:

Supervisor Kennedy	Voting Aye
Councilman Wittmeyer	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
JUNE 3, 1992 — 7:30 P.M.

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

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to accept corrections and adoption of the Minutes of the May 20, 1992 Regular Board Meeting.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer that the General Fund and Special District Bills on Abstract #6 dated June 3, 1992 in the amount of $17,668.86 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman that the Highway Bills on Abstract #6 dated June 6, 1992 in the amount of $16,224.60 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman that the Town Clerk's report for May 1992 be accepted.

five (5) Ayes — Carried

Tom O'Boyle was present, the former Supervisor of North Collins, representing County Legislator Fred Marshall's office.

Letter received from Jean O'Connell, Grants Consultant,
Subject: Contract to administer grant received for Parks Project from the Federal Government.

In consideration of the sums to be paid by The Organization, J. O'Connell & Associates agrees to perform all necessary reporting and documentation to the NYS Office of Parks, Recreation & Historic Preservation.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to enter into a contract with J. O'Connell & Associates at $6,000 total to be paid:

June 1, 1992	$1,000
July 1, 1992	$1,000
February 1, 1993	$1,000
March 1, 1993	$1,000
February 1, 1994	$1,000
March 1, 1994	$1,000

five (5) Ayes — Carried

Letter received from Michael Raab, Deputy Commissioner, Erie County Department of Environment and Planning regarding Erie County Hazardous Waste Site Prioritization Program received and on file in the Town Clerk's Office.

RESOLUTION — STOP-DWI CONTRACTS- AUTHORIZE SUPERVISOR KENNEDY TO EXECUTE AGREEMENT ON BEHALF OF THE TOWN OF BOSTON

REGULAR BOARD MEETING — TOWN HALL
JUNE 3, 1992 — 7:30 P.M.

Received from Nussbaumer & Clarke, Inc. - Boston Ambulance Garage Addition Bid Results and Recommendations:

Contract A - General

Cloverbank Construction, Inc.	$ 77,452.00*
LGT Construction	88,000.00
LCP Construction Corp.	95,447.00
Miller Enterprises	99,800.00
Woodbridge Construction Group, Inc.	107,246.00
Baker Development	109,000.00
Higgins-Kieffer, Inc.	110,993.00
Jacobi Development, Inc.	114,049.00
Kirst Construction	118,464.00
KBCC, Inc.	118,900.00
BSC Construction	120,420.00
Ferraina Construction	122,450.00

* Denotes corrected figure.

Supervisor Kennedy asked Town Attorney Perley to comment on Contract A "General", on the corrected amounts that were indicated in the amounts that were read into the record by the Clerk on Cloverbank Construction of $77,452.00.

Town Attorney Perley responded that the letter from Nussbaumer & Clarke dated June 1, 1992 that sent out the report on the bids showed a correction that was explained to him that the Cloverbank Construction Bid was actually submitted at $71,750.00 and there was a clerical error in the computation of the bid amount with the actual bid being $77,452.00. At the Boards request Mr. Perley researched the law in this regard and what the law says is that it is not proper for the Board to award the bid at the corrected amount. In addition, where there is substantial proof and clear proof of a clerical error only as opposed to an individual attempting to modify a bid following a submission, it is permitted for that bid to be withdrawn or discounted and the Bid Bond to be returned to the Bidder who has made a clerical error.

At the recommendation of the Town Attorney the Board should actively consider rejecting all the bids submitted under Contract "A" General and rebid that contract.

Supervisor Kennedy stated that under the circumstances it is in our best interest to rebid the General Contract. Rather than awarding the subsequent contracts that the Clerk could read into the minutes it is my understanding that in speaking with the Town Attorney that the contracts for the Plumbing, Heating, Ventilating and Electrical are in effect for forty-five (45) days so rather than award the lowest bid to the respective Contractors it would be a judgmental error to do so, so I would rather wait and award the low contracts for Plumbing, Heating, Ventilating and Electric at the same time that we award the General Contract which would be at the next regular scheduled Town Board Meeting on June 17th.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter that we set up a new bid on the General Contract that the bids be received here in the Supervisor's Office on Tuesday, June 16, 1992 at 1:00 P.M. And that we reject all bids submitted under Contract "A" and withhold awarding the contracts on the respective Plumbing, Heating, Ventilating and Electrical until such time as the General Contract is awarded.

five (5) Ayes — Carried

TOWN OF BOSTON

TOWN OF BOSTON

GENERAL AMBULANCE SERVICE CONTRACT

for

AMBULANCE SERVICE WITH BOSTON EMERGENCY SQUAD, INC.

AN AGREEMENT made this 3rd day of JUNE , 1992, 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 furnish 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 Jan. 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 through its members and such other sufficiently trained and experienced authorized responders as the Town Board may, from time-to-time, by resolution designate.

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, receipt of said payment being hereby duly acknowledged.

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 authorized responder 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 and authorized responders 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 or authorized responder 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, its members, and authorized responders, 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 supercede the Agreement dated December 1991 and shall expire on December 31, 1991, same shall be renewed 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.

Dated the 3
day of June, 1992.

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

Supervisor - Richard L. Kennedy

Councilman - Milton I. Wittmeyer

Councilman - David G. Zimmerman

S E A L

Attest:

Town Clerk David Shenk

Councilman - Don A. Wohlhueter

Councilman - Mark W. Flowers

Attest:

Town Clerk David Shenk

BOSTON EMERGENCY SQUAD, INC.

By: Daniel A. Poppenberg
President

REGULAR BOARD MEETING — TOWN HALL
JUNE 3, 1992 — 7:30 P.M.

Letter received from Anthony Wood, Chief Program Officer, The J. M. Kaplan Fund regarding application for Master Plan Funding received and on file in the Town Clerk's Office.

Letter received from Paul Rosiek, G&W Plumbing and Heating, Inc. requesting rezoning of property at 7214 Boston State Road from C-1 to C-2.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman referred to the Planning Board subject to receiving the correct fee and necessary documents for the Planning Board to act on.

five (5) Ayes — Carried

At 7:50 P.M. a Public Hearing was held for the purpose of considering and Amendment to the Contract with the Boston Emergency Squad. Town Clerk Shenk read the public notice Supervisor Kennedy opened the Public Hearing.

No Contrary Statements made.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to close the Public Hearing at 7:55 P.M.

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 June 3, 1992 at 7:50 P.M., Eastern Daylight Savings Time for the purpose of considering an Amendment to the Contract with the Boston Emergency Squad.
All persons interested in the matter shall be heard at said time and place.
Dated: Boston, New York
May 20, 1992
By Order of the Town Board
Town of Boston
David J. Shenk, Town Clerk

five (5) Ayes — Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Flowers that the contract be amended as presented by the Town Attorney.

five (5) Ayes — Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer that the following be named be appointed to serve as drivers and assist on ambulance calls:

Don O'Bryant Warren Skinner	North Boston Volunteer Fire Co.
Joe Wells Kurt Adamchick	Boston Volunteer Fire Co.
Rick Bethge Chris Grinsell	Patchin Volunteer Fire Co.

five (5) Ayes — Carried

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

REGULAR BOARD MEETING
JUNE 3, 1992

TOWN HALL
7:30 P.M.

At 8:00 P.M. a Public Hearing was held for the annexation of property owned by Victor Frappa and Gabrielle Frappa, situate in said Town, to Water District #1 in said Town of Boston, Erie County, New York. Town Clerk Shenk read the public notice and Supervisor Kennedy opened the public hearing.

Supervisor Kennedy states that, in fact, this does also provide us with another source of water because the water line has been extended from Hamburg out to, and terminates at the Boston Town line, so our water line now has been extended, crosses Taylor Road and intersects with the line that comes out from Hamburg. I closes the loop this gives benefit to the water district, and all that, was taken into consideration when the amounts were calculated as to the benefits to the respective properties.

As is indicated there is one property that is not included, a tap-in will not be allowed because they would be an out of district customer. Unless, and until they decide that they would like to become a part of the district at which time they would be expected to compensate the water districts the same amounts that have been assessed to Mr. & Mrs. Frappa.

No other comments from the floor.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to close the Public Hearing at 8:07 P.M.

five (5) Ayes

Carried

PUBLIC NOTICE

RESOLUTION

IN THE MATTER OF VICTOR FRAPPA AND GABRIELLE FRAPPA TO ANNEX CERTAIN PROPERTY TO WATER DISTRICT NO. 1 IN THE TOWN OF BOSTON, ERIE COUNTY, NEW YORK

WHEREAS, a written Petition dated May 6, 1992, 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 Wate trict No. 1 in said Town of Bc , to be bounded and described as herein below set forth and identified as Exhibit A and made a part hereof; and

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 Lot No. 46, Township 8, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the intersection of the west line of Taylor Road with the north line of said Lot No. 46; thence southerly along the west line of Taylor Road, 101 feet; thence westerly at right angles, 200 feet to a point in the east line of Subdivision Lot No. 37 as shown on map filed in the Erie County Clerk's Office under Cover NO. 2244; thence northerly along the east line of Subdivision Lot No. 37, 105.47 feet to the north line of Lot No. 46; thence easterly along the north line of Lot No. 46, 200.07 feet to the point of beginning and;

WHEREAS, said Petition seeking annexation resulted in part from the installation of water main running immediately adjacent to the Petitioners' property which said main was constructed by Water District No. 1 for the purpose of connecting the said water service main with a water service main recently constructed by the Town of Hamburg, all mains being situated on Taylor Road in the Towns of Boston and Hamburg, in accordance with plans prepared on behalf of said Water District No. 1 by the engineering firm of Nussbaum & Clarke, Inc. and

WHEREAS, Petitioners have agreed to bear the proportionate expense based upon a Benefit Calculation prepared by the engineering firm of Nussbaumer & Clarke, Inc., excluding from such expense the cost of purchasing, installing and maintaining a fire hydrant, if required, which said cost will be borne by the Town of Boston Fire District, it is hereby

ORDERED, that a Public Hearing shall be held at a meeting of the Town Board of said Town of Boston in the Town Hall, 8500 Boston State Road, on the 3rd day of June, 1992, at 7:55 P.M. in the evening 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 Board with relation to said Petition as may be required by law or proper in the premises.

Dated: May 6, 1992
Boston, New York

David J. Shenk, Town Clerk
By Order of the Town of Boston

PUBLIC NOTICE

TOWN OF BOSTON

In the Matter of the Establishment of Taylor Road Extension #1 to Boston Water District #1 in the Town of Boston, Erie County, N.Y.

Petition for the Establishment of Taylor Road Extension #1 to Boston Water District #1 in the Town of Boston, Erie County.

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

WE, the undersigned, being the Owners of all taxable real property situated in the proposed Taylor Road Extension #1 ("Extension") to Boston Water District #1 ("District"), and owning in the aggregate all of the assessed valuation of all the taxable real property in said Extension as shown on the latest completed Assessment Roll of said Town, including all resident owners of said proposed Extension owned by the residence owners according to the latest completed Assessment Roll of said Town, DO HEREBY petition this Honorable Board to establish Taylor Road Extension #1 to Boston Water District #1 in the Town of Boston, County of Erie and State of New York, outside any incorporated village and wholly within the said Town of Boston, to be known as the Taylor Road Extension #1 to Boston Water District #1, which proposed Extension is bounded and described on Exhibit A attached hereto and made a part hereof.

That water service to the proposed Extension is being installed pursuant to a project undertaken by the District to connect its service main on Taylor Road with a service main recently constructed in the Town of Hamburg.

That pursuant to Town Law §202, Petitioners agree to pay to the District the total sum of SIXTEEN HUNDRED THIRTY-THREE DOLLARS AND SEVENTEEN ($1,633.17) CENTS as their proportionate share of the construction costs of said water service main. Said payments will be made to the District as follows:

1. FIVE HUNDRED FIFTY ($550.00) DOLLARS payable before tap-in.
2. Balance of $1,083.17 payable in two (2) installments ($541.58 and $541.59) before December 31, 1992.

In addition, Petitioners agree to pay the sum of TWO HUNDRED FIFTY ($250.00) DOLLARS to the Town of Boston as an allowance under Town Law §202 to reimburse the Town of Boston for the services of its salaried employees in connection with this application.

Petitioners understand that the Town of Boston will bear the expense for the installation of any hydrants.

Dated: Boston, New York
May 6., 1992

Victor Frappa

Gabrielle Frappa

STATE OF NEW YORK)
: ss.
COUNTY OF ERIE)

On this 6. day of May, 1992, before me personally appeared Victor Frappa and Gabrielle Frappa, to me personally known and known to me to be the same persons described in and who executed the within Instrument and they acknowledged to me that they executed the same.

MICHAEL F. PERLEY
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 5-30-93.

(Notary)

- 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 Lot No. 46, Township 8, Range 7 of the Holland Land Company's Survey, bounded and described as follows:-

BEGINNING at the intersection of the west line of Taylor Road with the north line of said Lot No. 46; thence southerly along the west line of Taylor Road, 101 feet; thence westerly at right angles, 200 feet to a point in the east line of Subdivision Lot No. 37 as shown on map filed in the Erie County Clerk's Office under Cover No. 2244; thence northerly along the east line of Subdivision Lot No. 37, 105.47 feet to the north line of Lot No. 46; thence easterly along the north line of Lot No. 46, 200.07 feet to the point of beginning.

TOWN OF BOSTON

Notice of Adoption of Resolution
Subject to Permissive Referendum

NOTICE IS HEREBY GIVEN that at a Regular Meeting, held on the 3rd day of June, 1992, the Town Board of the Town of Boston duly adopted a Resolution, an abstract of which follows, which Resolution is subject to a Permissive Referendum pursuant to Article 7 of the Town Law of the State of New York.

Said Resolution established Taylor Road Extension #1 to Water District No. 1 for the Town of Boston, New York, enacted pursuant to Article 12 of the Town Law of the State of New York. The said Extension contains lands having frontage on Taylor Road in the Town of Boston, New York. Pursuant to the Town Board Resolution, the residents of the said Extension, VICTOR FRAPPA and GABRIELLE FRAPPA, will reimburse the Town of Boston Water District No. 1 in accordance with a Benefit Calculation as prepared by the Engineering Firm of Nussbaumer & Clarke, Inc.

Dated: Boston, New York
June 3, 1992

David J. Shenk, Town Clerk

REGULAR BOARD MEETING — TOWN HALL
JUNE 3, 1992 — 7:30 P.M.

RESOLUTION PETITION FOR THE ESTABLISHMENT OF TAYLOR ROAD EXTENSION #1 TO BOSTON WATER DISTRICT #1 IN THE TOWN OF BOSTON, ERIE COUNTY.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to move and adopt the resolution that allows the Frappa property to be incorporated into the district and as indicates the information that as hereto, been recited by the Town Attorney.

five (5) Ayes — Carried

Letter of request from Susan Lindner, 6591-A Omphalius Road, to use the Lion's Shelter on August 22, 1992 for a "Neighborhood Reunion Party".

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to grant permission to Susan Lindner to use the Lion's Shelter on August 22, 1992. However, we ask that Town Clerk Shenk contact these people and ask if alcoholic beverages are to be served, if so, they will have to supply insurance and this would have to be brought back to the Board at another meeting for consideration.

five (5) Ayes — Carried

Letters received from Ruth Musser and Roger & Joyce Corlett regarding water problems received and on file in the Clerk's Office.

Supervisor Kennedy replied that these problem are not being ignored. We are now in the process of setting up meetings with the Erie County Water Authority in the very near future.

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to appoint the following coaches and assistant coaches for the 1992 Baseball Season as submitted by Len Souliere effective June 1, 1992:

Coaches:	Assistant Coaches:
Larry Steward	Mark Smith
Elliot Pfeiffer	Paul Ketzer
Mark Warnke	Don Kuhmann
Ron Pachan	Jim Appenheimer

Coaches:	Assistant Coaches:
Clay Olds	Jeff Sullivan
Jim Gastle	Jim Niewczyk
Frank Kruszynski	Dick Dilotto
Pat McCormack	Gordy Karstedt
Linda Smolarek	Ron Smith
Dan Woodrow	Dennis Salerno
Jim Frascella	
Leigh Emerling	Ed Thill
Clay Olds	
Jim Dion	Gene Partridge
Bob Monczynski	Chuck Sienk
Kevin Elsaesser	Ken Bihl
Greg Burroughs	Jim Dion
Roger Melius	Wayne Kreitzbender

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
JUNE 3, 1992 — 7:30 P.M.

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to make the following appointments, correction and deletions to the Summer Recreation Program as recommended by Gerald O'Brien, Recreation Director:

NAME	JOB TITLE	SITE	SALARY
Cathy Boltz	Site Supervisor	Boston Valley	$6.90/hr.
Jamie Cole	Rec. Attendant	ECC South	4.25
Pam Valentine	Rec. Attendant	ECC South	4.25
Amy Armbruster	Rec. Attendant	ECC South	4.25
Sean Forney	Rec. Attendant	Town Hall	4.90
Tracy Riederer	Rec. Attendant	Boston Valley	4.25
Karen Wendling	Rec. Attendant	Boston Valley	4.25
Margaret Mead	Rec. Attendant	Boston Valley	4.25

Please change Michelli Schunk from Recreation Attendant to Assistant Site Supervisor at ECC South Campus at $6.15/hr.

Please delete the following appointments of May 20th as they have declined appointment due to other employment situations:

NAME	JOB TITLE	SITE	SALARY
Scott Wiate	Rec. Attendant	ECC South	$ 4.50/hr
Lisa Brehem	Rec. Attendant	Town Hall	4.75

All appointments effective immediately and expire September 30, 1992

Councilman Flowers states that he does not have any difficulty with the people on the list, his difficulty is justifying to the public why we are appointing more than one person from a family to the Summer Recreation Program in today's economic times. Because we have some multiple appointments from the same family, he voted "No".

one (1) Nay
four (4) Ayes — Carried

Gerald O'Brien, Recreation Director addressed Councilman Flowers, stating that there is no such thing as a Sibling Policy in the Town in terms of hiring. He hires the "individual". Mr. O'Brien screens his employees very thoroughly and chooses the very best he can, whether they have a sister of brother that does not enter into it.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to authorize Town Assessor William Kleis to purchase a computer from Office System Technology in the amount of two thousand, four hundred seventy-five dollars ($2475.00).

five (5) Ayes — Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Flowers to approve the following Polling Places for 1992:

DISTRICT #1	Boston Valley School
DISTRICT #2	North Boston Fire Hall
DISTRICT #3	Boston Town Hall
DISTRICT #4	Catholic Church School
DISTRICT #5	Boston Valley School
DISTRICT #6	Boston Town Hall
DISTRICT #7	North Boston Fire Hall

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
JUNE 3, 1992 — 7:30 P.M.

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter authorize the Parks Department purchase of a John Deere 48" 17 HP with electric start at two thousand, seven hundred and seventy-five dollars ($2,775.00) with a two wheel sulky at two hundred and twelve dollars ($212.00).

five (5) Ayes — Carried

A voucher was received from Ramona Murphy requesting compensation from the Town for minutes that she had taken as Secretary to the Conservation Advisory Council during their meetings of January 16, February 20, and March 19, 1992. And also, for preparation and typing of the minutes.

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy to pay Conservation Advisory Council Secretary Ramona Murphy for time spent preparing minutes being five (5) hours at seven dollars ($7.00) per hour for a total of thirty-five dollars ($35.00).

Councilman Flowers	Voting	Aye
Councilman Wohlhueter	Voting	Aye
Councilman Zimmerman	Voting	Nay
Councilman Wittmeyer	Voting	Aye
Supervisor Kennedy	Voting	Aye

one (1) Nay
four (4) Ayes — Carried

Supervisor Kennedy asked Councilman Flowers to talk to Ms. Murphy since he is Liaison to the Council to convey to her the reason behind the Board's declination as far as the entire voucher that she has submitted is concerned, we are prepared to pay her for the time she spent outside of the meeting and any expenses she may have incurred. Up until this time it has been the policy not to pay members of the Board, if in fact, we should change that policy at some date, then the secretary would be paid for attending a meeting. The Board at this time does not feel that it is appropriate to pay someone who is a voluntary member of a Board for the time that they spent at a meeting.

The Board has advised Supervisor Kennedy to provide the Conservation Council with a secretary until the end of the year.

Supervisor Kennedy's secretary has consented to take care of the Conservation Council Meetings for the interim period, at the rate that she is compensated. Supervisor Kennedy is going to encourage the Conservation Council to confine their Business Meetings to somewhere in the area of two (2) hours.

Letter received from Kevin & Lynn Hesse requesting permission to excavate across Redwing Drive to connect to the County sewer lateral, referred to the Town Engineer.

Service Youth Award presented by Gerald O'Brien, Director of Recreation to Tina and Jim Frascella who collectively have given twenty-seven (27) years of volunteer services to the Youth of the Town of Boston

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to grant permission to Bingo Inspector Margaret Edington to attend Seminar in Amherst, New York on Monday, June 11, 1992, 8:30 A.M. No registration fee required.

five (5) Ayes — Carried

REGULAR BOARD MEETING
JUNE 3, 1992

TOWN HALL
7:30 P.M.

SUPERVISOR

Supervisor's Report for May 1992 received and on file in Clerk's Office.

Supervisor Kennedy recognized and welcomed Sergeant Fox from the Erie County Sheriff's Department.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to transfer of appropriation funds from:

From:	Assessor	1355.4	$5000.00
To:	Assessor	1355.2	5000.00

five (5) Aye Carried

Supervisor Kennedy is trying to get four bids on replacing the gutters and molding around the Town Hall that has rotted so badly that the existing gutters where seamed are leaking. He expects to have at least two bids by the next Town Board Meeting.

TOWN CLERK

Tax Collector's Report for May 1992 received and on file in the Town Clerk's Office.

Registrar of Vital Statistics Report for May 1992 received and on file in the Town Clerk's Office.

Letter received from Emma Dusch, 7463 Zimmerman Road, requesting permission to use the Lion's Shelter, children's playground and one ball diamond for The First Baptist Church of Hamburg, Sunday School Picnic on August 8, 1992.

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to grant permission to use the Lion's Shelter, playground and one baseball diamond on August 8, 1992 to Emma Dusch, First Baptist Church of Hamburg contingent upon receipt of a Certificate of Insurance.

five (5) Ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to approve restoration of the flag pole in front of the Town Hall by Town Clerk Shenk with assistance of volunteers from the V.F.W. Post 2556.

five (5) Ayes Carried

Town Clerk Shenk thanked the Board for sending the Town Clerk and Deputy Town Clerk to the Conservation Training on new regulations regarding Conservation Licensing.

Supervisor Kennedy asked the Media present to publicize that there is going to be a "Work Day at the Creative Playground" on June 20, 1992, and would certainly welcome volunteers from the Community who could help out.

TOWN JUSTICE

Town Justice Report for May 1992 received and on file in the Town Clerk's Office.

REGULAR BOARD MEETING
JUNE 3, 1992

TOWN HALL
7:30 P.M.

TOWN ATTORNEY

Town Attorney Perley delivered to the Town Board seven (7) full color copied maps reductions of the Zoning Maps for the Town. These were purchased at a price of approximately four hundred and sixty-five dollars ($465.00) when you add in the cost of the folders that they are in.

Town Attorney Perley suggest that the Board authorize the following individuals to receive these maps without deposits: Code Enforcement Officer, Town Clerk, Town Attorney, Town Engineer, Supervisor and Assessor. That would commit six (6) maps to Town Officials for their use leaving a seventh map available to the Public, He also, suggests that the Board by Resolution establish a policy for that seventh map, wherein, a deposit is required for an individual to check the map out and that the map only be allowed to be checked out by an individual for a limited period of time. He suggested a deposit of one hundred and fifty ($150.00) to two hundred dollars ($200.00), due to the price of reproducing one of these books could be made by check and the check could be returned when the book is returned and also, set a time limit of one week when the book is checked out.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer that if anyone wishes to take the maps from the building that they be required to place a deposit of one hundred and fifty dollars ($150.00), the book be returnable within five (5) days after it is checked out. Also, that the books be distributed to Town Officials in the manner as suggested by Town Attorney Perley.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer that the following price be set for sheets that would be taken out of a book or ordered, five dollars ($5.00) fee per sheet or fifty cents ($.50) per photocopy.

five (5) Ayes Carried

COUNCILMEN

Councilman Flowers announced that June 20, 1992 the Triquasquicentennial Committee will be holding an Antique Auction at a time and place to be determined.

Councilman Wohlhueter reports that the Solid Waste Committee met on May 28, 1992 and they reviewed the proposed Local Law that Town Attorney Perley submitted. There were representatives from BFI, The Department of Environment & Planning, Janelle Lundgren, Deputy Town Attorney Wilson and we made changes in the Ordinance. Deputy Town Attorney Wilson will be meeting with Town Attorney Perley and Councilman Wohlhueter and they will set a Public Hearing to be held in July, so that it can be in conformance by the September 1, 1992 deadline. The Ordinance encompasses licensing of any Haulers in the Town and it will cover the commercial, institutional and apartments for the recycling mandate that the State is putting in force September 1, 1992.

Councilman Wittmeyer met with people from the Bodton Cross Road on the South Boston Park drainage problem to see if we could expedite the signing of easements. Last week Town Engineer Bob Pettit and Councilman Wittmeyer met with Mr.& Mrs. Lowery and they indicated that they were not willing to sign the easement. There is a problem with the culvert under the Boston Cross Road.

REGULAR BOARD MEETING — TOWN HALL
JUNE 3, 1992 — 7:30 P.M.

Supervisor Kennedy stated that when the contract is done in October on the Boston Cross Road we want to have it committed that they are going to enlarge or put a size culvert that would be adequate to carry all that drainage. If they do, then we can reassure those people.

Councilman Wittmeyer asked the people if they would be willing to attend another meeting where we could sit down with the Town Engineer, Town Attorney, Representative of the Board and possibly someone from the County and assure them that we are not going to cause them any problems with the small culvert that is under the road there. Right now everything is at a stand still.

CODE ENFORCEMENT OFFICER

Deputy Code Enforcement Officer Monthly Report for May 1992 received and on file in the Town Clerk's Office.

DOG CONTROL OFFICER

Dog Control Officer Monthly Report for May 1992 received and on file in the Town Clerk's Office.

TOWN ENGINEER

Town Engineer's Monthly Report for May 1992 received and on file in the Town Clerk's Office.

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to adjourn meeting at 9:20 P.M.

five (5) Ayes — Carried

David J. Shenk

DAVID J. SHENK
TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
JUNE 17, 1992 — 7:30 P.M.

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

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to accept corrections and adoptions of the Minutes of the June 3, 1992 Regular Board Meeting. See correction page 61

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to accept the following corrections on General Fund and Special District Abstract #5, May 6 1992:

Voucher #346 - BSN Sports - $1,256.20

From: 7140.4 to 7310.4

Voucher #347 - Gerald O'Brien, Conference Fee

From: 7140.4 - $125.00

To: 7140.4 - 62.50
7310.4 - 62.50

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to accept the following corrections on General Fund and Special District Abstract # 6, June 3, 1992:

Voucher #417 - Boston Hardware Rental, Inc.

From: $7.10

To: 7.16

Total Abstract

From $17,668.86

To: 17,668.92

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 #6A dated June 17, 1992 in the amount of $ 96,635.70 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter that the Highway Bills on Abstract #6A dated June 17, 1992 in the amount of $3,324.58 be paid.

five (5) Ayes — Carried

Letter received from Louis J. Gallo, Deputy Commissioner - Civil/Disaster Preparedness regarding Emergency Broadcast System Modernization and Expansion Program announcing the Emergency Broadcast System Training Seminar, July 13, 1992 - 8:30 A.M. till Noon at the Radisson Hotel, 4243 Genesee Street, Cheektowaga, N.Y. received and on file in the Town Clerk's Office.

Supervisor Kennedy and /or Councilman Wittmeyer will try to attend the Emergency Broadcast System Training Seminar.

REGULAR BOARD MEETING TOWN HALL
JUNE 17, 1992 7:30 P.M.

Letter received from Edward A. Paolini, P.E., Sr. Public Health Engineer, Environmental Health Services - Approval of Completed Works Boston Cross Road Extension in the Town of Boston received and on file in the Town Clerk's Office.

Letter received from Joseph A. Collins, Attorney representing residential property owners regarding zoning - Alan Wittmeyer and Maureen Wittmeyer, Zimmerman Road received and on file in the Town Clerk's Office.

Town Clerk Shenk addressed the Board and residents in attendance before the open discussion of said letter. "When the Town Board Scheduled the Public Hearing for Wittmeyer Rezoning the Town Attorney wrote the Public Notice and I proceeded to fax the Public Notice to the Southtown Citizen which is the official newspaper of the Town of Boston designated by the Town Board on January 2, 1992. I also, posted a notice on the signboard outside the Town Clerk's Office, as this was my first Public Notice for rezoning, I checked the Town Law and found Town Law 7-4 Sub Section 23, which states Notice of Hearing on Ordinance, he must publish a notice in at least one newspaper with circulation in the Town at least ten (10) days prior to the Public Hearing, stating the time and place of the Hearing on the Ordinance being considered by the Town Board. When people began coming into my office wondering why they were not notified, I called a few other towns and inquired as to what they do under these circumstances. The Town of Eden sends notices to five hundred (500) feet in all directions by certified mail, the owner of the property being rezoned must do this at their expense. The Town of Orchard Park sends notices two hundred (200) feet in all directions and Grand Island does one hundred (100) feet in all directions. The Town Attorney can vouch for this, and also, I would suggest that the Town Board should consider passing a Law to address this issue."

Before the meeting began Town Clerk Shenk received a petition with one hundred and forty-two (142) signatures. The petition states "We the undersigned are opposed to the rezoning of Wittmeyer Trucking on Zimmerman Road in the Town of Boston from residential/ agricultural to Commercial-2. This business will lead to decreased property value and an increase in traffic flow of large industrial vehicles."

Supervisor Kennedy commented that there were parties from the immediate area that came into his office inquiring as to why they were not notified. This is something that we have established since 1977 as a public informational activity that we felt was important to allow the people in the immediate area to know when a rezoning occurs. This has been done since 1977, evidently, the Clerk was not aware of that, and he certainly did not ask anyone advise or question us as to the proper procedure to proceed in the event of a Public Hearing. He has done everything according to the law. People came to me complaining that they read in the Buffalo News that said that the Public Hearing was going to be held on June 30th, which is a Tuesday, we have no meetings on Tuesday and never have had. All our meetings are on Wednesday unless, it is a special meeting that we have to convene perhaps do to a disaster situation. That was put in the paper wrongly.

I call to your attention that for three (3) years Mr. Wittmeyer at least twice has had his Special Use Permit renewed. Originally, after a hearing that was duly held here granted Mr. Wittmeyer a Special Use Permit under certain conditions and those conditions were outlined on the Special Use Permit that was issued to him. During that three (3) year period I have had no complaints issued to me as the Supervisor from any of the neighbors. I questioned each of the Councilmen here this evening prior to the meeting and asked them if they had any

official complaints registered to them by any of the immediate neighbors in the three (3) year period that we have issued Special Use Permits to Mr. Wittmeyer and they told me that they hadn't.

Since there had not been any complaints registered against Mr. Wittmeyer it was the recommendation of the Town Attorney to Mr. Wittmeyer since he had no complaints, did he think it would be a good idea if he would rezone just the small portion of his property that has to do with the trucking business rather than submit for a Special Use Permit each year. Mr. Wittmeyer applied his application was submitted to the Planning Board for review and then they submitted it to the Town Board, a Public Hearing was set and it was duly published, a hearing was held and there was no one here that spoke in opposition to Mr. Wittmeyer. For three (3) years this Town Board had no opposition voiced to any of its members from any of the neighbors, with that assumption we were not aware of any problems with the trucking business that had been established in that particular area.

Celeste Jones, 6585 Colonial Drive, Boston: What do you actually consider an official complaint, over the phone, in writing?

Supervisor Kennedy: If someone called on the phone, I would consider that a valid complaint.

Elizabeth Brooks, 7580 Zimmerman Road: I would like to ask Mr. Wittmeyer if he is related to Alan Wittmeyer?

Councilman Wittmeyer: Yes, I am his uncle.

Elizabeth Brooks: Why did Mr.Perley question our Attorney Joseph Collins to make sure that you were related to him?

Councilman Wittmeyer: I am not sure, you would have to ask Mr. Perley. Maybe, I never discussed this with him.

Town Attorney Perley: Councilman Wittmeyer never discussed this with me.

Elizabeth Brooks: Mr. Perley you did ask Mr. Collins to make sure that Mr. Wittmeyer was related to Alan?

Town Attorney Perley: Yes. There are certain errors in Mr. Collins letter. I have pointed that out to Mr. Collins, errors that I knew about. I think that everybody is well served to realize that Mr. Collins was in error when he made the claim that this Town Board did not comply with the law in publishing the rezoning of the property. Because, it did, absolutely. However, there might be an error between Mr. Wittmeyer and Alan Wittmeyer.

Elizabeth Brooks: Mr. Collins asked us if we knew for sure and I said yes. Shouldn't Mr. Wittmeyer have abstained from voting?

Councilman Wittmeyer: That is my opinion. I can do it if I care to, but I didn't feel that it was necessary.

Supervisor Kennedy: It was the consensus of the Deputy Supervisor Wittmeyer to hold it over for another meeting because he felt it was important to incorporate certain restrictions in the new rezoning, which were incorporated. One of which was the hours of operation that they remain the same as in the Special Use Permit. The second had to do with planting of a row of trees separating the property, also stockpiling. He was concerned that he might stockpile gravel or stone there. He was instrumental in imposing certain restriction on there that had

not been contemplated.

Elizabeth Brooks: We have been waiting for Wittmeyer to do these different things that's why we never complained. We didn't want to be a bad neighbor. He didn't plant the row of trees and he didn't park his trucks where he was suppose to and right now he has a trailer and two (2) trucks parked out in front.

Supervisor Kennedy: After you told me that he had a semi-trailer parked out in front there, I went up and made an examination of the property and you were absolutely correct. As far as I am concerned that is in violation and the Code Enforcement Officer has been advised to inform Mr. Wittmeyer of such and hopefully it will be removed.

Elizabeth Brooks: There is a fuel tank out in back that he said he would never have fuel there. It would be to costly for him.

Elizabeth Brooks: I would like it documented in the minutes that Mr. Wittmeyer is Alan Wittmeyer's uncle.

Councilman Wittmeyer: To clarify a point I would like to make a statement. The night of the Public Hearing I was very surprised to look out in the audience and see nobody there because I know we went through this Public Hearing before when we were working of the Special Use Permit. Not to see anybody there I couldn't believe that when we were asking questions there wasn't a comment from the audience except for one gentleman who lived on Ludon Drive, who asked why the property was being rezoned. I have the minutes here in front of me where Supervisor Kennedy explained to him why it was being rezoned. Just before the Public Hearing was closed he asked if there was anything from the Board and at that point in time I asked personally to have these restrictions put into this knowing some of the things that you wanted before. Such as stockpiling on the property, the tree line, hours of operation and things like that weren't even in it before. We held it up for two (2) weeks to get that in. I am very sorry that somehow you did not get notified of the Public Hearing and I do wish you had been here that night to express yourself at that time. As far as the trailer is concerned that is there now the new zoning does not allow that anyway it will have to go. The new zoning does not allow that trailer on that property.

Elizabeth Brooks: The trailer was pulled in the night he got the Special Use Permit.

Councilman Wittmeyer: I wish you would have at some time come to us and told us. We would of had the Code Enforcement Officer down there and it would have been off the property right away.

Elizabeth Brooks: We didn't want to give Alan a hard time and I guess we should have.

Town Attorney Perley: The rezoning doesn't broaden the rights that Mr. Wittmeyer has. The rezoning changes the circumstances under which he exercises the existing rights that he had before.

Leann Guzzette, 7585 Zimmerman Road: It says right in the Resolution of the Zoning that the Use Permit has been terminated. There are a lot of restrictions on the Use Permit that did not carry over to the Zoning so I don't know how you can say that it is the same.

Town Attorney Perley: Let me explain that to you, we went over this line by line when we adopted the Resolution and we determined that he couldn't operate unless the Erie County Health Department gave him the appropriate authority. We

determined that he install electricity and water. We had determined that the Town Code Enforcement had access to his property. We determined that he install the driveway. We had determined that he had used the balance of his property as greenspace except where he had built a single family house. We determined that he dredge the drainage ditch. So yes, we removed those. Now that he has come under rezoning he cannot change or expand the use without site plan approval. So we have picked that up under a separate area of the law.

Larry Rogers, 7340 Hickory Drive, Boston: How many people read the Buffalo News? When were you aware that the date was the wrong date?

Supervisor Kennedy: I was aware when Mrs. Brooks brought it in and showed it to me. I don't read the Buffalo News.

Larry Rogers: Don't any of the other members read the paper?

Councilman Flowers: I saw it the very next day.

Larry Rogers: Why didn't you notify the people?

Councilman Flowers: We had already acted on that and we had also scheduled this Public Hearing for Mr. Warnke for tonight and somehow those two got lumped together, that's what I believed happened.

Councilman Wittmeyer: The Resolution was passed on the 20th of May and this article appeared in the paper on the 21st of May. It was already done when this article appeared in the paper.

Supervisor Kennedy: I don't think it would have done any good had we put in there that the Public Hearing was already held. Because the Public Hearing had already been held when that appeared in the newspaper.

Councilman Wittmeyer: The Resolution had already been passed and we had granted the rezoning when this article appeared that there was going to be a Public Hearing.

John Gluszek, 7551 Zimmerman Road: You didn't clear that ditch up there either. It dammed up and when we get a heavy rain it floods my land and washed out about eighteen (18) inches of my topsoil.

Supervisor Kennedy: Which ditch is that Sir.

John Gluszek: It runs across his property into mine.

Supervisor Kennedy: The one that comes under the expressway and runs past his property? What didn't he do?

John Gluszek: He has a bunch of tires in there with wheels on and a whole bunch of brush in there. He was going to clean this out and got stuck with his tractor two or three times. Why don't he hire somebody with a bulldozer and get that straightened out?

Councilman Wittmeyer: This is the type of stuff that we have to know in order to send the Code Enforcement Officer down there to correct the situation.

John Gluszek: I have contacted the State, the Contractor and none of them have done anything about this. Now, I have to find out from the Town what I can do about this.

Supervisor Kennedy: Mr. Lisowski, Deputy Code Enforcement Officer would you look into this matter and see exactly what Mr. Gluszek is talking about and report back to me.

REGULAR BOARD MEETING
JUNE 17, 1992

TOWN HALL
7:30 P.M.

Celeste Jones: Was the garage building considered a temporary structure for the purpose of building the expressway, was there a building permit issued for this building?

Town Attorney: It was owned by a state agency and they have superior rights to our rights to control the use of property, therefore, we could not require a building permit to be issued for the construction of that building. They had the right to put it up as part of the State contract.

Celeste Jones: If this building was built in some inferior way, should a citizen or a resident of our town be allowed to buy it somewhere down the line.

Town Attorney Perley: We had no control over permitting the building. The building that is up there I don't know if we inspected it when it was up, I'm sure it was inspected by the D.O.T. when it went up.

Supervisor Kennedy: Councilman Zimmerman and I went up and inspected the building because the Town had contemplated utilizing it for a storage facility for the Town at one time and the building was structurally sound.

Gary Becker, 7592 Zimmerman Road: To clear up one thing, the building is not built on State land. This land was owned by Massing and least by the State.

Town Attorney Perley: It was built under a state contract under the supervision of the State and we could not control whether or not it went up.

Al Brooks, 7580 Zimmerman Road: I would like to clarify one thing for the Attorney Mr. Perley. In my hand I have two (2) letters from 1987 that have to do with the Special Use Permit that we received before the Board held a meeting on them, the Planning Board and the Town Board. This is the reason why our attorney wrote the letter in the language that he wrote it in. He had a perfect right to and showed them this. No one was notified any different, no one was notified that the Southtown Press was our official paper in fact one of these was put in the Hamburg Sun.

Town Attorney Perley: When you look at the minutes, and I have minutes here from 1990 from the first rezoning we had under the new zoning law, March 20, 1991, it recites clearly in the minutes that the residents were notified by the then Town Clerk Joyce Carr. I recognized that you were not notified, I recognize that the Citizens in Boston have come to expect that. Mr. Collins in his letter said that we had provided legally insufficient notice and that is not correct.

Al Brooks: I told him that.

Town Attorney Perley: I understand that. When I talked with Mr. Collins he told me that he had received the affidavit of publication from the paper and in fact, he told me that upon receipt of that he recognized that we had published it in accordance with the law.

Supervisor Kennedy: Would you accept my apology on behalf of the Board? I know we can't undo what has been done. When the Clerk indicated that we should set some policy, I think that if we examine the minutes from 1977 we probably did establish this as a policy. I apologize to you and to all the people because I think that you should have be duly notified. Unfortunately, you were not, we acted as the Town Attorney indicated, on what we felt was a legal basis and so we cannot undo what has been done.

Al Brooks: We went out and got one hundred and forty-two (142) petitions, everyone of the people that we talked to were very upset with this zoning ordinance that you have for Alan Wittmeyer. They figured that this Town particularly on each side hill we have enough industry or commercial property in the valley that you shouldn't start spot zoning on the hills. People came out from the City in the small towns that have a decent place to live, clean air, a place to raise their kids without crime and one thing and another. No their running into the same thing now, their getting buffaloed all the way through. Anytime any one wants anything we don't get it. We didn't get the rejection of the Special Use Permit now you come out with this in fact, he was advised to do it, we didn't object to him getting a Special Use Permit after he had once had it, we knew we were licked. So why should we come back to you with problems when they weren't taken care of in the first place. That was our biggest problem when the Special Use Permit was issued.

Councilman Flowers: I work in construction and have worked with Alan Wittmeyer. Alan has always been a gentleman, whatever he said, he did. His trucks came on the job his men acted accordingly and I never had any problems when I was working with Alan. I myself thought that something was wrong also when no one came to the Public Hearing. In this situation I feel kind of guilty. We have a unique situation here where the Town Board has acted according to the law but on the other hand we also have a group of citizens that have come to us with one hundred & forty-two (142) signatures. That tells me that something is wrong here, these people are not entirely for Alan Wittmeyer.

Councilman Wohlhueter: What would be the legal ramifications if we were to second a motion, would Mr. Wittmeyer have some recourse?

Town Attorney Perley: Mr. Wittmeyer would have perfect grounds to sue the Town of Boston to compel the reinstatement of the zoning. The reason is that the Town Board did absolutely nothing wrong. It properly advertised, properly adopted a resolution to rezone. If there was a mistake made the mistake was not made by any of the five (5) members of this Board that voted it was made by the Clerk. The Town Board cannot act to rectify that mistake, it is not a legally insufficient mistake. You granted Mr. Wittmeyer rights properly under the law and to rescind those rights would be an unconstitutional taking of his property.

Nancy Stetter: Mr. Kennedy were you referring to my article printed in the Buffalo News when you were saying that a lot of times you didn't recognize the stories?

Supervisor Kennedy: I am referring to the article that was published in the Buffalo News that said June 30th, was wrong.

Nancy Stetter: The dates are published before the Hearing if you saw a date that was wrong it was your duty to notify the paper.

Supervisor Kennedy: I did not see that the date was wrong until Mrs. Brooks called it to my attention. I don't get the Buffalo News.

REGULAR BOARD MEETING
JUNE 17, 1992

TOWN HALL
7:30 P.M.

At 8:15 P.M. A Public Hearing was held Town Clerk Shenk read the Public Notice regarding the Petition of Mark W. Warnke of 8833 Back Creek Road for Rezoning from R-A to R-2 of northerly portion of premises on southeast corner of Back Creek Road and Polish Hill Road (now Hillcroft Drive).

Petition presented to the Town Clerk with twenty (20) signatures from residents of Colonial Acres Subdivision read as follows:

We the undersigned residents of the Town of Boston express our strong disapproval and deep concern over the proposed rezoning of the Warnke property located at Back Creek Road and Hillcroft Drive (formerly Polish Hill Road) from R-A to R-2. A project of this nature would create a property devaluation of the Colonial Acres Subdivision, which is presently zoned as R-1 and would effect other environs.

Ted Patricola, Hillcroft Drive: That pretty much summarizes what the basis of the so called complaints and discussions of the people in the area are comprised. We received information Saturday in the mail with regards to the meeting this evening, which kind of gave us short notice.

I met with Mr. David Shenk on Monday and picked up some paperwork and he was very cooperative. Tuesday I picked up a few more bits of paperwork, this evening we actually started to get this petition signed. So in some respects we had very little time to get additional signatures. Again we appreciate your time this evening.

The concern we have is the zoning. We feel that it should be R-1 only because the property on the other side which is comprised of about thirteen (13) homes is quite high in money value.

PUBLIC NOTICE

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 17th day of June, 1992, at 8:00 P.M., Eastern Daylight Savings Time, at the Boston Town Hall, 8500 Boston State Road, Boston, New York, to rezone the following described property which is presently zoned Residential Agricultural R-A to Single-Family Residence R-2 under the Zoning Law of the Town of Boston (Local Law #6-1990, as amended), said property described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Boston, County of Erie and State of New York, being part of Lot No. 12, Township 8, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the center line of Back Creek Road at the point where the center line of Back Creek Road intersects with the center line of Polish Hill Road, now known as Hillcroft Drive, a 49.50 foot width road; thence south along the center line of said Back Creek Road a distance of one hundred twenty-seven (127.00') feet to a point; thence easterly and parallel with the center line of said Polish Hill Road, now Hillcroft Drive, and making an interior angle of 96° 54' 54" with the center line of Back Creek Road and over a stake in the east bounds of Back Creek Road, a distance of eighty-two (82.00') feet to a point; thence southeasterly at an exterior angle of 141° 00' 00" a distance of fifty-five (55.00') feet to a point; thence easterly at an interior angle of 135° 31' 4[illegible] a distance of one hundred fifty-six and fifty-two one-hundredths (156.52') feet to a point, which point is one hundred thirty-seven and twelve one-hundredths (137.12') feet south of a point in the south line of said Polish Hill Road, now Hillcroft Drive, as a 49.50 foot width road, measured along a line parallel to the center line of Back Creek Road and drawn southerly from a point in the south bounds of said Polish Hill Road which line makes a southeasterly angle of 95° 51' 24" with the center line of said Polish Hill Road; thence easterly at a northeasterly angle of 95° 13' 57" with the 137.12' line last described, a distance of one hundred twenty-five (125.00') feet to a point; thence southerly at an exterior angle of 90° 00' 00" a distance of eight (8.00') feet to a point; thence easterly in a straight line to a point in the easterly line of premises described in a certain Warranty Deed from Watki[illegible] to Warnke recorded in the [illegible] County Clerk's Office in Liber 9653 of Deeds at Page 265, which point is 230 feet south of the center line of said Polish Hill Road, now Hillcroft Drive, as a 49.50 foot width road, as measured along said east line; thence north along said east line to the center line of said Polish Hill Road, now Hillcroft Drive; thence westerly along such center line to the intersection of the center line of said Polish Hill Road, now Hillcroft Drive, with the center line of Back Creek Road which is the place of beginning.

At this Hearing, at the time and place above-noted, all interested parties will be heard for or against said Petition.

Dated: May 20, 1992
Boston, New York

By Order of the Town Board
Town of Boston

David J. Sh[illegible]
Town C[illegible]

We are concerned that the properties on the other side depending what is put into that R-2 section of the two (2) lots might devalue our property, especially the houses one of which I reside in on Hillcroft Drive.

The other thing that we are also concerned about too is that if it is accepted as an R-2 property this might also set a precedence for other properties on Polish Hill Road and other areas which are now vacant farm land that could also be R-2 instead of possibly R-1.

On building Lot #1 the depth seems to be sufficient as far as the way it reads on the map itself. I personally feel that if you take off fifty (50) feet from the center of the road to where the ravine starts that lot really in essence is about one hundred and ten (110') feet, that applies to both sides of lot #1.

Lot #2 continues over the creek which has a longer dimension of two hundred and thirty (230') feet. I am an Art Teacher at Maryvale Highschool and I feel that aesthetically that corner would look cramped. Mr. Warnke home that he lives in would actually be looking down into the back of the home down below.

Lot #2 seems to be sufficient and wide enough, again my concern as well as everyone else is how far that creek would come up and where the home would be located. We have no idea of where homes are to be located or proposed to be located.

We are also concerned that R-2 calls for a smaller house and a smaller lot in comparison to R-1 rating. Again that is a concern of residents with investments in that area. The flood plane has always been a problem in that area as far as to where that creek will be rising. Talking about five hundred (500) year floods.

Driveway access is another concern, I know Mr. Warnke at least we think he is going to be proposing a driveway coming off Back Creek Road towards lot #1, again there would be a site line problem created with the hill that comes down. The other access driveway for lot #2 would probably come in off Hillcroft Drive. I was discussing it with some of the neighbors something about construction of culverts and that sort of thing. The concern of the one neighbor was that a very large culvert would have to be put in there, which again aesthetically would not look good from the road. We don't know where the water and the septic systems are proposed and again smaller lots may require smaller systems. Future lots as I discussed before we are concerned about the R-2 zoning kind of filtering out into other areas beside just in that one area. Telephone lines, power lines again we were concerned where they would be going again we are not experts on that.

What we are actually requesting is that the Town Board reconsider the initial zoning request and disregard the R-2 rating or table this decision until further notice where we could get a little more clarification on what Mr. Warnke is planning to do with the property.

My main concern is I don't know who is involved with the piece of property behind the Watkin's home, I don't know who owns that but there was a small building put up back in there I think with also a garage, I really don't know what it looks like and I don't know whether Mr. Warnke was responsible for that or not but again if that is one of his responsibilities, I am really kind of concerned as to what he is going to be putting on lots #1 and #2. Again Mr. Warnke has done a beautiful job keeping that area nice and clean it looks like a little park. We are also concerned in our own investments down there.

Joseph Dobek, 6550 Colonial Drive: My main concern wit the R-2 rating is the fact it will allow a small building to be put on the premises. In our area Colonial Acres Subdivision we all have homes I think the smallest is somewhere in the area of sixteen hundred (1600) square feet. As I read here I believe an R-2 rating will allow a single family one story home of nine hundred and fifty (950) square feet. Also, an R-2 use is subject to "Special Permit" which leaves a little window there which in the future could become the law of the land and I would not want that window to be used. Everyone who signed the petition we had a chance to talk to. We are not opposed to progress in the town but it is obvious that other areas are pushing out toward Boston now. We have to take a look at what that progress is. We feel that an R-1 rating to conform with the Colonial Acres Subdivision would be more suitable to keep in line with the values of the properties just across the street from Mr. Warnke's property.

Robert Lesher, Attorney representing Mr. Warnke, with offices in Village of East Aurora: The property now and the property proposed to be rezoned and the acreage south of there on which Mr. Warnke lives is zoned now R-A when we tried to analyze this we saw the Colonial Subdivision which is R-1 and the agricultural zone south of that which extends considerably below Mr. Warnke's land that this would be a buffer because he wanted to sell two (2) lots of this tract along the southside of Hillcroft Drive (formerly Polish Hill) and so rather than as you look at it to try to analyze what would be the logical progression for planning purposes it seemed to be quite consistent with your overall plan to have the northerly part of the R-A to be R-2 because it would be between the agricultural and the R-1 of the Colonial Subdivision.

I would ask the people that are here to consider the possibility of the development of any kind as the Agricultural classification under the zoning ordinance and see that it is to their advantage long term to have a northerly part of that zoned R-2 so that it would be under a greater restriction for residential use.

Now his proposal is that there be two (2) lots out of this area. One of the lots is almost an acre and the other one is over an acre and a half but when it comes to the size of the lot there is no question that it is consistent with the requirements whether it is R-1 or R-2. Mr. Warnke's house is just south of the lot that is to be rezoned and there are a row of large trees that run along the proposed boundary on the westerly end of the southerly and those large trees he wishes to have remain on his land and that happens to be why the configuration of the southerly line is as it is. So that Lot #1 has frontage on Back Creek Road and has the required depth. Lot #2 has frontage on Polish Hill or (Hillcroft Drive).

We have checked with the soil conservation service and also with the Army Corps of Engineers and they both explained that where the one hundred (100) year flood plane line runs approximately south of the west line end of the bridge. It does not extend up into where the willow trees are. The willow trees I have been told by those authorities is not evidence of fauna that indicates hydrate soil. There isn't anything beyond the one hundred (100) year flood plane that would limit legally building on that lot.

Supervisor Kennedy: Is there some reason why this isn't being proposed to be rezone R-1?

REGULAR BOARD MEETING TOWN HALL
JUNE 17, 1992 7:30 P.M.

Town Attorney Perley: Yes, there is, our new zoning has minimum dimensions and the minimum dimension for R-1 is one hundred (100)foot frontage and two hundred (200) foot in depth.

I just looked at the zoning maps and it is apparent to me that at least two (2) of the R-1 lots on Colonial Drive would not qualify under the current zoning. Therefore, in order to meet dimension requirements it goes to R-2. Within that I feel incumbent upon me to advise the Board that you do have conditional rezoning power. You can apply conditions such as construction of a single family house to this rezoning if you felt it appropriate.

I suggest to the Board that this be tabled until I have an opportunity to evaluate this and give the Board my opinion as to whether or not it qualifies under section 65 of the Town Law.

Supervisor Kennedy: The reason I asked if there was an objection to the rezoning of R-1 is because when I first looked at the size of these lots I assumed that they were in conformance certainly with the area restrictions of R-1, and I thought perhaps that Mr. Warnke had something in mind to put here other than single family dwellings.

Attorney Lesher: There is none. You can confirm that Mr. Warnke.

Celeste Jones: In a justification I feel that Mr. Warnke is working with us the Colonial Drive residence, he keeps his property great. I'm concerned with if it's purchased once it's rezoned R-2 what will it be used for in the future. Since we are a very private development.

Are there any other questions or comments from the floor?

Ted Patricola: My only concern is looking at the dimensions as I am kind of ignorant as to what the requirements are on various lots. Looking at Lot #1 and Lot #2 I appreciate that they came up with an average of 177.3 which conforms to the 175 requirement, doesn't make any sense to me that lot #1 still is 162 and the other lot does conform all the way across the board. This just doesn't make sense to me.

Attorney Lesher: This has frontage on Back Creek and therefore its depth from west to east as to lot #1 frontage from north and south, for lot #2 is depth from north to south and frontage from west to east. So that the requirements work differently.

Are there any other comments on the rezoning application?

Joseph Dobek: Mr. Lesher, the attorney for Mark Warnke stated that it would act as a buffer as an R-2 rating between us and an agricultural rating, well I just want to ask the Board what will act as a buffer for us if under an R-2 something under a special permit were allowed, not tomorrow but in the future. Nothing would act as a buffer for us. We don' want to be over restrictive but I guess with the petition, the signatures and the whole development we would just feel a lot more comfortable with an R-1 zoning rather than an R-2.

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to close the Public Hearing at 8:55 P.M.

five (5) Ayes Carried

REGULAR BOARD MEETING
JUNE 17, 1992

TOWN HALL
7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to adjourn a decision on this rezoning application until the next Regular Board Meeting on July 15, 1992.

five (5) Ayes

Carried

At 8:58 P.M. a Public Hearing as held for the purpose of rezoning the Hickory Meadows Subdivision located off the Boston State Road from R-A to R-1 and R-3. Town Clerk Shenk read the Public Notice and Supervisor Kennedy opened the Public Hearing.

Town Attorney Perley: It is proper now wit the preliminary subdivision plat approved by the Planning Board for the Town Board to consider the propriety of the zoning. Due to the fact that there has been extensive review by the Planning Board prior to this zoning request there was no referral to the Planning Boards letter referring this matter or advising the Town Board that a preliminary plat had been adopted. Indicated their agreement with the proposed rezoning. Any rezoning that the Town Board considers I would suggest should be conditional upon the filing of the final plot plan.

Are there any other comments?

Is there going to be enough water to service this area?

Supervisor Kennedy: Yes. It is required that the developer get approval from Erie County Water Authority to certify that they can deliver the water necessary to service that many homes.

Hearing no other comments on the rezoning a motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to adjourn the Public Hearing at 9:09 P.M.

five (5) Ayes

Carried

PUBLIC NOTICE

TOWN OF BOSTON
Amendment to the 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 17th day of June 1992 at 8:15 P.M. Eastern Daylight Savings Time, at the Boston Town Hall in Boston, New York, to rezone the following described property which is presently zoned Residential-Agricultural R-A to Residential R-1 under the Zoning Law of the Town of Boston (Local Law #6-1990 as amended), said property being described as follows:

Beginning on the south line of Emerling, liber 6653 page 593 at a point 233.17 feet east of the centerline of Old Rt. 219 and at the southeast corner of the U.S. Post Office.

Thence south 87°17'27" east along the south line of liber 6653 page 593, 1669.35 feet to the west bounds of overhead power line.

Thence north 15°55'06" west along said west bounds 411.20 feet.

Thence south 74°04'54" west 10.0 feet.

Thence north 15°55'06" west 396.4 feet.

Thence on a curve to the right, having a radius of 5804.65 feet, a distance of 831.51 feet to the north line of Emerling liber 9150 page 662.

Thence north 87°17'27" west along the north line of liber 9150 page 662, 650.0 feet.

Thence south 2°23'16" east, 502.59 feet.

Thence north 73°47'27" west, 66.82 feet.

Thence on a curve to the right having a radius 333.0 feet a distance of 77.38 feet.

Thence south 31°32'33" west, 120.70 feet.

Thence north 87°17'27" west, 301.29 feet.

Thence south 2°46'09" east, 50.0 feet.

Thence north 86°59'01" west, 83.0 feet.

Thence south 2°46'09" east, 706.11 feet.

Thence north 87°17'27" west, 299.84 feet.

Thence south 2°46'09" east, 66.3 feet to the northwest corner of the U.S. Post Office.

Thence south 87°17'27" east, 233.17 feet.

Thence, south 2°46'09" east, 150.0 feet to the point of beginning.

PUBLIC NOTICE

Containing 43.86 Acres.

And, also being Sublots 1 through 32 inclusive and Sublots 40 to 44 inclusive on a Preliminary Subdivision Plat entitled Hickory Meadows Subdivision;

And, to rezone certain additional property presently zoned Residential Agricultural R-A to Residential R-3 under the Zoning Law of the Town of Boston (Local Law #6-1990 as amended), said property be described as follows:

Beginning at a point on north line of Emerling liber page 662, at a distance of 183.00 feet from the centerline of Old Route 219, as measured along the north line of liber 9150 page 662.

Thence south 87°17'27" east along the north line of liber 9150 page 662, 743.95 feet.

Thence south 2°23'16" east, 502.59 feet.

Thence north 73°47'27" west, 66.82 feet.

Thence on a curve to the right, having a radius of 333.0 feet, a distance of 77.38 feet.

Thence south 32°32'33" west, 120.70 feet.

Thence north 87°17'27" west, 301.29 feet.

Thence north 2°46'09" west, 258.59 feet.

Thence south 89°37'33" west, 124.31 feet.

Thence north 2°46'09" west, 150.0 feet.

Thence north 86°59'01" west, 75.06 feet.

Thence north 2°46'09" west, 199.30 feet to the point of beginning. Containing 8.45 acres.

And, also being Sublots 33 through 39 inclusive Preliminary Subdivision Plat entitled Hickory Meadows Subdivision.

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

Dated: Boston, New York
May 20, 1992

By Order of the Town Board of the Town of Boston, NY
David J. Shenk, Town Clerk

REGULAR BOARD MEETING TOWN HALL
JUNE 17, 1992 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to approve the rezoning of Hickory Meadows from R-A to R-1 and R-3 with the conditions that have been described by the Town Attorney.

Councilman Flowers would like to see the water tank in place before we start rezoning this property because Public Safety has a lot to do with this project.

Councilman Flowers	Voting Nay
Councilman Wohlhueter	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wittmeyer	Voting Aye
Supervisor Kennedy	Voting Aye

four (4) Ayes one (1) Nay Carried

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy to rescind the Resolution that was passed on May 20, 1992, granting the change in zoning for Alan Wittmeyer from R-A to C-2.

Councilman Flowers	Voting Aye
Councilman Wohlhueter	Voting Nay
Councilman Zimmerman	Voting Nay
Councilman Wittmeyer	Voting Nay
Supervisor Kennedy	Voting Nay

one (1) Ayes four (4) Nay Denied

Gary Becker: I have lived in the Town of Boston for thirty-six (36) years and I don't know what the Southtowner is. Now, the Hamburg Sun used to print all the news of Boston. I have heard now that the Southtown is the designated paper of the Town of Boston.

James Campbell, Glenn Terrace: Why don't we get leaflets in the mailbox for things like rezoning on Zimmerman Road, that way we won't have these problems. Now it is after the fact and we are all stuck with a decision that we don't like.

Supervisor Kennedy: Normally when we follow the procedure that was adopted in 1977 the people were notified in the immediate area. It became then known by word-of-mouth to everyone. That was always the procedure that was employed here.

Celeste Jones: I have a signed petition with thirty-five (35) names asking the Town to change the Southtown Citizen as the official newspaper to something else such as the Hamburg Sun or Buffalo News. The Southtown Citizen is not easily assessable to the Public.

Supervisor Kennedy accepted the petition noting that he did not know if a change could be made mid-year once a paper had been designated for this year. Certainly it is something that could be done next year.

Celeste Jones: Mr. Perley, would Zimmerman Road be considered spot zoning?

Town Attorney Perley: Not in my opinion. I don't consider any spot zoning in the Town of Boston. The restrictions on Alan Wittmeyer have not changed.

Larry Rogers: What about sanitary sewers, the run-off from the trucks. There are no sanitary sewers there. There are no facilities for washing his trucks. There are no facilities for the men working there.

Supervisor Kennedy: There are provisions if he is washing diesel fuel. We can employ the D.E.C. if necessary. Mr. Wittmeyer told me the men were using the facilities in the house if this is not the case let me know and we will look into these complaints because some of them are certainly justifiable.

Celeste Jones: Is there any governing state law which governs the town law for rezoning, that you know as the attorney?

Town Attorney Perley: I do not consider this spot zoning.

Leann Guzzetta: When Mr. Wittmeyer originally applied for the special use permit we all opposed, ninety-five percent of the neighbors opposed this. You of the Town Board are suppose to represent us. You voted against us, we didn't fight it and complain all the time because we wanted to be good neighbors, if you didn't care about us to begin with why do you care about us now?

Supervisor Kennedy: I'm sorry that you feel that way because we do care about everything.

Deputy Code Enforcement Officer Lisowski asked the people if they would like to comprise a list, he will research everything that is possible. He asked Attorney Perley for a list of the restrictions on that property and he will work with the people.

Supervisor Kennedy: Stockpiling, hours of operation and the planting of trees were incorporated into the rezoning.

Al Brooks: Mr. Perley, why was Mr. Wittmeyer advised to rezone so that he did not have to renew his special use permit.

Councilman Flowers: At the time Mr. Wittmeyer wanted to construct a pole barn directly behind the shop that he has now so that he could have all of his vehicles under cover.

Al Brooks: Don't you give variances for things like that? We would not have objected to that.

Councilman Flowers: It made more sense to rezone it to C-2 than it did to have him returning all the time.

Town Attorney Perley: When he applies for a building permit it will be subject to site plan approval. There will be a hearing, the Planning Board will review the application and the Town Board will review the application.

Supervisor Kennedy: It is not appropriate to continue "Special Use Permits" and extend them to incorporate more and more things such as you can build a pole barn under this permit or extend the building.

Letter from the Benevolent Association of the Boston Emergency Squad requesting permission to erect a Boston Emergency Squad Memorial in front of the Squad building.

A motion was made by Councilman Zimmerman and seconded by Supervisor Kennedy to approve the installation of the Boston Emergency Squad Memorial per their sketch except for the exception of a minimum of five (5') feet from the building.

five (5) Ayes Carried

Resolution from the Town of Eden endorsing Computerized Mapping Systems or Geographic Information Systems for Erie County Water Authority.

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 June 1992 at 7:30 P.M. Eastern Daylight Savings Time, there ere

PRESENT:	Richard L. Kennedy	Supervisor
	Milton I. Wittmeyer	Councilman
	David G. Zimmerman	Councilman
	Don A. Wohlhueter	Councilman
	Mark W. Flowers	Councilman

Councilman Flowers presented the following resolution and moved its adoption.

RESOLUTION REGARDING AN ACT TO AMEND THE PUBLIC AUTHORITIES LAW IN RELATION TO GRANTING THE ERIE COUNTY WATER AUTHORITY PERMISSION TO OPERATE A GEOGRAPHIC INFORMATION SYSTEM.

WHEREAS, the Erie County Water Authority desires to facilitate the development of a county-wide, accurate, multi-participant, multi-purpose Geographic Information System (GIS) base map for Erie County, New York; and

WHEREAS, the coordinated development and use of GIS technology can provide the opportunity for a public and private sector sharing in the creation, integration, and maintenance of existing information to make valuable new planning and management tools; and

WHEREAS, sharing GIS information can reduce redundant and duplicative mapping, record keeping, and retrieval activities of public and private sector GIS users county-wide and thereby reduce the costs of tax administration; infrastructure planning and administration; land use planning and public fire and service dispatch; and

WHEREAS, reducing and sharing administrative costs is in the best tradition of sound public and corporate policy which facilitates efficient and effective service delivery at the least cost to constituents, tax payers, and customers; and

WHEREAS, the Governor and State Legislature have called for innovative cost and service sharing arrangements between local governments; and

WHEREAS, the Association of Erie County Governments has endorsed and supports this proposal; and

WHEREAS, overwhelming evidence indicates that multi-participant GIS initiatives can save hundreds of thousands of dollars, eliminate redundant functions, integrate information, streamline operations, and create a "win-win" situation for all of the public and private sector entities involved:

NOW THEREFORE BE IT RESOLVED:

That the Town of Boston, County of Erie, New York is fully supportive of the Legislation that the Erie County Water Authority is sponsoring in the New York State Legislature that will allow the fair and equitable recovery of GIS-related start-up costs at the Water Authority. We strongly encourage your support of this Bill, A11585/S6087.

TOWN OF BOSTON

Seconded by Supervisor Kennedy 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 Flowers	Voting Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING
JUNE 17, 1992

TOWN HALL
7:30 P.M.

RESOLUTION: REGARDING AN ACT TO AMEND THE PUBLIC AUTHORITIES LAW IN RELATION TO GRANTING THE ERIE COUNTY WATER AUTHORITY PERMISSION TO OPERATE A GEOGRAPHIC INFORMATION SYSTEM

REQUESTS FROM THE FLOOR;

Victor Antonelli, 6496 Omphalius Road: Presented a letter to the Town Board regarding the water project on the hill and the severity of the problem. I know that this is like a recurring hydra, it keeps coming up every Board Meeting but the situation is becoming extremely severe up there and we really need to take some action on it.

Mr. Antonelli for demonstration purposes presented the Board with a piece of copper tubing which was two (2) years old to exhibit the corrosion and wholes from the salt in the water, and also a water filter which was two (2) weeks old. The problem is getting worse and the corrosion is eating everything away the water is no longer potable.

Mr. Antonelli made a request, if it would be possible to have the faucet by the Town Park open so that the people from the hill have accessibility to potable water. We cannot use the water that is coming out of our wells.

Mr. Antonelli's letter states that the well water contains abnormal amounts of salt, which has been increasing in content every year. Water mineral hardness, scale, traces of shale, oil, carbolic acid, debris and sediment are also present in the water.

Water hardness can be treated with water softeners and iron filters; however, salt content is not affected by this treatment.

After consultation with a field representative of the United States Corp of Engineers, a suggestion was made that the watershed on Omphalius Road may be becoming increasingly polluted with salt due to required road treatment in the winter months. Residents on this road appreciate the accessibility to their homes provided by this treatment as well as insured accessibility for town wide protection by the auxiliary fire station located on Cole Road at the top of the hill. However, our water courses seem to be affected by these measures.

This deteriorating water situation causes continued plumbing breakdown in our homes, damage to floors and walls due to corroded and leaking pipes, stained surfaces, discolored clothing and continued costly repairs. A statement of incurred costs for water-related expenditures for the thirteen (13) years that I have owned this property is included for your reference.

A citizens' group of residents from Omphalius Road is forming to provide whatever support we may to the Town of Boston representatives to develop the East Hill Water Project NOW. Our ability to again be asked to wait for one of life's basic requirements seems unreasonable in light of the rapidly deteriorating quality and supply of water available to us as residents.

Supervisor Kennedy agreed to make the tap in the Town Park available to the people. He will respond to Mr. Antonelli's letter advising him of the time availability.

Supervisor Kennedy will bring this to the attention of the Town Engineer and Mr. Neiderprum at the Water Authority at a meeting next week.

REGULAR BOARD MEETING
JUNE 17, 1992

TOWN HALL
7:30 P.M.

Frank Kirst, Leibler Road: Is there a plan now for increasing the water somehow, couldn't it be looked at to build something on the top of the hill to bring the water down.

Supervisor Kennedy: There are certain water districts in town that were created a long time ago. Water district #1 encompasses a certain geographic area that is outlined. That is the area of Water District #1. The people in that water district paid for the mains, pump station on East Eden Road, the mains that come across Eckhardt Road, the mains that go down the valley and feed all of the respective areas now that are served by Water District #1. I can only spend the revenue that is derived from the taxes in Water District #1 in Water District #1 or in projects that would benefit Water District #1. I cannot tax the people in Water District #1 to put water up on the hill unless we bill that out of General Fund money. I cannot use Water District #1 money and the same goes for Water District #2 when that was created. When that Water District was created we gave the same opportunity to incorporate the East and the West Hill both were suppose to be in that Water District and the people on this hill voted against it and consequently, that was the only part of the Water District that was built.

When we go to Audit and Control we have to show them that the people can afford the taxes to put these water facilities in.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman approved payment of "Going Places Van" cooperative agreement with Town and Village of Orchard Park in the amount of seven hundred and ninety-three dollars ($793.00).

five (5) Ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to approve payment to Hamburg Fire Control for Fire and Emergency Squad Dispatching Services which cover from January 1, 1992 thru December 31, 1992 in the amount of eighteen thousand, eight hundred and ninety-seven dollars and eight cents ($18,897.08).

five (5) Ayes Carried

Letter received from Town of Hamburg Finance Department regarding Proposal for next years cost of Professional Fire and Dispatching Services for the area encompassed by the Boston District.

Supervisor Kennedy will meet with Hamburg Supervisor Jack Quinn and Robert Brown of the Finance Department regarding 1993 proposal.

RESOLUTION: GERALD NOWATKA HAS REQUESTED TO RECEIVE WATER AS AN OUT OF DISTRICT CUSTOMER OF WATER DISTRICT #1 OF THE TOWN OF BOSTON, NEW YORK ON PROPERTY LOCALLY KNOWN AS 6394 OMPHALIUS ROAD

RESOLUTION: OPPOSING NEW YORK ASSEMBLY AND SENATE BILL WHICH WOULD MANDATE AN AGENCY SHOP FEE FOR ALL TOWNS IN NEW YORK STATE

Food Distribution Program date set by Frederick J. Marshall's Office on Thursday, July 16, 1992 at the Boston Town Hall from 9:00 A.M. until supplies are exhausted.

Letter from Denise Lucas requesting use of the Boston Town Park on Sunday, August 2, 1992 for Mercy Hospital X-ray Department Employees Annual Family Picnic. Verification of Insurance Attached.

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, in said town on the 17th day of June 1992 at 7:30 P.M. Eastern Daylight Savings Time, there were

PRESENT:	Richard L. Kennedy	Supervisor
	Milton I. Wittmeyer	Councilman
	David G. Zimmerman	Councilman
	Don A. Wohlhueter	Councilman
	Mark W. Flowers	Councilman

Supervisor Kennedy presented the following resolution and moved its adoption:

WHEREAS, There is presently in the Rules Committee of the New York Assembly and Senate a bill which would mandate an Agency Shop fee for all Towns in New York State, and

WHEREAS, The agency shop fee is presently a negotiable item between the local government management and the employee organization representing a negotiating unit, and

WHEREAS, Under the current terms of the Taylor Law employees that are represented by employee organizations are allowed to negotiate terms and conditions of employment, and

WHEREAS, If the agency shop deduction is eliminated by law as a negotiable item, it will remove one of the major incentives the employer enjoys to promote a contract settlement, and

WHEREAS, Local governments are under the same fiscal constraints as the State and Federal governments and can no longer provide a blank check for more and varied government benefits, and

WHEREAS, The State government continues to reduce its financial contribution to local governments and they have been promised by the State to reduce mandates on local government.

NOW THEREFORE BE IT RESOLVED, that the Town of Boston urges the defeat of this legislation and be it further resolved that any mandate affecting local government be carefully considered when drafting future legislation.

Seconded by Councilman Zimmerman 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 Flowers	Voting Nay

AYES: 4 NOES; 1 ABSENT: 0

David J. Shenk

DAVID J. SHENK, TOWN CLERK

TOWN OF BOSTON

At a regular meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Town Hall, 8500 Boston State Road, in said town on the 17th day of June, 1992 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
	Mark W. Flowers	Councilman

Councilman Wittmeyer presented the following resolution and moved its adoption:

WHEREAS, Gerald Nowatka has requested to receive water as an out of district customer of Water District #1 of the Town of Boston, New York on property locally known as 6394 Omphalius Road, Boston, New York,

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

(1) Permission is granted for one additional residential tap in at 6394 Omphalius Road.

(2) Gerald Nowatka shall pay customary district charges for district residents receiving service.

(3) Gerald Nowatka shall be responsible for obtaining all easements necessary to transmit the water from the current main to the respective residence.

(4) All expenses with regard to extending or upgrading the existing water service shall be borne by Gerald Nowatka.

(5) That Gerald Nowatka acknowledges that he may be liable for additional district charges in the event of formation of any additional Water Improvement District.

(6) This resolution shall be subject to approval of the Erie County Water Authority.

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

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

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING
JUNE 17, 1992

TOWN HALL
7:30 P.M.

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to grant permission to Denise Lucas, to use the Boston Town Park for Mercy Hospital X-Ray Department Employees Annual Family Picnic.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to appoint the following Softball Coaches for the 1992 Season:

TRAVEL TEAM:
Lisa Vasi
John Lenox

A DIVISION:

TEAM #1	Barb Zak Rolf Torno
TEAM #2	Sue Duffett
TEAM #3	Jim Latham Joan Chapman
TEAM #4	Tony Staub

B DIVISION:

TEAM #1	Henry Abramowski
TEAM #2	Bob Ehlers Wayne Kreiger
TEAM #3	Tom Narby Loucille Werth
TEAM #4	Cathy Boltz Galen Musselman
TEAM #5	Sally Marks

five (5) Ayes — Carried

A motion was made by Councilman Zimmerman and seconded by Supervisor Kennedy to reject all Ambulance Garage Amended bids for the General Construction, including the Mechanical, Electrical, Plumbing and Heating and return the project to the Capital Improvements Committee.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to set the Summer Town Board Meeting Schedule as follows:

Agenda Review at 6:15 P.M. prior to Regular Board Meeting unless otherwise advised by the Supervisor.

Wednesday, July 15, 1992 7:30 P.M.
Wednesday, August 19, 1992 7:30 P.M.

five (5) Ayes — Carried

REGULAR BOARD MEETING
JUNE 17, 1992

TOWN HALL
7:30 P.M.

SUPERVISOR REPORT:

Supervisor Kennedy received a report from the Office of the State Comptroller on file in his office if anyone should wish to see it. Report on the examination of the Town Books there were three (3) or four (4) minor criticisms that relate to financial matters, certainly they are there for your review.

On file in the Supervisors Office are appraisals from Kushman Association for the purchase of the five acres (5) or plus land that are going to be purchased for the Town Park from Mr. Tills at the southern end. We will be negotiating with Mr. Tills for the purchase of that land as per our original offer of ten thousand ($10,000) dollars.

RESOLUTION: PROTESTING STATE LEGISLATORS AND THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENT FOR THEIR CONTINUED USE OF OUTDATED ASSESSMENT DATA

Supervisor Kennedy read a letter from Ron D'Andrea asking the Board to a batting deck or to designate and area for batting warms ups to avoid any undue injury to the players.

Councilman Wohlhueter as liaison will respond to this matter and direct the Parks Department to set up a batting deck by outlining a designated area for batter warm-ups.

RESOLUTION: HIGHWAY AND BRIDGE FUNDING

Supervisor Kennedy received a complaint that the Building Inspector was burning, after checking into this, he had approval from the D.E.C.

Supervisor Kennedy also received a complaint from the same person regarding a lady running a day care center on Meadow Drive with twenty (20) children. The Code Enforcement Officer has looked into this and each time he went there there have only been two (2) or three (3) children there. Supervisor Kennedy will also do a random check on this situation.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer that the application for Building Permit of Angelo DeGuili, 5336 Berg Road, Buffalo, N.Y. be referred to the Planning Board for their study and recommendation.

five (5) Ayes Carried

TOWN ATTORNEY

Town Attorney Perley has presented to the Town Board Local Law #1 for the year 1992 which is the Local Law to implement pursuant to State direction mandatory recycling in the Town of Boston. He suggested that a Public Hearing be scheduled for the July meeting. This has to be filed and effective by September 1, 1992.

However, section 63-501 states that a license is required for any contractor to come in and haul and there is a privilege for a fee, the fee should be inserted tonight. He suggested a fee of either one hundred ($100.00) of one hundred-fifty ($150.00) dollars for each hauler coming into the Town.

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers that we schedule a Public Hearing at the Regular Board Meeting on Wednesday, July 15, 1992 at 8:00 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 17th day of June 1992 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
	Mark W. Flowers	Councilman

Supervisor Kennedy presented the following resolution and moved its adoption.

WHEREAS: In 1986 the Town of Boston as well as all of the other Towns in Erie County (with the exception of the Town of Elma) performed a full value assessment of all properties in their jurisdiction in an effort to conform with the recommendations of the State of New York, and

WHEREAS: The full value ratings assessed to these properties were used by the Town of Boston for years: '87, '88 and '89 until a re-evaluation or update of these same parcels was performed in 1990, and

WHEREAS: The New York State Board of Equalization and Assessment has utilized this same 1989 DATA (which is in effect the same data established in 1986) for the purpose of determining current equalization rates, and

WHEREAS: I understand that this same antiquated 1989 data may again be used by New York State Board of Equalization and Assessment nest year, and

WHEREAS: The use of this outdated property assessment data unjustly penalized all Towns who performed systematic updates of their properties to maintain equitable values and to conform with the State recommendations.

BE IT THEREFORE RESOLVED: That the Town of Boston registers a strong protest to our State Legislators and the New York State Board of Equalization and Assessment for their continued us of outdated assessment data, and

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 Flowers	Voting Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk

DAVID J. SHENK, 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 June 1992 at 7:30 P.M. Eastern Daylight Savings Time, there were

PRESENT:	Richard L. Kennedy	Supervisor
	Milton W. Wittmeyer	Councilman
	David G. Zimmerman	Councilman
	Don A. Wohlhueter	Councilman
	Mark W. Flowers	Councilman

Supervisor Kennedy presented the following resolution and moved its adoption.

RESOLUTION ON HIGHWAY AND BRIDGE FUNDING

WHEREAS, new infusions of funding for highways and bridges from the Federal and State government can provide needed relief to Boston deficient highways and bridges; and

WHEREAS, the Federal Inetermodal Surface Transportation Efficiency Act of 1991 (ISTEA) provides New York State $6 billion in highway and bridge funding over a period of six years; and

WHEREAS, Federal law requires New York State to spend a minimum of 15% ($31 Million) to a maximum of 35% ($72 Million) of the ISTEA's Bridge Program on the classified "off system" local system. In the past the New York State Department of Transportation has classified State bridges as "off system" eligible for local portion; and

WHEREAS, New York State Transportation Commissioner Franklin E. White has indicated the infusion of Federal ISTEA funding will provide little to no increase to local governments over what they received under the expired Federal Program -15%; and

WHEREAS, during the 1991 Legislative Session, the New York State Legislature passed, and the Governor approved, legislation creating a Dedicated Highway and Bridge Trust Fund; and

WHEREAS, this dedicated fund becomes operative April 1, 1993 and contains over $1 billion in dedicated revenues desperately needed for the future operation, maintenance, and improvements to the local infrastructure; and

WHEREAS, New York's 8,980 locally owned and maintained bridges make up approximately 50% of the total 110,964 road miles in New York and carry an estimated 42 billion vehicle miles traveled statewide; and

WHEREAS, New York's 8,980 locally owned and maintained bridges make up approximately 50% of the total 18,829 bridges in New York State, of which 55% are rated deficient in need of major structural repair; and

WHEREAS, the consolidated Highway Improvement Program (CHIPS) currently funded at $220 million expires in March, 1993 leaving a gaping hole in local government capital highway and bridge budgets; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Boston goes on record strongly urging State Transportation Commissioner Franklin E. White to appropriate the maximum 35% ($72 Million) of the ISTEA's Bridge Program to local governments; and

TOWN OF BOSTON

BE IT FURTHER RESOLVED, that copies of this resolution be submitted to Governor Mario M. Cuomo and all the members of the New York State Legislature, as well as others deemed necessary and proper.

Seconded by Councilman Flowers 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 Flowers	Voting Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk

DAVID J. SHENK, TOWN CLERK

TOWN OF BOSTON

- PUBLIC NOTICE -

Supervisor Kennedy offered the following Resolution and moved its adoption, seconded by Councilman Flowers.

WHEREAS, Dennis F. and Candace D. Lesinski are the owners in fee title of the following described premises, subject to purchase contract with Palmer Building Concepts, Inc.:-

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 28, Township 8, Range 7 of the Holland Land Company's Survey, and being more particularly bounded and described as follows:-

Parcel A

BEGINNING at a point on the easterly boundary of Map Cover 1944, filed in the Erie County Clerk's Office, said point also being the northeasterly corner of the George Road right-of-way; running thence east as an extension of the northerly boundary of the George Road thirty-five (35') feet to a point; running thence south at an interior angle of ninety (90°) degrees, fifty (50') feet, to a point, said point being an extension of the southerly boundary of the George Road right-of-way; running thence easterly fifty (50') feet at an interior angle of ninety (90°) degrees, fifty (50') feet, to a point (said point being the intersection of the southerly right-of-way of George Road and the easterly boundary of said Map Cover 1944); running thence northerly along the easterly boundary of Map Cover 1944 to the point of beginning; and also

Parcel B

ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of Boston, County of Erie and State of New York, being part of Lot 28, Township 8, Range 7 of the Holland Land Company's Survey, and more particularly bounded and described as follows:-

Said property being a portion of a circle having a radius of fifty (50') feet with the center being situated fifty (50') feet on a radius from the northeast and southeast corners of Parcel A herein above described and being a full and complete circle drawn on said radius excepting therefrom only that land described as Parcel A herein;

which said property is subject to a purchase contract with Palmer Building Concepts, Inc.; and

WHEREAS, the Town desires to purchase said premises to construct a Turnaround for Town vehicles, including Highway Department vehicles such as snowplows and to facilitate the maintenance of George Road.

NOW, THEREFORE, BE IT RESOLVED, that subject to a permissive Referendum, Richard L. Kennedy as Supervisor of the Town of Boston, Erie County, New York, and on its behalf, be and he is hereby authorized to purchase the above-described property for the sum of FIVE THOUSAND ($5,000.00) DOLLARS; and be it further

RESOLVED, that Richard L. Kennedy as Supervisor of said Town of Boston be, and he is hereby, authorized to execute all documents that may be required to effectuate the purchase and transfer of all right, title and interest in said property to said Town of Boston; and be it further

RESOLVED, that this Resolution is subject to a permissive Referendum as required by law and shall be posted on the bulletin board at the Town Hall and shall be published in the official newspaper of the Town of Boston.

The question of the adoption of the foregoing Resolution was duly put to a roll-call vote, which resulted as follows:

Supervisor Richard L. Kennedy voting Aye
Councilman Milton I. Wittmeyer voting Aye
Councilman David G. Zimmerman voting Aye
Councilman Don A. Wohlhueter voting Aye
Councilman Mark W. Flowers voting Aye

Dated: Boston, New York
June 17, 1992

David J. Shenk
Town Clerk

REGULAR BOARD MEETING TOWN HALL
JUNE 17, 1992 7:30 P.M.

Town Attorney has discussed with Board Members that we should consider retaining Bond Council with regard to Water Improvement #1. He will be sending each of the Board Members the proposals from two Bond Councils that he solicited. He will send them directly to your homes.

Mr. Lesinski property George Drive, this property is now under contract to Palmer Building Concepts. Attorney Perley talked with Mr. Palmer about this and he has agreed with him informally to sell the Cul-de-Sac to the Town of Boston for five thousand ($5,000) dollars with the understanding that the Town would pave it. The Cul-de-Sac is thirty-five foot (35') road extension of an existing fifty foot (50') right-of-way superimposed upon with a fifty foot (50') radius beginning at the termination of the fifty foot (50') right-of-way there is a Cul-de-Sac fifty foot (50') radius one hundred foot (100') diameter.

Town Attorney Perley asked the Board to consider a resolution authorizing the Supervisor to execute any and all documents necessary to consummate the purchase of the Cul-de-Sac previously described for the sum of five thousand ($5,000) dollars with the understanding that the Town would pave the Cul-de-Sac upon being conveyed title. And upon installation of the approvement of sanitary sewer and water by the seller Mr. Palmer.

RESOLUTION; AUTHORIZE SUPERVISOR KENNEDY TO PURCHASE THE CUL-DE-SAC ON GEORGE DRIVE FROM MR. PALMER FOR THE SUM OF FIVE THOUSAND ($5,000) DOLLARS

COUNCILMAN

Councilman Flowers announced the Triquasquicentennial Antique Auction, Saturday, June 20, 1992 at 11:00 A.M. at the Patchin Fire Company Hall.

Also, July 3, 4 & 5th - Triquasqui Celebration Weekend - A Party for the whole town.

Councilman Wittmeyer set up a meeting with the people in the South Boston Park area, Town Engineer, Supervisor Kennedy and Councilman Zimmerman with Mr. Pletcher and Mr. Loughery and we were successful in getting the easements signed after a couple of months of work.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to set a Public Hearing for the South Boston Park Bids for Monday, July 13, 1992 at 1:00 P.M. in Supervisor Kennedy's Office.

five (5) Aye Carried

PRESENTATION OF RESOLUTION, REQUEST AND COMMUNICATIONS BY MEMBERS OF THE TOWN BOARD:

Councilman Flowers congratulates Town Clerk David Shenk who received a Service Ribbon - The Liberation of Kuwait Medal from the Saudi Government for his deeds in the Freedom of Kuwait - Desert Storm Campaign.

A motion was made by Councilman Zimmerman and seconded by Councilman Flowers to adjourn the meeting at 10:48 P.M.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
JULY 15, 1992 — 7:30 P.M.

Present were Councilman Mark Flowers, Councilman Don Wohlhueter, Councilman David Zimmerman, Councilman Milton Wittmeyer, Supervisor Richard Kennedy, Highway Superintendent Eugene Ruchalski, Deputy Town Attorney David Wilson.

Town Attorney Michael Perley was absent.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to accept corrections and adoptions of the Minutes of the June 17, 1992 Regular Board Meeting.

five (5) Ayes — Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to accept the Town Clerk's monthly report for June 1992.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers that the General Fund and Special District Bills on Abstract #7 dated July 15, 1992 in the amount of $84,642.14 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 dated July 15, 1992 in the amount of $23,485.86 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to accept the correction of Highway Abstract #6A dated June 17, 1992 as follows:

Voucher #168 - Agway from $418.74 to $418.77

Error in Addition - Voucher #166 - $32.79 (not in total)

Total Abstract from $3323.58 to $3357.40

five (5) Ayes — Carried

Resolution received from the Town of Elma - Re: Home Equity and/or Residential Mortgages on Homes Located in Commercial Zones received and filed.

RESOLUTION - PROVIDE HOME EQUITY AND/OR RESIDENTIAL MORTGAGES ON HOMES LOCATED IN COMMERCIAL ZONES

Letter from Sen. John Kuhl, Jr., 52nd District Re: Divide New York State into two (2) states received and on file in the Clerk's Office. Ask Sen. Kuhl for a detailed memo for the Board to review.

Letter received from Sharon West, Deputy Commissioner of Department of Environment and Planning Re: Zoning Referral Action. Referred to the Town Attorney and Board Members for review. Tabled until August 19, 1992 meeting.

Letter received from BFI Re: Recycling and disposal of "white goods" containing CFC refrigerants.. Councilman Wohlhueter liaison to Solid Waste Management will follow-up on this matter.

Letter received from BFI Re: Comprehensive Recycling Analysis, Councilman Wohlhueter commented that Boston is a part of the C.R.A. and should fall within the guidelines required.

TOWN OF BOSTON

At a Regular Meeting of the Town Board of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 15th day of July 1992 at 7:30 P.M. there were present:

Richard L.Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Don A. Wohlhueter	Councilman
Mark W. Flowers	Councilman

Supervisor Kennedy presented the resolution and moved its adoption:

WHEREAS, it has come to the attention of the Town Board of the Town of Boston, New York, that certain residents whose homes are located in a commercial zone are unable to obtain home equity and home improvement loans and

WHEREAS, these residents are basically unable to sell their homes because banks will not offer a residential mortgage for a house located in a commercial zone and

WHEREAS, this situation creates an extraordinary burden on the particular home owners involved

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Boston requests the New York State Legislature to look into the problem and consider possible Legislation requiring banking institutions to provide home equity and/or residential mortgages on homes located in commercial zones,

AND, BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Boston immediately forward a certified copy of this resolution to the New York Senate and Assembly.

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

Supervisor Kennedy	Voting Aye
Councilman Wittmeyer	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk

DAVID J. SHENK, TOWN CLERK

At a Regular Meeting of the Town Board of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 15th day of July 1992 at 7:30 P.M. there were present:

Richard L.Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Don A. Wohlhueter	Councilman
Mark W. Flowers	Councilman

Supervisor Kennedy presented the resolution and moved its adoption:

RESOLVED that the Town Board of the Town of Boston grant application to Mark Warnke to rezone two (2) parcels of property on Hillcroft Drive from RA to R-2 with the following conditions:

1) Both described properties will be utilized for single family dwellings only

2) The restriction for the size of the single family dwelling shall equal or exceed the requirements presently in effect for R-1 construction

3) Before a dwelling is constructed on Lot #2 that faces Hillcroft Drive, the Town Engineer shall approve the culvert

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

Supervisor Kennedy	Voting Aye
Councilman Wittmeyer	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING
JULY 15, 1992

TOWN HALL
7:30 P.M.

REQUESTS FROM FLOOR

Al Brooks, 758 Zimmerman Road, what is being done about the restrictions on the rezoning of the Wittmeyer property on Zimmerman Road?

Deputy Town Attorney David Wilson: This matter is currently be worked on.

John Gluszek. 7551 Zimmerman Road, what about the drainage on Zimmerman Road, Wittmeyer's drainage ditch is on Smolinski's property?

Deputy Town Attorney Wilson: When the report is completed the property owners will be informed.

Joyce Corlett, 6474 Omphalius Road, my complaint is about the water shortage on the east hill and I am requesting that the Town Board consider not issuing building permits for new houses where wells have to be drilled on the East hill until the water problem has been resolved.

Supervisor Kennedy: This is a reasonable request and will be given serious consideration. It is possible that we could enact some type of moratorium. We have had numerous meetings with the Water Authority. An extensive study is being done now, and we have appealed for an approval or disapproval from our original application to tap into the Ward Road system which has been pending since a year ago last February and we still have not received an answer. The Town Attorney has released another communication to them asking them to tell us if we can utilize that water. We have tried to impress upon them the critical situation that we have here in Boston, hopefully we can get some action, if we don't perhaps your suggestion is in order.

Joe Dobek, 6550 Colonial Drive, on behalf of Mr. Patricola and the other residents of the Colonial Acres Subdivision would like to thank Supervisor Kennedy and the members of the Town Board for taking the time to come out and look at Mr. Warnke's property with us and to listen to our concerns in regards to that property. The letter that we received from Mr. Warnke's attorney Mr. Lesher did address the concerns that we had raised at last months board meeting and at the meeting on the site of the property.

RESOLUTION: REZONE WARNKE PROPERTY ON HILLCROFT DRIVE FROM RA TO R-2 WITH SPECIAL CONDITIONS

Letter received from Nancy Walczyk, 6572 Hillcroft Drive, with reference to loss of her property due to erosion caused by the change of the creek channel.

In her letter Mrs. Walczyk states, that she has complained many times over the past several years to the town, state, county, Soil Conservation Service, Environmental Agency and the Army Corp of Engineers with nothing being done to help them.

Mrs Walczyk also refers to Town Board minutes where the town made an agreement with the property owners in which the town wanted to change the course in which the water flowed and they agreed to maintain the new channel, keep it cleaned out so that the property on either side of the creek would not wash away, they never lived up to that agreement!

REGULAR BOARD MEETING — TOWN HALL
JULY 15, 1992 — 7:30 P.M.

Supervisor Kennedy and Superintendent Ruchalski made an on-site inspection today after a severe rainstorm. Mrs. Walczyk is correct, there has been a dramatic change in the direction taken by the creek channel. An appeal will be made to the Corp of Engineers and also to the County to come out and evaluate this situation.

Councilman Flowers requested to see a copy of the minutes that Mrs. Walczyk refers to in her letter. A copy of the minutes from February 1947 were produced to the Board by Becky Walczyk.

Supervisor Kennedy advised Mrs. Walczyk's father Fred Yoder that this problem will be looked into and they will be kept informed.

At 8:17 P.M. a Public Hearing was held for Local Law Number 1. Town Clerk Shenk read the Public Notice.

PUBLIC NOTICE
TOWN OF BOSTON

NOTICE IS HEREBY GIVEN that there has been presented to the Town Board of the Town of Boston, Erie County, New York, on June 17, 1992, a copy of the following:

LOCAL LAW NUMBER 1 of the year 1992 entitled "A Local Law to amend Local Law Number 1-1984 entitled Garbage, Rubbish and Refuse."

NOTICE IS FURTHER GIVEN that the Town Board of the Town of Boston will conduct a Public Hearing on the aforesaid Local Law at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on Wednesday, July 15, 1992 at 8:00 P.M. Eastern Daylight Savings Time, at which time all interested persons will be heard for and against.

Dated: June 99, 1992
Published: July 3, 1992

By order of the Town Board, Town of Boston
David J. Shenk
Town Clerk

Town Clerk Shenk read a release from County Executive Dennis T. Gorski announcing three (3) County undertakings associated with municipal Solid Waste recycling efforts.

Supervisor Kennedy opened the Public Hearing for comments on the Local Law that is required we adopt as described in the communication from the County Executive, that must be in effect by September 1, 1992.

Councilman Wohlhueter asked the Deputy Town Attorney David Wilson to summarize Local Law Number 1 as there are several pages to it. If there are any questions either he or Deputy Attorney Wilson will answer them.

Deputy Attorney Wilson: Basically, this law does four things it updates the terminology used in regulating solid waste, it complies with the solid waste mandate that the town implement source separation recycling by 1992. It also, allows the Town Board to adopt by resolution lists of recyclable items and it is my understanding that the Town Board will be doing that at its next monthly meeting. The fourth thing this law provides for is licensing of garbage collectors within the Town of Boston.

Councilman Wohlhueter stated that the fee that has been proposed for a license for BFI or CID to operate in the Town would be one hundred ($100.00) dollars.

Councilman Wohlhueter also stated, residents right now being in the garbage district are complying with the recycling regulations. There are some sections for fines if the provisions of the local law are not being met. A new contract will be coming up at the first of the year which may have some changes in it.

Ralph Gibbson, 8683 Maplelawn Drive, with reference to the fines that you were talking about, in a case where you have tenants. If they don't follow the law are they the one who gets fined or is it the actual property owner?

Deputy Town Attorney Wilson: The Tenant. The tenants are the source of the refuse. That is why it is called source separation, the source of whoever generates it has to separate it. They are the ones who are responsible.

REGULAR BOARD MEETING — TOWN HALL
JULY 15, 1992 — 7:30 P.M.

Hearing no other questions or comments regarding the Local Law.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer that the Public Hearing be closed at 8:30 P.M.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to move Local Law Number One 1992 to amend Local Law One 1984 Entitled Garbage, Rubbish and Refuse Enactment.

five (5) Ayes — Carried

Building Permit Request from Randall Barker 7380 Boston State Road referred to the Planning Board for review.

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to grant a soil removal permit to Roy Emerling, Boston State Road.

five (5) Ayes — Carried

Letter received from the Kaminski Family requesting rezoning property on Zimmerman Road, from RA to R-2 involving the following lots:

Joan E. Kaminski	SBL # 226.00-3-25.11
Andrew C. Kaminski	226.00-3-25.12
Mark A. Kaminski	226.00-3-25.13

referred to the Planning Board for review prior to scheduling a Public Hearing.

Letter of approval from the Planning Board - Re: Rezoning property owned by Sean Green and Paul Rosiek at 7214 Boston State Road from C-1 to C-2.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to apply the fee that Mr. Green and Mr. Rosiek have paid for the rezoning application to an application for a special use permit to utilize this residence for something that is not, here to for, allowed in the C-1 zoning, also that a Public Hearing be scheduled for August 19, 1992 at 8:00 P.M.

five (5) Ayes — Carried

Letter from Planning Board approving the Preliminary Plot Plan for the John Szalay Subdivision received and on file in the Clerk's Office.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer at the recommendation of the Town Engineer to award the South Boston Playground Drainage Contract to Klarberg, Inc. in the amount of thirty-eight thousand eight hundred-seventy-nine ($38,879.00) dollars. If Klarberg, Inc. elects to forfeit his bond and not do the project then it is the consensus of the Town Engineer that it be awarded to Tom Greenauer Development, Inc. which was the seconded lowest bid at fifty-two thousand, six hundred-thirty-two ($52,632.00) dollars.

Also, incorporate in this motion that we appropriate an additional one thousand ($1,000) dollars for inspection purposes to make sure that the job is done to the specifications of the Engineering Department, for on-site inspection so that no corners are cut when the job is done, if in fact, Klarberg, Inc., elects to do the job for the money that they have

submitted. This will only apply if Klarberg, Inc. elects to do the job for the money that he has bid.

five (5) Ayes Carried

Letter from Town Justice Robert Tills with reference to "Unclaimed Exonerated Bail", in the amount of one hundred-fifty ($150.00) dollars received and filed.

Letter from Janell Lundgren requesting appointment to the Conservation Advisory Council.

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter to appoint Janell Lundgren to the Conservation Advisory Council, term to expire March 31, 1996.

five (5) Ayes Carried

Supervisor Kennedy recommends that Janell Lundgren be appointed to the Solid Waste Committee term to expire December 31, 1992.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to appoint Damian Wiktor, Summer Recreation Supervisor, salary two thousand, three hundred ($2,300.00) dollars effective May 6, 1992 through September 30, 1992,

five (5) Ayes Carried

Certificate of Attendance - Board of Assessment Review Training, Ken Kloeber, June 1, 1992 received and filed in the Clerk's Office.

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter grant Gerald O'Brien, Recreation Director, use of the Lion's Shelter for the Concerts in the Park series on the following dates:

Tuesday	August 4, 1992	6 - 9:30 P.M.
Wednesday	August 5, 1992	6 - 9:30 P.M.
Friday	August 7, 1992	6 - 9:30 P.M.
Wednesday	August 12, 1992	6 - 9:30 P.M.
Friday	August 14, 1992	6 - 9:30 P.M.

five (5) Ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to grant permission to the residents of Old Orchard Drive to hold a Street Party on Saturday, August 1, 1992 from 2:00 P.M. until 8:00 P.M. with notification being sent to the North Boston Fire Company, Boston Emergency Squad and the State Police.

five (5) Ayes Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to grant permission to the residents of Ludon Drive to hold a Block Party, Saturday, August 22, 1992 from 10:00 A.M. until 12 midnight, with notification being sent to the North Boston Fire Company, Boston Emergency Squad and the State Police.

five (5) Ayes Carried

<u>SUPERVISORS REPORT</u>

A) Supervisors monthly report for June 1992 received and filed in the Clerk's Office.

REGULAR BOARD MEETING TOWN HALL
JULY 15, 1992 7:30 P.M.

Supervisor Kennedy, received a letter from Mike and Cheryl Whalen, Herman Hill Road, subject: Migration of salt into the well water which is similar to what we have had on some areas on Omphalius Road. Stating that he would like to request that County water be provided the upper part of Herman Hill Road due to the migration of salt into our wells. It is my understanding that the road will receive a new gutter system in the Spring of 1993, therefore, I propose that a water line be installed with the road construction.

Supervisor Kennedy is meeting with the Water Authority and hopes to speak with the engineering staff and others with regards to the progress that might have been made, since this is another tap, off the Ward Road tank.

Supervisor Kennedy made a commitment with Mr. & Mrs. Joe Loughrey that simultaneously the deficient culvert under the Boston Cross Road will be replaced at the same time as the South Boston Playground Drainage Improvement. This will be done even if its done at the Town expense although it is a County expense.

Also, the commitment that was made by the Assessor to grant a five hundred ($500.00) dollar reduction to those particular properties, since they have granted us, all permanent easements to the properties. I am sure that the Assessor will continue to pursue this matter with the property owners in question.

TOWN CLERKS REPORT:

A) Tax Collectors Report for June 1992 received and filed in the Clerks Office.

B) Registrar of Vital Statistics Monthly Report for June 1992 received and on file in the Clerks Office.

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy grant the Tax Collector to use the Town Hall facilities to collect the Hamburg School tax and to reimburse the Town a sum of six hundred ($600.00) dollars.

five (5) Ayes Carried

Town Clerk Shenk announced that the flag pole project he asked permission from the Board to initiate at the June 3, 1992 meeting has been completed, and he extends his thanks to Superintendent of Highway Gene Ruchalski for his help in the process of restoring the flag pole. It was good to see that the Town Clerks Office and the Highway Department can work together for the benefit of the Town.

At the last Town Board Meeting many people came in to express their unhappiness with the way the Town Code is written with regards to notification of property owners when there is a rezoning near them. I have talked with four towns regarding their town codes and have received copies of their town codes regarding this issue. Based on these findings I would like to propose the following Local Law to the Boston Town Code.

Local Law Amendment - Local Law Number 2 (two) 1992, Local Law amending Local Law Number 6 - 1990, codifying notice requirements for special exception uses and zoning amendments.

BE IT ENACTED by the Town of Boston as follows:

Section 1. Local Law #6-1990, Section 123 (Chapter 123, Section 174 of the Boston Town Code), is hereby amended to include a new subdivision (c) to read as follows:

c. Notices for special exception uses. Written Notice of the application for special exception use pursuant to this section shall be provided by the Town Clerk to all owners of property within two hundred (200) feet of the nearest line of the property for which the special exception use is sought and to such other owners as the Chairman of the Planning Board may direct. Notices to owners of the property abutting the property for which the special exception use is sought shall be sent via first class mail at least five (5) days prior to the public hearing.

Section 2. Local Law #5- 1990, Section 123 (Chapter 123, Section 178 A (2) of the Boston Town Code), is hereby amended to read as follows:

(2) (a) Public hearing, official notice, recording. Unless otherwise provided, the provisions of section 265 of Article 16 of the Town Law and subsequent amendments thereto pertaining to public hearings, official notice and proper recording of zoning actions shall apply to all amendments of this chapter.

(b) Special Notice Procedures. Written notice for any amendment to this chapter shall be provided to all owners of property within protectively zoned are, to all other property owners within tow hundred (200) feet of the boundaries of the protectively zoned area, and to such other owners as the Chairman of the Planning Board may direct. Such notice shall be sent via first class mail five (5) days prior to the public hearing.

Section 3. This local law shall take effect immediately.

At the last Town Board Meeting Town Clerk made a suggestion to the Board that a Local Law addressing this issue be propose. He thinks it is good government and good for the Town of Boston to have this not only as a tradition and not at the discretion of the Town Clerk but something that is required by the Town Code.

Town Clerk Shenk would like to thank the Town Board for giving him the opportunity to speak at this time.

Supervisor Kennedy asked the Clerk if he has actually reviewed the minutes that he believes a resolution has already been adopted and was standard procedure within the community and didn't feel that there was a need for local law because a resolution directing the Town Clerk to do these things was enacted sometime in the 70's. The Supervisor intends to research those minutes to determine if in fact that was the case. If it was maybe there is no reason for a local law.

Supervisor Kennedy states that this will be researched and if there is not something currently on the laws we will make certain that there is, so that the directive is not misunderstood.

Supervisor Kennedy advised that this should be reviewed by the Town Attorney as to whether this is the most applicable implementation of this particular section, where it should be incorporated, if in fact, it is adopted by the community.

TOWN ATTORNEY

All of the easements for the South Boston Park have been obtained and are now recorded in the Erie County Clerks Office. We are all set to start that drainage project whenever the contractor is ready.

REGULAR BOARD MEETING
JULY 15, 1992

TOWN HALL
7:30 P.M.

COUNCILMEN

Councilman Flowers has been asked on behalf of the Triquasquicentennial Committee to thank Supervisor Kennedy and Highway Superintendent Ruchalski for their additional support that was required by the committee to put on the Tri-Q event. Without their additional help we would have been scrambling for different sources of electricity and a lot of broken backs if it had not been for the Highway Superintendent letting his people help us and using the loader. We all had a real good time. We also thank the Town Board for their support.

Councilman Flowers attended the Southtowns Hazardous Materials Board of Directors meeting and it was brought up at the meeting that we should look into expanding into taking the area of North Collins.

Councilman Flowers attended the Conservation Advisory Council and presented them with the Solid Waste Local Law Number 1 - 1992 and the Steep Slopes Legislation drafted by Town Attorney Perley. At their next scheduled meeting we will have a report on that.

Councilman Wittmeyer expressed that he is glad that the Boston Cross Road drainage at the South Boston Town Park has finally gone to bid. After several meeting with the property owners up there we now can go forth with the park up there.

CODE ENFORCEMENT OFFICER:

A) Monthly report for June 1992 received and on file in the Town Clerks Office.

DEPUTY CODE ENFORCEMENT OFFICER:

A) Monthly report for June 1992 received and on file in the Town Clerks Office.

DOG CONTROL OFFICER:

A) Monthly report for June 1992 received and on file in the Town Clerks Office.

TOWN ENGINEER:

A) Monthly report for June 1992 received and on file in the Town Clerks Office.

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to adjourn the meeting at 9:15 P.M.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
AUGUST 19, 1992 — 7:30 P.M.

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

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to accept corrections and adoption of the Minutes of the July 15, 1992 Regular Board Meeting.

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 #8 dated August 19, 1992 in the amount of $74,208.73 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to accept the corrections of General Funds and Special District Abstract #7 dated July 15, 1992 as follows:

Voucher 528 — BFI
From: A8160.4 — To: A1620.4

Voucher 533 — Delo Drain & Septic Service
From: H7110.2 — To: H7140.2

Voucher 534 — Coleman Communications Corp.
From: H7110.4 — To: H7110.2

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy that the Highway Bills on Abstract #8 dated August 19, 1992 in the amount of $23,058.27 be paid.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to accept the Town Clerk's Monthly Report for July 1992.

five (5) Ayes — Carried

A letter received from Senator Ralph Marino regarding Agency Shop Fees received and on file in the Town Clerk's Office.

A letter received from Senator William T. Stachowski regarding Resolution adopted June 17th by the Town Board received and on file in the Town Clerk's Office.

A letter received from Senator John R. Kuhl, Jr regarding Resolution to Separate New York State into Two States received and on file in the Town Clerk's Office.

A letter received from Orchard Park Tax Receiver Ray Hutton regarding Proposal for Partial Payment of Taxes received and on file in the Town Clerk's Office.

RESOLUTION - PARTIAL PAYMENT OF TOWN AND COUNTY TAXES

Received Resolution from Town of Wales - Equalization Rates on file in Town Clerk's Office.

Received Resolution from Town of Wales - Home Equity Loans on Commercial Zoned Property on file in Town Clerk's Office.

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 August, 1992 at 7:30 P.M. Daylight Saving Time, there were

PRESENT:	Richard L. Kennedy	Supervisor
	Milton I. Wittmeyer	Councilman
	David G. Zimmerman	Councilman
	Don A. Wohlhueter	Councilman
	Mark W. Flowers	Councilman

Supervisor Kennedy presented the following resolution of Partial Payment of Real Property Taxes in Erie County and moved its adoption:

WHEREAS, payment of escalating Real Property Taxes in one lump sum can often times be burdensome upon property owners. Partial payment of taxes would alleviate this burden by giving the taxpayer an option to pay their property taxes in one lump sum or 50% or greater of the current balances up to four (4) installments in the Receiver's Office.

WHEREAS,this proposal hereby stated requests no change in the due dates of Real Property taxes, nor any change in the penalty structure as set forth under the Erie County Tax Act,only for the Receiver of Taxes, to be able to accept partial payment as outlined.

WHEREAS, this proposal is permissive with each taxing unit, they being the County of Erie, School Districts, Town and Cities of Erie County.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board calls on the Erie County Legislature to adopt a home rule resolution calling on the State of New York to grant approval for allowing payment of Real Property Taxes in partial payments of 50% or more of the Current balances during the collection period at the local level.

BE IT FURTHER RESOLVED, that certified copies of this resolution be sent to All County Legislators, County Executive and Budget Department.

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 Flowers	Voting aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING TOWN HALL
AUGUST 19, 1992 7:30 P.M.

A check received from Adelphia Cable in the amount of thirteen thousand,eight hundred thirty-seven dollars and forty-two cents ($13,837.42). This check represents payment of franchise fees for the period from October 1, 1991 through March 31, 1992.

A letter received from Adelphia Cable regarding rate increase effective November 1, 1992. Standard Service - Old Rate $20.95 New Rate $23,25.

Supervisor Kennedy is going to draft a letter expressing his displeasure with the increasing rate structure of Adelphia Cable.

Letter received from Sharon West, Deputy Commissioner, Department of Environment & Planning - Zoning Referral Actions Tabled from July 15, 1992, Regular Board Meeting.

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman authorizing Supervisor Kennedy to sign Agreement between the County of Erie and the Town of Boston - Zoning Referral Actions.

five (5) Ayes Carried

Letter received from David Gaskell. Division of Equalization & Assessment regarding outdated assessment information on file in the Town Clerk's Office,

Letter received from John J. Gugino, Deputy Commissioner-Highways, Erie County Department of Public Works regarding Boston Cross Road.

Supervisor Kennedy stated that a special meeting with John Gugino. The County of Erie is going to work with the Town of Boston, a change order will be initiated so that the culvert replacement will be done simultaneously with the other drainage work being done so that no further problems arise. As soon as we receive this change order it will be presented to this Board for approval.

Letter from Philip J. Cook, Administrative Director, Erie County Water Authority regarding Regional Geographic Information System.

Letter received from Mary Ellen Kalled, Manager, Project Monitoring & Assistance Unit, Energy Investment Bureau regarding rejection of ECM Grant #C601104 on file in the Town Clerk's Office.

Supervisor Kennedy responded that some of the recommendations that were made by Babinski & Clark when they did the original energy audit would have been difficult and very costly to implement. We have saved a good deal more money in the implementation of energy efficient ballasts that have been installed throughout the Town Hall and in the Court Room, also, and we have gotten 75-78% of the monies expended back from NYSEG for that implementation.

Letter received from Hamburg Central School District regarding the tire problem at the Boston Valley School received and on file in the Town Clerk's Office.

Letter received from Richard T. Swist, Executive Director, NFTA regarding implementation of transit service improvement providing and additional trip inbound to Downtown Buffalo from Boston at 7:50 A.M. on September 6, 1992 received and on file in the Town Clerk's Office.

REGULAR BOARD MEETING
AUGUST 19, 1992

TOWN HALL
7:30 P.M.

At 8:00 P.M. a Public Hearing was held to consider the application of Sean L Greene and Paul A. Rosiek to rezone property located at 7214 Boston State Road which is presently zoned Local Retail Business C-1 to General Commercial C-2. Town Clerk Shenk read the Public Notice.

Town Clerk Shenk sent Zoning Notices to forty-seven (47) local residents.

Town Clerk Shenk received a letter from the Boston Planning Board with the following recommendations:
1) That the property located at 7214 Boston state Road not be rezoned from C-1 to C-2, and
2) That Mr. Sean Greene and Mr. Paul Rosiek be allowed to conduct the business that they wish to conduct at 7214 Boston State Road and that they be allowed to build their new structure with the understanding that there will be no retail sales out of that outlet.

Supervisor Kennedy asked Town Attorney Perley to elaborate on the use of "Special Use Permit" which he feels is not the route to go.

Town Attorney Perley advised that there are three different decisions that the Town Board can make. When we passed this Local Law and repealed the Zoning Law as of the effective date of this Law the concept of a "Special Use Permit" was modified considerably, "Special Use Permits" are only allowed when specifically authorized under this law, that was not the case in the old law. Under this law there is no provision to allow a "Special Use Permit", therefore, it would be my opinion to the Board that they cannot issue a "Special Use Permit", that would in fact, be a variance under this law, it would be the province of the Zoning Board of Appeals and is subject to a whole different set of rules. Therefore, there are really three options left. The first option is to deny the application and not permit the proposed use of the propert: Second, to grant the application into :

PUBLIC NOTICE

TOWN OF BOSTON
Amendment to the 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 19th day of August, 1992, at 8:00 P.M. Eastern Daylight Savings Time, at the Boston Town Hall in Boston, New York, to consider the application of Sean L. Greene and Paul A. Rosiek to rezone the following described property located at 7214 Boston State Road which is presently zoned local Retail Business C-1 to General Commercial C-2 under the Zoning Law of the Town of Boston (Local Law #6-1990 as amended); or, in the alternative, to consider the issuance of a Special Use Permit for said property 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 Number twenty-two (22), Township eight (8), Range seven (7) of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the center line of Hamburg-Springville Road, one hundred fifty-seven and twelve hundredths (157.12) feet easterly of the intersection of said center line and the center line of Zimmerman Road; thence southwesterly at an interior angle of 90° 00' 54", one hundred sixteen and seven tenths (116.7) feet to the northeast line of lands conveyed by deed recorded in the Erie County Clerk's Office in Liber 1986 of Deeds at page 255; thence southeasterly at an interior angle of 74° 03' 36", ninety-five and sixteen hundredths (95.16) feet to a point; thence southwesterly at an exterior angle of 103° 55' 49", one hundred seven (107) feet to a point; thence southeasterly at an interior angle of 104° 09' 00", one hundred thirty-five and four tenths (135.4) feet to a point; thence southerly at an exterior angle of 145° 35' 00", forty-eight and five tenths (48.5) feet to the center line of a stream; thence northeasterly along the center line of the stream at an interior angle of 47° 15' 16", sixty-three (63) feet to an angle therein; thence continuing northeasterly along the center line of the stream at an interior angle of 168° 20' 00", one hundred twenty-four (124) feet to an angle therein; thence northwesterly and still along the center line of said stream at an interior angle of 112° 54' 54", forty-eight (48) feet to an angle therein; thence northerly at an exterior angle of 124° 22' 58", one hundred (100) feet to the south line of Hamburg-Springville Road; thence northeasterly at an exterior angle of 171° 30' 53", thirty-three (33) feet to the center line of said Hamburg-Springville Road; thence northwesterly along the said center line one hundred twenty-four and fifty-six hundredths (124.56) feet to an angle therein; thence continuing northwesterly along the center line of said highway, twenty-nine and twenty-five hundredths (29.25) feet to the place of beginning.

AT THIS HEARING, at the time and place above-noted, all interested parties will be heard for or against said Petition.

Dated: Boston, New York
July 29, 1992
Published: July 31, 1992

By order of the Town Board
Town of Boston
David J. Shenk
Town Clerk

zone or third, to deny the application and be willing to consider incorporating the use that Mr. Greene proposes here into a C-1 zoning structure.

There are some questions that the Board has to consider here and Town Attorney Perley would like to develop more information from Mr. Greene about the property and suggests to the Board that they think about the way in which this works within the framework of our zoning law. Although, this appears simple on its face, given the way this law is structured it requires a decision that is fairly well reasoned, in order that Mr. Greene understand what is happening and that we keep an accurate record of how we are handling the zoning within the Town of Boston.

Supervisor Kennedy opened the Public Hearing for comments on the rezoning of 7214 Boston State Road.

Joseph Terrizzi, 6535 Fairlane Drive, Boston: I received, a notice I believe because I am one of the intiguous landowners to this property. Unfortunately, it appears that myself and a fair portion of the audience don't know exactly what is proposed because of the notice, because the notice was as the Clerk read it and doesn't mention exactly what he intends to do with this, although maybe that's immaterial when you are rezoning. In any event, I would be curious to find out what the actual proposed use and what is intended to be constructed there.

Town Attorney Perley: As stated in his letter of application with favorable response from the Board the building will be used to house tools, equipment and supplies for our plumbing business.

Joseph Terrizzi: What are we talking about? What kind of a building?

Town Attorney Perley: He proposed to construct a 40 x 60 building.

Supervisor Kennedy: He intends to construct a building on the property. It is my understanding from my conversations and from what I have read that it is going to be used primarily for the storage of plumbing supplies and equipment. My concern was is there going to be any fabricating done there, is there going to be any welding and things like that.

Councilman Wittmeyer: Joe do you know where the present barn sets on that property? That is going to come down and this building will replace it.

Joseph Terrizzi: Is it just going to be one of those tin buildings that is put up or a different type of structure?

Town Attorney Perley: However, so you understand the application right now is only to rezone.

Joseph Terrizzi: I, understand that.

Town Attorney Perley: The building is subject to site plan approval.

Joseph Terrizzi: For purpose of this hearing being the contiguous owner on two sides, I really have no objection to the rezoning. If we could do this in an enlightened fashion extracting some type of a commitment that would fit within the type of scheme that we would like to have for our town, especially on that section which is one of the busiest sections, being what people see when they first come into Boston.

REGULAR BOARD MEETING TOWN HALL
AUGUST 19, 1992 7:30 P.M.

Paul Rosiek: I am Sean Greene's partner, I understand Mr. Terrizzi's concern regarding the style of the building and that it will fit in. It will be where the big barn is now, that is what we intended to request to use as our storage until after we got in there and found that the barn is in poor shape. Mr. Rosiek presented pictures indicating the style that they intend to build, it will be wood with a foundation having metal siding on it. Those have improved so much in the past twenty years, they are not like what they used to be. A building very similar to what we would like to build is on the corner of Boston State Road and Patchin Road, there is one on Patchin Road. We would like to do something that will fit into the scheme possibly white with black trim.

Supervisor Kennedy: If we were not to rezone this with restrictions what is the timetable if we were to change the zoning?

Town Attorney Perley: Second meeting in September if put on a fast track. There are other problems with this application. The principal use of the property now is for residential purposes. This is a principle building so it has got to independently meet some area and frontage requirements, it will need a variance on the front yard requirement. The width of the front yard. There is only one hundred and ten feet (110') and at least one hundred and fifty feet (150') are required. There has to be an independent front yard for each. I would assume all other things being equal he meets all the other area requirements.

Supervisor Kennedy: Was the consensus of this Board to incorporate some kind of language in the present zoning law that allowed for a storage facility on a C-1 premise? Would the lot then conform or would it still require a variance?

Town Attorney Perley: It would still require a variance. Since there is Site Plan approval involved it goes back to the Planning Board for Site Plan approval. The law gives us some direction in this regards. If the zoning is changed when it goes into Site Plan approval and you know there is a variance required, the Planning Board makes an initial determination as to whether or not it would be inclined, all of the things being equally granted. If that is the case then the variance is applied for. So that both can then come back to this Board at the same time with a Site Plan essentially approved and a variance granted at that point. Then your ready to go.

Supervisor Kennedy: In due respect to Mr. Greene, I certainly want to do everything I can to expedite this. However, I think the Board should consider implementation of the storage facility into a C-1 zoning rather than to put a C-2 with all kinds of restrictions and deletions, because I think your going to see this occur again and again. I think that this is something that is not unique.

Supervisor Kennedy: Are there any other comments that should be brought before the Board on the rezoning at this Public Hearing in opposition or whatever to the rezoning of the property for the purpose that Mr. Greene wants to do this.

James Kersten, Ludon Drive: With all due respect to Mr. Greene and I am not really totally familiar with the type of building and structure that he wants but I just want to applaud the Board for trying to research this as much as possible so that it doesn't send the wrong signal to the residents, particularly in that affected zone area. Is it right that the present owner bought the property knowing what the zoning laws were, knowing what the zoning codes were and then to ask for a change based on a year or two years of occupancy? Does that send a wrong

message to all the other people in that immediate area, saying that we can change our business and we can make our buildings higher or wider? The Town spent a lot of time, it is my understanding, in researching the various sections of the Town in the zoning and how their impacted. Just to come to this Public Hearing and hearing all the questions and concerns that are being raised, it doesn't seem to me that it was researched enough, it doesn't seem like all of your issues and concerns have been addressed that any type of proper decision can be made on the changing of that zoning law. In effect, it is delaying what Mr. Greene is trying to do. It's obviously a counter to what Mr. Flowers and what Supervisor Kennedy have said. The fact is, that you really should have all your T's crossed and your I's dotted etcetera to really have a good understanding of what he is trying to do.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer if there are no other questions on this specific rezoning to close the Public Hearing at 8:32 P.M.

five (5) Ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers to table the rezoning of 7214 Boston State Road from C-1 to C-2 for further study.

five (5) Ayes Carried

Sergeant Don Gardon, New York State Trooper addressed the Town Board to assure the people of Boston that the State Police have every intention of staying in Boston. The New York State Troopers are committed to the Town of Boston and look forward to renewing their lease. Supervisor Kennedy should soon be contacted by Captain Haag from Batavia, he will be in tough very soon with the up coming lease that expires October 1, 1992.

Presently there are twenty-eight (28) sworn police officers working out of the Boston Station - sixteen (16) Troopers, three (3) Sargent's, four (4) Investigators that handle strictly State Police Boston Cases, five (5) Investigators that handle violent felony warrant cases in Erie County also three (3) civilian dispatchers work out of this station. The stations that we have had a minor redeployment to are the satellite offices in Holland and Aurora. Last Fall one (1) Trooper was sent to Holland and one (1) to Aurora. These Troopers are routinely assigned for Post coverage here when we are short, they are still technically assigned to the Boston Barracks. Presently, there are four (4) Troopers at Holland and four (4) at Aurora, if for any reason we are shorthanded here in Boston or any of the other stations we are able to call in troopers from other surrounding stations for coverage. Rest assured we are here to stay and do enjoy our relationship with the Town of Boston.

We would like to thank the Town Board for the recent installation of the new floor at the station.

Today the State Police had a confirmed case of rabies from Concord. If any calls are received regarding something like this please contact us immediately. A Trooper will be sent out if available or a D.E.C. Officer. If it is felt that immediate action be taken please do no shoot the animal in the head because that is the only way that we can determine if the animal is rabid or not. The D.E.C. will send the animal to the Lab in Albany and if the animal is shot in the head they are unable to perform that test. Please keep dogs tied up, these animals will bite your pets.

REGULAR BOARD MEETING TOWN HALL
AUGUST 19, 1992 7:30 P.M.

The State Police are aware of the tire problem at Boston Valley School and are working on that. Unfortunately, we are at a

stand still and at the point where we almost need a tip. If someone wants to make an anonymous tip we would very much appreciate it.

Another problem out in the Town here is people from the City driving out here, jump off the expressway and dump their garbage, a lot of times we are able to catch them, however, they are not careful with what they put in their garbage, and sometimes they identify themselves.

Supervisor Kennedy expressed that the Town Board certainly appreciates Trooper Gardon coming to the meeting and alleviating some of the concerns that the residents have expressed and we are certainly happy that the State Police have every intention of remaining.

Town Clerk Shenk at the last Regular Town Board Meeting presented a Local Law that would require written notification of neighboring properties when a Public Hearing is held on Rezoning and Special Use Permits. Since, that Town Board Meeting Town Clerk Shenk has received letters from residents living in the Town of Boston concerning this issue. For the record Town Clerk Shenk read letters of support from the following residents:

Susan R. Sullivan	7844 Zimmerman Road
Douglas & Pamela Grill	5232 Glenn Terr.
Jack & Kathy Grech	7818 Hywood Drive
Earl & Patricia James	6573 Colonial Drive
Mark Halter	7018 Sunset Lane
Barbara Reilly	6304 Patchin Road
Paul & Joyce Jensen	4728 Haag Road
Roger Schmidt	5497 George Drive
Dennis & Geraldine Barone	8450 Zimmerman Road
Stephen & Nina Plewik	6724 Redwing Drive
Richard & Karen Lang	5155 Mayer Road
Mavis Goldsmith	8889 Boston State Road
Harvey & Anna Reed	7077 East Lane
Michael Reilly	7697 Kevin Drive
James B. Murphy	7915 Hywood Drive
Jo Davenport	4957 Appletree Road
Richard Reisch	7758 Zimmerman Road
Jane Haag	4561 Haag Road
Bernard Moritz	7073 Boston Cross Road
James Herbert	7748 Zimmerman Road
Al & Elizabeth Brooks	7580 Zimmerman Road

Supervisor Kennedy stated that normally when we propose a Town Law we try to draft a Town Law in a manner that is acceptable so that we don't have to make changes, most of the language does not mean that alterations cannot be made.

Councilman Wittmeyer advised that this had been discussed at the agenda review. Look at the local law it needs a lot of changes if we are to in any way adopt this. One of the things is that this says all property within two hundred (200) feet of the boundaries of the prospective zoned area. Take an area up on the hill or up in Boston two hundred (200) feet would not include one neighbor either way. If a law is going to be made make it proper.

Town Attorney Perley states that in the minutes of the rezoning hearings, for the two rezonings since the new local law was enacted, the minutes clearly state that the Town Clerk notify the neighboring land owners. Going back beyond that, through the 1980's each Public Hearing clearly states that the Town Clerk notify the neighboring landowners. This law does not fit

our zoning law, it doesn't come close to fitting our zoning law. I would be happy to draft at the request of any member of the Town Board these types of provisions to fit within our law. I want to remind this Board that the last revision of the zoning law took six months because we cleaned it up to make sure that sections that didn't fit were revised. The consistent history of this Board and this Government has been to notify the neighbors.

Supervisor Kennedy said, that he was going to research the minutes. He did research the minutes, there was a discussion that took place where the Board decided, but it wasn't recorded in the official minutes. However, since the time that they held the hearing on the plumbing business in Boston which I know was in 1979, at least thirteen (13) years, this Board has always notified all the immediate property owners.

Supervisor Kennedy would like to draft a letter to the people who sent letters and explain to them the policy that is taking place and give them the opportunity to review the minutes for the last thirteen (13) years and they will find out that we notified people on both sides of the road.

James Kersten, Ludon Drive: From the outside looking in, what I see here tonight is that you are taking this issue between Town Attorney Perley and Town Clerk Shenk and turning this thing into a political football. What I see happening is that you are allowing this to turn into a political football. All that I see what really the intent of all this is, you talk about a standard past practice of notifying people about changes of the zoning laws within their area. Maybe it has been a good practice through a resolution form probably adopted by this Board, back who knows when, in the 80's or 70's. What Dave Shenk is trying to do, in defense of his action here, is make it more clear. Maybe the two hundred (200) foot thing is wrong and the Councilman is correct in saying your right, possibly what the real intent here is to notify the neighbors so the oversight doesn't happen in the future. What happened in the Wittmeyer case is that it was an oversight, he's an honest man, he made an honest mistake, for whatever reason he didn't send these notices out if it was a standard past practice, he should have been aware of that. Via resolution or whatever else. If you have a code, a code or a law it is clear. Sometimes in a code you have side letters or reference made to them. If it was written into the law it wouldn't happen again, then everyone is held responsible not just the Clerk , you as a Supervisor and the Attorney to see that the law is carried out properly. All he is looking for is some clarity. He doesn't want to cause confusion in the future and he wants to let the Board be more accountable to the citizens. The citizens according to all the letters I have heard read here tonight would really like to know what is happening and what types of changes are being made.

Town Attorney Perley: I am not making this a political football. I have drafted any piece of legislation that any Board Member has ever asked of me. I was the final revisor of this code. I stood in this room for three nights with every book that we worked with and maps and went over it in detail with the people that were here. I was aware of the policy of the Town Board as well as everyone else who worked on the Zoning Commission. Mr. Shenk proposed this law in my absence, I missed one Board Meeting in the last three years and that was last month.

Jim Kersten: I am an Engineer, I am not an Attorney, correct me if I'm wrong and I'm sure you will any way. The fact is that you are a Town Attorney and you are not part of the Legislative Body either. Your simply here as an advisor. It appears to me that your suppose to be advising the wisdom here tonight, ok.

Not taking shots, you feel like you have been personally offended and hurt by his actions. Then I think that you should be standing on this side and expressing your concern to the Board. When I spoke up, you were directing that to me and I took offense.

Town Attorney Perley: I think that the record should be clear, where this came from. We took six months to put the code together because we did it very carefully. We will take the time to draft the legislation carefully. There is legislation before the Conservation Advisory Council for their comments on zoning, there is legislation on steep slopes. We are not going to hold a Public Hearing until we are satisfied that we have done it right. All I am saying is that when you propose a local law to do it the right way you don't call for a Public Hearing before it is ready to be enacted. You should take the time to solicit, rather than taking the time to solicit comments on this, and solicit comments on whether or not the Town Board should hold a Public Hearing. I wish Mr. Shenk had written the neighboring landowners in the first instance in the rezoning application.

Town Attorney Perley: I don't think Mr. Shenk would ever let it happen again. We must take a look at whether or not we can draft a requirement for Public Notice that will fit our geographical conditions, fit large farm lands, have proper terminology within the zoning law and we have to make a conscious decision as to whether or not we make this a jurisdictional requirement for notice or policy requirement for notice. That issue is not even addressed here.

Councilman Wittmeyer: I have been on the Board for many years and this is the first time in all these years that this has ever happened. All the people have always been notified. There was an oversight here and if it takes a law to rectify it, lets pass the law.

Supervisor Kennedy: I don't think anybody had any objection to drafting a Local Law and Mr. Shenk to my knowledge has never made an admission that he had any responsibility in not notifying the people in the Zimmerman Road incident. He just went ahead and had a local law that he took out of context out of different zoning law and made a proposition. He made it a political football by sending letters to the editor and so on. I agree with the consensus that has been expressed by the Councilman here. If it takes a local law to make certain that it doesn't happen again and he were conscientious in wanting something done to that nature he would have said to the Town Attorney, I want to see something in the Local Law. You draft something up that is going to dovetail into our law. But he didn't. He never consulted with any members of the legislative body here or the Town Attorney. He just went ahead and got a sample of a Local Law from a different area that has no bearing or no correlation with our existing law. If anybody politicized it, it was he and not this Board.

Councilman Wittmeyer: I would at this time move that this be referred to the Town Attorney for an update and let him come back with something.

Supervisor Kennedy: The Town Attorney has reviewed this and pointed out a lot of the fallacies within the law, and I have a copy of that.

James Kersten: On a point of information, would it be also wise, to maybe involve time frame here, in so far, as part of your motion.

Town Attorney Perley: There is going to be a series of amendments this fall and I have told Mr. Shenk to hold back sending in the mandatory recycling law because we run into extraordinary printing costs if we print these things piecemeal. I can certainly have something for the Board at the next meeting if they would like, or you can wait until the Sleep Slopes Legislation comes out of the Conservation Advisory Council. I have some other technical amendments to make within the zoning laws. Some changes that we need to address that we have found since we enacted it. We can do it either way. I want the Board to be aware that sometime over the course of the fall there will be a series of zoning amendments coming before you.

Councilman Wittmeyer: Why don't you have this for us at the next meeting for review and we at that time can review it and from that point on we can set a Public Hearing on it and go forth.

Town Attorney Perley: I will have a draft for you by the next Board Meeting Agenda Review.

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers to move that Local Law #2 1992 be referred to the Town Attorney for review and see what is needed to make this a law that is workable here in the Town of Boston. Lets put the law on the books.

five (5) Ayes Carried

REQUESTS FROM THE FLOOR:

James Kersten, Ludon Drive, Regarding Dave Gaskill's letter on equalization and assessment. As you know I have been following this and this is certainly a good thing, a positive foot forward trying to get a handle on the equalization and tax rates here in the Town that have been sky rocketing to the point it is becoming quite scary. To follow thought with this a little bit more to the point of writing to this legislation. Where does this stand within the law and becoming part of the law to get the community to using the assessors to do their own assessments. I'm sure it's going to take a change in the State Equalization and Taxation Laws. Has it passed the Senate, is it in the Assembly, is it in a committee, wherever the status of this bill is and before a bill can become a law I'm sure it gets sidestepped and may set there for who knows how long. Isn't there someway that you could write a letter to the Committee Chairman of Ways and Means or something?

Supervisor Kennedy: The first thing I would like to do is investigate with the Assessors in Erie County and I will do that through our Local Assessor to see what the Association of Erie County Government needs to discuss. There is a meeting coming up a week from this Thursday. At that time I will have an opportunity to discuss this with Supervisors as well as people involved in the Assessment practice.

James Kersten: This is a great opportunity for the Town to take the lead role in this thing, too. In fighting some of these rates that are out there. If it is a matter through you, as through your resolution to write another letter of follow-up and also, maybe even bird-dog-it with the Western New York Delegation of Assemblymen and Senators to get these people to move on this particular bill for the change in the law for equalization.

REGULAR BOARD MEETING — TOWN HALL
AUGUST 19, 1992 — 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to refer the building application of Alan & Maureen Wittmeyer, Zimmerman Road to the Planning Board for their review and recommendation.

five (5) Ayes — Carried

Supervisor Kennedy addressed Deputy Code Enforcement Officer Lisowski to advise Mr. Wittmeyer that his Special Use Permit made no provision for a trailer on his property. When his property was rezoned there were no provisions for a trailer. Town Attorney Perley was asked to review this. If there are no provisions for a trailer on this property Deputy Code Enforcement Officer must see that it is removed.

Letter from Jim Millich requesting rezoning of property on Herman Hill Road part of lot 30 township 8 range 7 to be all zoned RC. Also, a variance of side lot line to thirty-five (35) feet instead of fifty (50) feet.

A motion was made by Councilman Zimmerman and seconded by Supervisor Kennedy to table this request until proof of ownership has been established or a copy of the Purchase Agreement has been furnished.

five (5) Ayes — Carried

Letter received from Mary Kraft regarding burning in the Town of Boston received and on file in Town Clerk's Office

Letter received from Margaret & Jay Braymiller regarding speed limit on Rice Road referred to Traffic Safety Committee.

Letter received from Planning Board regarding request of Angelo DiGiuli to convert an existing building at 9467 Boston State Road into two apartments.

A motion was made by Councilman Zimmerman and seconded by Supervisor Kennedy based on the recommendation of the Planning Board and the Town Engineer to deny Angelo DiGiuli request to convert the building at 9467 Boston State Road into two apartments.

five (5) Ayes — Carried

Letter received from Planning Board regarding request from Randal Barker for addition to existing business building at 7380 Boston State Road.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers based upon the recommendations of the Planning Board approve Randal Barkers request for an addition to existing building at 7380 Boston State Road contingent upon proof sufficient for the Town Attorney to determine that the dedicated lot depth has been increased to thirty (30) feet which is the required rear yard.

five (5) Ayes — Carried

Letter from Planning Board regarding "Green Areas" in front of EZ Shoppe, 8339 Boston State Road.

Supervisor Kennedy asks that the Town Clerk send a letter to Mr. DeVeaux, Proprietor of EZ Shoppe to attend a meeting at 7:00 P.M. on Monday, August 31, 1992 prior to the next Agenda Review Meeting to review the site plan and history on this property.

REGULAR BOAR MEETING TOWN HALL
AUGUST 19, 1992 7:30 P.M.

Letter received from the Planning Board regarding the requests of Joan, Andrew and Mark Kaminski for rezoning their property located at 8421 Zimmerman Road from RA to R-2.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to accept the Kaminski's withdrawal for the request of the rezoning of property at 8421 Zimmerman Road and refund their application fee of one hundred-twenty-five ($125.00) dollars.

five (5) Ayes Carried

Letter received from Superintendent of Highways Eugene Ruchalski regarding Snow Removal Contract 1992-93 with Erie County.

Supervisor Kennedy will draft a letter and asks that the Town Clerk draft a letter saying that the Board has taken action where we feel that the contract is rapidly approaching it's expiration date and we feel that there should be a proposal coming and a renewal contract from the County of Erie and we understand that it has been negotiated with through the Association of Erie County Governments by Mr. DeJoseph and we can't understand why they haven't renegotiated in good faith and have not come forward with a proposal for the compensation of roads and a new contract. It is the consensus of the Boston Town Board that this be done as expeditiously as possible. We do not want to be face with the same situations as in the past when we went to the last hour before anything was done.

Councilman Flowers states that unless we send the County a clear message, they're just going to take not going to take us seriously, as in the past. We should consider telling the County that the Town of Boston is very receptive to the idea of returning the roads that belong to the County back to the County Highway department and let them handle it.

Town Attorney will draft a letter to all Councilman and Supervisor for approval.

Letter from William Kleis, Jr. requesting permission to attend an Assessment Seminar October 13-16, 1992 at Monticello, New York. The cost of the seminar will be partially paid by New York State.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to grant permission to William Kleis, Jr. to Attend Assessment Seminar, October 13-16, 1992.

five (5) Ayes Carried

Letter from Jean Kleis requesting permission to attend 1992 Annual Meeting and Seminar on Assessment Administration to be held in Monticello, New York from October 13-16, 1992. She would like to take two courses, one on computer operation and the other for New York State record system recently installed in the Assessor's computer. The cost would be three hundred-forty-seven ($347.00) dollars, funds are available in the Assessor's Budget.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to grant permission to Jean Kleis to attend Seminar on Assessment Administration and to take the courses requested at Monticello, New York, October 13-16, 1992.

five (5) Ayes Carried

REGULAR BOARD MEETING TOWN HALL
AUGUST 19, 1992 7:30 P.M.

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to approve the appointment of the following 1992 Soccer Coaches and Assistant Coaches as submitted by Len Souliere :

PREP TEAM		
Valley View	Wayne Hahn	Joanne Stang
Brunners	David Derkacz	Mary Ann Sullivan
Boston Video	Bob Walker	
Boston Garden	David Fregelette	Scott Suchan
Moore's Auto	Mike Rieske	
Rucker Lumber	William Bachman	Mike McGowan
JUNIOR TEAM		
Charlaps	Larry Musser	James Nabozny
Valley Floors	Tom Kinsey	William Stetzko
AW Dye Ins.	Mark Godios	Peter Yeskoot
Maplewood Const.	John Marion	Paul Rosiek
Mer-Lynn's	Ken Bihl	Bernie Kaiser
Evans Nat'l Bank	Walter Odden	Ron Smith
SENIOR TEAM		
Tony's Pizza	Ben Randle	
G & W Plumbing	Sean Greene	Mike Hacker
Bar-Chel	Barry Decker	John Nurt
Emerling Chev.	Raymond Steffan	

five (5) Ayes Carried

SUPERVISOR'S REPORT

A) Supervisor's monthly report for the month of July 1992 received and on file in the Town Clerk's Office.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to grant David Nathan to utilize the Town right-of-way on Ravine Drive to access the sewer on George Drive subject to the approval of Erie County Sewer District #3.

five (5) Ayes Carried

Supervisor Kennedy received letters from both the Army Corp of Engineers and the United States Department of Agriculture on the Hillcroft Bridge.

Supervisor Kennedy met with Highway Superintendent Ruchalski, Representatives of the County, Corp of Engineers and Councilman Flowers and we went to review the bridge on Hillcroft Drive and on Eckhardt Road in North Boston.

Supervisor Kennedy suggests that the Deputy Code Enforcement Officer to have the Baseball Cards for Sale Sign on the Boston State Road in North Boston removed because that property is not zones for business or until such time as a sign permit has been granted.

Supervisor Kennedy advise Code Enforcement Kramer to have Mr. Millich remove Millich Builders Signs from poles in front of building on Boston State Road.

Supervisor Kennedy received a letter from Erie County regarding the Aspen-Pin Oak sewers to be bid in the spring of 1993 rather than the fall of 1992. The homes should only be put on the tax rolls for the footage charge one dollar- twenty-five cents ($1.25) per foot in 1993. The flat charge currently at one hundred and ninety-five ($195.00) per year per single family home be levied in 1994 subject to the Board of Managers authorization when the 1994 Budget is prepared in mid 1993.

TOWN OF BOSTON

At a Regular Meeting of the Town Board of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 19th day of August, 1992 at 7:30 PM, there were present:

Richard L. Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Don A. Wohlhueter	Councilman
Mark W. Flowers	Councilman

Councilman Wohlhueter presented the resolution and moved for its adoption:

RESOLVED by the Town of Boston that pursuant to Local Law No. 1 for the year 1992, the following are hereby designated "Recyclables" for all residential, commercial, industrial, and institutional customers:

- Newspaper (including all inserts)
- Magazines, Catalogs
- Corrugated Cardboard
- Glass :
  - Clear Glass
  - Brown Glass
  - Green Glass (except wine bottles)
- Metal Cans
- Plastic
  - #1 : PETE
  - #2 : HDPE (except wide-mouth containers)
  - #3 : PVC

and be it further

RESOLVED that the Town Board urges all collectors to expand the types of materials to be designated "Recyclables" and to pursue the development of markets for recyclable items and be it further

RESOLVED that this Resolution shall take effect on Friday, September 11, 1992.

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

Supervisor Kennedy	Voting Aye
Councilman Wittmeyer	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk

David J. Shenk, Town Clerk

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TOWN OF BOSTON

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston< New York in said Town on the 19th day of August, 1992 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
Mark W. Flowers	Councilman

The following resolution was offered by Councilman Wohlueter who moved its adoption.

BE IT RESOLVED, that the Town Board of the Town of Boston, Erie County, New York, request the Erie County Board of Elections to permit the consolidation of Boston's seven (7) Election Districts into one (1) district at the Boston Town Hall, 8500 Boston State Road, Boston, New York for the purpose of registering voters on October 9, 1992 and October 10, 1992.

Seconded by Councilman Zimmerman 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 Flowers	Voting aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING TOWN HALL
AUGUST 19, 1992 7:30 P.M.

Supervisor Kennedy will be sending out letters to the people on Pin Oak- Aspen Drive indicating to them that the County has once again delayed the project from this fall until the spring. Even though Mr. Decker has completed his work on Aspen Drive.

TOWN CLERK'S REPORT

A) Registrar of Vital Statistics Report for July 1992 received and on file in the Town Clerk's Office.

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to permit the Erie County Board of Elections consolidation of Boston's seven 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 9 & 10, 1992.

five (5) Ayes Carried

HIGHWAY SUPERINTENDENT'S REPORT

Highway Superintendent Ruchalski reported that the fall "Brush Pickup" will begin on first Tuesday of September, September 8, 1992 and then the third Monday, September 21, 1992.

TOWN ATTORNEY' REPORT

Town Attorney Perley presented an outline of Local Law #1 regarding mandatory recycling, within that law the Town established a list of things to be recycled.

RESOLUTION - LOCAL LAW #1

Town Attorney Perley drafted up a license form for temporary use and for the Board's consideration to adopt as a permanent license. Town Attorney sent this license to all collectors that we identified as operating in the Town of Boston. Advised all collectors of tonights meeting and urged all of them to have this available at this time. We have only received one (1) from Browning-Ferris Industries, it is completely filled out. I reviewed it, it is signed, we do not have the fee of one hundred ($100) dollars as this was transmitted by FAX. I suggest to the Board that it may consider granting this license because it is required as of September 1, 1992. Subject to the receipt of the one hundred ($100.00) dollar fee.

A motion was made by Supervisor Kennedy and seconded by Councilman Kennedy to grant License to Browning-Ferris Industries subject to receipt of one hundred ($100.00) dollar fee.

five (5) Ayes Carried

Town Attorney Perley request permission for Deputy Town Attorney Wilson to attend a seminar in Rochester asking the Town to pay the fee for the seminar.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to grant permission for Deputy Town Attorney David Wilson to attend seminar in Rochester.

five (5) Ayes Carried

Town Attorney Perley thanked Deputy Town Attorney David Wilson for sitting in on the Board Meeting July 15, 1992 when he was absent.

REGULAR BOARD MEETING TOWN HALL
AUGUST 19, 1992 7:30 P.M.

COUNCILMEN

Councilman Flowers discussed a piece of property where NYSEG replace a 175 watt Mercury Head on a street lamp and replaced it with the proper size head according to the contract that the Town of Boston has with NYSEG, they replaced it with a 70 watt HPS head. He received a call people who live in that area and they are having some problems, there isn't very much light from that light itself, because of where it is, due to growth of trees etc.

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy to replace the 70 watt HPS light that is on pole #2 on Hickory Drive with a 100 watt HPS lamp which gives off more light at an annual increase of thirteen dollars and fifty-five cents ($13.55) to the lighting district.

five (5) Ayes Carried

Councilman Flowers reported that the Boston Fire Company held their Public Hearing on the Purchase or Lease/Purchase Option for a new Mini-Pumper on July 23, 1992. The Fire Company went with the Leasing Option at 6.5% interest rate with the option to buy. It was publicized in the Springville Journal and unfortunately not to many people showed up for that.

Councilman Wohlhueter scheduled a Solid Waste Committee Meeting for Monday, August 31, 1992 at 6:30 P.M. in the Planning Room.

Councilman Zimmerman received a call from Donna Odoj that the Emergency Squad has three additional people that they want to appoint to the authorized responders, however, I have not received the list as yet.

CODE ENFORCEMENT OFFICER

A) Monthly report for the month of July 1992 received and on file in the Town Clerk's Office.

Supervisor Kennedy has had some complaints from a resident in the Boston Hills Estate Mobil Home Park REGARDING grass and sidewalks that have not been put in. Code Enforcement Officer Kramer and Supervisor Kennedy will have to look at this to see what the slope is where it has been filled. There is suppose to be a gradual slope according to our soil ordinance. The resident says it is an abrupt drop-off.

DEPUTY CODE ENFORCEMENT OFFICER

A) Monthly report for the month of July 1992 received and on file in the Town Clerk's Office.

DOG CONTROL OFFICER

A) Monthly report for the month July 1992 received and on file in the Town Clerk's Office.

TOWN ENGINEER

A) Monthly report for the month of July 1992 received and on file in the Town Clerk's Office.

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to adjourn the meeting at 10:32 P.M.

five (5) Ayes Carried

David J. Shenk

DAVID J. SHENK
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 August, 1992 at 7:30 P.M. Daylight Savings Time, there were:

PRESENT:	Richard L. Kennedy	Supervisor
	Milton I. Wittmeyer	Councilman
	David G. Zimmerman	Councilman
	Don A. Wohlhueter	Councilman
	Mark W. Flowers	Councilman

Councilman Flowers presented the following resolution and moved its adoption:

BE IT RESOLVED, that the Town Board of the Town of Boston does hereby authorize New York State Electric & Gas to replace the 70 watt HPS lamp that is on pole #2 on Hickory Drive in North Boston with a 100 watt HPS lamp which gives off more light at an annual increase of thirteen dollars and fifty-five cents ($13.55) to the Lighting District #1.

Seconded by Supervisor Kennedy 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 Flowers	Voting aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
SEPTEMBER 2, 1992 — 7:30 P.M.

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

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to accept corrections and adoption of the Minutes of the August 19, 1992 Regular Board Meeting.
five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy that the General Funds and Special District Bills on Abstract #9 dated September 2, 1992 in the amount of $13,486.14 be paid.

five(5) Ayes — Carried

A motion was made by Councilman Zimmerman and seconded by Supervisor Kennedy to accept the corrections of the General Funds and Special District Abstract #7 dated July 15, 1992 as follows:

Abstract #7				
Voucher #534	Coleman Communications		H7110.4	$ 101.70
To:	Coleman Communications		H7110.2	101.70

five (5) Ayes — Carried

A motion was made by Councilman Zimmerman and seconded by Supervisor Kennedy to accet the correction of the General Fund and Sepcial District Abstract #8 dated August 19, 1992 as follows:

Abstract #8			
Voucher #608	Boston Farm & Garden	A7110.4	91.39
To:	Boston Farm & Garden	A7110.4	81.40
	Leo Jensen	A7110.4	9.99
Voucher #613	Guildcraft	A7310.4	15.65
To:	Guildcraft	A7310.4	15.68
Voucher #638	BFI	SR8160.4	37,066.00
To:	BFI	SR8160.4	36,918.00
		A1620.4	148.00

five (5) Ayes — Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer that Highway Bills on Abstract #9 dated September 2, 1992 in the amount of $13,236.26 be paid.

five (5) Ayes — Carried

Received certificate of final special franchise assessments from NY State Board of Equalization and Assessment received and on file in the Town Clerk's office.

Supervisor Kennedy states, this will be a benefit to the Community, our assessments have finally been raised to reflect the properties at what they should be in regard to the rest of the properties that have been updated.

Letter received from Mary Lou Rath regarding Resolution permitting partial payment of Real Property Taxes received and filed in the Town Clerk's Office.

Received Petitions from New York Telephone Company and the New York State Electric and Gas Corporation.

Town Attorney Perley responded that these petitions are under Article 7 of the Tax Law of the State of New York to challenge the assessment adopted by the assessor of properties of NY Telephone and NYSEG within the Town of Boston.

Letter received from Norman J. Levy, New York State Senate Committee on Transportation regarding Chips Funding referred to Highway Superintendent to bring before the Erie County Highway Association to see if they are doing anything to support legislation that might give access to Lock Box fund that is being established in the State of New York to ascertain that we continue to receive Chips funding.

Letter from the State Police regarding lease renewal option to renew for a period of five (5) years beginning October 1, 1992, at the rate of twenty-seven thousand three hundred ($27,300.00) dollars per annum. Original contract referred to Town Attorney Perley for review.

Letter received from Richard Tobe, Department of Environment and Planning regarding Jobs for the New, New York Bond Jobs Act. Supervisor Kennedy will review materials we have received to see if there are any projects that we can submit that will be eligible for funding under the Jobs Act in the event that the voters when they have an opportunity when they vote in November pass it.

Letter received from Erie County Legislature Frederick J. Marshall regarding Snow-plowing Contract received and filed in the Town Clerk's Office.

Supervisor Kennedy drafted and sent out a letter to all Highway Superintendents and Supervisors in Erie County as well as the County Legislatures and County Executive Gorski to get the Legislatures to offer the Towns some kind of a proposal for plowing the snow.

Letter from Erie County Legislature Frederick J. Marshall regarding a letter he sent to County Executive Gorski regarding the recent discovery of rabies in the Village of Springville received and on file in the Town Clerk's Office.

REQUESTS FROM THE FLOOR:

James Carr, 7231 Boston State Road, "On behalf of the North Boston Fire Company and the Carr Family I would like to thank the Highway Department for coming down at the time of the flood and cleaning out the culvert, mud and debris."

Supervisor Kennedy on behalf of the Town would like to thank the Highway Department for the extensive work that they have done when flooding problems have occurred throughout the town.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to refer Jim Millich's request to rezone property on Herman Hill which was tabled from the August 19, 1992 Board Meeting to the Planning Board for examination and recommendations.

Letter received from Conservation Advisory Council regarding a problem with raw sewage in the road ditch in the vicinity of the Oakwood Colonial Apartments, 7691 Boston State Road.

Supervisor Kennedy will write the Erie County Health Department regarding this matter.

REGULAR BOARD MEETING TOWN HALL
SEPTEMBER 2, 1992 7:30 P.M.

Letter received from Conservation Advisory Council regarding green space in front of the EZ Shoppe, 8339 Boston State Road. Supervisor Kennedy, Councilman Wittmeyer and Code Enforcement Officer Kramer reviewed this situation with Mr. Garlach and we did see some problems. Supervisor Kennedy has drafted a letter to the Town Engineer stating what observations they found and possible suggestions as to how some green could be incorporated in this area.

Letter received from the Conservation Advisory Council regarding landscaping at the Mini Storage Unit at 7849 Boston State Road owned by Sam Butera referred to Code Enforcement Officer Kramer. Supervisor Kennedy and Code Enforcement Officer Kramer will review this situation.

Randall Barker request for building permit at 7380 Boston State Road tabled from the August 19, 1992 meeting. Town Attorney Perley met with Mr. Barker, he will probably be able to advise the Board and the Code Enforcement Officer sometime next week whether or not proposal and survey comply.

five (5) Ayes Carried

Town Attorney Perley discussed Local Law #2 for the year 1992 to amend the Zoning Law adopted as Local Law #6 for the year 1990. The amendments that are on the table this evening do not include the Public Notice provisions, which are still under review. Town Attorney will submit a redraft of those to the Board Members prior to the next meeting.

Town Attorney Perley briefly reviewed three amendments as follows:

1) Section 123-9 - remove a statement which made sense during the final revision, therefore, this amendment would eliminate a reference to an article of the Town Law and put in its place the actual mechanics that the Map Amendment would be effective when it is posted on the town bulletin board and when it becomes recorded in the minutes.

2) Section 130 of the Code is a section that deals with lots that were existing lots that were made non-conforming when this law was adopted. A single family house can be built on an existing lot that was made non-conforming by this law. That is all you are allowed to do, as of right, other than that you have to go before the Zoning Board of Appeals. Because it was a non-conforming lot we adopted certain reduced setback requirements. They are a compromise between the old law and the new law and generally fall somewhere in between. That law currently states that the front yard shall be equal to the average of the front yards of the neighbors. The side yard is reduced from ten (10) feet to seven (7) feet, we didn't deal with the rear yard which is thirty (30) feet and went from ten (10) to thirty (30) feet. Town Attorney proposes splitting the difference, requiring a rear yard of twenty (20) feet.

3) In a situation where there is a single family dwelling, the Town Board does not approve the site plan, or where there is an accessory building to a single family dwelling. There is no provision in the law that prevents someone from applying for a second permit while the first is pending. This amendment would read no more than one building permit shall be pending with regard to any property unless approved by the Town Board. Which gives an element of control over the development of single family houses.

REGULAR BOARD MEETING TOWN HALL
SEPTEMBER 2, 1992 7:30 P.M.

Town Attorney Perley addressed the Rosiek-Green application that had to do with a storage building which didn't even rise to the level of a warehouse on C-1 property that was not otherwise improved by a principle building. Town Attorney chose to put this under the Special Permit Section so that it requires special approvement of the Board. He feels it fits best there because this is really an accessory building that becomes the principle improvement on a lot. The following restrictions would apply: The total amount of this building and any accessory buildings that may thereafter be permitted on the lot or may exist on the lot as accessory buildings would be three thousand (3,000) square feet. The total lot coverage should not exceed fifteen (15%) percent, that would come into play on a lot of a half acre or a lot that might be substandard. A fifteen thousand (15,000) square foot lot might be approved by a variance. No more than one such principle building (storage type) building would be permitted on the lot. An Accessory Building would be subject to the permit, vehicles must be stored inside the building (not parked outside), the building could be used only to house goods and material etc. for only one business unless you had identity of ownership in two businesses. There is a sign ordinance reference, Section 95F of the Boston Town Code which does not allow the placement of a business sign on this property because this property is not used for the making of goods or services for sale or hire, this is only a storage building.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to schedule a Public Hearing October 7, 1992 at 8: P.M. to amend Local Law #2 as presented at this Board Meeting.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to designate Town Clerk Shenk to act as 505 Coordinator for the Town of Boston.

five (5) ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to authorize Supervisor Kennedy to enter into a contract with Nussbaumer & Clarke, Inc. in the amount of one thousand, two hundred ($1200.00) dollars for the preparation of preliminary sketch elevations of the possible Town Hall addition.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to grant Superintendent of Highways Eugene Ruchalski permission to attend Superintendent of HIghways Conference at Nevele Hotel in Ellenvile, New York September 29 to October 2, 1992.

five (5) Ayes Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to appoint the following Assistant Coaches as recommended by Len Souliere for the 1992 Soccer Season:

S1	Joann Stang
S4	Karen Krajewski
P3	Larry Korceykowski
P5	Mike Brown

five (5) Ayes Carried

TOWN OF BOSTON

APPLICATION FOR LICENSE TO COLLECT AND DISPOSE OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS

TO THE TOWN BOARD
TOWN OF BOSTON:

The undersigned herein applies for a License to collect and dispose of municipal solid waste (referred to hereinafter as "MSW") and recyclable material, and states the following:

1. Applicant's name and address, telephone number:

BFI-Niagara Sanitation Company, Inc.

2321 Kenmore Avenue

Kenmore, New York 14217 (716) 693-5185

2. Applicant shall collect and dispose of municipal solid waste and recyclable materials in the following manner:

A) INSTITUTIONAL customers

i. Manner of Collection:

Recyclables - Co-mingled/source separation

MSW - Containerized service/hand service

ii. Manner and Place of Disposal:

Recyclables - BFI-Material Recovery Facility - Kenmore, NY

MSW - Occidental Waste to Energy Plant - Niagara Falls, NY

B) INDUSTRIAL customers

i. Manner of Collection:

Recyclables - Co-mingled/source separation

MSW - Containerized service/hand service

ii. Manner and Place of Disposal:

Recyclables - BFI-Material Recovery Facility - Kenmore, NY

MSW - Occidental Waste to Energy Plant - Niagara Falls, NY
Niagara Recycling Landfill - Niagara Falls, NY

- TOWN OF BOSTON -

APPLICATION FOR LICENSE TO COLLECT AND DISPOSE
OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS

2. (Cont'd.)

C) COMMERCIAL customers

i. Manner of Collection:

Recyclables - Co-mingled/source separation

MSW - Containerized service/hand service

ii. Manner and Place of Disposal:

Recyclables - BFI-Material Recovery Facility - Kenmore, NY

MSW - Occidental Waste to Energy Plant - Niagara Falls, NY
Niagara Recycling Landfill - Niagara Falls, NY

D) RESIDENTIAL customers (excluding Town contract)

i. Manner of Collection:

Recyclables - Co-mingled in bins

MSW - Hand service

ii. Manner and Place of Disposal:

Recyclables - BFI-Material Recovery Facility - Kenmore, NY

MSW - Occidental Waste to Energy Plant - Niagara Falls, NY

3. The Applicant hereby agrees to:

(a) Indemnify and hold harmless the Town of Boston for any pending, threatened or actual claims, liability or expense arising from waste disposal in violation of Chap. 63 of the Town Code or not in conformance with this License (§63-502.B)

(b) To offer collection services for municipal solid waste and recyclables at the same time and on the same day to all of its customers (§63-502.C)

(c) To maintain separate monthly records of municipal solid waste and recyclables collected, transported and disposed of in conformance with §63-502.D of the Boston Town Code, and to provide to the Town of Boston quarterly reports containing such information.

(d) To amend or supplement this Application in writing, additional information is required to conform with Chapter 63 of the Boston Town Code.

4. That Applicant has not been adjudged or determined to have violated Chapter 63 of the Town Code within the preceding calendar year.

FEE: $100

LICENSE GRANTED BY RESOLUTION
OF THE TOWN BOARD DATED 9/2/92.

David J. Shea
Town Clerk

BFI-Niagara Sanitation Company, Inc.
(type-in Company Name)

By: Anne Bailey

Title: V.P. Date: 8/19/92

REGULAR BOARD MEETING TOWN HALL
SEPTEMBER 2, 1992 7:30 P.M.

A motion was made Councilman Wohlhueter and seconded by Supervisor Kennedy to appoint 1992 Little League Football Coaching Staff as follows:

Varsity Football:
Paul McCarthy, Head Coach
Terry McCarthy, Asst.
Dale Clifford, Asst.
Gary House, Asst.

Junior Varsity:
Dennis Willis, Head Coach
Paul Steger, Asst.
Terry Lunser, Asst.
Dennis McCarthy, Asst.

Freshman Football:
Paul Dionne, Head Coach
Ken Taylor, Asst.
Rick Weber, Asst.
Gary Steinmenz, Asst.
Stephen Aldstadt, Asst.
Don Smith, Asst.

five (5) Ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to appoint 1992 Little League Football Cheerleading Staff as follows:

Varsity Football:
Joan Wagonblott, Team Manager
Nanette Mead
Heather O'Connell

Junior Varsity:
Sue Boswell
Sue Kersten

Freshman Football:
Theresa Evenden, Team Manager
Colleen O'Halloran

five (5) Ayes Carried

SUPERVISOR'S REPORT:

A) Supervisor's monthly report for August 1992 received and on file in the Town Clerk's Office.

RESOLUTION - GRANTING BROWNING-FERRIS INDUSTRIES TO COLLECT AND DISPOSE OF MUNICIPAL WASTE IN THE TOWN OF BOSTON

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to direct Town Attorney Perley to draft a letter to the haulers who have not submitted their license fees to date.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to send Mr. Szalay's Plot Plan back to the Planning Board without any further recommendations for their final approval.

five (5) Ayes Carried

REGULAR BOARD MEETING TOWN HALL
SEPTEMBER 2, 1992 7:30 P.M.

Supervisor Kennedy thanked the Highway Superintendent for his cooperation in oiling and stoning the parking area to the rear of the Town Hall and the entire roadway going down to the Soccer field.

Supervisor Kennedy advised that the installation of the feeds down to the football sign has been completed.

SUPERINTENDENT OF HIGHWAY'S REPORT:

Highway Superintendent Ruchalski asks the Boards permission to sell a 1985 Chevrolet 3/4 ton built up to 1 ton truck, with four wheeldrive with seven foot six inch (7'6") snowplow, in good condition. Asking a minimum of thirty-five hundred ($3500.00) dollars to be accepted in sealed bids. It can be seen at the Highway Department 7:30 A.M. till 4:00 P.M., Monday through Friday.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to authorize Highway Superintendent Ruchalski to sell 1985 Chevrolet 1 ton truck through sealed bids, minimum thirty-five hundred ($3500.00) dollars in the Supervisor's Office on October 7, 1992 at 10:00 A.M.

five (5) Ayes Carried

Highway Superintendent Ruchalski would like authorization to order a 1992 John Deere 544-E Loader on state contract with 6-8 weeks delivery at fifty-eight thousand, four hundred-twenty-three ($58,423.00) dollars. This purchase would be contingent upon the sale of one (1) 1990 John Deere 544-E Loader, in the event that we do not receive the amount projected for the used loader we will not be obligated to purchase the new loader. The projected approximate cost to the Town is twenty-five hundred ($2500.00) dollars.

Highway Superintendent Ruchalski would like authorization to advertise for the sale of one (1) 1990 John Deere 544-E Loader with a three (3) yard bucket, minimum face value is fifty-five thousand, nine hundred-twenty-three ($55,923.00) dollars which would be the minimum accepted. This can be seen at the Highway Department 7:30 A.M. till 4:30 P.M., Monday through Friday. Looking for a bid opening on October 19, 1992 at 10:00 A.M. in the Supervisor's Office.

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy to authorize the Highway Superintendent to send out for bid one (1) 1990 John Deere 544-E Loader, minimum bid fifty-six thousand ($56,000.00) dollars to be opened October 19, 1992 at 10:00 A.M. in the Supervisor's Office.

five (5) Aye Carried

Highway Superintendent Ruchalski announced that Brush-Pick-Up starts on Tuesday, September 8, 1992.

Highway Superintendent Ruchalski would like authorization to sell 1979 WAU-SAU one-way snowplow in good condition asking fifteen hundred ($1500.00) dollars.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to authorize the Highway Superintendent include in a letter to the Supervisors of Erie County the sale of one (1) WAU-SAU one-way snowplow in the amount of fifteen hundred ($1500.00) dollars as a minimum price.

five (5) Ayes Carried

REGULAR BOARD MEETING — TOWN HALL
SEPTEMBER 2, 1992 — 7:30 P.M.

TOWN ATTORNEY'S REPORT:

Town Attorney Perley was advised by the Town Clerk that there is one map missing from the new zoning book 11x17 maps, in fact, that is the case. When we were compiling this book the Town Attorney called the people we bought the maps from and they said these are done of microfilm that they buy from the County and the County did not sell them that map last year. We must await the receipt of that map to include it in the book. The map that is missing is Appletree Drive, which is all zoned R-1.

Town Attorney has drafted a memo which he will deliver to the Town Clerk and ask that he send it to everyone who has possession of the zoning map book so that they can put this in the book until the map is received.

Town Attorney met with the Conservation Advisory Council with regards to the Steep Slopes Legislation which they are still considering. He also is going to send it to the Planning Board for review.

COUNCILMEN REPORT:

Councilman Flowers attended the Southtowns Hazardous Materials Board of Directors meeting on Saturday, August 29, 1992. With the demise of the Erie County Haz/Mat Team the Southtowns Team is being looked upon to fill a void in different areas. The expansion of the Team will be into areas that abut the current areas of coverage. They discussed the new building which should be erected by next week which will be in Blasdell, on Martin Avenue off route 179 near the Ford Plant. With a budget of fifty-six thousand, nine hundred ($56,900.00) the Southtowns Haz/Mat Team protects approximately two hundred and fifty thousand (250,000) people.

Councilman Flowers met with the Conservation Advisory Council, they drafted letters which have been addressed by the Board earlier tonight.

Councilman Wohlhueter received a letter from BFI Waste Systems, Paul Balbierz. Mr. Balbierz did meet with Town Supervisor and the Town Attorney on July 28, 1992 regarding the Solid Waste contract with BFI and the increase that will be in effect for 1993. According to the contract the percentage increase will be 4.4% which will increase the base price to one hundred-ninety-seven ($197.00) dollars. However, if the number of bulky waste collections can be reduced to two (2) items per month and designate one week for the collection it could reduce the increase amount to one hundred-ninety-three ($193.00) per unit. This would be a four dollar increase over last year. It has been the consensus of the Solid Waste Committee that we should just have two items per month on the bulk waste. They will advertise and designate which week they will collect bulk.

Town Attorney Perley asked that if the Board is inclined to pass a resolution he would ask for their instructions to draft a proposed amendment to the contract on be-half of the Town and send it to BFI, as this has to be formally amended.

Supervisor Kennedy would also like some direction from the Board on this as he is preparing to submit a preliminary budget to the Board.

REGULAR BOARD MEETING — TOWN HALL
SEPTEMBER 2, 1992 — 7:30 P.M.

A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer to authorize Town Attorney Perley to enter into negotiations with Browning Ferris Industries for 1993 contract.

five (5) Ayes — Carried

Councilman Wohlhueter received a letter from Mr. Martin of BFI inviting members of the Town Board and the Conservation Advisory Council to a tour through their Recycling Facility in Kenmore, New York. He will be setting up a time and date sometime later in the month.

Councilman Wittmeyer had a call from Mrs. Hartman on Valleyview Lane next to Anthony Gulf. There was a footbridge across the creek and in the high waters last week the footbridge came down and formed a dam causing extensive flooding in the area.

Supervisor Kennedy asked the Town Clerk to contact Mr. Gillespie at the D.E.C. and find out if Anthony Gulf is a protected stream and if there is any restrictions or requirements for someone building a bridge over a protected waterway.

CODE ENFORCEMENT OFFICER REPORT:

A) Monthly report for August 1992 received and on file in the Town Clerk's Office

DEPUTY CODE ENFORCEMENT OFFICER REPORT:

A) Monthly report for August 1992 received and on file in the Town Clerks's Office.

DOG CONTROL OFFICER REPORT:

A) Monthly report for August 1992 received and on file in the Town Clerk's Office.

TOWN ENGINEER'S REPORT:

A) Monthly report for August 1992 received and on file in the Town Clerk's Office.

BOSTON HISTORICAL SOCIETY:

A) Annual financial report for 1992 received and on file in the Town Clerk's Office.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to adjourn the Town Board Meeting at 9:07 P.M.

David J. Shenk

DAVID J. SHENK
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 16th day of September, 1992 at 7:30 P.M. Daylight Savings Time, there were present:

	Richard L. Kennedy	Supervisor
	Milton I. Wittmeyer	Councilman
	David G. Zimmerman	Councilman
	Don A. Wohlhueter	Councilman
Absent:	Mark W. Flowers	Councilman

Councilman Wittmeyer presented the following resolution and moved its adoption:

WHEREAS: the Erie County Legislature has appropriated funding to promote the recruitment and retention of individuals for volunteer firefighting and emergency services, and

WHEREAS: this Honorable Body has also appealed to state officials to restore funding in support of providing training to the volunteers who make great personal sacrifices to respond to emergency calls within their communities, and

WHEREAS: as one fire official states, "Training is the backbone of firefighting. Without training we find we begin to have problems helping our neighbors.", and

WHEREAS: volunteers who seek to participate in training programs in Erie County are now being informed that they must put off their training needs until some time in the future because of county budget problems, and

WHEREAS: the budget problems stem from the fact that the County Executive approved a tuition increase for the Erie Community College, a provider of emergency medical services training programs to the county, but did not include additional funding for the Erie County Department of Emergency Services to pay the college, at the new tuition rate, for training programs, and

WHEREAS: the Department of Emergency Services has been forced to reduce the number of classes made available for emergency medical services training programs, and, by doing so, volunteers have been denied initial and recertification training, and

WHEREAS: this is the first time since 1972 that volunteer firefighters and emergency medical services personnel have had to wait to participate in training that saves lives, and

WHEREAS: approximately $11,500.00 of county funding would leverage $8,600.00 of state aid, and the combined sum would be sufficient to add back five courses for 1992 fall training programs, and

WHEREAS: without recruiting and retraining volunteers, fire companies and emergency services squads cannot reduce their staffing shortages, and

WHEREAS: the county cannot shirk its moral and legal responsibility to provide the necessary training, and

NOW THEREFORE BE IT RESOLVED: that the County Executive is requested to submit, without delay, a budget amendment to this Honorable Body for the purpose of making sufficient funding available in 1992 to pay for training programs for volunteers engaged in firefighting and emergency services, and

BE IT FURTHER RESOLVED: that the Commissioner of Emergency Services and the Director of Budget and Management are requested to attend the next committee meeting of Public Safety to discuss the county's commitment to continue recruiting volunteers and to provide for training costs in the County Executive's 1993 Budget, and

BE IT FURTHER RESOLVED: that copies of this resolution shall be sent to County Executive Dennis T. Gorski, Budget Director Sheila K. Kee, Commissioner James Keane of the Department of Emergency Services, President Louis M. Ricci of the Erie Community College, to each member of the Erie County Fire Advisory Board, the Wyoming Erie Regional EMS Council and the Erie County Volunteer Fireman's Association.

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

Supervisor Kennedy	Voting Aye
Councilman Wittmeyer	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Absent

AYES: 4 NOES: 0 ABSENT: 1

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
SEPTEMBER 16, 1992 — 7:30 P.M.

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

Absent: Councilman Mark Flowers.

A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer to accept corrections and adoptions of the Minutes of the September 2, 1992 Regular Board Meeting.

four (4) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman that the General Fund and Special District Funds Bills on Abstract #9A dated September 16, 1992 in the amount of $58,385,32 be paid.

four (4) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman that the Highway Bills on Abstract #9A dated September 16, 1992 in the amount of $12,748.35 be paid.

four (4) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to accept the Town Clerk's Monthly report for August 1992.

four (4) Ayes — Carried

Letter received from Sharon West, Erie County Department of Environment and Planning regarding Rural Van Transit Service received and filed.

Supervisor Kennedy responded to letter regarding Rural Van Transit Service - these options will be reviewed and this matter will be discussed when it comes before the Village, Mayors and Town Supervisors.

Letter received from Vincent Tese, Director of Economic Development regarding Jobs Bonding Act received and filed.

Resolution from the Town of Evans regarding request to amend the budget to pay for training programs for volunteer firemen engaged in firefighting and emergency services.

RESOLUTION - AMEND BUDGET TO PAY FOR TRAINING PROGRAMS FOR VOLUNTEER FIREMEN ENGAGED IN FIREFIGHTING AND EMERGENCY SERVICES

REQUESTS FROM THE FLOOR

Supervisor Kennedy recognizes a contingency of people from Lower East Hill Road, who are here with regards to the roadway and the letters that have been circulated in that respect.

James W. Everett, Jr., 8369 Lower East Hill Road, it was my letter that probably started all of this. First of all, I would like to make it clear to everyone here that this is a County road that will be going in. The Supervisor has been very helpful, in that, it was his office that laid out the maps, were it not done here, you would of had to gone downtown to find it. Number two, the fact that you are letting us talk on a County matter before this Board speaks well of your openness and in that openness I would hope that when I am wrong and I have been wrong before, you will tell me.

There were a number of questions that were raised and I would also like to state that the Board and the Town of Boston have been infinitely more helpful than the Deputy Commissioner of Highways to whom most people were referred but from whom most people were sloughed-off.

I would like to state that in speaking with Mr. Bob Dennison who is the chief director of the Design Bureau for the State of New York, he pointed out that standards established by the American Association of Safety Highway Traffic Officers is the standard that is looked to. There is a claimed traffic count on the road of 400 to 610 vehicles a day. This breaks down to about one (1) car every one and a half minutes. The road as it is being planned could support from 500 to 3,000 vehicles. Most people who reside on the road have severe questions about whether 400 cars do actually use the road per day. In addition to this it appears that as the road passes through an agricultural district and as more than 2.5 or 10 acres of land would be affected and as the width of the road would be expanded by more than fifty percent (50%) it appears that the county has overlooked the State Environmental Quality Review Act. That neither a positive declaration that this would have an effect on the environment or a negative declaration has been filed. These matters in addition to the relative silence that has accompanied this mainly from the County because you did keep open offices here has made several wonder what is the use that ordinarily will determine the limits and boundaries of the road. Given that the County itself does not see a population growth projection in its commission study by a private organization outside of Western New York these are questions that have been asked numerous times but not answered. Other people can speak on these at greater length, I only wish that the County had notified people much further in advance. In deed I wish the County had informed people at all. And I would like to thank you for sending out a letter because my concerns were pretty much answered when I was told some time ago that up to ninety (90) days before the work or any bids would be let, I was given a personal assurance that people would be informed and for you telling us that this was going to happen, thank you, it is not going to make your job any easier tonight. It just doesn't seem that there was any way to get these thing answered so if you could join us in talking with the County we would appreciate it. Thank you.

Supervisor Kennedy: I'll certainly be responsive to anyone who wishes to question the Board of what knowledge we may have or to make statements to the Board regarding the roadway. We did have preliminary meetings that were scheduled by the County at which time Highway Superintendents from the Town of Colden and from the Town of Boston, Supervisors from the Town of Colden and the Town of Boston were present. We sat down with Mr. Gugino and Mr. Sickler. Mr. Sickler is head of the project on Lower East Hill Road. We had a preliminary meeting where we were shown a video of the entire roadway describing it in quite vivid detail and the problem areas that we anticipated to encounter. In the Hamlet of Colden there was one barn that was located or one garage that was located on the County right-of-way that was going to have to be moved. And it was described of certain mature trees that would have to be taken down, most of which were in the Town of Colden. There were some trees and shrubs and small trees that were going to be taken down in the Town of Boston. We took a video going north and then we came back south. At that time they left us with a complete set of plans and told us that we would soon be receiving communication from the County and at that time it would be advantageous for us to write a letter to the people on Lower East Hill Road informing them of what was taking place and giving them an opportunity to come in a review the plans that we have on file here at the Town Hall. I had my secretary look up all the property owners on

Lower East Hill Road. We sent out communication to the residents that lived along the roadway indicating that we had on file here at the Town Hall plans describing how each property was going to be impacted, and certainly they were welcome to come in and observe those plans. Over the course of a month we have had numerous people come in and look at their own individual properties to see how this road was going to impact their particular properties. The Town of Boston has supported this roadway. I support this roadway because I know the problems that our highway department has encountered plowing and taking care of that roadway and the condition that it is presently in. So, we have implored the County to improve that roadway and have been doing it for some time. It really disappoints me now that the whole project might be jeopardized by what information you might have that may not be correct. We certainly are not going to increase the speed limit on the road. The roadway is going to have a ten (10) foot driving lane and a four (4) foot paved shoulder rather than a gravel shoulder. Increasing the road driving lane be four (4) feet, that is a good policy with todays upgrading of roadways in the community. I recognize that any improvement is going to cause some concern by residents because there is the removal of certain small trees that is going to occur and there will probably be some changes. To everyone who has communicated with me I have made every effort to respond to them and explain to them exactly what is taking place.

There was an effort made by County Legislature Marshall to set up a special meeting to bring out Mr. Sickler and Mr. Gugino to speak.

Mike Nierenberg, 7667 Lower East Hill Road, I live on Lower East Hill Road and also work for the D.E.C. and reviewed what had transpired today. Come to find out the County or the Consulting Firm that had been contracted by the County never did look into any of the D.E.C. requirements. Permits have to be issued because there are two protected streams that cross Lower East Hill Road plus the possibility of SECOR. The bidding is in effect done for now. It will not go out to bid by the end of the week until this can be reviewed. The County has several options and are speaking with their attorneys now to find out what their options are and which way they should plan on proceeding.

As a resident of Lower East Hill Road, I don't think anybody here denies that the road needs to be fixed. I lost the bottom end of one of my cars about three years ago. The fact that there is going to be eight (8) additional feet of road surface I think is what most people have a gripe with. In fact, it may be mostly small trees that are going to come down. All I have on my property is small trees and they are all near the road. When they come down I have nothing. I'm fifty (50) feet off the road. I think everybody is in agreement that the road needs to be repaired, that is a fact, the fact that it has to be repaired in this way. I think it would change the whole character of Lower East Hill Road which is why most of us moved there. I wanted to live on a relatively rural road if I wanted to live on a main road I would have moved to South Abbott, and I didn't. I appreciate the fact that we can speak here tonight about it. Hopefully, we will get the road repaired.

Jim Hemshaw, 7480 Lower East Hill Road, which is at the crest of the hill between Omphalius and Burr Road, I understand there the pavement is going to drop about a foot and a half and I have some slight concerns about the change in the grade on my driveway. Overall, I think it is a good thing that is taking place. I have been at that address since 1951 and I can't remember a similar project during that time. It is true that the traffic is certainly light in the summer but this job may

have to last us another fifty (50) years and I think we need to take that into consideration. I like the idea of the snowplow being able to get down somewhere near the pavement and have some place to push the snow off the driveway and I think those are a couple of good things. Another observation is that in the wintertime since I am on the stretch that is near the uphill side of Tamarack, Sitzmarker and Buffalo Ski Club and those are the only entrances for the latter two there are times on Sunday when I have great difficulty staying in the road long enough with my tractor to push banks back and things like that because of the volume of traffic. So it's not clear to me what the implications are for the rest of the road. Another thing is, is that there is about a two rod each way of the center of right-of-way that you ought not put things in because something like this is liable to come along and take them away. I think that has already been adequately addressed. I'm kind of looking forward to this although I do have some concerns which I hope private conversations with engineers and that will help me to resolve. Thank you.

Jim Decker, 8019 Lower East Hill Road, I want to say that the figures on how much wider this road is concerned seem to be very confusing when I looked at the plans I was kind of pleased with the grade level that was proposed to cross in front of my house. There is a very large hump in the road right at that area that is much of a hazard in the winter when people coming from the south come north and fly over that hump and end up on a slippery strip and then down in the pasture, I have pulled three or four of them out of there with my jeep over the past several years. So I noticed in detail that they are planning to lower that hump in front of my yard and reconstruct the whole thing from station 104 to station 106 in such a way that, that hump will be eliminated down about seven-tenths (7/10) of a foot. I am still concerned that it may not help me much with the amount of water that runs off the road and down my driveway, nearly washed my garage out about ten (10) years ago. I have done some remedial work and I hope that this thing will be done better. Thank you.

Esther Everett, 8369 Lower East Hill Road, I am concerned about all of the people on the lower side of the road about the water coming down and weakening our foundations because the water does fall off that road after a good old fashion snow storm. Are they addressing that at all?

Supervisor Kennedy: We can be assured that the roadway ditches will be better than they are now even on the east side. It does need to be addressed and I will look into that further.

Esther Everett: Are they going to put ditches on both sides of the road, now a lot of us just have ditches on one side of the road. After you have built the road are your then going to add ditches to that?

Supervisor Kennedy: I think that there is a ditched proposed or at least a run-off proposed on both sides of the road. Normal construction of a road is that it is crowned in the surface it goes off and is tapered off and then ditches on both sides.

Esther Everett: That's in addition to the width of the road, that will be more coming on.

Supervisor Kennedy: I would expect that there is a ditch there now. We have a plan here it shows the elevations of the road and I believe it does show a ditch on both sides. That is as much as I can tell you. I would rather have somebody that is an engineer or somebody more knowledgeable than I am answer that.

Esther Everett: Probably we should save all these questions for Mr. Marshall.

Supervisor Kennedy: I would direct them to Mr. Sickler or somebody more familiar with the engineering of the road. In my observation from the plans that we have here it shows a paved surface with a four (4) foot paved shoulder and it shows a ditch on each side.

Chuck Sienk, 8519 Lower East Hill Road, after the rain we have had this year I know what we are going to get, I've seen the worst of it. It does come right down my driveway. I have already had my driveway washed out once. I have lost all kinds of trees because I don't have a ditch, or I didn't have up until a few years ago when the County finally did dig a little trench. In my opinion we do need a road ditch. I don't want our road changed but maybe it's not that bad a thing. We need a road. It's terrible, I'm ashamed to tell people to come out and see me, because I have to say don't go over thirty-five (35) mph. or you will loose something. Thank you for hearing me.

Donald Peters, 5620 Meadow Dr., North Boston - Presented the Board with a Flooding Petition and pictures. "These homeowners on Meadow Drive are concerned with the flooding. After heavy rainfall having water enter their basement windows and garages and flooding the streets and lawns and north side street water diversion into the open ditch adjacent to Meadow Drive properties flooding backyards."

Supervisor Kennedy: We did have an opportunity to meet with Mr. Peters and we are looking into the possibility of diversion of some water. I would like to assure Mr. Peters tonight that the people that have signed this petition will receive a communication from me on whatever decision we might come to and what we might do to address some of their problems.

Leroy Knuth, 7579 Lower East Hill Road, there is one issue that hasn't been addressed here. There are quite a few people who sound like they're going to lose a tree or two and that is unfortunate, I have children who play on the road, they ride their bikes and roller skate. I would hate to lose a child I would much rather lose a tree. I think it is the greatest thing you have ever done. To widen the shoulders and make the road as wide as it is suppose to be. Thank you.

David Galinski, 7719 Old Lower East Hill Road, Gentlemen, I have two trees that edge the gully if they widen the road at all they will take both of them down. Within eighteen feet of the gully I have a drilled well. I construction starts and they widen the road taking those trees down plus the shrubs that are there I'm not only worried about what is going to happen to the front of my property but what is going to happen to my water table. If you dig out two mature trees that have been there for who knows how long what happens to my well if it goes dry? The thing that bothers me the most is the stuff that we got in the mail on the project was not detailed to my estimation enough for the common person to understand exactly what the road was going to become once it was done. The road definitely needs to be resurfaced. We do need culverts for rain, I myself during this rainy season have lost part of my driveway. As far as the culverts go if the County does maintain them and the key word is "if" in the last eight years they haven't been on Old Lower East Hill Road except for one time. They went half way up the road and quit. I had to get a hold of the Supervisor from the County and have them make a special trip out to clean out the gullies in front of my house. They just didn't go beyond that point. I would really push, gentlemen to have the County come out and have a meeting where we could get down to nuts and bolts and ask

them questions about what happens to my water table if my well goes dry and other things like that. Thank you.

Arlene Walter, 7906 Lower East Hill Road, we do need road improvement. You mentioned that there were only going to be small trees removed, that isn't true. We are going to lose twenty-three full grown blue spruce. That bothers me. We have waited twenty years for these trees to grow. You kind of said, that if this doesn't get taken care of now or it may never get taken care of. I think that is like holding blackmail over our heads, like go along with it or else you won't get anything done. As far as saying just small trees I spoke with Mr. Sickler yesterday and he told me it was eight hundred trees, I think that will affect our environment. As far as your being in agreement that this road should be fixed, as our Supervisor, I think that you should listen to the people to see that definitely a meeting is called and that all of us are heard and then perhaps we can compromise on this. Thank you.

Karen Sienk, 8519 Lower East Hill Road near Wohlhueter, I have almost gotten killed coming out of my driveway numerous times. It is extremely blind trying to pull out of my driveway to go either left of right on to Lower East Hill Road, they are coming up out of the valley and coming up over the hill. Even though the road is as bad as it is they are still speeding up that road and even though I look as carefully as I can trying to pull out it is completely blind. We did have someone pull out of our driveway and get hit. What I am concerned about is after they improve the road obviously travel is going to be even faster and it's still going to blind. I was wondering how I could go about getting some kind of sign to tell that there is a blind drive, because this is of great concern for me.

Debbie Morin, 7744 Lower East Hill Road, I have two one hundred and thirty year old maples out in front of my house and I am very disturbed that those trees are being taken down because the whole character of my property is dependent upon those two trees. I feel that if somehow we can compromise on the size of the road as far as the traffic flow factor I don't think that it warrants a twenty-eight foot pavement. I don't think that the traffic flow is what it is estimated to be by the County, in front of my house anyway, I'm sure of it. I thought that if we could compromise and lessen the shoulder or somehow rather than a four foot shoulder a two foot shoulder or one foot shoulder. There is a lot of people that are suffering tremendous property damage with this. I just can't see the reason that we should go through all this property damage when the size road that is planned is not needed according to the traffic flow. I think there are a lot of people right now who don't even realize what the damage to their property is going to be because we were notified so late. Everyone thought that this was just going to be a repaving. Which would have been fine with me. I think the road in its original width would have been just fine or two ten foot lanes. I think the shoulder is what is bothering everybody. I think that it is a scenic beautiful road and I hate to see the character of it destroyed. I think the town should treasure that road, because I think that is what the Boston Hills are known for. I don't want to see it turned into a highway.

Mary Clear, 7727 Lower East Hill Road, after I read the figures in the paper of how many cars we have traveling this road, I took it upon myself to count how many cars for days and the highest hour I ever came up with was twenty-one cars on Friday at rush hour from five to six o'clock. How they could quote figures of five hundred plus cars I can't see it at all. I called Charles Sickler's office and asked for a new traffic volume study and I was told by his office that the last count

for our road was done in 1981 and '82 and I think that is pretty poor to be building a road on such old figures. I don't think it's right that they should say that they are not going to maintain our road if we don't go for what they want. I think that, that is blackmail also.

Reed Garver, 8363 Lower East Hill Road, I hope that whenever the last person has spoken that you will summarize where this project is going to go in the future. We have a reasonably good line of communication established tonight. There is a possibility that a SECOR study will have to go forward. I think that we have an obligation to know this, whether it does or doesn't. Somehow between you, Mr. Sickler and the people who live on the road we have to continue to talk and hope that this can be accomplished. Thank you.

Supervisor Kennedy: Since we the Town Board seem to be the best avenue of communications between the people that reside in Boston you can rest assured that you are going to hear from me. I'm going to contact Mr. Gugino, if this requires a SECOR study any work on the roadway or letting of the contract will be delayed for a considerable length of time. If it doesn't require a SECOR study I would then move to have Mr. Gugino set up a meeting so that he could hear some of the concerns that have been expressed here by the towns people in Boston which are certainly justifiable.

Councilman Wittmeyer: Karen Sienk, 8519 Lower East Hill Road, if you would write the Town Board a letter with your address and a description of your driveway and blind area it will be referred by the Traffic Safety to the County right now. If there is a dangerous situation with a blind area we can get a sign put up there, it might take a while, however, it will be on record.

Letter from the Boston Planning Board regarding Subdivision of Land Submission Rules.

Town Attorney Perley responded to Planning Board letter regarding subdivision of land submission. This came about with regard to the Szalay subdivision. The current subdivision requirements require three (3) linen maps to be submitted as part of the final submission. He spoke with the Town Engineer who advised that the current standard is for the municipalities to receive mylar. The basis for receiving mylar as opposed to linen is that additional copies can be made off the mylar. The Planning Board has adopted an interim rule subject to this Boards approval that would allow Mr. Szalay to submit ten (10) copies in mylar as opposed to the linen which they believe will be beneficial to them.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to inform the Planning Board that the Town Board is in agreement with their submission to the Town Board that Subdivision Regulations be changed to incorporate those items that have been described.

four (4) Carried

Letter from Planning Board regarding James Millich, rezoning request on Herman Hill Road.

REGULAR BOARD MEETING — TOWN HALL
SEPTEMBER 16, 1992 — 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to return Mr. Millich's request to rezone property on Herman Hill Road to the Planning Board with a directive that they schedule Mr. Millich in, so that he may have an opportunity to be heard.

four (4) Ayes — Carried

Letter from Planning Board regarding Allan Wittmeyer building permit request on Zimmerman Road.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to table this to the October 7, 1993 Board Meeting for final dispensation.

Councilman Flowers	Voting Absent
Councilman Wohlhueter	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wittmeyer	Voting Abstaining
Supervisor Kennedy	Voting Aye

three (3) Ayes — Carried

Letter from North Boston Volunteer Fire Company thanking Highway Superintendent Eugene Ruchalski, Town Highway Crew, Supervisor Kennedy and Councilman Wittmeyer for their help and concern during recent flooding of the fire hall on August 4th and August 28, 1992 due to heavy rainfall.

Letter from Keith Gannon, Boston Fire Company requesting permission to use softball diamond at Town Park on September 20, 1992.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to grant permission for the Boston Fire Company to use Softball Diamond #6 in the Town Park on Sunday September 20, 1992.

four (4) Ayes — Carried

SUPERVISOR'S REPORT

Supervisor Kennedy asks the citizens for their help and cooperation. He was speaking with Ray Miller owner-operator of car-wash and someone has dropped-off another ten tires at the car-wash for the second time. He is asking the people of Boston to aid us if they see anyone dropping tires-off in the community let us know. If you have any information please contact Supervisor Kennedy or the New York State Police your call will be confidential and any efforts on your part would be helpful.

TOWN CLERK'S REPORT

A) Registrar of Vital Statistics Report for August 1992 received and on file in the Town Clerk's Office,

SUPERINTENDENT OF HIGHWAYS REPORT

Superintendent of Highway Ruchalski asked for permission to purchase a 1992 John Deere 544-E Loader on State contract with 6-8 weeks delivery at fifty-eight thousand, four hundred-twenty-three ($58,423.00) dollars. This purchase would be contingent upon the sale of one (1) 1990 John Deere 544 E Loader.

REGULAR BOARD MEETING TOWN HALL
SEPTEMBER 16, 1992 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to grant permission to Highway Superintendent Ruchalski to purchase a new loader in the amount of fifty-eight thousand, four hundred-twenty-three ($58,423.00) dollars contingent upon the sale of the old loader. This is retroactive to the last Town Board Meeting.

four (4) Ayes Carried

TOWN ATTORNEY'S REPORT

Town Attorney Perley attended a pretrial conference in the Supreme Court action brought by Lois Slattery with regards to the Town's abandonment of a portion of Dunn Road which has been the Town's position that it was never really a road. At the pretrial conference which was conducted by Judge Joslin for the purpose of exploring some sort of resolution to this. Although I am on salary don't feel that I would need any additional compensation I will have to retain an engineer who will not be on salary to assist me.

The discussion was whether or not the Town Board would authorize Town Attorney Perley to pursue a petition under 205-B which is the qualified abandonment of a highway. A 205-B petition would abandon the highway for the purposes of maintenance but would maintain a public right of way if one in fact existed. The hearing must be conducted by the Superintendent of Highways. This would be done without prejudicing any question about the validity of the underlying abandonment.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to authorizes Town Attorney Perley to proceed with 205-B Petition.

four (4) Ayes Carried

As the Board is aware, Mr. Szalay's Subdivision has been scheduled for a Public Hearing on its final subdivision approval for September 22, 1992. In the event that Mr. Szalay's Subdivision is approved Mr. Szalay would like to get started laying the road and the other services that are attendant to the development of the Subdivision. To do that it requires a permit from the Town Board. Mr. Szalay has asked for a permit for the following: installation of road, storm drainage, sanitary sewer, water and other utilities some of which are designed by the companies.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to approve the issuance of a Public Improvements Permit from the Town Board and authorize the Supervisor to sign the necessary papers contingent upon final subdivision approval by the Planning Board and the filing of the final Plat Plan and detailed plans approved by the Town Engineer and the establishment of and Engineering fee as billed not to exceed five thousand ($5,000.00) dollars, have the Form and Sufficiency of the Bond approved by the Town Attorney.

four (4) Ayes Carried

COUNCILMEN REPORTS

Councilman Wittmeyer had a referral from a lady on Omphalius Road between Cole and Lower East Hill Roads regarding a blind grade. This will be taken up with Traffic Safety to see if a "Blind Grade" or "School Bus Stop" sign from the County to warn motorist should be installed.

Councilman Wittmeyer had a call from Mrs. Ebert on Meadow Drive regarding the speed limit on Meadow Drive she is concerned with the cars exceeding the thirty-five (35) mph speed limit on that road and she is asking for a reduction of that speed limit. Councilman Wittmeyer has called the Troopers and asked that they monitor the situation on Meadow Drive. She also requested a "Children at Play" sign and with the playground being in that area possibly the county will agree to this.

Councilman Wittmeyer also had a call from Paula Litwin on Fairlane Drive requesting a speed reduction on Fairlane there is no posted speed on that road at this time. Councilman Wittmeyer asked the Troopers to monitor this road until we get some signs up.

Councilman Wittmeyer asked the Board for a resolution requesting lower speed limits in all the subdivisions in the town that is not so posted. There are a lot of subdivisions that are still fifty-five (55) mph. not posted such.

Councilman Wittmeyer asked Town Attorney Perley to work with him and the Traffic Safety Committee on this.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to lower speed limits in all subdivisions in the town that is no so posted.

four (4) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to adjourn the Meeting at 8:58 P.M.

four (4) Ayes Carried

David J. Shenk

DAVID J. SHENK, TOWN CLERK

TOWN OF BOSTON
NEW YORK

RESOLUTION

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York , held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 16th day of September, 1992 at 7:30 o'clock in the evening Eastern Time there were:

Present:	Richard L. Kennedy	Supervisor
	Milton I. Wittmeyer	Councilman
	David G. Zimmerman	Councilman
	Don A. Wohlhueter	Councilman
Absent:	Mark W. Flowers	Councilman

Councilman Wittmeyer presented the following Resolution and moved its adoption:

WHEREAS, the Traffic Safety Committee of the Town of Boston has conducted a study of all subdivision roads and other roads in the Town of Boston; and

WHEREAS, many subdivision roads do not have posted Speed Limits and , by operation of the Vehicle & Traffic Law of the State of New York, have Speed Limits of 55 MPH as a result; and

WHEREAS, such subdivision roads are situated in densely populated areas and, due to the width of the road's right-of-way and for other reasons, are not suitable for a Speed Limit of 55 MPH; and

WHEREAS, the Traffic Safety Committee had also studied Chestnut Ridge from Ward Road to Boston State Road; and

WHEREAS, the Speed Limit on Chestnut Ridge Road is currently 55 MPH; and

WHEREAS, five (5) residential streets enter over to Chestnut Ridge Road; said streets being Serpentine Drive (twice), Hillside Drive, Hillcrest Road, Chestnut Lane and Crestwood; and

WHEREAS, Chestnut Ridge Road contains steep grades and a severe curve; and

WHEREAS, for the foregoing reasons, Chestnut Ridge Road is not suitable for a 55 MPH Speed Limit.

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Boston hereby requests that a thirty~~-~~five-mile-per-hour (35 MPH) Speed Limit be established for the following Town Highways:

Glenn Terrace
Hywood Drive
Ravine Drive
Allen Drive
Maplegrove Drive
Northside Drive
Elm Tree Place
Parkside Drive
Hickory Drive
John's Terrace
Charles Drive
Endress Road
Serpentine Drive
Hillside Drive
Thornwood Drive
Wildwood Drive
May Avenue
Kevinton Place
Fairlane Drive (N)
Sherwood Lane
Meadow Brook
N. Greenbrier Terrace
Colonial Drive
Rollin Drive
Kevin Drive
Ursula Lane
George Drive
Tanglewood
Creekside Court
Southside Drive
Ripple Drive
Woodland
James Drive
Homestead Road
Old Orchard Drive
Woodlee Court
Hillcrest Road
Crestwood Circle
Willow Drive
Ludon Drive
Tricia Lane
Valley View Lane
Fairlane Drive (S)
Holiday Drive
Pinehurst
S. Greenbrier Terrace
Hillcroft Drive
Redwing Drive;

and be it further

RESOLVED, that the Town Board of the Town of Boston hereby requests that the thirty-five mile per hour (35 MPH) area Speed Limit be established for Chestnut Ridge Road from Ward Road to Boston State Road in the Town of Boston, New York.

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

Supervisor Kennedy	Voting__Aye____
Councilman Wittmeyer	Voting__Aye____
Councilman Zimmerman	Voting__Aye____
Councilman Wohlhueter	Voting__Aye____
Councilman Flowers	Absent

AYES: FOUR (4) **NOES: NONE (0)** **ABSENT: ONE (1)**

David J. Shenk

David J. Shenk-Town Clerk

REGULAR BOARD MEETING
OCTOBER 7, 1992

TOWN HALL
7:30 P.M.

Present were Councilman Mark Flowers, Councilman Don A. Wohlhueter, Councilman David G. Zimmerman, Councilman Milton I. Wittmeyer, Supervisor Richard L. Kennedy, Town Attorney Michael Perley, Highway Superintendent Eugene Ruchalski.

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to accept the correction and adoption of the minutes of the September 16, 1992 Regular Board Meeting.

five (5) Ayes Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Flowers that the General Fund and Special District Bills on Abstract #10 dated October 7, 1992 in the amount of $23,363.95 be paid.

five (5) Ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to accept the corrections of Abstract #8, dated August 19, 1992 as follows:

Voucher #654 Special Editions
From: $300.00 To: $350.00

five (5) Ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to accept the correction of Abstract #9A, dated September 16, 1992 as follows:

Voucher #766 State Insurance Fund $1,380.00
From: A 9040.8 (General Fund) To: D9040.8 (Highway Fund)

five (5) Ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman that the Highway Bills on Abstract #10 dated October 7, 1992 be paid.

five (5) Ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to accept the Town Clerk's monthly report for September 1992.

five (5) Ayes Carried

Letter received from Joseph A. Fogarty, NYS Department of Transportation, Re: Replacing and removal of illegal signs, received and on file in the Town Clerk's Office.

Letter received from Art Benson, U,S. Route 219 Association, Inc. Re: Membership Renewal received and on file in the Town Clerk's Office.

Certificate of Notice of Highway Closure Re: Chestnut Ridge, CR552, September 28th & 29, 1992 received and on file in the Town Clerk's Office.

Letter received from James Connolly, Secretary to the Authority, Erie County Water Authority, Re: Tariff Changes received and on file in the Town Clerk's Office.

Resolution received from the Town of Wales, Re: Funding for the training programs for volunteers engaged in firefighting and emergency services, received and filed in Town Clerk's Office.

REGULAR BOARD MEETING
OCTOBER 7, 1992

TOWN HALL
7:30 P.M.

Resolution received from the Town of Wales, Re: Twenty-four (24) hotline to potential rabid infected animals and persons, received and on file in the Town Clerk's Office.

RESOLUTION - TWENTY-FOUR (24) HOUR HOTLINE TO POTENTIAL RABID INFECTED ANIMALS AND PERSONS.

Resolution received from the Town of Amherst, Re: New York State Archives Week October 12 - 17, 1992 received and on file in the Town Clerk's Office.

RESOLUTION - NATIONAL ARCHIVES WEEK OCTOBER 12-17, 1992

Supervisor Kennedy received several letters regarding Snowplowing Contract with Erie County. This Town Board took action at a previous meeting and submitted our Resolution to a number of other Towns in Erie County, indicating that we would refuse to plow the County Roads without a contract. That same stance has been taken by the Towns of Orchard Park, Newstead and several other towns in Erie County.

REQUESTS FROM THE FLOOR

Tom O'Boyle, Representative from County Legislature Fred Marshall's Office advised the Board that the D.E.C. has become involved in the Lower East Hill Road Project and there is going to be a fifty (50) day delay. The D.E.C. wants to investigate the full environmental impact study on that project, due to the concerns of the residents and the environment.

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to make the following Transfer of Appropriations:

GENERAL FUND

TO:			
	A 1110.1	Town Justice, Per Serv	$ 500.00
	A 1220.1	Supervisor, Per Serv	5,000.00
	A 1355.1	Assessor, Per Serv	400.00
	A 1355.4	Assessor, Cont	2,125.00
	A 1450.1	Elections, Per Serv	7,300.00
	A 1650.2	Cen Communications, Equip	2,500.00
	A 1670.4	Cen Print & Mail, Cont	5,000.00
	A 4189.4	Oth Pub Health, Cont	20.00
	A 5010.2	Supt of Hwy, Equip	170.00
	A 5010.4	Supt of Hwy, Cont	600.00
	A 5182.4	Street Lights, Cont	3,000.00
	A 7270.4	Band Concerts, Cont	1.425.00
	A 7310.4	Youth Program, Cont	8,700.00
	A 8010.1	Zoning, Per Serv	225.00
	A 8020.1	Planning, Per Serv	500.00
	A 8989.4	Home/Com Serv, Cont	3,000.00
	A 9040.8	Workmen's Comp	2,000.00
	A 9050.8	Unemployment	1,600.00
	A 9060.8	Hosp & Med Insurance	1,425.00
	A 9950.9	Transfer to Cap Proj Fd	12,000.00
			57,490.00
FROM:			
	A 1355.2	Assessor, Equip	2,525.00
	A 1450.4	Elections, Cont	5,700.00
	A 1940.4	Pur Land, Cont	12,000.00
	A 1950.4	Tax/Asses/Tn Prop	600.00
	A 1990.4	Contingency	15,000.00
	A 7310.4	Youth Prog PS	8,700.00

TOWN OF BOSTON

At a Regular of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 7th day of October 1992 at 7:30 P.M. Eastern Daylight Savings Time, there were present:

Richard L. Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Don A. Wohlhueter	Councilman
Mark W. Flowers	Councilman

Supervisor Kennedy presented the following resolution and moved its adoption:

WHEREAS, Archives are a rich cultural resource which document today's events that become tomorrow's history. By preserving archives, we can review the past to gain the wisdom we need to address the challenges of the present and the future, and

WHEREAS, Archives record the past and the present for future researchers. They are essential to the understanding of our whole society and to the contributions of the diverse groups it comprises. and by the residents of the County of Erie, and

WHEREAS, Archives are a rich source of information to historians, educators, journalists, students, genealogist and the general public, and

WHEREAS, Archives are used increasingly in New York's classrooms to bring history to life for students, and

WHEREAS, Archives of government protect the rights of citizens, support the effective operations of government, and document toe evolution of our democracy, and

WHEREAS, Archives are an invaluable repository of information about people, their lives and work, their struggles and triumphs, and

THEREFORE, BE IT RESOLVED, to bring public attention and recognition to archives, it is fitting that the New York archival community celebrate with special commemorative activities, and

NOW, THEREFORE, WE THE TOWN BOARD OF THE TOWN OF BOSTON, do hereby proclaim October 11-17, 1992 as ARCHIVES WEEK in the Town of Boston and dedicate this 1992 observance to New York's Archivists who collect, preserve, and provide access to the records that are our heritage.

SECONDED BY Councilman Flowers 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 Flowers	Voting aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk

DAVID J. SHENK, TOWN CLERK

TOWN OF BOSTON

At a Regular of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 7th day of October 1992 at 7:30 P.M. Eastern Daylight Savings Time, there were present:

Richard L. Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Don A. Wohlhueter	Councilman
Mark W. Flowers	Councilman

Councilman Zimmerman presented the following resolution and moved its adoption:

WHEREAS, there nas been increasing concern of rabies by the residents of the County of Erie, and

WHEREAS, there is no system or an inadequate system whereby citizens can receive immediate direction and guidance in the event of potential infection of rabies resulting to and from animal bites, and

WHEREAS, the Erie Count Department of Health has the responsibility to safeguard the health and well being of the residents of the County of Erie, and

NOW, THEREFORE BE IT RESOLVED, THAT THE Town of Boston does hereby request the Erie County Executive, the Erie County Department of Health and the Erie County Legislature to consider the establishment of an effective 24 hour hot line to provide immediate and necessary information regarding the safeguarding and treatment of potential rabid infected animals and persons, and the proper publication of same, and

BE IT FURTHER RESOLVED, that copies of this Resolution shall be sent to the Erie County Executive, Erie County Commissioner of Health, Clerk of the Erie County Legislature.

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 Flowers	Voting aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk

DAVID J. SHENK, TOWN CLERK

TOWN OF BOSTON

At a regular meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Town Hall in said Town of Boston on the 7Th day of October , 1992 at 7:30 PM, EST, there were present:

Supervisor Richard L. Kennedy presented the following Resolution and moved for its adoption:

WHEREAS, Allan H. Wittmeyer and Maureen Wittmeyer have made application to the Town Board of the Town of Boston for issuance of a Building Permit to construct an addition of 28' x 80' to a storage building situated on property locally known as 7631 Zimmerman Road;

WHEREAS, said Application for a Building Permit is subject to a Site Plan approval pursuant to Article XXX of Chapter 123 of the Boston Town Code; and

WHEREAS, prior hereto, Allan H. Wittmeyer and Maureen Wittmeyer were granted rezoning of the subject property from zoning classification R-A to zoning classification C-2; and

WHEREAS, the Town Board of the Town of Boston has thoroughly reviewed the Application and analyzed the site with respect to the level of use which the said site may reasonably handle,

NOW, THEREFORE, BE IT RESOLVED, that the Application of Allan H. and Maureen Wittmeyer for a Building Permit to construct a 28' x 80' addition to the improvement be and the same is hereby granted with the following conditions and limitations upon the use of the site:

1. That the property on which the improvement is to be located shall be separated from all other property owned by Allan H. and Maureen Wittmeyer by means of a separate Deed containing the description of the property rezoned pursuant to the prior application.

2. That the site is approved for the storage of Seven (7) ten-wheel dump trucks, or seven (7) other trucks of a similar size and configuration.

3. That all materials shall be stored and/or stockpiled within the buildings.

4. That the trailer, currently on the property, shall be removed within ten (10) days; and further, that no Building Permits shall be issued unless said trailer is removed from the premises.

5. That Allan and Maureen Wittmeyer shall undertake measures to control the amount of dust resulting from the operation of the business on the premises, either by the application of permitted chemicals or paving of the appropriate portions of the property; and

BE IT FURTHER RESOLVED, that the Code Enforcement Officer be, and he is hereby authorized to issue a Building Permit subject to the above conditions, upon approval of the Plans for the proposed addition.

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

Supervisor Kennedy Voting AYE

Councilman Flowers Voting AYE

Councilman Wittmeyer Voting ABSTAINING

Councilman Wohlhueter Voting AYE

Councilman Zimmerman Voting AYE

AYES: 4 NOES: 0 ABSENT: 0

ABSTAINING 1

David J. Shenk

David J. Shenk, Town Clerk
Town of Boston

A 8010.4	Zoning, Cont	225.00
A 8020.4	Planning, Cont	500.00
A 9010.8	State Retirement	12,240.00
		57,490.00

five (5) Ayes — Carried

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

HIGHWAY FUND

TO:

D 5110.1	Gen Repairs, PS	5,000.00
D 5112.2	Capital Outlay	4,730.00
D 5142.1	Snow Removal, PS	5,000.00
D 5142.1	Ser Oth Govts, PS	5,000.00
D 5148.4	Ser Oth Govts, Cont	3,380.00
D 9030.8	Social Security	1,100.00
D 9040.8	Workers Compensation	3,000.00
D 9060.8	Hosp & Med Insurance	2.570.00
D 9950.9	Transf to Cap Proj Fd	2,590.00
		32,370.00

FROM:

D 5130.2	Machinery Equip	2,590.00
D 9010.8	State Retirement	21,500.00
D 9050.8	Unemployment	1,000.00
D 9730.6	BAN. Princ	4,000.00
D 9730.7	BAN. Int	3,280.00
		32,370.00

APPROPRIATION OF EXCESS REVENUE

Estimated Revenue

D 2300	Services for Oth Govt	6,000.00

Appropriations

D 5130.4	Machinery, Cont	6,000.00

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer approved South Boston Park Drainage Project Change Order #1 in the amount of $8500.00 from Klarberg, Inc.

five (5) Aye — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to approve payment of the South Boston Park Drainage Project Change Order #1 in the amount of $36,812.49 to Klarberg, Inc.

five (5) Aye — Carried

RESOLUTION ALLAN H. WITTMEYER AND MAUREEN WITTMEYER ISSUANCE OF BUILDING PERMIT 7631 ZIMMERMAN ROAD

REGULAR BOARD MEETING
OCTOBER 7, 1992

TOWN HALL
7:30 P.M.

At 8;05 P.M. a Public Hearing was held for the purpose of hearing public comments on Local Law #2 for the year 1992 to Amend the Zoning Law of the Town of Boston. Town Clerk Shenk read the Legal Notice and Supervisor Kennedy opened the hearing. Town Attorney Perley summarized the Local Law by deleting some wording that made reference to an area of the Town Law of the State of New York and outlined in specific terms the method in which the map is to be finally amended. The change in the map will be effective upon its posting upon the bulletin. Another section has to do with the issuance of building permits by the Code Enforcement Officer. This will allow the issuance of more than one permit only with Board approval. A Special Permit provision that would allow in C-1 zoning only the construction of a storage only building of a certain dimension for storage of tools and materials incident to a business that is not on the property.

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN, that there has been presented to the Town Board, Town of Boston, Erie County, New York, on September 3, 1992, a copy of Local Law #2 for the year 1990 entitled "A Local Law to Amend the Zoning Law of the Town of Boston," which amendments pertain to procedures for amendments for the filing and posting of Amendments to the Zoning Map, modification of rear yards in certain lots requiring Town Board approval for issuance of certain Building Permits, and providing for additional use permitted by Special Permit in Zoning Classification C-1.

NOTICE IS FURTHER GIVEN, that the Town Board, Town of Boston, will conduct a Public Hearing on the aforesaid Local Law at the Town Hall, 8500 Boston State Rd., Boston, NY, on Wednesday, October 7, 1992, at 8 P.M. Eastern time, at which time all interested persons will be heard.

Dated: September 10, 1992
Published: September 11, 1992

By Order of the Town Board,
Town of Boston
David J. Shenk, Town Clerk

Larry Weathers, 5492 Meadow Drive, when your talking about small lots for a home, how small are your talking about?

Supervisor Kennedy: It depends on what the zoning is in that particular area.

Supervisor Kennedy: In this particular law we are looking at these sections that have been described pretty accurately by the Town Attorney. The Board has had an opportunity to discuss this in depth with the Town Attorney. There were no further questions from the floor.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to close the Public Hearing at 8:15 P.M.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to adopt Local Law #2 for the year 1992.

five (5) Ayes Carried

The 1993 Preliminary Budget and Summary of the 1993 Budget was read by Supervisor Kennedy.

Supervisor Kennedy stated that taxes will remain the same in the Town of Boston as far as the Town is concerned.

REGULAR BOARD MEETING
OCTOBER 7, 1992

TOWN HALL
7:30 P.M.

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter that the 1993 General Fund Preliminary Budget be approved as follows:

Appropriations	$886,717.00
Less Estimated Revenue	498,050.00
Less Unexpended Balance	220,000.00
Amount to be Raised by Tax	168,667.00

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman that the 1993 Highway Fund Preliminary Budget be approved as follows:

Appropriations	$677,100.00
Less Estimated Revenue	248,000.00
Less Unexpended Balance	19,100.00
Amount to be Raised by Tax	410,000.00

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy that the 1993 Fire Protection Preliminary Budget be approved as follows:

Appropriations	$446,885.00
Less Estimated Revenue	.00
Less Unexpended Balance	.00
Amount to be Raised by Tax	446,885.00

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers that the 1993 Light District Preliminary Budget be approved as follows:

Appropriations	$ 19,000.00
Less Estimated Revenue	500.00
Less Unexpended Balance	500.00
Amount to be Raised by Tax	18,000.00

five (5) Ayes — Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer that the 1993 Ambulance District Preliminary Budget be approved as follows:

Appropriations	$ 49,150.00
Less Estimated Revenue	.00
Less Unexpended Balance	1,550.00
Amount to be Raised by Tax	47,600.00

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy that the 1993 Refuse & Garbage Preliminary Budget be approved as follows:

Appropriations	$495,598.00
Less Estimated Revenue	.00
Less Unexpended Balance	360.00
Amount to be Raised by Tax	495,238.00

five (5) Ayes — Carried

REGULAR BOARD MEETING
OCTOBER 7, 1992

TOWN HALL
7:30 P.M.

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman that the 1993 Sewer District #2 Preliminary Budget be approved as follows:

Appropriations	$ 1,213.50
Less Estimated Revenue	.00
Less Unexpended Balance	.00
Amount toe be Raised by Tax	1,213.50

five (5) Ayes Carried

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy that the 1993 Water District #1 Preliminary Budget be approved as follows:

Appropriations	$ 84,025.00
Less Estimated Revenue	.00
Less Unexpended Balance	54,025.00
Amount to be Raised by Tax	30,000.00

five (5) Ayes Carried

A motion was made by Councilman Flowers and seconded by Councilman Zimmerman that the 1993 Water District #2 Preliminary Budget be approved as follows:

Appropriations	$ 88,774.00
Less Estimated Revenue	.00
Less Unexpended Balance	48,000.00
Amount to be Raised by Tax	40,774.00

five (5) Ayes Carried

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to schedule a Public Hearing on November 4, 1992 at 8:10 P.M. for the 1993 Preliminary Budget.

Councilman Zimmerman commended the Supervisor for the 1993 Preliminary Budget that he has placed before the Board. Without the aid that we get from the State and Federal Government as in previous years it is quite a chore.

Letter received from Jean O'Connell, Grants Consultant Re: Contract Renewal.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to renew contract with Jean O'Connell & Associates Grants Consultants for year 1993.

five (5) Ayes Carried

Letters received from John Falkides with checks requesting certificates of Occupancy as follows:

7/20/92 For Lots #1, 2 & 12
8/17/92 For Lots #11 & 13
9/21/92 For Lot #14

No checks have been deposited to this date. Building Inspectors has issued Temporary Certificates of Occupancy for Lots 1, 2, 11, 12 & 13.

Mr. Falkides is now looking for a Certificate of Occupancy for Lot #14.

REGULAR BOARD MEETING
OCTOBER 7, 1992

TOWN HALL
7:30 P.M.

Supervisor Kennedy advised that a Temporary Certificate of Occupancy for Lot #14 will not be issued until a unit is placed on this lot and inspected by the Code Enforcement Officer.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to authorize Town Clerk Shenk to deposit Mr. Falkides checks for Lots #1, 2, 11, 12 & 13.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to appoint the following two (2) Dog Enumerators, salary to be one dollar ($1.00) per dog:

Paul Eagan,
Robert Bulger,

five (5) Ayes — Carried

Letter from Herbert Berlin requesting re-appointment to the Assessment Board of Review tabled to the next Regular Board Meeting October 21, 1992.

Bid results for Bid Opening October 7, 1992 at 10:00 A.M. in the Supervisors office for 1985 3/4 ton Chevrolet Pick Up Truck were as follows:

Valley Trucking & Equipment Co.	$3,560.00
Breezy Meadow Farms	3,620.00

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter at the recommendation of Highway Superintendent Ruchalski to accept the bid rendered by Breezy Meadow Farms in the amount of $3,620.00 for 1985 3/4 Chevrolet Pick Up Truck.

five (5) Ayes — Carried

Supervisor Kennedy directed Town Clerk Shenk to send a letter to Breezy Meadow Farms indicating that they have been awarded the bid, giving ten days to submit cash or certified check to the Town Supervisor.

Letters received from James Decker, 8019 Lower East Hill Road and Diane M. Kohler, 8139 Lower East Hill Road requesting a speed reduction of current 55 mph received and filed.

Councilman Wittmeyer responded that this is one of the items recently taken up at a Traffic Safety meeting and he will report on these matters in his Councilman's Report,

Letter received from Edward J. Thill, 6175 Butternut Rd., concerned about speed limit on Back Creek Road that changes from 40 to 55 mph about 200 yards before Butternut (heading south). This letter was written to inform the Board of Mr. Thill's concern for the safety of his children and to insure that this situation will be presented at the next Traffic Safety Meeting.

Letter of resignation received from Karen Blake from the Town of Boston Conservation Advisory Council effective October 1, 1992.

Supervisor Kennedy directed Town Clerk Shenk to send a letter to Karen Blake thanking her for her service on the Conservation Advisory Council and wish her well in her new residence in Gowanda.

Letter received from Mark & Fran Kramer, 6109 Thornwood Drive, Re: Dirt bike situation on property behind their residence.

REGULAR BOARD MEETING
OCTOBER 7, 1992

TOWN HALL
7:30 P.M.

Supervisor Kennedy has spoken to the individual involved and has directed a letter to his father. Hopefully, this will correct the situation in this particular area.

Letter received from Donald A. Ogilvie, Superintendent of Schools, Hamburg Central School District advising of early dismissal of students on Friday, October 9, 1992.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to grant permission to Robert W. Tills, Town Justice to purchase computer hardware and Court Management Software from Williamson Law Book Co. as quoted:

Special Hardware/Software Offer: good until 10-31-92

Hardware:

40 MHz IBM compatible computer with 2 MB RAM, 100 Mb hard drive, 3.5" and 5.25 floppy drive, VGA color monitor, DOS 5.0	$1,750.00
Additional Floppy Drive	100.00
Court Management Software	2,500.00
	$4,350.00

Purchase price of software includes installation, training, and one year of software support. Present cost of subsequent years of software support is $350.00 Price of support may change in future years

Delivery to be made after january 1, 1993.

five (5) Ayes Carried

Letter from Dan Genzel requesting permission to rezone property at 7272 Boston State Road.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to refer Dan Genzel's request to rezone property at 7272 Boston State Road to the Planning Board for review and recommendation.

five (5) Ayes Carried

Letter received from Apex Consulting Service Re: Request for rezoning of 17.6 acre Parcel of Country Meadow Subdivision proposed 16 lot subdivision with one lot exception Apex Project No. 92-D018-2 received and filed.

Supervisor Kennedy directed Town Clerk Shenk to review those appointed to the Insurance Committee and schedule a meeting for Thursday, October 22, 1992 at 8:30 A.M.

SUPERVISOR'S REPORT

A) Supervisor's Monthly Financial Report for September 1992 received and on file in the Town Clerk's Office.

TOWN CLERK'S REPORT

A) Registrar of Vital Statistics Report for September 1992 received and on file in the Town Clerk's Office.

REGULAR BOARD MEETING
OCTOBER 7, 1992

TOWN HALL
7:30 P.M.

B) Town Clerk requests permission for Deputy Town Clerk Anna M. O'Neill to attend WordPerfect Course at Bryant & Stratton. This course will be conducted on three consecutive Saturdays, the cost of the course and book is one hundred and eighty-five ($185.00) dollars. There is enough money in my budget to cover this training expense.

A motion was made by Councilman Zimmerman and seconded by Councilman Flowers to authorize Deputy Town Clerk Anna M. O'Neill permission to attend a WordPerfect program at Bryant & Stratton, at one hundred and eighty-five ($185.00) dollars.

five (5) Ayes Carried

Letter received from Denise Lucas, Mercy Hospital X-Ray Department donated a check in the amount of fifty ($50.00) dollars in appreciation for use of the Town Park for X-Ray Departments Summer Picnic.

Supervisor Kennedy advised Town Clerk Shenk to thank Mrs. Lucas and the Mercy Hospital X-Ray Department for their generous donation and to advise them that this donation will be deposited in the Recreation Trust Fund and will be used in the future for the playgrounds.

TOWN ATTORNEY'S REPORT

Town Attorney Perley requests a Public Hearing for Local Law #3 the year 1992 to be held at the first Regular Town Board Meeting in November.

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to schedule a Public Hearing for Local Law #3 the year 1992 for November 4, 1992 at 8:00 P.M.

five (5) Ayes Carried

Town Attorney Perley has begun the possibility of possibly settling some of the Article 7's (Tax Proceedings). A meeting was held with Michael Fortier from the telephone company, he made a proposal to Mr. Perley which he will communicate to the Town Assessor for his analysis and review.

Town Attorney Perley has made telephone contact with various garbage haulers in an attempt to get licenses from them, follow-up letters have been sent. Positive response has been received from C.I.D.

Town Attorney Perley has contacted Joseph Gern and found out from him that he has no residual injuries. A release has been sent out to Mr. Gern. the bills are here for you to submit to the bookkeeper for payment when the release has been delivered by Mr. Gern.

Town Attorney Perley received a call from Mr. Szalay it is Mr. Szalay's request to separate out the public improvement permit into two, so that he can begin grading out the road. He does not have appropriate health approvals for laying in the water and sewer.

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers to allow a Public Improvement Permit to be issued for preliminary excavation of the road.

five (5) Ayes Carried

REGULAR BOARD MEETING
OCTOBER 7, 1992

TOWN HALL
7:30 P.M.

COUNCILMEN REPORTS

Councilman Flowers received a letter from the Conservation Advisory Council requesting that the Town Board proclaim the month of October National Clean Water Month.

RESOLUTION - PROCLAIM THE OCTOBER NATIONAL CLEAN WATER MONTH

RESOLUTION - PROCLAIM THE MONTH OF OCTOBER NATIONAL POLISH/AMERICAN MONTH

Councilman Wohlhueter received a letter from a Local 4H leader asking to proclaim the week of October 4 - 10, 1992 National 4H week in the Town of Boston.

RESOLUTION - PROCLAIM THE WEEK OF OCTOBER 4 - 10, 1992 NATIONAL 4H WEEK IN THE TOWN OF BOSTON

Councilman Zimmerman requests that the Town Board should commend Mrs. Betty Seufert for her years of dedication to the 4H Program having served 40+ years.

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to appoint the following people as Authorized Responders on the Boston Emergency Squad:

Tom Krueder
Ken Manista
Louise Manista
Ernie Rousch

five (5) Ayes Carried

Councilman Zimmerman presented Supervisor Kennedy with a donation from the Boston Emergency Squad toward the cost of a new repeater for the radio system for the Highway and the Emergency Squad in the amount of five hundred ($500.00) dollars.

Councilman Wittmeyer met with the Traffic Safety Committee on October 1, 1992 and the following items were discussed:

Petition the County for a speed reduction from past the feed mill on Back Creek Road to Patchin Road.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to petition the County for a speed reduction on Back Creek Road from the feed mill to Patchin Road.

five (5) Ayes Carried

Traffic Safety Committee is recommending that a letter be sent to the County requesting a "School Bus Stop Ahead" sign on Back Creek Road near Butternut Road.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter that the Town Clerk send a letter to the County requesting a "School Bus Stop Ahead" sign on Back Creek Road near Butternut Road.

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 on the 7th day of October, 1992 at 7:30 P.M. Eastern Daylight Savings Time, there were

PRESENT:	Richard L. Kennedy	Supervisor
	Milton I. Wittmeyer	Councilman
	David G. Zimmerman	Councilman
	Don Wohlhueter	Councilman
	Mark W. Flowers	Councilman

Councilman Flowers presented the following resolution and moved its adoption:

BE IT RESOLVED, that the Town Board of the Town of Boston at the recommendation of the Conservation Advisory Council of the Town of Boston does hereby proclaim October National Clean Water Month.

Seconded by Councilman Wohlhueter 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 Flowers	Voting aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk

DAVID J. SHENK, TOWN CLERK

TOWN OF BOSTON

At a Regular of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 7th day of October 1992 at 7:30 P.M. Eastern Daylight Savings Time, there were present:

Richard L. Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Don A. Wohlhueter	Councilman
Mark W. Flowers	Councilman

Councilman Flowers 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, 1992 as Polish American Heritage Month.

Seconded by Supervisor Kennedy 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 Flowers	Voting aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk

DAVID J. SHENK, TOWN CLERK

TOWN OF BOSTON

At a Regular of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 7th day of October 1992 at 7:30 P.M. Eastern Daylight Savings Time, there were present:

Richard L. Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Don A. Wohlhueter	Councilman
Mark W. Flowers	Councilman

Councilman Wohlhueter presented the following resolution and moved its adoption:

WHEREAS, 4-H Programs assist youth in acquiring knowledge, developing life skills that will enable them to become self-directing, productive and contributing members of society, and

WHEREAS 4-H programs are conducted in 3,150 counties of the United States, District of Columbia, Puerto Rico, Virgin Islands, Guam, American Samoa and Micronesia, and

WHEREAS 4-H alumni (enrolled participants in 4-H since its beginning) now total about 45 million, and

WHEREAS 4-H type programs are duly international with some 82 countries having similar programs which enroll approximately 4 million youths

NOW, THEREFORE, WE, THE TOWN BOARD OF THE TOWN OF BOSTON, do hereby proclaim the week of October 4-10, 1992 National 4-H Week in the Town of Boston.

SECONDED BY Councilman Zimmerman 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 Flowers	Voting aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING
OCTOBER 7, 1992

TOWN HALL
7:30 P.M.

Traffic Safety is requesting that the Town Board ask the County for a "Children at Play" sign on Meadow Drive.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman that the Town Clerk send a letter to the County requesting a "Children at Play" sign on Meadow Drive.

five (5) Ayes Carried

Traffic Safety is asking that a "Blind Grade" sign and a "School Bus Stop" sign be placed at 7684 Omphalius Road.

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers that the Town Clerk send a letter to the County requesting a "Blind Grade" sign and a "School Bus Stop" sign be placed at 7684 Omphalius Road.

five (5) Ayes Carried

Traffic Safety received a letter from a resident on Rice Road requesting a speed reduction. There was no action taken on that, since the person who wrote the letter no longer resides there and no other complaints have been received from that area.

Traffic Safety received a letter from a resident at 8139 Lower East Hill Road requesting a lower speed limit. No action was taken on that because of the road rebuilding project.

Traffic Safety received a letter for a "Blind Driveway" sign on Lower East Hill Road at Wohlhueter Road

A motion was made be Councilman Wohlhueter and seconded by Supervisor Kennedy that the Town Clerk send a letter to the County requesting a "Blind Driveway" sign on Lower East Hill Road at Wohlhueter Road.

five (5) Ayes Carried

Traffic Safety has had a number of requests for speed reduction in Subdivisions. They will be asking the County for a speed reduction in all subdivisions in Boston that are not so posted. Requesting that the speed limit be reduced to 35 Mph.

Traffic Safety is requesting that the County replace the "Yield" sign on Thornwood Drive and Boston State Road with a "Stop" sign.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers that the County replace the "Yield" sign on Thornwood Drive and Boston State Road with a "Stop" sign.

five (5) Ayes Carried

Traffic Safety Committee has requested that the owner of the EZ-Shoppe on Boston State Road move his mailbox to alleviate visibility obstruction when exiting north from the parking lot of the EZ Shoppe. Going south the owner of the first house will receive a letter from Supervisor Kennedy asking permission to move the mailbox at the Towns expense, giving clearer site when exiting this parking area.

CODE ENFORCEMENT OFFICER'S REPORT

Code Enforcement monthly report for September 1992 received and on file in the Town Clerk's Office.

REGULAR BOARD MEETING
OCTOBER 7, 1992

TOWN HALL
7:30 P.M.

DEPUTY CODE ENFORCEMENT OFFICER'S REPORT

Deputy Code Enforcement Officer's report for September 1992 received and on file in the Town Clerk's Office.

DOG CONTROL OFFICER'S REPORT

Dog Control Officer's report for September 1992 received and on file in the Town Clerk's Office.

TOWN ENGINEER'S REPORT

Town Engineer's report for September 1992 received and on file in the Town Clerk's Office.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to adjourn at 9:43 P.M.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING
OCTOBER 21, 1992

TOWN HALL
7:30 P.M.

Present were Councilman Mark Flowers, Councilman Don A. Wohlhueter, Councilman David Zimmerman, Councilman Milton Wittmeyer, Supervisor Richard Kennedy, Town Attorney Michael Perley, Superintendent of Highways Eugene Ruchalski.

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers to accept the correction and adoption of the minutes of the October 7, 1992 Regular Board Meeting.

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 10A, dated October 21, 1992 be paid. In the Amount of $96,635.70

five (5) Ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter that the Highway Bills on Abstract 10A, dated October 21, 1992 in the amount of $14,211.89 be paid.

five (5) Ayes Carried

Letter from Robert A. Mendez, Commissioner County of Erie Department for Senior Services regarding HEAP received and on file in the Town Clerk's Office.

Letter received from Erie County Executive Dennis Gorski with reference to our resolution concerning county funding for EMS training programs received and on file in the Town Clerk's Office.

Letter from Alan J. Laurita, V.P., Envirogas, Inc. notifying the Town of their intent to drill well: C. Dau #1, received and on file in the Town Clerk's Office.

Receipt of tentative 1993 Equalization Rate of 80.63 for the Town of Boston received and on file in the Town Clerk's Office.

Supervisor Kennedy stated that the Equalization Rate of 80.63 is down from the 1992 level of 89.63. Supervisor Kennedy and Assessor William Kleis are very disappointed in this figure, since these rates determine very much our participation in the tax structures of the respective school districts that overlap the Town of Boston. The Supervisor and the Assessor will send in what is required to contest the Equalization Rate.

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to authorize Supervisor Kennedy to enter into a three (3) year contract with the County of Erie for maintaining snow removal on the County Highways in the Town of Boston. Reimbursements in the contract provide for annual increases over a three (3) year period as follows:

1992-93 - $1,365.00 - 93-94 - $1,430.00 - 94-95 - $1,495.00

five (5) Ayes Carried

<u>REQUEST'S FROM THE FLOOR</u>

Mrs. John Lore`, Ski Tamarack, Rte. 240, Colden, N.Y.: Ski Tamarack has a Youth Program that we would like presented to the elementary school children of Boston through the Recreation Department.

Mrs. Lore` presented the Board with a letter and an outline of Ski Tamarack's Eight Week Youth Program.

Councilman Wohlhueter recommended that this be forwarded to Recreation Director, Gerald O'Brien and also posted on the bulletin board and local newspaper, since the Recreation Department has already entered into a contract for this season with Kissing Bridge.

Eileen Pearson, Ski Tamarack Employee: The reason that we are presenting this to the Town Board is because on numerous occasions I did try to speak to Mr. O'Brien and gotten no response. I have left messages that he has not answered. So this is the next step that we are going to.

Supervisor Kennedy: I will make certain that Mr. O'Brien gets back with you and answers any questions the Board might have as to why he hasn't responded or at least indicated to us that there was someone else soliciting participation in the skiing.

Supervisor Kennedy directed the Town Clerk to post Ski Tamarack's Program on the bulletin board and will advise Gerald O'Brien to circulate this information in the community, that there is another youth program available at Tamarack and what the rates are so that it will be well publicized.

James Kersten, 6480 Ludon Drive: At the last Town Board Meeting I listened to your presentation of the Proposed Town Budget and it was very difficult to digest all of the things that you were saying without spending a lot of time in the Town Hall studying it further and trying to look into some of the matters, maybe even to go as far as to talk to you about it.

I am wondering that if before the Public Hearing, if there could be some kind of hand- out for the people, as an overview of the Budget, listing line-by-line items based on categories, increases and decreases so that the people could have something in their hands so that if they had questions to ask it would make things easier.

Supervisor Kennedy: I will prepare a summary sheet regarding the budget.

James Kersten: Asked Mr. Perley, regarding the new Zoning Notification Law a point was made regarding substantial compliance with the law as it was proposed. It was stated that it was a voluntary notification and it wasn't required to be mandatory compliance with that law. I'm wondering that if that is just a way of getting around mandatory compliance by providing notification to the people or is it still a way for the Town to interpret that it is still voluntary to provide notice to the affected people regarding the zoning changes?

Town Attorney Perley: Before the enactment of this law the supplemental notice that the Town engaged in was voluntary. With the enactment of the law there will then become as part of the enactment of the law, the Town must determine how compliance with the newly enacted law or failure to comply with the newly enacted law is going to affect the vitality, genuiness or the propriety of the decision that is made for a zoning change.

James Kersten: There is provisions in this law even though the word substantial compliance makes it a requirement for mandatory notification, so long as you do the best job that you can do.

Town Attorney Perley: It would allow for a "Good faith mistake, of a nonconsequential nature." It will not allow for willful non-compliance.

TOWN OF BOSTON

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 21st day of October 1992 at 7:30 P.M. Eastern Daylight Savings Time, there were

PRESENT:	Richard L. Kennedy	Supervisor
	Milton I. Wittmeyer	Councilman
	David S. Zimmerman	Councilman
	Don A. Wohlhueter	Councilman
	Mark W. Flowers	Councilman

Councilman Wittmeyer 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
211.00-3-7.1	Michael & Peggy Lubecki	6139 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 Aye
Councilman Wittmeyer	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk

DAVID J. SHENK, TOWN CLERK

Gene Wallace, 7458 Chestnut Ridge Road: Mr. Kennedy, I'm not sure if you have seen this letter circulating on the east hill, a few concerned people called me and are having a meeting tomorrow night and I wondered if there was anything you would like to say regarding the Water Improvement Project.

Supervisor Kennedy: Recently received a letter from Janet Orser asking what the status was on the Water Improvement District on Chestnut Ridge. Supervisor Kennedy responded to her letter by informing her that without the approval from the Erie County Water Authority we cannot complete our application with New York State Audit and Control. The reason that Audit and Control has not proceeded from this point with our application is that we have not gotten authorization from Erie County Water that we can use this water source. They are currently conducting an extensive survey of needs in the areas of Orchard Park, Boston and East Aurora who would be supplied from this source.
We continue to do everything we can to prompt the authorities to expedite this study and to give us approval to tap into this only source available to the residents on the East Hill.

Supervisor Kennedy forwarded Janet Orser's letter and his reply to the Erie County Water Authority to determine if any progress has been made or if they can give us any indication of a date when they will know something. I will keep you informed with any information I receive and am willing to discuss this with you or any other resident at your pleasure.

David Guerney, Chestnut Ridge Road: This has been very helpful tonight. Would it be worthwhile to poll the people on the Hill rather than waiting for the information to be transferred to the Water Authority? Do you have a ball park figure for this project?

Supervisor Kennedy: Yes, I have a ball-park figure and I could send that figure out and poll the residents, but I don't want them to think that if I send that out, that we are ready to go, because we are not.

Town Attorney Perley: I am going to call the Supervising Attorney, Robert Mark at the Controller's Office and ask for his permission to resubmit the application in an incomplete form, and get the approvals on everything else, perhaps. I will get together with the Town Clerk and assemble a package. I will put a new package down there with a letter saying that it will be supplemented by additional information when we get it.

David Guerney: Would it be feasible to invite one of the members of the Water Authority to a Town Board Meeting.

Supervisor Kennedy: Certainly, I will invite all the Commissioners of the Water Authority to come to a Special Meeting and at least be available, so that the residents could ask questions.

Letter from Michael Lubecki requesting permission for Out-of-District Residential water service at 6189 Ward Road.

RESOLUTION - OUT OF DISTRICT WATER - DISTRICT #17 - LUBECKI

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers to authorize Supervisor Kennedy to enter into a contract with AT&T not to exceed three thousand ($3,000) dollars for the purchase and installation of a new phone system for the Town Hall. Under the new system two (2) lines of the

present three (3) will ring into the Clerk's Office. The remaining line will be a dedicated line to the Justice Clerk because of the volume of calls. 941-6113 and 6114 will be General Town Hall numbers and 941-6115 will be the Town Justice Clerk line.

five (5) Ayes Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter to authorize the Supervisor to enter into a contract with Nussbaumer & Clarke not to exceed sixty-five hundred ($6500.00) dollars to draft new bid specifications so that we can rebid and construct according to the plans and submissions that we have made to the New York State Parks Department for addition to the Emergency Squad Building.

five (5) Ayes Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Flowers to authorize Supervisor Kennedy to sign a contract with Nussbaumer & Clarke in the amount of three thousand, six hundred and fifty ($3650.00) dollars, re: Lango Road Waterline Improvement.

five (5) Ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to grant the Cold Spring Construction Company permission to place three (3) trailers on the Stanley Rychlik property at 9382 West Hill Road. Two (2) units 10 x 50 and a small soil trailer 8 x 15 adjacent parallel to the existing barn on the north side. Also, permission to install a one thousand (1,000) gallon holding tank of pre-cast concrete which will be pumped on a regular basis by an approved waste hauler. Approval shall be for one (1) year periods, subject to renewal extension by the Zoning Board of Appeals. Upon completion of project the trailers and holding tanks shall be removed and the area cleaned up.

Councilman Flowers	Voting Nay
Councilman Wohlhueter	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wittmeyer	Voting Aye
Supervisor Kennedy	Voting Aye

one (1) Nay
four (4) Ayes Carried

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy to award the bid for 1990, John Deere 544 E Loader to Mecca-Kendall Corp in the amount of fifty-six thousand ($56,000) dollars.

five (5) Ayes Carried

RESOLUTION - APPLICATION FOR WASTE HAULERS LICENSE FROM MAPLE CITY DISPOSAL, DELAVAN, NEW YORK

Letter received from David A. Kirchmeyer, Lic. Realestate Broker, CREA, CCRA requesting consideration for appointment to fill a vacancy on the Assessment Board of Review.

Letter received from Herbert R. Berlin requesting reappointment to the Assessment Board of Review.

TOWN OF BOSTON

APPLICATION FOR LICENSE TO COLLECT AND DISPOSE OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS

TO THE TOWN BOARD
TOWN OF BOSTON:

The undersigned herein applies for a License to collect and dispose of municipal solid waste (referred to hereinafter as "MSW") and recyclable material, and states the following:

1. Applicant's name and address, telephone number:

   MAPLE CITY DISPOSAL SERVICE, INC.

   9 N. MAIN ST. P.O. BOX 267

   DELEVAN, N.Y. 14042 716-496-7480

2. Applicant shall collect and dispose of municipal solid waste and recyclable materials in the following manner:

A) INSTITUTIONAL customers

   i. Manner of Collection:

      Recyclables - _____

      MSW - _____

   ii. Manner and Place of Disposal:

      Recyclables - _____

      MSW - _____

B) INDUSTRIAL customers

   i. Manner of Collection:

      Recyclables - _____

      MSW - _____

   ii. Manner and Place of Disposal:

      Recyclables - _____

      MSW - _____

- TOWN OF BOSTON -

APPLICATION FOR LICENSE TO COLLECT AND DISPOSE
OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS

2. (Cont'd.)

C) COMMERCIAL customers

i. Manner of Collection:

Recyclables - SOURCE SEPARATION PICKED BY TRAILER

MSW - CONTAINERS PICKED BY PACKER TYPE TRUCK

ii. Manner and Place of Disposal:

Recyclables - WHERE MARKETS ARE AVAILABLE

MSW - MCKEAN COUNTY LANDFILL

D) RESIDENTIAL customers (excluding Town contract)

i. Manner of Collection:

Recyclables - SOUCE SEPARATION PICKED BY TRAILER

MSW - PICKED BY PACKER TYPE TRUCK

ii. Manner and Place of Disposal:

Recyclables - WHERE MARKETS ARE AVAILABLE

MSW - MCKEAN COUNTY LANDFILL

3. The Applicant hereby agrees to:

(a) Indemnify and hold harmless the Town of Boston for any pending, threatened or actual claims, liability or expense arising from waste disposal in violation of Chap. 63 of the Town Code or not in conformance with this License (§63-502.B)

(b) To offer collection services for municipal solid waste and recyclables at the same time and on the same day to all of its customers (§63-502.C)

(c) To maintain separate monthly records of municipal solid waste and recyclables collected, transported and disposed of in conformance with §63-502.D of the Boston Town Code, and to provide to the Town of Boston quarterly reports containing such information

(d) To amend or supplement this Application in writing, additional information is required to conform with Chapter 63 of the Boston Town Code.

4. That Applicant has not been adjudged or determined to have violated Chapter 63 of the Town Code within the preceding calendar year.

FEE: $100

LICENSE GRANTED BY RESOLUTION
OF THE TOWN BOARD DATED 10/22/92.

David G. Karl
Town Clerk

MAPLE CITY DISPOSAL SERVICE INC.
(type-in Company Name)

By: Steven J. Smith

Title: President Date: 10-13-92

REGULAR BOARD MEETING
OCTOBER 21, 1992

TOWN HALL
7:30 P.M.

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to appoint Herbert R. Berlin to the Assessment Board of Review, term to expire September 30, 1997.

Councilman Flowers	Voting Nay
Councilman Wohlhueter	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wittmeyer	Voting Aye
Supervisor Kennedy	Voting Aye

one (1) Nay
four (4) Ayes — Carried

Letter received from Gerald L. Hice, 8670 Park Drive, Hamburg, N.Y. requesting consideration for appointment to fill a vacancy on the Zoning Board of Appeals.

Letter received from James R. Kersten, 6480 Ludon Drive, Hamburg, N.Y. requesting consideration for appointment to fill a vacancy on the Zoning Board of Appeals.

Letter received from Stephen Tills 7665 Endress Rd., Hamburg, N.Y. requesting consideration for appointment to fill a vacancy on the Zoning Board of Appeals.

Letter received from Ralph L. Gibson, 7004 Sunset Lane, Boston, N.Y. requesting consideration for appointment to fill a vacancy on the Zoning Board of Appeals.

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy to appoint James R. Kersten to the Zoning Board of Appeals, term to expire April 1, 1997.

Councilman Flowers	Voting Aye
Councilman Wohlhueter	Voting Nay
Councilman Zimmerman	Voting Nay
Councilman Wittmeyer	Voting Nay
Supervisor Kennedy	Voting Nay

one (1) Aye
four (4) Nay — Denied

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to appoint Gerald L. Hice to the Zoning Board of Appeals, term to expire April 1, 1997.

Councilman Flowers	Voting Nay
Councilman Wohlhueter	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wittmeyer	Voting Aye
Supervisor Kennedy	Voting Aye

one (1) Nay
four (4) Ayes — Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to grant the Boston Emergency Squad permission to use the Postal Meter in the Town Hall and reimburse the Town for postage used.

five (5) Ayes — Carried

Letter received from Daniel Poppenberg, Boston Emergency Squad requesting and insurance claim for damages to personal vehicle when responding to a first-aid call.

Supervisor Kennedy will ask Insurance Carriers advise on how this matter should be handled.

REGULAR BOARD MEETING
OCTOBER 21, 1992

TOWN HALL
7:30 P.M.

Letter received from Tom Krueder, S7563 Chestnut Ridge Road, Orchard Park, N.Y. re: Water Improvement situation on East Hill received and on file in the Town Clerk's Office.

SUPERVISOR'S REPORT

Letter received from Erie County Department of Health re: Waterline Extension Szalay Development Subdivision. An approval of Plans has been issued. Premit received and on file in the Town Clerk's Office.

TOWN ATTORNEY'S REPORT

Received original Bonds from Mr. Szalay which will be on file in the Town Clerk's Office.

Adelphia Cable has installed the underground cable on Rockwood Road and on Haag Road. As soon as the lines are moved on the poles Adelphia Cable will proceed with the overhead construction and then the lines will be energized.

RESOLUTION - QUALIFIED ABANDOMENT OF LANDS ALLEGED TO BE DUNN ROAD, A TOWN HIGHWAY IN THE TOWN OF BOSTON, NEW YORK

COUNCILMEN REPORT'S

Councilman Flowers received a letter from a resident on Back Creek Road, during investigation with NYSE&G it was determined that it was not feasible to install street lighting in the area of question. However, we were able to secure some private area lighting for this resident who needed some additional security.

Councilman Flowers received a letter from Southtowns Haz-Mat Team thanking the Town for their financial support during the years 1992-93, outlining their accomplishments for 1992, goals and objectives for 1993.

RESOLUTION - AUTHORIZE THE SUPERVISOR TO APPLY FOR STATE AID FOR THE TOWN OF BOSTON RECREATION YOUTH SERVICE AND YOUTH INITIATIVE PROGRAMS

Councilman Wittmeyer would like to have Town Attorney Perley do some research on a triangular piece of land on corner of Old Chestnut Ridge Road that the Town of Boston owns, to see how large it is and if there is any value to it. Mr. Don Fellows is interested in purchasing said piece of land.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to adjourn meeting at 9:17 P.M.

five (5) Ayes

Carried

David J. Shenk

DAVID J. SHENK
TOWN CLERK

TOWN OF BOSTON

IN THE MATTER OF PROCEEDINGS FOR THE QUALIFIED ABANDONMENT OF LANDS ALLEGED TO BE DUNN ROAD, A TOWN HIGHWAY IN THE TOWN OF BOSTON, NEW YORK

WHEREAS, Eugene E. Ruchalski, Superintendent of Highways of the Town of Boston, County of Erie, State of New York, has duly filed a Certificate in writing alleging that lands alleged to be Dunn Road, a Town Highway in the Town of Boston, New York, extending from a point situated 5280 feet south of the intersection of Dunn Road and Boston-Colden Road in the Town of Boston, New York, and extending from that point generally southerly for approximately 2140.014 feet, more or less to the end thereof [as shown on Map annexed hereto and made a part hereof], have not for the last two (2) years or longer been usually traveled along the greater part thereof, by more than two (2) vehicles daily, in addition to pedestrians and persons on horseback; and that a qualified abandonment is proper and will not cause injustice of hardship to owner or occupant of any lands adjoining such Highway; and

WHEREAS, the Town Board of the Town of Boston previously adopted a Certificate of Abandonment with respect to said road, which Certificate has been contested by the filing of a suit.

WE, the members of the Town Board of the Town of Boston, DO HEREBY CONSENT to the making and filing of said Certificate and request the Superintendent of Highways of the County of Erie, State of New York, to proceed in accordance with the provisions of Section 205 of the Highway Law of the State of New York to hold a Hearing on this application.

Dated: October 21, 1992
Boston, New York

Richard L. Kennedy, Supervisor

Milton I. Wittmeyer, Councilman

David G. Zimmerman, Councilman

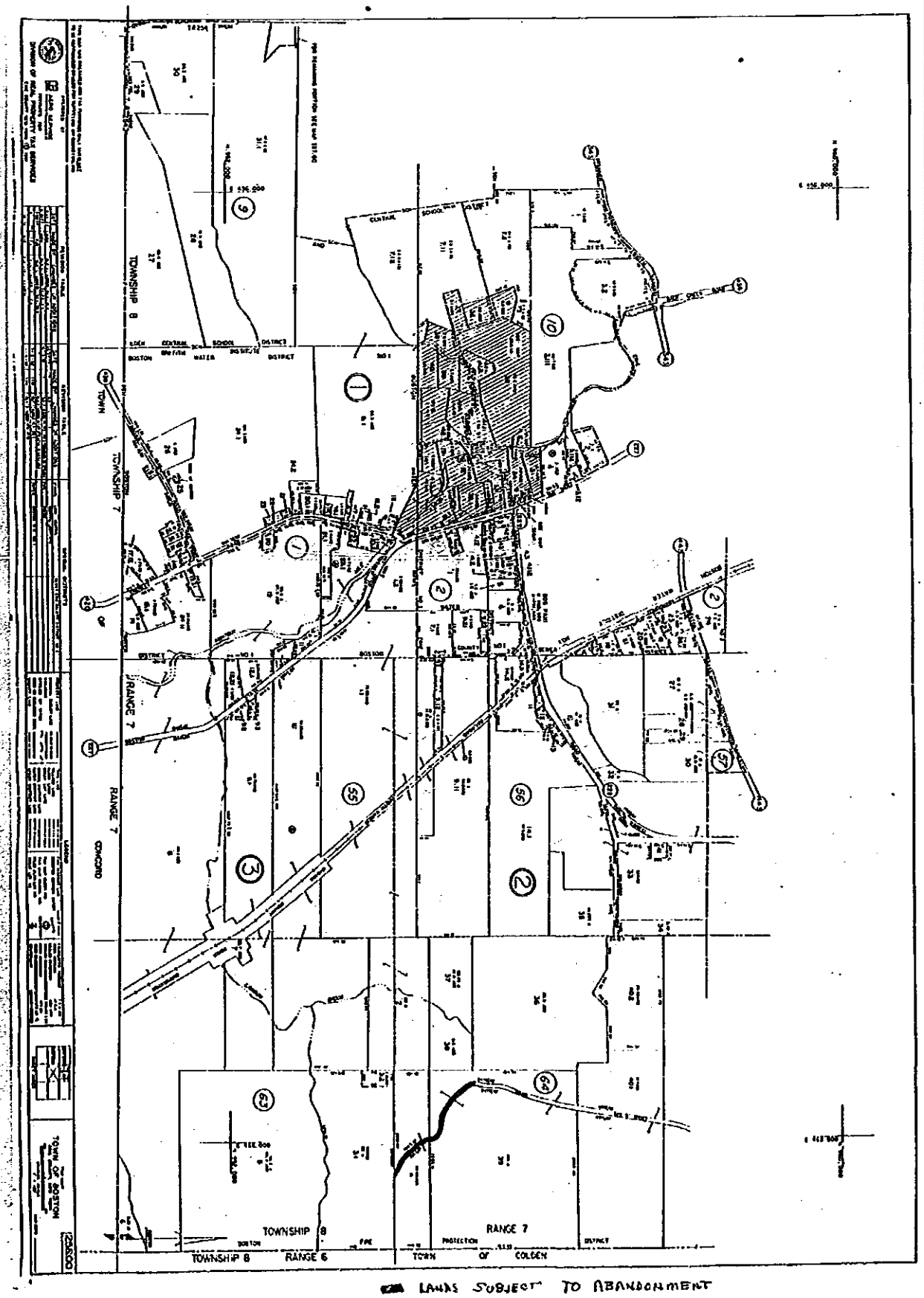
Mark W. Flowers, Councilman

Don A. Wohlhueter, Councilman

I, DAVID J. SHENK, Town Clerk of the Town of Boston, hereby certify that the above Consent is duly adopted by Resolution at a regular meeting of the Town Board of the Town of Boston held Oct. 21, 1992 in the Town Hall at 8500 Boston State Road, Boston, New York.

[Seal]

David J. Shenk, Town Clerk


TOWNSHIP 8
RANGE 7
CONCORD
TOWNSHIP 7
RANGE 7
TOWNSHIP 8
RANGE 6
TOWN OF COLDEN
LANDS SUBJECT TO ABANDONMENT

TOWN OF BOSTON

IN THE MATTER OF PROCEEDINGS FOR THE QUALIFIED ABANDONMENT OF LANDS ALLEGED TO BE DUNN ROAD, A TOWN HIGHWAY IN THE TOWN OF BOSTON, NEW YORK

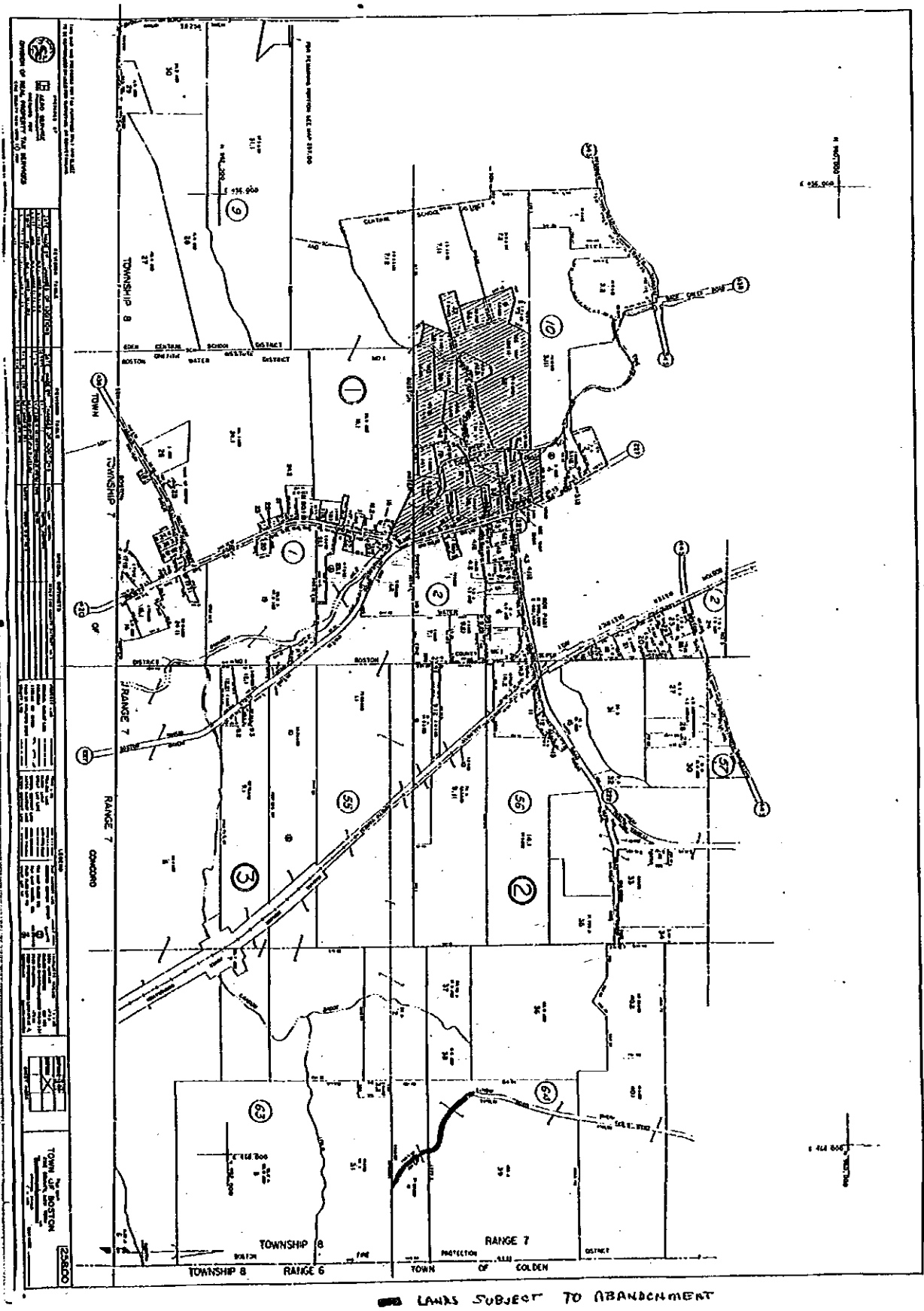
I, EUGENE E. RUCHALSKI, Superintendent of Highways of the Town of Boston, County of Erie, State of New York, do hereby certify to the Town Board of the Town of Boston and the Superintendent of Highways of the County of Erie, State of New York, as follows:

That lands alleged to be Dunn Road, a Town Highway in the Town of Boston, New York, beginning 5280 feet south of the intersection of the centerline of Boston-Colden Road and Dunn Road in the Town of Boston and running thence generally southerly a distance of two thousand one hundred forty and fourteen one-hundreths feet (2140.014') more or less to the end thereof [as shown on the Map annexed hereto and made a part hereof],are alleged by certain property owners not to have become wholly disused but to have become for the last two (2) years and longer not usually travelled along the greater part thereof by more than two (2) vehicles daily, in addition to pedestrians and persons on horseback; and that said portion of said road is unimproved and that there are no residences located along said road, which allegations are neither herein admitted nor denied. Said road was abandoned pursuant to a Certificate of Abandonment dated March 7, 1990 and filed in the Office of the Town Clerk, which Certificate is being contested on the basis of the above allegations. I further certify that a qualified abandonment of the portion of the alleged Dunn Road in the Town of Boston, New York, is proper, will not cause injustice or hardship to owner or occupant of any lands adjoining such Highway.

I therefore request that the portion of lands alleged to be Dunn Road, a Town Highway in the Town of Boston, New York, be qualifiedly abandoned pursuant to the provisions of Section 205 of the Highway Law of the State of New York.

Dated: October 21, 1992
Boston, New York

Eugene E. Ruchalski
Superintendent of Highways


TOWNSHIP 8
RANGE 7
CONCORD
TOWNSHIP 8
RANGE 6
TOWN OF GOLDEN
LANDS SUBJECT TO ABANDONMENT

TOWN OF BOSTON

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 21st day of October, 1992 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
	Mark W. Flowers	Councilman

Councilman Wohlhueter presented the following resolution and moved its adoption:

BE IT RESOLVED, that the Town Board of the Town of Boston does hereby authorize the Supervisor of said Town to apply for State Aid for the Town of Boston Recreation, Youth Service and Youth Initiative programs.

Seconded by Councilman Zimmerman 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 Flowers	Voting Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 4, 1992 — 7:30 P.M.

Present were Councilman Mark Flowers, Councilman Don Wohlhueter, Councilman David Zimmerman, Councilman Milton Wittmeyer, Supervisor Richard Kennedy, Town Attorney Michael Perley, Superintendent of Highways Eugene Ruchalski.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to accept the correction and adoption of the minutes of the October 21, 1992 Regular Board Meeting.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter that the General Fund and Special District Bills on Abstract 11, dated November 4, 1992, in the amount of $ 7,288.95 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to accept the correction of General Fund and Special District Abstract #10, dated October 21, 1992 as follows:

VOUCHER #849 — STATE INSURANCE FUND

From:	A 9040.8	General Fund
To:	D 9040.8	Highway Fund

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers that the Highway Bills on Abstract 11, dated November 4, 1992, in the amount of $ 18,663.55 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to accept the Town Clerk's Monthly Report for the month of October 1992.

five (5) Ayes — Carried

Letter received from John W. Morris, Corp of Engineers concerning stream bank erosion problems along Eighteen mile Creek at Hillcroft Drive, received and on file in the Town Clerk's Office.

Letter received from Barbara McMullen, Erie County Human Resources, thanking Supervisor Kennedy and his staff for successfully completing the Summer Youth Program, received and on file in the Town Clerk's Office.

Letter received from R.J. Russell, Regional Director NYS Dept of Transportation regarding Rice Hill Road access closure information received and on file in the Town Clerk's Office.

Supervisor Kennedy advised the Town Clerk to forward copies of letter to the fire departments and ambulance service so that they are aware that there will be times when sections of the highway will be closed.

Received from New York Telephone a copy of petition of the Special Franchise Assessment for the 1992 Tax Roll, filed with the New York State Board of Equalization and Assessment, dated October 8, 1992, received and on file in the Town Clerk's office.

EGULAR BOARD MEETING
NOVEMBER 4, 1992

TOWN HALL
7:30 P.M.

Letter received from John J. Gugino, P.E., Erie County Department of Public Works, Division of Highways regarding reduction of speed limit on Back Creek Road between Butternut Road and Shero Road, received and on file in the Town Clerk's Office.

REQUESTS FROM THE FLOOR

Supervisor Kennedy introduced Tom O'Boyle a representative from County Legislature Fred Marshall's office.

A motion was made by Councilman Zimmerman and seconded by Supervisor Kennedy to approve the 1992 Ambulance District

Transfer of Appropriations as follows:

From:	SM 9730.7	Debt/Int	$	2.00
To:	4540.4	Ambulance Exp		2.00

APPROPRIATION OF EXCESS REVENUE

SM 2401	Interest & Earnings	$	200.00
4540.4	Ambulance Exp		200.00

APPROPRIATION OF FUND BALANCE

SM 909	Fund Balance	$	3,352.32
4540.4	Ambulance Exp		3,352.32

five (5) Ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to approve the 1992 General Fund Transfer of Appropriations as follows:

From:	A 1910.4	Contingent	$	3,100.00
	8010.4	Zoning, Cont		100.00
			$	3,200.00
To:	A 5010.4	Supt/Hwys, Cont	$	100.00
	8010.1	Zoning, Per Ser		100.00
	9050.4	Unemployment		3,000.00
			$	3,200.00

five (5) Ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to approve the 1992 Highway Fund Transfer of Appropriations as follows:

From:	D 5110.1	Gen. Repairs, PS	$	5,000.00
	5110.4	Gen Repairs, Cont		5,000.00
	5140.4	Brush/Weeds		1,500.00
	9730.6	Debt Princ		1,000.00
			$	12,500.00
To:	D 5110.1	Gen Repairs, PS	$	5,000.00
	5130.4	Machinery, Cont		3,819.50
	9030.8	Social Security		1,000.00
	9040.8	Worker's Comp		1,380.00
	9060.8	Med/Hosp Insur		1,300.00
	9950.9	Transf to Cap Proj		.50
			$	12,500.00

five (5) Ayes Carried

TOWN OF BOSTON

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, in said town on the 7th day of October, 1992, 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
Mark W. Flowers	Councilman

The following resolution was offered by Councilman Wittmeyer, who moved its adoption, seconded by Councilman Zimmerman 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 Back Creek Road, a County road, from Butternut Road to Shero Road.

David J. Shenk

David J. Shenk, Town Clerk

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 4, 1992 — 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to approve the 1992 Refuse & Garbage Appropriation of Excess Revenue as follows:

Est Revenue

SR 2401	Interest & Earnings	$ 5,000.00

Appropriations

SR 8160.4	Refuse & Garbage	$ 5,000.00

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to approve the 1992 Water District #1 Transfer of Appropriations as follows:

From:	SW1 8340.2	$ 5,000.00
To:	SW1 8340.4	5,000.00

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to approve the 1992 Fire Protection District Transfer of Appropriations as follows:

From:	SF 3410.4	$ 2,000.00
To:	SF 9040.8	2,000.00

five (5) Ayes — Carried

Supervisor Kennedy is going to invite the residents of Tillen and West Hill Roads to attend a meeting on November 30, 1992 at 7:00 P.M. regarding the naming of the new access road from U.S. Route 219 interchange at Rice Road to the Boston State Road.

Joe Wells, Chief of Boston Fire Company: As far as emergency vehicles are concerned if the name of the road was different from Boston-Colden Road it might help in an emergency situation.

Letters received from the Planning Board regarding:

A) James Millich's request for rezoning property on Herman Hill Road. It has been recommended by the Planning Board that the Town Board deny James Millich's request.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to schedule a Public Hearing for rezoning of property on Herman Hill on December 2, 1992 at 8:00 P.M.

five (5) Ayes — Carried

B) Rezoning property on Herman Hill Road. It is the recommendation of the Planning Board that the Boston Town Board rezone the north side of Herman Hill Road from the property owned by Betty Seufert on the west to Larry Ovitt's (D/B/A Boston Valley Collision) on the east to conform with the zoning on the south side of Herman Hill Road.

Herman Hill Road rezoning request by Jim Millich tabled until after Public Hearing on December 2, 1992.

REGULAR BOARD MEETING
NOVEMBER 4, 1992

TOWN HALL
7:30 P.M.

C) John Falkides will be informing the Boston Town Board of changes in his approved Plot Plan for the Boston Valley Estates, we have grave concern in the maintenance of the north roadway from the original Mobile Home Court. We would appreciate the opportunity to comment on Mr. Falkides letter upon your receipt of it.

Supervisor Kennedy stated that upon receipt of letter from Mr. Falkides the Planning Board will be given an opportunity to review his request.

Letter received from Erie County Legislature Frederick J. Marshall announcing that a Food Distribution Program will be held on Thursday, November 19, 1992 at the Boston Town Hall. Distribution will begin at 9:00 A.M. and continue until supplies are exhausted. All Clients must complete a new eligibility form on this date.

Letter of Complaint received from an Anonymous Citizen regarding a property on the Boston State Road. This letter has been reviewed by the Town Board and referred to the Deputy Code Enforcement Officer.

At 8:00 P.M. a Public Hearing was held for the purpose of hearing public comments on Local Law #3 for the year 1992 entitled "Supplemental Regulations Relating to Public Hearings." Town Clerk Shenk read the Legal Notice and Supervisor Kennedy opened the hearing. This law has been reviewed extensively and has had an opportunity to be reviewed by the town. It has been a long time in its draft in an effort to cover every eventuality when notifying persons who may have a request to change in zoning. We have tried to make certain that all property owners would be so notified. Also, incorporated within the same law a directive that the Code Enforcement Officer when someone applies for a rezoning a sign would be placed on that property notifying that said property was going to be rezoned ten days prior to the Public Hearing until there is a determination made on the application.

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN, that there has been presented to the Town Board, Town of Boston, Erie County, New York on October 7, 1992, a copy of Local Law #3 for the year 1992 entitled "Supplemental Regulations Relating to Public Hearings." This Law will amend procedures with regard to public hearings on special use permits and amendments to the zoning map (rezoning). Notices will be sent to neighboring property owners.

NOTICE IS FURTHER GIVEN, that the Town Board, Town of Boston, will conduct a Public Hearing on the aforesaid Local Law at the Town Hall, 8500 Boston State Road, Boston, New York, on Wednesday, November 4, 1992 at 8 P.M. Eastern Standard time, at which time all interested persons will be heard.

Dated: October 19, 1992
Published: October 23, 1992

By Order of the Town Board
Town of Boston
David J. Shenk, Town Clerk

James Kersten, Ludon Drive: I would like to compliment the Board for taking the necessary corrections to fix this potential problem with the new Proposed Town Law. I would also, like to thank Mr. Perley for drafting the appropriate language. Hopefully it soon will become a Town Law. I Particularity would like to say thanks to Town Clerk David Shenk for taking the initiative and having the necessary incite for initially drafting the Proposed Law to allow for mandatory and proper notification of all zoning requests. Once this draft law becomes Town Law all the rezoning requests, not just selective requests will become public knowledge. This is my opinion, this is how I feel. I really believe that once they become public

knowledge it is going to be available for all the public to have in-put on. I really think the law is important. As a result I feel that the rezoning notification law as I understand it, as being presented at prior meetings should really be adopted by the Town Board.

Supervisor Kennedy: - I take issue with the implication that people were not notified in the past, because I think they were. However, I do agree with you that now it is in written form there will be no reason, why, whoever is responsible would take the action that is necessary to make certain that the people are informed.

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

five (5) Aye Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers to move the adoption of Local Law #3 1992.

five (5) Ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to appoint the following with the Recreation Department Friday Evening Program at the Boston Valley School. The appointment shall begin immediately and expire May 29, 1993:

Recreation Leader, Site Supervisor, part time ten dollars ($10.00) per hour, maximum 6 hours per week:

Michelle Errington

Recreation Attendants, part time, Friday evenings, five dollars and fifty cents ($5.50), maximum 4 hours per week:

Angela Poppenberg
Karen Wendling
Michelli Schunk

five (5) Ayes Carried

James Kersten, Ludon Drive: Hearing that Eric Hice had removed his name from the Friday Evening Recreation Program. I would like to say that young man is a great courageous young man who I know personally, and I admire what he has done. In the spirit of activities here in the town and the spirit of being a good community citizen. I came here with the intention of making a presentation that Eric Hice not be appointed to the position and the fact that he got a phone call, I'm not wondering if I had some indirect input into him making the phone call to the Town Clerk, taking his name off the list. Because if that was the case, I regret that happening. I didn't want him to remove his name from the list. What I wanted was the Town Board to consider what was being done here. My point being that back at the May 6th meeting Councilman Flowers had a motion on nepotism, you had an article in the Hamburg Sun following that meeting talking about the Supervisor said that he had never been accused of employing politically and is against such hiring. Gerry O'Brien who hires the applicants for the recreation department was also quoted as saying "he does not look at the applicants political affiliation, but rather looks at the report cards, teacher recommendations, etc. And that certainly is true, and I think that has been done. Two weeks ago I put in an application to get on the Zoning Board of Appeals, I thanked the Board and I know that Gerry Hice was appointed to the Zoning Board of Appeals. I just thought that the practice is there and I see Eric Hice's name show up on the list. I thought that this was a little bit strange, on the principle of what was going on

here. One day Gerry Hice is appointed to the Zoning Board of Appeals a very important Board in this community and then two weeks later his sons name appears for a nomination for employment with the Town Recreation Department. So, that caused alarm on my behalf and I really felt that I should be saying something to this group. As a result it sounds like Eric regretfully, has called and removed his name. I really felt and I believe that a conflict of interests existed then, particularly in this case. The Zoning Board and its members should not have conflict of influence as a result of how the Town practices. Whether hiring practices or committee appointments or no matter what the case may be. The jobs in the Town should really be available to all the people. You made a commitment back in May that they are. You are not making appointments politically, etc. The jobs in the Town should be for all the people. This issue is not with the Hice's at all, It is specifically with the hiring practices within the Town. The type of activity only seems to discredit the Zoning Board of Appeals, because the zoning laws are certainly very controversial within this town so to add any additional controversy by making appointments to other types of positions within the town, seems to me to add a conflict of interest. So within that I was going to ask that the Board reconsider those appointments. At this point I don't feel that is necessary at all only because Eric has resigned or withdrew his name, but I wish it had not come to that regarding this issue.

Councilman Wohlhueter: These names were presented to us on Monday night at the Agenda Meeting and the only person I know on the list is Eric Hice. I know him through Hamburg High School through my wife. Last night Mr. O'Brien told me that Eric wanted his name taken off, I assumed he had another job. He told me to tell Town Clerk Shenk to take his name off, I didn't ask any questions. I forgot to tell Town Clerk Shenk, but he did call the Town Clerk today.

Wendy Kummer, Clerk Typist: I took the message from Gerald O'Brien, Recreation Director and there is apparently a conflict of interest as Councilman Wohlhueter stated that he cannot do the job on Friday nights. He may have another position elsewhere, I don't know.

James Kersten: That certainly relieves the problem. If you were to follow through with that appointment it would have seemed to me that a conflict of interest would have existed. I didn't want it to be contradictory to your comments of the past. Your comments were very clear and to the point addressing the issues that Councilman Flowers had brought to the Board at the time, as time has gone on it seems that it has resurfaced in a whole different face. I was personally affected by it because I also was looking at a potential appointment to the Zoning Board of Appeals.

Supervisor Kennedy: I do respect your opinion.

REGULAR BOARD MEETING
NOVEMBER 4, 1992

At 8:17 P.M. a Public Hearing was held for the purpose of hearing public comments on the Preliminary Budget for the Town of Boston for the fiscal year beginning January 1, 1993. Town Clerk Shenk read the Legal Notice. Supervisor Kennedy prepared a summary handout for those present so that the people would have some idea how the moneys here are spent. This summary covered the General Funds which includes Administration, Courts, Parks & Recreation, Public Safety, also Street Lighting, (Lights on Route 219), Fire Protection, Refuse & Garbage and the Town Highways.

PUBLIC NOTICE
TOWN OF BOSTON
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, 1993 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 public hearing thereon at the Boston Town Hall, 8500 Boston State Road, at 8:10 P.M. Eastern Standard Time, on the 4th day of November, 1992 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	$20,500.00
Councilman	$5,800.00
Councilman	$5,800.00
Councilman	$5,800.00
Councilman	$5,800.00
Town Clerk	$27,500.00
Superintendent of Highways	$34,125.00

By Order of the Town Board
Dated: October 19, 1992
Published: October 23, 1992
David J. Shenk
Town Clerk
Town of Boston

Supervisor Kennedy: The Town Clerk's salary was advertised at two hundred ($200.00) dollars less than what was allocated in the 1993 Budget, therefore, he will receive a two hundred ($200.00) dollar credit when he rents the Town Hall for the purpose of collecting School Taxes in 1993.

James Kersten, Ludon Drive: The salaries of the Town Employees and elected officials, are they on a percentage increase from last year?

Supervisor Kennedy: Some of them were a definite percentage increase, some were increased larger than the percentages. In many cases we were underfunding certain positions in the community in comparison with other communities and in comparison with the work that is done. I made an evaluation based on the summary sheets that I get which are certainly subject to your review.

James Kersten: I was looking at some of the salaries and I want to present a couple as an example in the flavor of the percent verses a one lump sum type of increase based on titles. I thought a percentage across the board increase would have been more fair because there seems to be quite an inequity in how the pay raises are distributed compared to last years salaries and pays.

Supervisor Kennedy: I have never employed percentage increases.

Councilman Flowers: I have not been through any other budget implementation before. I looked at this and I thought it was a very well prepared package, until I got down to the section where we are looking at how much we are paying the elected and appointed officials in the town. I realize times are very difficult, there is a lot of unemployment, money is tight and I can speak from a personal level. I spoke to the Supervisor and I said that I think it is only fair that we come up and give all of the elected and appointed officials a 3% raise across the board to coincide with the raise with the people on fixed incomes such as Social Security received. We also, have a lot of people here in the town that Social Security is their only source of income and the taxpayers have had enough. I think that 3% across the board for every elected and appointed official is more than fair. That is the only thing in this budget that I could say anything about.

Supervisor Kennedy: Social Security recipients received 3.7% increase last year and 3% + this year. Over the course of two years they have received over 7%. Your not getting 7%, you are

getting closer to 5%. So, in actuality you are getting less than they are getting in Social Security because nobody got a raise last year. I certainly agree with you, we can't have increases substantially higher than inflation or what people on Social Security are getting, I would be remiss if I were to prepare a budget in that regard. This budget wasn't prepared that way.

James Kersten: There is no chance that you could dig any deeper and maybe propose a tax decrease out there. You certainly did a wonderful job in going through the budget and finding moneys.

Supervisor Kennedy: I don't like to see fluctuations in the budget. I would rather try to hold the line this year and hold the line next year. For many years we had almost the same stable tax base. I have no qualms with the budget that I have prepared and I certainly would have no qualms with trying to keep whatever moneys that we receive so that I can make the same application of unexpended balance next year because I like to see the taxes remain the same. I am receptive of you coming down and looking through my portfolio and you will find out that in the Town of Boston they are getting a $1.00 for a $1.00.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to close the Public Hearing at 8:45 P.M.

five (5) Ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman that the 1993 General Fund Budget be approved as follows:

Appropriation	$886.717.00
Less Estimated Revenue	498,050.00
Less Unexpended Balance	220,000.00
Amount to be raised by Tax	168,667.00

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter that the 1993 Highway Budget be approved as follows:

Appropriation	$677,100.00
Less Estimated Revenue	248,000.00
Less Unexpended Balance	19,100.00
Amount to be raised by Tax	410,000.00

five (5) Ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy that the 1993 Fire Protection Budget be approved as follows:

Appropriation	$446,885.00
Amount to be raised by Tax	446,885.00

five (5) Ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers that the 1993 Light District Budget be approved as follows:

Appropriation	$ 19,000.00
Less Estimated Revenue	500.00
Less Unexpended Balance	500.00
Amount to be raised by Tax	18,000.00

(5) Ayes Carried

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 4, 1992 — 7:30 P.M.five

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer that the 1993 Ambulance District Budget be approved as follows:

Appropriation	$ 49,150.00
Less Unexpended Balance	1,550.00
Amount to be raised by Tax	$ 47,600.00

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter that the 1993 Refuse & Garbage Budget be approved as follows:

Appropriation	$495,598.00
Less Unexpended Balance	360.00
Amount to be raised by Tax	495,238.00

five (5) Ayes — Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer that the 1993 Sewer District #2 Budget be approved as follows:

Appropriation	$ 1,213.50
Amount raised by Tax	1,213.50

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman that the 1993 Water District #1 Budget be approved as follows:

Appropriation	$ 84,025.00
Less Unexpended Balance	54,025.00
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 1993 Water District #2 Budget be approved as follows:

Appropriation	$ 88,774.00
Less Unexpended Balance	48,000.00
Amount to be raised by Tax	40,774.00

five (5) Ayes — Carried

Letter received from Colleen O'Halloran, Boston Freshman Cheerleading Coach requesting permission to have a sleep-over at the Boston Town Hall, Friday, November 13, 1992 from 8:00 P.M. until 12 noon Saturday.

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to grant permission to the Boston Freshman and Varsity Cheerleading Squads to have a sleep-over at the Boston Town Hall on Friday, November 13, 1992, at 8:00 P.M. until Saturday, 12 noon.

five (5) Ayes — Carried

A motion was made by Councilman Zimmerman and seconded by Supervisor Kennedy to adopt 1993 Preliminary Salaries of the following town officers as follows:

REGULAR BOARD MEETING
NOVEMBER 4, 1992

TOWN HALL
7:30 P.M.

Supervisor	$ 20,500.00
Councilman	5,800.00
Councilman	5,800.00
Councilman	5,800.00
Councilman	5,800.00
Town Clerk	27,500.00
Town Justice	19,000.00
Superintendent of Highways	34,125.00

Councilman Flowers	Voting Nay
Councilman Wohlhueter	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wittmeyer	Voting Aye
Supervisor Kennedy	Voting Aye

one (1) Nay
four (4) Ayes — Carried

Letter received from Tim Poppenberg requesting the Town of Boston pay for damages incurred to his vehicle while on of the town volunteer members was responding to a Town related emergency at 6722 Meadowbrook Drive.

Supervisor Kennedy forwarded Mr. Poppenberg's letter to the insurance committee and Town Attorney Perley has found coverage for this particular incident and we are submitting this claim. Hopefully, it will be covered. If it is not covered by the insurance carrier we have our own self insurance that we can draw from if need be.

Town Attorney Perley will submit this claim to Mr. Baty the Insurance Consultant under the comprehensive general liability policy.

SUPERVISOR'S REPORT

A) Monthly financial report for October 1992 received and on file in the Town Clerk's Office.

Supervisor Kennedy thanked Hospice for their gracious presentation that they made when they gave the Town of Boston a VCR. We certainly recognize the service that they present to the Southtowns and are happy to have a facility here that they can utilize for service to those people who are caring for the terminally ill.

Supervisor Kennedy received a letter from Bob Keel a member of the Emergency Squad addresing some long termneeds of the Boston Emergency Squad facilities.

Supervisor Kennedy asked Councilman Zimmerman to set up a meeting with the Emergency Squad member, administrative officers of the Squad and the Town Board to address the problems set forth in Mr. Keel's letter.

Supervisor Kennedy received a letter from Joanne Santonocito requesting consideration for a position on the Town of Boston Planning Board.

Joseph Santonocito 7519 Valley Circle Lane: I am the father of Joanne Santonocito and I have had nothing to do with her decision. I hope that my thirteen years of volunteering my services to the Town of Boston Zoning Board of Appeals will not jeopardize her choice.

Supervisor Kennedy extended the Town Board the opportunity to review this letter and resume, and tabled this appointment until the November 18, 1992 Regular Town Board Meeting.

Supervisor Kennedy received a letter from Joseph F. Crangle, Chairman, Erie County Water Authority regarding water service from Ward Road Town of Orchard Park, New York received and on file in the Town Clerk's Office.

TOWN CLERK'S REPORT

A) Registrar of Vital Statistics Report for October 1992 received and on file in the Town Clerk's Office

Town Clerk Shenk requests permission for Deputy Town Clerk Anna M. O'Neill to attend an Advanced WordPerfect Program at Bryant & Stratton Institute on three consecutive Saturday mornings beginning Saturday November 7, 1992. The program is a non-credit twelve (12) hour course. The fee is one hundred and fifty ($150.00) dollars.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to grant permission for Deputy Town Clerk Anna M. O'Neill to attend an Advanced WordPerfect Program at Bryant & Stratton Institute. The fee of one hundred and fifty ($150.00) dollars.

five (5) Ayes Carried

HIGHWAY SUPERINTENDENT'S REPORT

Highway Superintendent Ruchalski complimented Supervisor Kennedy on the Highway Budget for 1993 and on behalf of the Highway employees and himself thanked the Supervisor for their salary increases.

Highway Superintendent Ruchalski announced that the Highway crew is gearing up for winter. There are four (4) trucks and sanders ready at this time. We have seven (7) trucks altogether and hopefully they will be ready by the end of the week.

TOWN ATTORNEY'S REPORT

Town Attorney Perley called Robert Mark the attorney on staff in the comptroller office that has the Water Improvement #1 application. Attorney Perley has some concerns that when the final numbers come in we may actually have to publish another resolution forming this district because the financing is going to change. Depending if this can be handled out of current funds once the improvement is established, we may have to alter our Bonding mechanism. The application will be in Mr. Marks hands so that we can narrow it down to the very last items to be submitted in the even that we receive some sort of permission through the Water Authority in the Town of Orchard Park.

Town Attorney Perley responded that he is happy that we have received a letter from Mr. Crangle, Erie County Water Authority, since we now have a timetable.

Town Attorney Perley has drafted Local Law #4 for the year 1992 modification to the Mobile Home Court License year which assesses a seven dollar and fifty cent ($7.50) per unit charge for the period beginning January 1, 1993 through the end of June as a transitional measure. Licensing will begin July 1st through June 30th with an annual inspection and as a further condition a requirement that there be proof in writing that a fire drill has been conducted on the premises.

REGULAR BOARD MEETING
NOVEMBER 4, 1992

TOWN HALL
7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to schedule a Public Hearing for Local Law #4 1992 on December 12, 1992 at 7:50 P.M.

five (5) Ayes — Carried

COUNCILMAN'S REPORT

Councilman Flowers after the last Town Board meeting contacted Joe Crangle, Chairman of the Erie County Water Authority to inquire about the progress being made with Water Improvement #1. After which Erie Count Water Authority responded by letter to the Town.

Councilman Flowers attended a Water Meeting with the residents of the East Hill on October 29, 1992.

Councilman Wohlhueter received a letter from Shawn Wright, Recycling Program Coordinator advising Solid Waste Management of an organized tour of yard waste composting facilities for November 24, 1992.

Councilman Wohlhueter asked the Town Clerk to forward a copy of the schedule to tour of the yard waste composting facilities to the Conservation Advisory Council.

RESOLUTION — RETENTION OF SOLID WASTE MANAGEMENT PROGRAM CO-ORDINATOR AND RECYCLING SPECIALISTS IN 1993 BUDGET

Councilman Zimmerman in response to Bob Keel's letter will contact the liaison with the Emergency Squad and set up a meeting.

Councilman Wittmeyer met with the South Boston Playground group and we should be ready to start developing the park next spring.

CODE ENFORCEMENT REPORT

A) Code Enforcement monthly report for October 1992 received and on file in the Town Clerk's Office.

DOG CONTROL OFFICER'S REPORT

A) Dog Control Officer's monthly report for October 1992 received and on file in the Town Clerk's Office.

TOWN ENGINEER'S REPORT

A) Town Engineer's monthly report for October 1992 received and on file in the Town Clerk's Office.

ERIE COUNTY SHERIFF'S REPORT

A) Erie County Sheriff's report for October 1992 received and on file in the Town Clerk's Office.

A motion was made by Councilman Zimmerman and seconded by Supervisor Kennedy to adjourn the meeting at 9:35 P.M.

David J. Shenk
Town Clerk

TOWN BUDGET

FOR 1993

TOWN OF BOSTON

IN

COUNTY OF ERIE

CERTIFICATION OF TOWN CLERK

I, DAVID J. SHENK, Town Clerk, certify that the following is a true and correct of the 1993 budget of the TOWN OF BOSTON as adopted by the Town Board on the 4TH day of NOVEMBER, 1992.

Signed, David J. Shenk
Town Clerk

Dated NOVEMBER 5, 1992

SUMMARY OF TOWN OF BOSTON BUDGET - 1993

	APP/OTH USES	-EST REVENUE	-UNEXP BAL	RSD BY TAX
A GENERAL	886,717.00	498,050.00	220,000.00	168,667.00
D HIGHWAY	677,100.00	248,000.00	19,100.00	410,000.00
SF FIRE PROTEC	446,885.00	0.00	0.00	446,885.00
SL LIGHT	19,000.00	500.00	500.00	18,000.00
SM AMBULANCE	49,150.00	0.00	1,550.00	47,600.00
SR REFUSE & GARB	495,598.00	0.00	360.00	495,238.00
SS SEWER #2	1,203.50	0.00	0.00	1,203.50
SW WATER #1	84,025.00	0.00	54,025.00	30,000.00
SW WATER #2	88,774.00	0.00	48,230.00	40,544.00
TOTALS	2,748,452.50	746,550.00	343,765.00	1,658,137.50
				1,658,137.50

GENERAL GOVERNMENT SUPPORT - 1993 BUDGET

	CODE	ACT 91	92 BUDGET	PRE 93	ADOPT 93
TOWN BOARD					
Pers Serv	1,010.1	22,000	22,000	23,200	23,200
Contractual	1,010.4	2,098	3,600	3,600	3,600
Total		24,098	25,600	26,800	26,800
JUSTICE					
Pers Serv	1,110.1	40,651	40,660	41,575	41,575
Equipment	1,110.2	0	0	5,000	5,000
Contractual	1,110.4	5,522	6,440	5,325	5,325
Total		46,173	47,100	51,900	51,900
SUPERVISOR					
Pers Serv	1,220.1	31,525	34,000	37,900	37,900
Equipment	1,220.2	821	500	1,500	1,500
Contractual	1,220.4	14,168	15,700	13,500	13,500
Total		46,514	50,200	52,900	52,900
ASSESSOR					
Pers Serv	1,355.1	29,150	27,750	30,725	30,725
Equipment	1,355.2	220	0	1,000	1,000
Contractual	1,355.4	7,362	10,700	8,475	8,475
Total		36,732	38,450	40,200	40,200
TOWN CLERK					
Pers Serv	1,410.1	45,100	45,380	44,650	44,650
Equipment	1,410.2	494	500	500	500
Contractual	1,410.4	6,267	8,000	6,500	6,500
Total		51,861	53,880	51,650	51,650
ATTORNEY					
Pers Serv	1,420.1	29,600	29,600	32,800	32,800
Contractual	1,420.4	2,941	3,400	3,700	3,700
Total		32,541	33,000	36,500	36,500
ENGINEER					
Contractual	1,440.4	2,887	10,000	10,000	10,000
Total		2,887	10,000	10,000	10,000
ELECTIONS					
Pers Serv	1,450.1	4,934	0	5,905	5,905
Contractual	1,450.4	894	6,450	1,400	1,400
Total		5,828	6,450	7,305	7,305
REC MANAGE					
Pers Serv	1,460.1	586	0	1,000	1,000
Equipment	1,460.2	2,798	0	3,000	3,000
Contractual	1,460.4	3,131	200	2,000	2,000
Total		6,515	200	6,000	6,000

GENERAL GOVERNMENT SUPPORT - 1993 BUDGET

BUILDINGS					
Pers Serv	1,620.1	6,477	8,000	8,575	8,575
Equipment	1,620.2	4,786	30,000	18,000	18,000
Contractual	1,620.4	28,819	35,000	35,000	35,000
Total		40,082	73,000	61,575	61,575
CENT GARAGE					
Equipment	1,640.2	13,348	0	0	0
Contractual	1,640.4	98	1,500	1,500	1,500
Total		13,446	1,500	1,500	1,500
CENT COMMUN					
Equipment	1,650.2	0	0	0	0
Contractual	1,650.4	300	500	500	500
Total		300	500	500	500
CENT PR & MAIL					
Contractual	1,670.4	2,843	1,300	8,500	8,500
Total		2,843	1,300	8,500	8,500
SPECIAL ITEMS					
Unalloc Insur	1,910.4	68,219	75,180	75,000	75,000
Munic Assn Dues	1,920.4	1,020	1,200	1,400	1,400
Judge & Claims	1,930.4	738	520	172	172
Purchase/Land	1,940.4	9,523	12,000	0	0
Tx&Asses Tn Prop	1,950.4	2,665	3,000	3,200	3,200
Unclassified	1,989.4	0	100	100	100
Contingent Acct	1,990.4	0	20,000	18,000	18,000
Total		82,165	112,000	97,872	97,872
TOTAL GEN GOVT SUPPORT		391,985	453,180	453,202	453,202

PUBLIC SAFETY - 1993 BUDGET

	CODE	ACT 91	92 BUDGET	PRE 93	ADOPT 93
POL & CONSTABLES					
Pers Serv	3,120.1	2,800	2,800	2,900	2,900
Contractual	3,120.4	528	600	600	600
Total		3,328	3,400	3,500	3,500
TRAFFIC CONTROL					
Contractual	3,310.4	2,452	4,000	3,000	3,000
Total		2,452	4,000	3,000	3,000
CONTROL OF DOGS					
Pers Serv	3,510.1	4,041	4,600	5,150	5,150
Equipment	3,510.2	0	500	500	500
Contractual	3,510.4	3,468	7,560	8,000	8,000
Total		7,509	12,660	13,650	13,650
SAFETY INSPEC					
Pers Serv	3,620.1	11,800	11,800	12,300	12,300
Contractual	3,620.4	367	800	1,000	1,000
Total		12,167	12,600	13,300	13,300
TOTAL PUBLIC SAFETY		25,456	32,660	33,450	33,450

HEALTH - 1993 BUDGET

	CODE	ACT 91	92 BUDGET	PRE 93	ADOPT 93
REG VIT STATS					
Contractual	4,020.4	11	25	25	25
Total		11	25	25	25
TOTAL HEALTH		11	25	25	25

TRANSPORTATION - 1993 BUDGET

	CODE	ACT 91	BUDGET 92	PRE 93	ADOPT 93
SUPT HIGHWAYS					
Pers Serv	5,010.1	34,000	34,000	36,025	36,025
Contractual	5,010.4	1,771	1,500	1,575.000	1,575
Total		35,771	35,500	37,600	37,600
GARAGE					
Equipment	5,132.2	0.00	0	0	0
Contractual	5,132.4	17,483	18,000	18,500	18,500
Total		17,483	18,000	18,500	18,500
STREET LIGHTING					
Contractual	5,182.4	26,018	21,500	26,700	26,700
Total		26,018	21,500	26,700	26,700
TOTAL TRANSPORTATION		79,272	75,000	82,800	82,800

ECONOMIC ASSISTANCE & OPPORTUNITY - 1993 BUDGET

	CODE	ACT 91	92 BUDGET	PRE 93	ADOPT 93
PUBLICITY					
Contractual	6,410.4	599	1,000	1,000	1,000
Total		599	1,000	1,000	1,000
PROG FOR AGING					
Contractual	6,772.4	1,800	2,800	2,500	2,500
Total		1,800	2,800	2,500	2,500
TOTAL ECONOMIC ASSISTANCE & OPPORT		2,399	3,800	3,500	3,500

CULTURE & RECREATION - 1993 BUDGET

	CODE	ACT 91	92 BUDGET	PRE 1993	ADOPT 93
PARKS					
Per Serv	7,110.1	20,058	28,000	39,100	39,100
Equipment	7,110.2	1,593	5,000	6,000	6,000
Contractual	7,110.4	5,575	8,000	8,900	8,900
Total		27,226	41,000	54,000	54,000
PLAY & REC CENTERS					
Per Serv	7,140.1	4,210	4,000	4,000	4,000
Contractual	7,140.4	3,669	4,000	5,000	5,000
Total		7,879	8,000	9,000	9,000
YOUTH PROGRAM					
Pers Serv	7,310.1	49,052	50,000	52,400	52,400
Contractual	7,310.4	41,427	33,000	34,400	34,400
Total		90,479	83,000	86,800	86,800
HISTORIAN					
Equipment	7,510.2	1,200	1,200	1,200	1,200
Contractual	7,510.4	800	830	850	850
Total		2,000	2,030	2,050	2,050
HISTORICAL PROPERTY					
Contractual	7,520.4	3,400	3,400	3,800	3,800
Total		3,400	3,400	3,800	3,800
CELEBRATIONS					
Contractual	7,550.4	795	8,000	800	800
Total		795	8,000	800	800
ADULT RECREATION					
Contractual	7,620.4	6,214	5,500	5,700	5,700
Total		6,214	5,500	5,700	5,700
BAND CONCERTS					
Contractual	7,270.4	900	500	900	900
Total		900	500	900	900
TOTAL CULTURE - RECREATION		138,893	151,430	163,050	163,050

HOME & COMMUNITY SERVICE - 1993 BUDGET

	CODE	ACT 91	92 BUDGET	PRE 1993	ADOPT 93
ZONING					
Pers Serv	8,010.1	138	500	600	600
Contractual	8,010.4	129	3,250	2,000	2,000
Total		267	3,750	2,600	2,600
PLANNING					
Pers Serv	8,020.1	903	1,500	1,500	1,500
Contractual	8,020.4	10,107	8,000	10,500	10,500
Total		11,010	9,500	12,000	12,000
COMMUNITY BEAUTIFTN					
Pers Serv	8,510.1	0	0	0	0
Contractual	8,510.4	5,755	0	0	0
Total		5,755	0	0	0
CONSERVATION					
Pers Serv	8,710.1	0	500	700	700
Contractual	8,710.4	224	1,500	1,500	1,500
Total		224	2,000	2,200	2,200
CEMETERIES					
Pers Serv	8,810.1	0	0	900	900
Equipment	8,810.2	0	0	0	0
Contractual	8,810.4	0	0	100	100
Total		0	0	1,000	1,000
HOME/COM SER					
Pers Serv	8,989.1	0	0	0	0
Equipment	8,989.2	6,246	0	0	0
Contractual	8,989.4	0	7,000	8,000	8,000
Total		6,246	7,000	8,000	8,000
TOTAL HOME & COMMUNITY SERVICES		23,278	20,250	25,800	25,800

UNDISTRIBUTED - 1993 BUDGET

	CODE	ACT 91	92 BUDGET	PRE 1993	ADOPT 93
UNDISTRIBUTED					
EMPLOYEE BENEFITS					
State Retirement	9,010.8	13,000	25,000	25,000	25,000
Social Security	9,030.8	25,800	26,000	28,000	28,000
Workmens Comp	9,040.8	3,586	4,000	6,500	6,500
Unemploy Insur	9,050.8	0	1,000	1,000	1,000
Disability Insur	9,055.8	362	500	500	500
Hosp & Med Insur	9,060.8	9,987	11,500	15,000	15,000
Total		52,735	68,000	76,000	76,000
DEBT SERVICE					
PRINCIPAL					
Serial Bonds	9,710.6	17,766	25,000	30,000	30,000
Bond Anticipation	9,730.6	0	0	0	0
		0	0	0	0
Total		17,766	25,000	30,000	30,000
DEBT SERVICE					
INTEREST					
Serial Bonds	9,710.7	8,625	16,400	14,490	14,490
Bond Anticipation	9,730.7	0	0	0	0
Other Debt Serv	9,789.7	408	0	0	0
Total		9,033	16,400	14,490	14,490
INTERFUND TRANSFER					
Risk Retention	9,901.9	4,000	4,000	4,400	4,400
Cap Proj Fund	9,950.9	0	0	0	0
Total		4,000	4,000	4,400	4,400
TOT UNDISTRIBUTED		83,534	113,400	124,890	124,890

TOTAL APPROPRIATIONS - 1993 BUDGET

	ACT 1991	1992 BUDGET	PRELIM 1993	ADOPT 1993
SUMMARY				
GEN GOVT	391,985	453,180	453,202	453,202
PUB SAFETY	25,456	32,660	33,450	33,450
HEALTH	11	25	25	25
TRANSPORTATION	79,272	75,000	82,800	82,800
EC ASSIS & OPPOR	2,399	3,800	3,500	3,500
CULTURE & REC	138,893	151,430	163,050	163,050
HOME & COMM SERV	23,502	22,250	25,800	25,800
UNDISTRIBUTED	83,534	113,400	124,890	124,890
TOT APPROPRIATIONS	745,052	851,745	886,717 *	886,717

*TRANSFER TO PAGE 2

GENERAL FUND ESTIMATED REVENUES - 1993 BUDGET

	CODE	ACT 91	92 BUDGET	PRE 1993	ADOPT 93
OTHER TAX ITEMS					
Int/Pen R/Prop Tax	A1090	11,177	6,000	6,000	6,000
Non Prop Tax, Co	A1120	305,751	255,000	265,000	265,000
Franchises	A1170	55,392	15,000	18,000	18,000
DEPARTMENTAL INCOME					
Clerk Fees	A1255	1,802	500	750	750
Dog Control Fees	A1550	210	250	250	250
Park & Rec Charges	A2001	20,857	25,000	25,000	25,000
Zoning Fees	A2110	1,325	750	750	750
USE MONEY/PROPERTY					
Interest & Earnings	A2401	25,299	10,000	10,000	10,000
Rent R/Prop	A2410	872	0	0	0
Rent/Other Govts	A2412	24,600	24,600	27,300	27,300
Commissions	A2450	0	0	0	0
Games of Chance	A2530	519	0	0	0
Bingo Licenses	A2540	1,370	1,000	1,000	1,000
Dog Licenses	A2544	4,257	5,000	4,000	4,000
Licenses, Other	A2545	1,739	1,000	1,200	1,200
Building Permits	A2555	5,663	3,500	3,800	3,800
Permits, Other	A2590	535	0	0	0
FINES & FORFEITURES					
Fines/Forfeit Bail	A2610	105,316	75,000	75,000	75,000
COMPENSA FOR LOSS					
Sale of Property	A2660	0	0	0	0
Sale of Equipment	A2665	1,380	0	0	0
Insur Recoveries	A2680	0	0	0	0
Oth Comp for Loss	A2690	0	0	0	0
MISCELLANEOUS					
Refunds Pr Yr Exp	A2701	117	0	0	0
Gifts/Donations	A2705	0	0	0	0
Miscellaneous	A2770	1,613	0	0	0
TOTAL EST REV FROM LOCAL SOURCES		569,794	422,600	438,050	438,050

GEN FUND EST REVENUE - 1992 - PAGE 2

	CODE	ACT 91	92 BUDGET	PRE 1993	ADOPT 93
STATE AID					
Per Capita	A3001	41,126	0	0	0
Mortgage Tax	A3005	74,453	55,000	60,000	60,000
Record Management	A3060	2,637	0	0	0
Rec for Aging	A3801	577	0	0	0
Youth Programs	A3820	8,239	0	0	0
Code Enforcement	A3995	5,134	0	0	0
Other (Grants)	A3089	6,050	0	0	0
TOT EST REV FROM STATE AID		138,216	55,000	60,000	60,000
REVENUE SUMMARY					
TOT EST REV FROM LOCAL SOURCES		569,794	422,600	438,050	438,050
TOT EST REV FROM STATE AID		138,216	55,000	60,000	60,000
TOT EST REVENUES		708,010	477,600	498,050	498,050
ESTIMATED UNEXPENDED BALANCE					
EST GENERAL FUND UNEXPENDED BALANCE (Transfer Total "Adopted" to Page 2)		290,000	210,000	220,000	220,000

HIGHWAY FUND - APPROPRIATIONS - 1993 BUDGET - PG 1

	CODE	ACT 91	92 BUDGET	PRE 1993	ADOPT 93
GEN REPAIRS					
Pers Serv	5,110.1	96,110	95,000	101,000	101,000
Contractual	5,110.4	77,406	80,000	80,000	80,000
Total		173,516	175,000	181,000	181,000
IMPROVEMTS					
Cap Outlay	5,112.2	32,614	30,000	30,000	30,000
Total		32,614	30,000	30,000	30,000
MACHINERY					
Pers Serv	5,130.1	0	0	0	0
Equipment	5,130.2	4,284	40,000	40,000	40,000
Contractual	5,130.4	112,897	80,000	85,000	85,000
Total		117,181	120,000	125,000	125,000
MISC/BR/WDS					
Pers Serv	5,140.1	0	0	0	0
Contractual	5,140.4	0	1,500	500	500
Total		0	1,500	500	500
SNOW REMOVAL					
Pers Serv	5,142.1	64,890	68,500	70,000	70,000
Contractual	5,142.4	47,293	40,000	45,000	45,000
Total		112,183	108,500	115,000	115,000
SER/OTH GVT					
Pers Serv	5,148.1	64,890	68,500	70,000	70,000
Contractual	5,148.4	45,376	40,000	45,000	45,000
Total		110,266	108,500	115,000	115,000
EMPLOY BEN					
State Retire	9,010.8	10,750	21,500	22,000	22,000
Soc Security	9,030.8	17,241	18,000	19,000	19,000
Workers Comp	9,040.8	10,702	9,500	11,000	11,000
Unemploy Ins	9,050.8	2,436	1,000	1,000	1,000
Disability	9,055.8	318	500	500	500
Hosp/Med Ins	9,060.8	25,632	27,500	32,100	32,100
Total		67,079	78,000	85,600	85,600
TOT P. 1		612,839	621,500	652,100	652,100

HIGHWAY FUND - APPROPRIATIONS - 1993 BUDGET - PG 2

	CODE	ACT 91	92 BUDGET	PRE 1993	ADOPT 93
DEBT SERV					
Ser Bonds	9,710.6	0	0	0	0
BAN's	9,730.6	20,000	36,000	22,000	22,000
Total		20,000	36,000	22,000	22,000
INTEREST					
Ser Bonds	9,710.7	0	0	0	0
BAN's	9,730.7	2,578	7,600	3,000	3,000
Total		2,578	7,600	3,000	3,000
INT TRANS TO:					
Cap Proj	9,950.9	520	0	0	0
Total		520	0	0	0
BUDGETARY PROVISION OTH/USES		0	0	0	0
TOT APPROP &OTH USES					
Page 1		612,839	621,500	652,100	652,100
Page 2		23,098	43,600	25,000	25,000
Trans to Page TB-2		635,937	665,100	677,100	677,100

HIGHWAY FUND - ESTIMATED REVENUE - 1993 BUDGET

	CODE	ACT 91	92 BUDGET	PRE 1993	ADOPT 93
LOCAL SOURCES					
Lieu/Tax	1,081	414		0	0
Non Prop Tax Dist/County	1,120	150,000	150,000	155,000	155,000
Ser/Oth Govts	2,300	71,344	50,000	50,000	50,000
Int & Earn	2,401	8,551	8,000	5,000	5,000
Rent/Equip	2,416	0	0	0	0
Intfund Rev	2,801	6,246	7,000	8,000	8,000
Misc(Specify)	2,770	170	0	0	0
STATE AID Consolidated Highway	3,501	31,918	30,000	30,000	30,000
FEDERAL AID (Specify)	4,500	0	0	0	0
INTER TRANSF	5,031	0	0	0	0
TOT EST REV		268,643	245,000	248,000	248,000
UNEXPEND BAL		28,735	20,000	19,100	19,100

Transfer Est Rev and Unexp Bal to TB-2

FIRE PROTEC DIST - APPROPRIATIONS - 1993 BUDGET

	CODE	ACT 91	92 BUDGET	PRE 1993	ADOPT 93
FIRE PROTEC					
Judg/Claims	1,930.4	69	0	240	240
Contracts	3,410.4	208,646	420,000	432,645	432,645
Comp Insur	9,040.8	9,821	13,000	14,000	14,000
Total		218,536	433,000	446,885	446,885
Tot Approp (Trans Adopt to Page 1)		218,536	433,000	446,885	446,885
			ESTIMATED REVENUE		
Int & Earn	2,401	1,559	0	0	0
Gifts/Don	2,701		0	0	0
Total		1,559	0	0	0
			UNEPENDED BALANCE		
Est Fire Pr Dist Unexpd Balance		9,000	9,000	0	0
Transfer total Adopt to page 2					

LIGHT DISTRICT - APPROPRIATIONS - 1993 BUDGET

	CODE	ACT 91	92 BUDGET	PRE 1993	ADOPT 93
LIGHT DIST					
Judge/Claims	1,930.4	11	0	0	0
Street light					
Contractual	5,182.4	18,114	20,000	19,000	19,000
Total		18,125	20,000	19,000	19,000
Tot Approp (Trans Adopt to Page 2)					
ESTIMATED REVENUES					
Int & Earn	2,401	952	500	500	500
Tot Est Rev		952	500	500	500
(Trans Adopt to Page 2)					
UNEXPENDED BALANCE					
Est Light Unexp Bal		1,000	500	500	500

AMBULANCE DISTRICT - APPROPRIATIONS - 1993 BUDGET

	CODE	ACT 91	92 BUDGET	PRE 1993	ADOPT 93
AMBULANCE					
Judg/Claims	1,930	0	0	50	50
Ambulance, Eq	4,540	0	0	0	0
Ambulance, C.	4,540	31,757	32,925	38,600	38,600
Total		31,757	32,925	38,650	38,650
DEBT SERV					
Principal					
Ser Bonds	9,710	0	0	0	0
BAN's	9,730	10,000	10,000	10,000	10,000
Total		10,000	10,000	10,000	10,000
INTEREST					
Ser Bonds	9,710	0	0	0	0
BAN's	9,730	1,905	1,150	500	500
Total		1,905	1,150	500	500
Budgetary Prov for Oth Uses	962	0	0	0	0
Total Approp (Transfer Adopted to Page 2)		43,662	44,075	49,150	49,150
			ESTIMATED REVENUE		
Insur Recov	2,680	1,493	0	0	0
Int & Earn	2,401	454	0	0	0
Total Revenue		1,947	0	0	0
(Trans adopt To Page 2)					
			UNEXPENDED BALANCE		
Est Unexp Bal (Transfer tot to Page 2)		0	0	1,550	1,550

REFUSE/GARBAGE - APPROPRIATIONS - 1993 BUDGET

	CODE	ACT 91	92 BUDGET	PRE 1993	ADOPT 93
REFUSE/GARB					
Judge/Claims	1,930.4	1	0	360	360
Pers Serv	8,160.1	0	0	0	0
Contractual	8,160.4	407,698	454,860	495,238	495,238
Total		407,699	454,860	495,598	495,598

ESTIMATED REVENUE

Ref/Gar Chgs	2,130	2,835	0	0	0
Int & Earn	2,401	12,244	0	0	0
Total		15,079	0	0	0

UNEXPENDED BALANCE

Est Refuse & Garb Dist Unexp Bal	0	0	360	360

(Trans Adopt Totals to Page 2)

SEWER DIST #2 - APPROPRIATIONS - 1993 BUDGET

	CODE	ACT 91	92 BUDGET	PRE 1993	ADOPT 93
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	1,203.50	1,203.50
Contractual	8,120.4	225	1,213.50		
Total		225	1,213.50	1,203.50	1,203.50

ESTIMATED REVENUE

Int & Earn	2,401	152	0	0	0
Total		152	0	0	0

UNEXPENDED BALANCE

Est Sewer Dist Unexp Balance	0	0	0	0

(Transfer Tot to Page 2)

. . . WATER DISTRICT #1 - APPROPRIATIONS - 1993 BUDGET

	CODE	ACT 91	92 BUDGET	TEN 1993	ADOPT 93
Trans/Dist					
Judge/Claims	1,930.4		0	25	25
Pers Serv	8,340.1	0	0	0	0
Equipment	8,340.2	22,041	40,000	75,000	75,000
Contractual	8,340.4	10,236	8,500	9,000	9,000
Total		32,277	48,500	84,025	84,025
DEBT SERV					
Principal					
Ser Bonds	9,710.6	0	0	0	0
BAN's	9,730.6	0	0	0	0
Total		0	0	0	0
Interest					
Ser Bonds	9,710.7	0	0	0	0
BAN's	9,730.7	0	0	0	0
Total		0	0	0	0
Total Approp (Transfer adopted to Page 2)		32,277	48,500	84,025	84,025
			ESTIMATED REVENUE		
Spec Assess	1,030	77	0	0	0
Int & Earn	2,401	5,567	0	0	0
Misc	2,770	125			0
Total		5,769	0	0	0
			UNEXPENDED BALANCE		
Est Unexp Bal (Transfer tot to Page 1)		0	18,500	54,025	54,025

WATER DISTRICT #2 - APPROPRIATIONS - 1993 BUDGET

	CODE	ACT 91	92 BUDGET	PRE 1993	ADOPT 93
Trans/Dist					
Judge/Claims	1,930.4	0	0	0	0
Pers Serv	8,340.1	0	0	0	0
Equipment	8,340.2	17,586	80,000	48,000	48,230
Contractual	8,340.4	2,453	9,892	40,774	40,544
Total		20,039	89,892	88,774	88,774
DEBT SERV					
Principal					
Ser Bonds	9,710.6	0	0	0	0
BAN's	9,730.6	0	0	0	0
Total		0	0	0	0
Interest					
Ser Bonds	9,710.7	0	0	0	0
BAN's	9,730.7	0	0	0	0
Total		0	0	0	0
Total Approp (Transfer adopted to Page 2		20,039	89,892	88,774	88,774
			ESTIMATED REVENUE		
Misc	2,770	75	0	0	0
Int & Earn	2,401	2,930	0	0	0
Total		3,005	0	0	0
			UNEXPENDED BALANCE		
Est Unexp Bal (Transfer tot to page 2)		0	50,000	48,000	48,230

SCHEDULE OF SALARIES OF ELECTED TOWN OFFICIALS

(ARTICLE 8 OF THE TOWN LAWS)

OFFICER	SALARY
SUPERVISOR	20,500
COUNCILMAN	5,800
COUNCILMAN	5,800
COUNCILMAN	5,800
COUNCILMAN	5,800
TOWN CLERK	27,500
TOWN JUSTICE	19,000
SUPERINTENDENT OF HIGHWAYS	34,125

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 November 1992 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
Mark W. Flowers	Councilman

Councilman Wohlhueter presented the following resolution and moved its adoption:

WHEREAS, the Erie County Department of Environment and Planning has proposed cutting the Solid Waste Management Program from the 1993 County Budget, and

WHEREAS, this program has assisted Southtown Municipalities in managing their solid waste responsibilities in a cost effective, environmentally sound, and publicly acceptable manner,

NOW BE IT RESOLVED, that the Boston Town Board supports the retention of both the Solid Waste Management Program Co-ordinator and the Recycling Specialists in the 1993 Erie County Budget, and that copies be forwarded to the County Executive, Commissioner of Environment and Planning, and County Legislature Marshall

Seconded by Supervisor Kennedy 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 Flowers	Voting Aye

AYES: 0 NOES: 0 ABSENT: 0

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING
NOVEMBER 18, 1992

TOWN HALL
7:30 P.M.

Present were Councilman Mark Flowers, Councilman Don A. Wohlhueter, Councilman David Zimmerman, Supervisor Richard Kennedy, Highway Superintendent Eugene Ruchalski, Town Attorney Michael Perley.

Councilman Milton Wittmeyer was absent.

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter to accept the correction and adoption of the minutes of the November 4, 1992 Regular Board Meeting.

four (4) Ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman that the General Fund and Special District Bills on Abstract 11A dated November 18, 1992 in the amount of $44,571.42 be paid.

four (4) Ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to accept the correction of General Fund and Special District Funds Abstract 10A Dated October 21, 1992 as follows:

Voucher 863 Nussbaumer & Clarke, Inc.

From: SW1 8340.4 $2075.00 Water District #1

To: A1440.4 2075.00 Engineer

four (4) Ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to accept the correction of General Fund and Special District Abstract 11, Dated November 4, 1992 as follows:

Voucher 899 NYS Electric & Gas, Inc

From: 1551.72 to 1552.52

Total General Fund:

From: $7288.95 to $8841.47

four (4) Ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman that the Highway Bills on Abstract #11A, dated November 18, 1992 in the amount of $2,558.87 be paid.

four (4) Ayes

Carried

Letter received from Hal Collier, Amherst Councilman asking the Town Board members to meet with County Legislators and State Representatives to work for a common goal to reduce the burden of mandates on our County residents. Also, for the Board Members to arrange their schedules to meet on Saturday, November 21, 1992 at 10:00 A.M. at Cheektowaga High School, 3600 Union Road, Cheektowaga, New York.

Supervisor Kennedy: We will be attending the meeting with Hal Collier, Councilman from Amherst and will discuss with him some of the concerns we have with the Budget.

REGULAR BOARD MEETING
NOVEMBER 18, 1992

TOWN HALL
7:30 P.M.

Certificate of Notice of Highway Disclosure received from John J. Gugino, P.E., Deputy Commissioner of Public Works, Highway Department of the County of Erie that a portion of Zimmerman Road from Keller Road to Mayer Road; a distance of 0.55 mile. Purpose of closure: repair existing X - culvert. Closure to be in effect from November 16th through November 20, 1992. Work to be done by Erie County Maintenance Forces, received and on file in the Town Clerk's Office.

Letter received from John T. Kociela, P.E. Director, Environmental Health Services, regarding Rabies Information Calls (Town Board Resolution of 10/7/92) received and on file in the Town Clerk's Office.

Letter received from Robert J. Russell, Regional Director, NYS Department of Transportation regarding the towns request to lower maximum speed limits on Back Creek Road between Butternut Road and Shero Road received and on file in the Town Clerk's Office.

Supervisor Kennedy directed the Town Clerk to send a letter to the NYS Department of Transportation indicating that we would like the DOT to include this in their study procedure.

Received from Adelphia Cable a check in the amount of $15,418.16. This check represents payment of the franchise fees for the period from April 1 through September 30, 1992.

Received a letter from Dennis T. Gorski, County Executive, acknowledging receipt of Towns Resolution opposing cuts in the Erie County Department of Environment and Planning Solid Waste Program.

Letter received from Sharon West, Deputy Commissioner, Erie County Department of Environment and Planning to remind the Town to schedule CDBG Public Hearing, received and on file in the Town Clerk's Office.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to schedule a Public Hearing for Community Development Funding on Wednesday, January 20, 1993 at 8:00 P.M.

four (4) Ayes Carried

Letter received from Kenneth J. Roblee, Sr. Wildlife Biologist, NYS Department of Environmental Conservation along with amended Freshwater Wetland Maps received and on file in the Town Clerk's Office.

REQUESTS FROM THE FLOOR

Victor Antonelli, 6496 Omphalius Road: Submitted a letter to the Town Board representing the Citizens Coalition to Secure a Reliable Water Source of the Town of Boston requesting that an individual of the town governing body accept the responsibilities as outlined herewithin and serve as this most important liaison for our citizen group.

Mr. Antonelli read a second letter from the Citizens Coalition asking Supervisor Kennedy if provision were made for the residents in the Town of Boston to draw from the Ward Road tank if the need existed. Was the land leased or purchased outright and when.

Supervisor Kennedy: The land was purchased by Orchard Park and there were no provisions or agreements made through the purchase of that land that we would be under any obligations to the Town of Orchard Park. I have not researched the minutes yet to determine when the actual purchase took place.

REGULAR BOARD MEETING
NOVEMBER 18, 1992

TOWN HALL
7:30 P.M.

Supervisor Kennedy: In response to your letter asking that someone be designated, I would like to accept that responsibility myself. I will work in cooperation with the Town Attorney.

Mr. Antonelli: That sounds real good, because that has been a major problem. Simply trying to get some answers out of someone.

Supervisor Kennedy: I don't know what your problem has been because whenever anybody has asked me any questions I have tried to respond. In each of the newspapers I have given a very comprehensive report on the Chestnut Ridge Water. If you are not getting any information, call me direct.

Mr. Antonelli: I am not saying that the problem is down here at the Town Board. I am saying that the problem is trying to deal with the County Agencies. The first statement that I made, they responded that they will not talk to individuals.

Supervisor Kennedy: I was very upset that we drafted a letter to Erie County Water Authority as long ago as we did without getting some kind of definite response, saying either you can or cannot tap into that water source.

I think what Orchard Park wants is a definite commitment from the Water Authority that they are going to upgrade the lines and pump stations within a reasonable timetable. They have already had demands on that tank that has caused them problems. These problems didn't occur when we first started this district, and we didn't anticipate these problems. This is not going to help people on Omphalius Road, and they are concerned. I can't see this coming immediately to that area.

Mr. Antonelli: I think what we are looking at reasonably, and the more we get into this, is more of a total project. We are talking about servicing everything on the East Hill, possibilities of Colden and everything else.

Town Attorney Perley: The long range solution for the entire East Hill depends on a transmission line, which is something outside of the Towns scope or responsibility under the Tariff and under the lease management agreement and under the enabling act that sets up the authority. The transmission is the responsibility of the Water Authority. Our suggestion was that the ideal location for that is on Cole Road with a standpipe tank at or near the top of the hill. It will be a very expensive project.

Supervisor Kennedy: We already have a tentative engineering analysis that was done fifteen years ago, that shows that. The thing right now is the cost factor. In order for these people to have water as soon as possible, at a cost that is affordable, that we suggested that it be tapped in the manner as you described. Certainly this is not the best alternative, it is by far one of the lesser alternatives. The best alternative is the transmission lines and a tank on Cole Road. It will be interesting to hear what their comments are when we sit down with the authorities as to how much they are going to undertake as far as finance is concerned, because they are willing to put the transmission lines in Orchard Park right now because of the density in growth there and the demands on that water system. They are willing to upgrade that twenty inch to a larger line and they are willing to provide a more adequate water source for the tank on Ward Road because of the demands on that tank. From that point on with the density that we have in Boston they are not going to be very receptive with constructing any additional lines. It is going to be a cost that is going to be born by the people in Boston.

Mr. Antonelli: I think if it comes up to the individual person, the response in terms of how they will respond to it will probably be surprising, considering the problems that we are dealing with now.

Mr. Antonelli: It seems that in talking to the Towns of Marilla and Alden the time frame that they have been working with and the extensive network of pipelines and things that they are doing, I know you are not going to push water through seventeen miles without additional pumping stations and everything else.

Town Attorney Perley: Then you must be talking about some density. Which is what we don't have.

Mr. Antonelli: That could possibly be. I have no idea as to what the density is in the town of Alden, but I'm sure we could look that up.

Town Attorney Perley: I will talk to the Town Attorney and find out exactly what they are dealing with.

Mr. Antonelli: That would be great. That is exactly the kind of cooperation that we are looking for.

Supervisor Kennedy: We have already questioned them on the money that they got for the Town of Marilla.

Town Attorney Perley: The Water Authority has a formula by which they take a certain percentage. That formula is based on houses served.

Supervisor Kennedy: The Hillside - Hillcrest - Chestnut Ridge area is fairly dense if you can get the water from Ward Road to the top of the hill where you are only going to pick up a dozen customers for almost a mile of line, then it becomes fairly dense. Up Cole Road down Eddy Road and down Omphalius Road, then you could come off of Cole Road to serve all the areas that need water badly, however, it is a long way up there with very few houses.

Mr. Antonelli: A little reflection, we are dealing with unfair equalization rates in the Town of Boston which you have addressed very aptly. I have the article here, everyone is aware of it. Every citizen in the town is paying more than their fair share of taxes in terms of what some other towns are paying. Everyone on the East hill we are not only paying more than our fair share of taxes but we are dealing with far less service and homes that are depreciating in value, which I can substantiate, after having an appraisal done on my house two weeks ago concerning an application on a loan. The value is going down because of the deterioration in the house due to the water problem. Besides not having adequate supply this is another factor that comes into it. We are losing part of our investments in this town. This is not only a concern of mine it is a concern of many of the people that live on the east hill. That is why we are so adamant about this issue and we are trying to push as much as we can. We are trying to get as much help as we can and put the pressure on what ever sources to insure this project going through in the least amount of time, so if we tend to be in your face and you get tired of seeing us, we are not going to go away. We want you to keep working with us and we want it to happen. We have made our homes here, we live here and many of us work here and we plan on staying. We are more than willing to work with you as much as we possibly can and we need all of your help and support. Thank you.

Patti Hartman, 6643 Liebler Road: I would like to know if the town has any plans for outside Christmas decorations or if they need a committee?

REGULAR BOARD MEETING
NOVEMBER 18, 1992

TOWN HALL
7:30 P.M.

Supervisor Kennedy: It is my understanding that it is going to be brought up by Councilman Flowers later on in the meeting, where there is going to be a request by the Chamber of Commerce to decorate a large tree in front of the Town Hall. We use to have the figurines but since the court decision has made the situation where you cannot put the creche in front of the Town Hall because it is in violation of the First Amendment according to the court. We don't do that, we decorate inside the hall. Outside it is my understanding that the Chamber is going to donate a tree and decorate it.

Patti Hartman: Can a committee be started that someone can get donations and go to the Chamber. I have contacted about six different towns in the area and they all have Christmas decorations, however the towns did not pay for them. The Chamber of Commerce, Kiwianis Club or other Civic organizations have paid for them. Can we get a committee going so that we can ask the Chamber or the Lions Club and other people to help make donations and fund drives.

Supervisor Kennedy: I tried to initiate something to that effect when I was involved in the Chamber to we if we could put something on the poles within the Hamlets of Boston, Patchin and North Boston which didn't go very far. However, I am certainly receptive to doing anything we can, because there are decorations that you could put within the business areas of the community on those poles. As you say, those are functions of Rotary Clubs, Lions Clubs and Chamber of Commerce in various communities. They usually are not bought with municipal funds.

Councilman Flowers: At the last Chamber meeting I had brought that to the attention of the members. The Chamber said that they would like to do something like that, however, it is very cost prohibitive due to the prices of decorations. So they are going to try to get into a constant thing of decorating a Christmas tree and having a sing-a-long and that particular type of celebration until they find another way of being able to afford adequate decorations for the Town. Whether it be just in front of the Town Hall or in each of the three hamlets.

Patti Hartman: If we could organize within the community to see if there is an interest out there. I have looked into getting some banners and things like that to put on the poles, Christmas decorations and they ran around sixty dollars ($60.00) each. We could start with a little bit and build up each year. The town has nothing as far as Christmas. There are a lot of new businesses and people moving into the area and we should be able to show our pride in our town. Could I just go into the Chamber of Commerce and ask if we could get something or could you meet with someone to see if there is something that could be done?

Supervisor Kennedy: You could meet with the Chambers Board of Directors I'm sure and make your suggestion or if you would like I would do the same. I would tell them that we have had people express an interest in having some kind of decorations and ask if they would be willing to participate as members of a committee or at least send representatives where we might get some representatives from other groups within the community and get something organized. What we have to see is if there are people within the community with the same interests as you have expressed. Let me work with Councilman Flowers. We will find out if the Chamber can give us any direction or if they are willing to go one more step to see if we can get something going.

Councilman Wohlhueter: I am the secretary of the Lions Club and if you would give me your name I can bring this up at our meeting. You could approach the Historical Society and some of the political organizations in town.

Patti Hartman: Thank you.

Letter received from Jo Ann Santonocito requesting consideration to be a candidate to fill a vacancy on the Town Planning Board.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to appoint Jo Ann Santonocito to fill the unexpired term that now exists on the Planning Board term to expire February 1, 1997.

four (4) Ayes Carried

Letter received from John Falkides, Boston Hills Estate regarding site plan changes applicable to the North Road entrance and Lot sizes Lot #13 and 14 received and on file in the Town Clerk's office.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to refer Site Plan changes requested by John Falkides of the Boston Hills Estates to North Road entrance to the Planning Board also, that the Town Clerk send Site Plan Changes for the North Road entrance to the Erie County Highway Department and Town Engineer for their review and comment. Planning Board should also review the revised maps submitted by Mr. Falkides.

four (4) Ayes Carried

Letter from Bill Graser, Concerned Colden Citizens regarding moneys for Erie County Highways.

Supervisor Kennedy will be in touch with Legislature Fred Marshall and Mr. Bill Graser to see what they expect to do and what can be done to bring the County's attention to our concerns.

Letter received from John Spors, STAR Service, 7041 Boston Colden Road regarding new street light at Boston Colden Road and Route 319 referred to Councilman Flowers, Committee on Lighting.

SUPERVISOR

Received a letter from Vince Smith, Regional Manager, Equalization and Assessment.

Supervisor Kennedy will review Mr. Smith's booklet on how they arrive at equalization rates. Our big objection is that they are using antiquated data. They are using data right now from 1986. In the computer age this is unconscionable that they keep doing this and we certainly are going to look into the legality of this if we are not successful in our efforts to change our equalization rates. We will pursue this as far as we can because I am tired of the treatment that we have been getting from equalization and assessment.

Letter received from William A. Feasley, Director, Community Development Program with a copy of the Erie County, Town of West Seneca and Town of Hamburg Comprehensive Housing Affordability Strategy Annual Plan for Fiscal Year 1992 and a copy of the Erie County and Town of West Seneca CHAS Annual Performances Report for the Fiscal Year 1992. These documents will be on file in the Town Clerk's Office for public review.

TOWN OF BOSTON

APPLICATION FOR LICENSE TO COLLECT AND DISPOSE OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS

TO THE TOWN BOARD
TOWN OF BOSTON:

The undersigned herein applies for a License to collect and dispose of municipal solid waste (referred to hereinafter as "MSW") and recyclable material, and states the following:

1. Applicant's name and address, telephone number:

C.I.D. REFUSE SERVICE, INC.
100 RANSIER DRIVE
WEST SENECA, NY 14224 (716) 674-8800

2. Applicant shall collect and dispose of municipal solid waste and recyclable materials in the following manner:

A) INSTITUTIONAL customers

i. Manner of Collection:

Recyclables - containers

MSW - containers

ii. Manner and Place of Disposal:

Recyclables - processed at C.I.D. recycling center 10860 Olean Road, Chaffee, NY

MSW - C.I.D. Landfill, Inc., 10860 Olean Road, Chaffee, NY

B) INDUSTRIAL customers

i. Manner of Collection:

Recyclables - containers

MSW - containers

ii. Manner and Place of Disposal:

Recyclables - processed at C.I.D. recycling center 10869 Olean Road, Chaffee, NY

MSW - C.I.D. Landfill, Inc., 10860 Olean Road, Chaffee, NY

- TOWN OF BOSTON -

APPLICATION FOR LICENSE TO COLLECT AND DISPOSE
OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS

2. (Cont'd.)

C) COMMERCIAL customers

i. Manner of Collection:

Recyclables - containers

MSW - containers

ii. Manner and Place of Disposal:

Recyclables - processed at C.I.D. recycling center 10860 Olean Road, Chaffee, NY

MSW - C.I.D. Landfill, Inc., 10860 Olean Road, Chaffee, NY

D) RESIDENTIAL customers (excluding Town contract)

i. Manner of Collection:

Recyclables - none

MSW - none

ii. Manner and Place of Disposal:

Recyclables - _____

MSW - _____

3. The Applicant hereby agrees to:

(a) Indemnify and hold harmless the Town of Boston for any pending, threatened or actual claims, liability or expense arising from waste disposal in violation of Chap. 63 of the Town Code or not in conformance with this License (§63-502.B)

(b) To offer collection services for municipal solid waste and recyclables at the same time and on the same day to all of its customers (§63-502.C)

(c) To maintain separate monthly records of municipal solid waste and recyclables collected, transported and disposed of in conformance with §63-502.D of the Boston Town Code, and to provide to the Town of Boston quarterly reports containing such information

(d) To amend or supplement this Application in writing, additional information is required to conform with Chapter 63 of the Boston Town Code.

4. That Applicant has not been adjudged or determined to have violated Chapter 63 of the Town Code within the preceding calendar year.

FEE: $100

LICENSE GRANTED BY RESOLUTION
OF THE TOWN BOARD DATED 11/18/92.

David J. Sherk
Town Clerk

C.I.D. Refuse Service, Inc.
(Typed Company Name)

By: _____

Title: _____ Date: _____

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 18, 1992 — 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to schedule the last Town Board Meeting of the year on Thursday, December 31, 1992 at 9:00 A.M.

four (4) Ayes — Carried

TOWN ATTORNEY

Town Attorney Perley suggested the Town Board schedule a Public Hearing for the signing of the Fire, Ambulance and Historical Contracts for the second meeting in December 1992.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to schedule a Public Hearing for the signing of the Ambulance Contract on December 16, 1992 at 8:00 P.M.

four (4) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to schedule a Public Hearing for the signing of the Fire Companies Contracts on December 16, 1992 at 8:05 P.M.

four (4) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to schedule a Public Hearing for the signing of the Historical Society Contract on December 16, 1992 at 8:10 P.M.

four (4) Ayes — Carried

RESOLUTION — AUTHORIZE PURCHASE OF PROPERTY BEHIND TOWN PARK FROM THE TILLS FAMILY

Town Attorney Perley has received the Search and Survey of the property on George Drive being purchased by Palmer Building Concepts from the Lasinski's. There is a description being prepared by the Town Engineer of the Cul de Sac and we will be in a position to finalize that purchase in a reasonably near future.

RESOLUTION — GRANTING CID A REFUSE LICENSE WHICH WILL EXPIRE DECEMBER 31, 1992.

COUNCILMEN

Councilman Flowers met with the Chamber of Commerce. They are planning a tree trimming ceremony on December 12, 1992 at 3:00 P.M. in front of the Town Hall. Children in the local schools are being asked to make ornaments to adorn the tree. Along with the tree trimming there will be Santa Claus and Carolling. Everyone is welcome to attend.

Councilman Flowers called the County Finance Department regarding our taxes increasing nearly 24% and their response regarding the increase was that we were going to get a 12% increase anyway. The reason for the 24% was the equalization rate. When asked why the current data information on the assessors computer was not used? The state is so far behind because they are understaffed. He was referred to Bob Kowalewski, Supervisor of Wales. Mr. Kowalewski was in Albany working on this same matter because what is happening to us is also happening to Wales. Councilman Flowers plans to make contact with Mr. Kowalewski to see what progress is being made.

REGULAR BOARD MEETING
NOVEMBER 18, 1992

TOWN HALL
7:30 P.M.

We are going to have to put on a united front and do something about this. It is all our problem. If we don't do something about this they are just going to keep using the same data and we are going to continue being hammered.

Councilman Wohlhueter announced that Councilman Collier from Amherst is going to be on WGR radio from 9:00 - 10:00 A.M. on Thursday morning November 19, 1992. Everyone is invited to attend this meeting to be held in Cheektowaga and he is going to try to attend.

Councilman Zimmerman will set up a meeting with Bob Keel and the liaison from the Emergency squad.

Councilman Zimmerman asked the supervisor to have the emergency lights in the truck bay for the ambulance checked as they did not work when the power went out last week. Also, there are no emergency lights in the squad meeting room itself and he recommended that these lights be installed.

DEPUTY CODE ENFORCEMENT OFFICE

Deputy Code Enforcement monthly report for October 1992 received and on file in the Town Clerk's Office.

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to adjourn the meeting at 9:51 P.M.

four (4) Ayes

Carried

David J. Shenk

DAVID J. SHENK
TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
DECEMBER 2, 1992 — 7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman David G. Zimmerman, Councilman Milton I. Wittmeyer, Supervisor Richard L. Kennedy, Highway Superintendent Eugene E. Ruchalski, Town Attorney Michael F. Perley.

A motion was made by Councilman Zimmerman and seconded by Supervisor Kennedy to accept the correction and adoption of the minutes of the November 18, 1992 Regular Board Meeting.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman that the General Fund and Special District Bills on Abstract #12 dated December 2, 1992 in the amount of $ 16,629.93 be paid.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to accept the correction of General Fund and Special District Abstract #11A dated November 18, 1992 as follows:

Voucher 929 Klarberg, Inc.

From: H 7110.2 (Cap. Proj.) Boston Cross Drainage project

To: SW1 8340.2 (Water Dist. 1) Taylor Road Water Project

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to accept the correction of the General Fund and Special District Abstract #11A dated November 18, 1992 as follows:

Voucher 930

From: Town of Boston

To: Nussbaumer & Clarke, Inc.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman that the Highway Bills on Abstract #12, dated December 2, 1992 in the amount of $ 19,896.69 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to accept the Town Clerk's Monthly Report for November 1992.

five (5) Ayes — Carried

Letter received from Richard Tobe, Commissioner, Department of Environment and Planning, Notice of Public Hearing to discuss an amendment of the Erie County Environmental Quality Code on file in the Town Clerk's Office.

Resolution received from the Town of Eden regarding acceptance of partial real property tax payments, previously adotped in August 1992, on file in the Town Clerk's Office.

REGULAR BOARD MEETING
DECEMBER 2, 1992

TOWN HALL
7:30 P.M.

Resolution received from the Town of Grand Island regarding Restoration of the Beaver Island Park Casino on file in the Town Clerk's Office.

RESOLUTION RESTORATION OF THE BEAVER ISLAND PARK CASINO

Resolution received from the Town of Amherst regarding reimbursement of the costs associated with the World University Games from Federal, State, County and Local governments, tabled for more study.

Letter received from Robert Niederpruem, Sr. Production Engineer, Erie County Water Authority regarding Boston Cross Roads water line extension. The water main recently extended to provide service to Mr. John Gasper, and all aspects of the project have been received except for the maintenance bond.

Supervisor Kennedy upon researching the file on the Boston Cross Road water line extension noted that a performance bond was not required on that short extension. He made Mr. Niederpruem aware that Mr. Gasper will make good on any problems with installation. Mr. Gasper has indicated that he will be responsive to taking care of whatever needs occur there.

Letter from Steven Doleski, Regional Permit Administrator, New York State Department of Environmental Conservation regarding Critical Environmental Area Eighteen Mile Creek, read by Town Clerk Shenk received and on file in the Clerk's Office.

Supervisor Kennedy asked that this letter from Stephen Doleski be written into the record because, some time ago a meeting was set up by the Disaster Coordinator from the County of Erie in the neighborhood of the bridge over the south branch of Eighteen Mile Creek on the Hamburg-Boston line. There is a Kiantone oil transmission pipeline that runs parallel to Eighteen Mile Creek in that general area. Because of changes in the creek there has been an erosion which jeopardizes that pipeline. Kiantone is concerned that if the soil underneath that pipeline is washed out and that pipeline collapses in the water we'd have oil contamination from that point all the way to Lake Erie. To my knowledge there has not been anything done at that particular point after that meeting. Mr. Doleski and Jim Keane, Disaster Coordinator and a number of other officials.

Councilman Wittmeyer attended the meeting called by Kiantone Pipeline Corp. is the owner of the pipeline. This is a high-pressure crude oil pipeline. The bank of the creek has washed away exposing this line. It is a dangerous situation. If the line breaks everything is going to go through Hamburg and into Lake Erie. They are quite concerned and want something done with it now and are working with Mr. Doleski about getting something in to stabilize the bank.

Supervisor Kennedy stated that some time ago we had the Army Corp of Engineers here on a problem we had at Hillcroft Drive and also investigated that particular bridge with the Army Corp. It seemed to be the consensus of the Army Corp at that time that they weren't responsive to initiating a study as they have for Hillcroft, although it is basically the same problem where the course of the creek has changed and now it is no longer going under the bridge the way it did when the bridge was constructed. There is a real concern as far as rupture of the oil pipeline.

45

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, 8690 Boston State Road, Boston, New York on the 2nd day of December 1992 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
Mark W. Flowers	Councilman

SUPERVISOR KENNEDY presented the following resolution and moved its adoption:

RESTORATION OF THE BEAVER ISLAND PARK CASINO

WHEREAS, a tragic fire on Thursday, October 29, 1992, destroyed one of this community's most loved and most prestigious buildings, the Beaver Island Park Casino, and

WHEREAS, this great historic casino, a testament to the leadership of Franklin Roosevelt and the dedication of many Western New Yorkers to a better life, provided this community and all of Western New York with great economic and recreational benefits that cannot be replaced.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Boston does hereby go on record as applauding the swift efforts of New York State Assemblyman Hoyt to secure the funding for the complete restoration of the casino and we urge all elected officials and private citizens to join in this effort and return a great landmark to it's original splendor, and

BE IT FURTHER RESOLVED, that copies of this resolution be directed to Governor Cuomo, Commissioner Lehman, Commissioner Tese, Senate Majority Leader Marino, Speaker Weprin, Senator Lombardi, Assembly-member Silver, Senator Mastello, Assembly-member Hoyt, Senator Volker, and Assembly-member Pordum.

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 Flowers	Voting Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Clerk

DAVID J. CLERK, TOWN CLERK

REGULAR BOARD MEETING
DECEMBER 2, 1992

TOWN HALL
7:30 P.M.

At 7:50 P.M. a Public Hearing was held for the purpose of hearing public comments on Local Law No. 4 1992, entitled to amend Local Law #2 1987, coentitled The Mobile Home Court Law. Town Clerk Shenk read the Legal Notice. Town Clerk Shenk sent a copies of Legal Notice and a copy of the Local Law to John Falkides, Boston Hills Estates, Owner and to William Sprague, Sprague Mobile Home Park, Owner. Town Clerk Shenk read a letter received in response from John P. Falkides, Boston Hills Estates which states that he is in favor of having a fire drill at the Boston Hills provided: (1) we receive advance notice of the drill, (2) we are provided with appropriate evidence of third-party insurance coverage for any accidents that occur during the drill and (3) all residents of our mobile Home Court agree to participate.

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN, that there has been presented to the Town Board, Town of Boston, Erie County, New York on November 4, 1992, a copy of Local Law #4 1992 entitled "to amend Local Law #2 1987, coentitled The Mobile Home Court Law." This law will change the annual mobile home park license period to 7/1 through 7/1. The license period currently stands at 1/1 through 1/1.

NOTICE IS FURTHER GIVEN, that the Town Board, Town of Boston, will conduct a Public Hearing on the aforesaid Local Law at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on Wednesday, December 2, 1992 at 7:50 P.M. Eastern Standard time, at which time all persons will be heard for or against.

Dated: November 12, 1992
Published: November 13, 1992

By Order of the Town Board
Town of Boston
David J. Shenk
Town Clerk

Supervisor Kennedy asked the Town Attorney to summarize Local Law No. 4.

Town Attorney Perley summarized Local Law No. 4 1992 as follows: the Local Law is primarily addressed to changing of the license year to allow the town to accommodate an inspection of the Mobile Home Courts during better weather. It has been the tradition of this Board to inspect the Mobile Home Courts when an application for renewal for a Mobile Home Court license has been filed. Since the license year ended on December 31st, the applications were filed generally in the middle or later part of January. This required an inspection in January or February of the year. In an effort to make the inspection less of a burden on the Board Members and Owners of the park, the Board was interested in changing the license year from July 1st to June 30th basically moving it back half a year. The first three subsections of section 70-7E of the Local Law pertain to the transitional provisions that allow the Board to accommodate that change, by essentially issuing an interim license of six months and then going into the full year license come July. This would allow the inspection of the parks in the summer. An additional provision was made for the Fire Drill. This had been extensively discussed between the Board and Mr. Falkides. There was some discussion with the Patchin Fire Company and it was agreeable to performing these upon the request of the owner. It was felt that this was appropriate to place in the Local Law. The Local Law does not place any other conditions upon the licensing of the Mobile Home Court.

Katherine Falkides, Boston Hills Estates: We are not against fire drills, however, we do think that it is inappropriate and completely unnecessary to attach it to a license to operate a Mobile Home Park. For us to require the fire company to submit in writing to us proof that they have done a fire drill I think is completely inappropriate. We are a private development with private roads and private homes, it is not appropriate to require us to get a public agency to perform a fire drill. Also, if this stays in the law, this particular issue, you are

imposing an insurance risk on us.

Bill Sprague, Sprague Mobile Homes: We had met with the Town Board earlier this year in agreement with the first part of the recommended law. We had no knowledge of the second part of it until we received it in the mail. I also, feel that is taking advantage of the Mobile Home Parks. I know of no other place in the State of New York that requires that. I would like to remind the Board that the Mobile Home Parks are one of the few places in town that you collect revenue, that require no services from you what so ever, other than police protection and fire protection. I think that this part of the rule to attach it to the licensing is probably not in the best interest of the tax paying public entity. I think that you should require the fire drill some other time, and maybe not attach it to the licensing requirement, that I would be in favor of. But, to attach it to there and the fire company says there is a problem with it, we have a certain amount of time to comply with the license so the license can be renewed. I feel that this is another ploy to come in the back door to get rid of the Mobile Home Parks in town. I am opposed to that proportion not the good proportion of it.

John Falkides, Boston Hills Estates: I wrote a letter to the Patchin Fire Company inviting them to have a fire drill in the Boston Hills Park. They never took me up on it. I don't know what the reason was but they didn't follow through on it.

Supervisor Kennedy: I don't agree with Mr. Sprague when he said that no service is provided for the people that live in the park, because they take advantage of all the services that we provide for everyone in this community. Whether recreational services, fire services, access to the ambulances and other innumerable services that are provided for the community. They are provided for the people in the trailer park the same as for anyone else.

In regard to the fire drill one of the differences between a subdivision and a trailer park is the small lots and the difficult fire lanes that exist between mobile homes and structures such as fences and obstructions that would be very difficult and it is not the same as fighting a fire in a subdivision where you have an eighty foot lot. I feel that it would be to Mr. Falkides advantage and to Mr. Spragues to have the fire company perform some kind of fire drill in that area. John has installed some new fire hydrants in his park and I think that it would be advantageous for the Patchin Fire Company to see where it would be to their best advantage to hook up their hoses. The town thought that this would be an advantage to the park owners as well as the people residing in the park to have an annual drill, because of the close proximity of the units and the differences in a major fire that would incur as far as the spread of fire from one unit to another.

Councilman Wittmeyer: In researching my files on all of this, this request originally came from the Homeowners Association in the Park it was not something that came from the Boston Town Board. The Homeowners asked us if we could have an annual fire drill in the park. All the fire company would do is, go in test the hydrants make sure that they are working, pump a little water out and be out of there in half-an-hour or forty-five minutes. Once a year I don't see where that is going to bother anybody very much. I personally feel that letting the fire company come in once a year check your hydrants make sure that they are workable, make sure that the trucks can get through alright. I talked with Dan Genzel,Chief - Patchin Fire Company and asked him about this and he is more than willing to cooperate with the town and the owners, and go in there one day a year and just check the hydrants and equipment to make sure

REGULAR BOARD MEETING
DECEMBER 2, 1992

TOWN HALL
7:30 P.M.

everything is working in case of an emergency.

John Falkides: Nevertheless, the law would require us to submit proof that a fire drill has in fact been conducted.

Councilman Flowers: I think we're hung-up now on the wording of this "fire drill." How about if we change to " fire inspection? " We thought it would be a good idea to ask the fire company to go in and identify any potential problems.

Town Attorney Perley: Let the Board consider how are we going to go about insuring that this gets done and who is going to bear the responsibility for insuring that this gets done? The owner of the private property. We have no indication from any fire company that they are going to refuse any reasonable request to go in.

Supervisor Kennedy: If a fire company does refuse to go in we can amend the law, however, I see no problem with that. We cannot anticipate that a fire company is going to refuse.

Town Attorney Perley: This Board is a Legislative Body. The issuance of this license is part of the legislative provision. It is within the Mobile Home Court Law, if the applicant shows substantial difficulty in getting the cooperation of the fire company that the Board can relieve them of the obligation. However, it shouldn't be up to this Board to make sure that the fire companies go in, it should be up to the owners of the property, if you want to have this done. That is the way the Law is written.

Katherine Falkides: How will you enforce the law if for some reason or other this fire drill does not take place?

Supervisor Kennedy: If you contacted the fire company and they weren't responsive we'd waive that provision.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to close the Public Hearing at 8:17 P.M.

five (5) Ayes

Carried

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter to accept Local Law #4 as is striking Section S70-7F and adopt Local Law No. 4 for the year 1992.

Councilman Flowers	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wittmeyer	Voting Aye
Supervisor Kennedy	Voting Nay

one (1) Nay
four (4) Ayes

Carried

At 8:35 P.M. a Public Hearing was held for the purpose to rezone property which is presently zoned a portion Residential-Commercial R-C and a portion Residential-Agricultural R-A, to one zoning of Residential-Commercial R-C under the Zoning Law of the Town of Boston (Local Law No.6-1990 as amended). Town Clerk Shenk read the Public Notice.

Sal Aronica, Parkside Drive: Isn't there any size dimension as far as living space and how much land you need. He's asking for a variance to change to thirty-five foot (35') and if he gets that he could appeal that and go from boundary line to boundary line, am I not correct?

Town Attorney Perley: Yes, there are dimensional requirements. In terms of the overall square footage dimension of the lot it complies, for a six family, were it to be rezoned. It does not comply under the current zoning. The variance that Mr. Millich would be required to seek would be to get a favorable vote from the Board has to do with the side line set backs, because there if a bottleneck in the lot. when the variance is granted, if it is granted it would be a fixed distance.

Sal Aronica: When you are changing from a residential to a commercial don't you need a physical buffer?

Town Attorney Perley: There are certain buffer requirements.

Sal Aronica: Assuming that it is fifty foot (50') and his lot is one hundred and twenty-five feet (125') on the back section and he is bumpering two residential lots how big is this building going to be?

Town Attorney Perley: That is something Mr. Millich will have to address if he gets a favorable action of the Board to night. What ever buffer requirements are there he will have to comply with, get waived, or varied if not eliminated, reduced.

Dr. Norman Hertz, 5762 Herman Hill: Petitions with one exception are all names of residential owners. One of the problems that I feel the people are concerned with is their total loss of privacy. If you place the apartments in the back portion of the property, the backyards that almost everyone uses, that is their private domain, disappears, because their neighbors are now a more physical presence.

Roy Seufert: Is there any law according to the town that can cut those trees down if I wish? Or as it stands right now I can keep this land agricultural and lease this land out and have somebody put animals back there?

Supervisor Kennedy: There are certain regulations and restrictions that are incorporated within the zoning law that pertain to animals, there is nothing that prohibits you from cutting your trees down.

Terry Gebler: What would happen to the real estate value of properties in this area? At the other end of our street we have Roy Emerlings apartment complex, it is a very nice one but again as Dr. Hertz said, its right in our yards. I believe that there was a resident across from the Hardware Store who had to drop the asking price for their house significantly, because of the commercial property across the street. That is a concern of mine as a property owner.

Supervisor Kennedy: I certainly would not attempt to assess how this would impact property values. There is always the potential that a large apartment dwelling like this could certainly have an impact on neighboring properties. I am not in a position nor am I an expert on real estate to make that prognosis myself, but I do understand where you are coming from.

Leo Obad, 7287 Woodland Drive: I'm almost positive that properties will go down in value and we will have a hard time selling if this happens. Another thing, what about parking space and the traffic in and out on Herman Hill Rd?

Supervisor Kennedy: I think what the Town Attorney has said, if he is successful with the rezoning, this is only the first of many steps that Mr. Millich will have to take before he can site a building there. He would have to demonstrate that he had adequate parking as required by the zoning law. He would have to indicate that he had the required setback on side lot line and front lot line, height requirements, everything would have to be reviewed extensively.

Scott Suchan, 5784 Herman Hill Rd: As a resident and property owners of Herman Hill I am concerned with the property value. Also, with the traffic on Herman Hill being as high volume as it is it poses an added risk for my children. Also, to preserve the sanctuary of that baseball diamond by not cutting down the trees and leaving for our children to grow up with, I would like that considered.

Dr. Hertz: We have been bantering here a number of necessary steps of determination as to what you are going to do . It would be very nice if you would stop at step one.

Supervisor Kennedy: I understand what you are saying, if it were terminated at this particular juncture than there would be no additional steps required.

Dr. Hertz: It would relieve the stress on Mr. Millich as well as other property owners and myself.

Sal Aronica: Being that he doesn't own the property Mr. Millich is in no way going to suffer anything if it is denied, he doesn't have the ground to say that he can't do anything with this property. He just can buy elsewhere.

Town Attorney Perley: Whenever there is an application somebody is going to suffer, the applicant loses an opportunity if it is voted down and perhaps the people are upset and believe that they suffer if it's granted. You have to give due consideration to the fact that Mr. Millich has expended a certain amount of time and effort in perfecting this application.

Dr. Hertz: I think the attorney's comments are great but I think also the neighborhood has extended a certain amount of time and effort.

Town Attorney Perley: Absolutely.

Sal Aronica: With the building, blacktop and driveway of that size I know that Mrs. Anzalone, these two gentlemen here, next door to my mother was a gentleman who originally owned the house Mr. Weatherly. These people spent many hours in their backyards digging two foot deep trenches, putting in drain tiles, back-filling them with washed stone, digging out their basement walls and back filling again with washed stone because the water that comes down the hill. To fill that property up with structure and blacktop would just turn that whole area back into a swamp. The ground is not a good soil, it is all clay. To retain any of the water. It just runs off. Their yards are wet half-way through the summer.

Melody Obad, 7287 Woodland Dr.: I moved out to the Town of Boston eighteen years ago, I moved from Lackawanna into this town, a nice residential area. I raised my children and young families are starting up again. If we want anything like apartments in our backyards we can move back to Lackawanna.

Diane Brown, 5769 Herman Hill Rd.: I own the land right nest to this parcel of land to be rezoned. It took me twenty-two years to buy my first home. I'm the one that is going to lose my privacy. I bought this home for privacy with a beautiful

backyard. I have two children ages 7 and 8 years old and I do not want an apartment building in my backyard.

Sal Aronica: I think the structure of this property when it was divided up years ago by the Seufert Family was planned for privacy.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to close the Public Hearing at 8:57 P.M.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to deny the request for rezoning of lot #30 on Herman Hill Road owned by Roy J. Seufert and Betty Louise Seufert from a portion Residential-Commercial (R-C) and a portion Residential-Agricultural (R-A) to one zoning of Residential-Commercial (R-C) as requested by James Millich.

five (5) Ayes Carried

REQUESTS FROM THE FLOOR

Michael Czechowski: The equalization rate went down and they want more money. I asked Bill the assessor how come we don't get our taxes lowered with all the new properties that are going up in this town. The people in Albany went to work and reassessed the Gas Companies properties, and dropped them. So therefore they put the equalization rate on us to pay for that. Mr. Czechowski presented the Board with a brochure "Real Property Informations Systems," which he asked the Town Clerk to read indicating that this is a state law. " Under N.Y.S. Tax Law, only the Assessor of each Assessing Unit has the authority to establish Assessments on Real Property. All others involved in the process are strictly advisory. Expertise is drawn from many eminently qualified sources including the New York State Division of Equalization and Assessment, but the bottom-line establishment of Assessments for Real Property Tax purposes lies in the hands of the Local Assessor."

Supervisor Kennedy: We have had a drop in our equalization rate. We have appealed the tentative rate received this year and we have also contested the fact that they are basing our equalization on 1986 data rather than current data which is available to New York State Board of Equalization and Assessment. We are going to take every opportunity that we can to have that tentative equalization rate raised to what we think is commensurate with the values that we have established through the assessing process. If we are not successful and I have written to David Gaskill in this regard we may very well file an Article 78 against the State of New York. Whether or not we would be successful in that respect remains to be seen. We do feel that there is justification in that the data is available within the County of Erie for a much more current evaluation and comparison of values than using 1986 data.

Councilman Zimmerman: What Mr. Czechowski is complaining about is that the State themselves does the utility assessments, according to this article.

Town Attorney Perley: What the State Board of Equalization and Assessment evaluates the value of all franchises within the Town of Boston. They also issue advisory evaluations of the items of property owned by these companies in the Town.

Letter received from John Falkides requesting a Certificate of Occupancy for Lot #3 and Lot #14 of Boston Hills Estates.

REGULAR BOARD MEETING — TOWN HALL
DECEMBER 2, 1992 — 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to issue a Temporary Certificate of Occupancy to Lots #13 and #14 of the Boston Hills Estates. And to direct the Town Clerk to deposit the checks for the fees.

five (5) Ayes — Carried

Supervisor Kennedy attended a meeting with the residents of West Hill Road, Tillen Road and Pfarner Road in an effort to determine from those residents what their suggestions might be in the naming of the new access road. It seemed to be the consensus of the people that they would like to have the entire road from where it exits Rice Road the entire length of Tillen Road and portion of Pfarner Road and then strikes out on a new right-of-way to where it intersects with the Boston-Colden Road to name the new road West Tillen Road. This information will be submitted to Mr.Saniewski and Mr. Lofredo at the Erie County Department of Highways and see what consensus they are going to have on our suggestions. If in fact, they don't have any objections to that, then we will take action to rescind the motion that we made some time ago in naming just a section of the newly constructed road as West Boston-Colden Road, and describe the entire perimeter of the new road from Rice Road to the State Road as West Tillen Road.

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer make 1993 Budget corrections as follows:

General	Appropriations	Raised by Tax
SS Sewer #2	$1,203.50	$1,203.50

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to make 1993 Budget corrections as follows:

	Unexp. Bal.	Raised by Tax
SS Water #2	$48,230.00	$40.544.00

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to make 1993 Budget corrections as follows:

	Raised by Tax
TOTALS	$1,658,137.50

five (5) Ayes — Carried

SUPERVISOR'S REPORT

A) Monthly Financial Report for November 1992 received and on file in the Town Clerk's Office.

Supervisor Kennedy obtained and estimate from Ferguson Electric to replace the street light pole that was knocked down near the entrance to the 219 Expressway, near the Walla residence in the amount of $3370.00. delivery time 8 weeks within in receipt of the P.O.

Supervisor Kennedy referred replacement of the street light on the State Road at the entrance to the 219 Expressway to Councilman Flowers as chairman of the Lighting Committee.

REGULAR BOARD MEETING
DECEMBER 2, 1992

TOWN HALL
7:30 P.M.

TOWN CLERK'S REPORT

A) Vital Statistics Report for November 1992 received and on file in the Town Clerk's Office.

B) Tax Collectors Final Report for tax collection year 1992 received and on file in the Town Clerk's Office.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to accept the Tax Collectors Final Report for year 1992.

five (5) Ayes Carried

TOWN ATTORNEY'S REPORT

Town Attorney Perley received a order from the Appellate Division on the Sucato matter that reversed the decision of Judge Sedita. Judge Sedita dismissed the Sucato petition on the grounds that it had not been timely commenced. That was pursuant to a motion that I had made. Over the course of the summer the Court of Appeals recently decided this issue in a separate case and took a position adverse to our interest. The Sucato petition has been revived it will now be heard on it's merits and I will continue to keep the Board advised of the progress.

COUNCILMEN REPORTS

Councilman Flowers went to see the Engineer in charge of the new access road about the request from Mr. Spors regarding changing the street light from the pole on one side to the pole on his property. My thought is if we could get two lamps put up at the Boston-Colden Road and West Tillen. Because the State is moving the pole I feel that the State should be responsible for putting another lamp in there not the town or the lighting district.

Councilman Flowers has been trying to meet with Mr. Kowalewski, Supervisor of the Town of Wale regarding his trip to Albany regarding the equalization rate.

CODE ENFORCEMENT

Code Enforcement Monthly Report for November 1992 received and on file in the Town Clerk's Office.

DEPUTY CODE ENFORCEMENT OFFICER

Deputy Code Enforcement Monthly Report for November 1992 received and on file in the Town Clerk's Office.

DOG CONTROL OFFICER

Dog Control Officer's Monthly Report for November 1992 received and on file in the Town Clerk's Office.

TOWN ENGINEER

Town Engineer's Monthly Report for November 1992 received and on file in the Town Clerk's Office.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to adjourn the meeting at 9:28 P.M.

five (5) Ayes Carried

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING
DECEMBER 16, 1992

TOWN HALL
7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman David G. Zimmerman, Councilman Milton I. Wittmeyer, Supervisor Richard L. Kennedy, Superintendent of Highways Eugene E. Ruchalski, Town Attorney Michael F. Perley.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to accept the correction and adoption of the minutes of the December 2, 1992 Regular Board Meeting.

five (5) Ayes Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Flowers that the General Fund and Special District Bills on Abstract #12A, dated December 16, 1992, in the amount of $62,899.66 be paid.

five (5) Ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to accept the correction of general fund and Special District Abstract #12 dated December 2, 1992 as follows:

Voucher 952 - Herman Office Furniture
From: A 5132.4 Cont To: 5010.2 Equip

five (5) Ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to accept the correction of general fund and Special District Abstract #11 dated November 4, 1992 as follows:

Voucher 925 - S & S Arts & Crafts
From: A 7310.4 To: A 7140.4

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer that the Highway Bills on Abstract #12A, dated December 16, 1992 in the amount of $16,697.01 be paid.

five (5) Ayes Carried

Letter from Ed Paolini, Sr. Health Engineer Environmental Health Services Erie County with regard to Szalay Subdivision their Approval of Completed Works received and on file in the Town Clerk's Office.

Letter from Ed Paolini, Sr. Health Engineer Environmental Health Services Erie County with regard to Hickory Meadows Subdivision receiving their Approval of Plans received and on file in the Town Clerk's Office.

Received notice from Department of Emergency Services from Erie County that Norman R. Gagne, Patchin Fire Company has completed a New York State Fire Police Training course received and on file in the Town Clerk's Office.

Letter directed to the Planning Board from Rebecca Monte, attorney for Paul Whittemore with regard to the potential drainage problems with the development of Szalay Subdivision.

Town Attorney Perley responded that this is not a matter of Town Board jurisdiction under the Town Law of the State of New York and our subdivision rule. This is a matter of Planning Board jurisdiction, and we will continue to monitor it from that standpoint. The Town Board will be advised of what is going on.

REGULAR BOARD MEETING
DECEMBER 16, 1992

TOWN HALL
7:30 P.M.

Letter from John Whitney, District Conservationist from Department of Agriculture giving notice of training session on erosion and sediment control to be held on January 13th, 1993 at the Cooperative Extension Center.

Supervisor Kennedy will not be able to attend this meeting. Members of the Conservation Council and Members of the Town Board if any of them are interested in attending this program Supervisor Kennedy will make arrangements for their registrations.

Letter from Andrew Zambelli, Secretary to Governor Cuomo with reference to receiving Beaver Island Park Casino Resolution received and on file in the Town Clerk's Office.

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter to create the Boston Crossroad Drainage Project to be funded as follows:

Project Cost		$58,530.00
Funding:	Community Development Block Grant Program	46,530.00
	General Fund	12,000.00

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer approved Transfer of Appropriations as follows:

From:	A 1620.2	Buildings Equip	$12,000.00
To:	A 9950.9	Trans to Cap Fund	12,000.00

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to transfer $12,000.00 in General Fund to Capital Project Fund, (Town Park Project) to be available for the purchase of additional park land when the land sale is completed.

five (5) Ayes — Carried

Letter received from the Planning Board recommending that the Town Board rezone the north side of Herman Hill Road from the property of Betty Seufert on the west to Larry Ovitt's (D/B/A Boston Valley Collision) on the east to conform with the zoning on the south side of Herman Hill Road.

Supervisor Kennedy asked that a Special Meeting with the Planning Board and the Town Board to be set for January 18, 1993 at 7:00 P.M. to discuss this matter.

Letter dated December 10, 1992 received from Planning Board Re: Boston Hills Estates, recommend that changes in lot sizes for lot #13 and #14, and also, the two north roadways onto the Boston State Road be denied.

Letter from John P. Falkides, Boston Hills Estates, Re: Site Plan Change - Boston Hills Estates, revisions of site plan to leave the existing North Road entrance open and change the size of lots #13 and #14, received and on file in the Town Clerk's Office.

Letter dated December 14, 1992 to John Falkides from the Planning Board Re: Boston Hills Estates requesting that mail boxes be placed as approved in order to bring plan into compliance in respect to mail boxes.

REGULAR BOARD MEETING
DECEMBER 16, 1992

TOWN HALL
7:30 P.M.

Letter from John P. Falkides, Boston Hills Estates, Re: Site Plan Change regarding mail boxes. The Hamburg Post Office has agreed to deliver mail to each house in the Boston Hills Estates as soon as at least 50% or eleven (11) of the homes have been placed.

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter to approve the site plan changes as follows for the Boston Hills Estates:

1) Approve lot size changes of lots #13 and #14 as proposed.

2) Deny the north road entrance as presented.

3) Approve mail boxes at each house in Boston Hills Estates expansion.

Also, a new site plan dated and stamped by an engineer and entitled as "Revised" pursuant to a motion of the Town Board, December 16, 1992.

five (5) Ayes

Carried

At 8:05 P.M. a Public Hearing was held for the purpose of considering into a contract with the Boston Emergency Squad, Inc. for furnishing the Ambulance Service in the amount of $15,500 per annum for the year 1993. Town Clerk Shenk read the Legal Notice and Supervisor Kennedy convened the public hearing at which there were no comments or questions.

A motion was made by Councilman Zimmerman and seconded Councilman Wittmeyer to close the Public Hearing at 8:07 P.M.

five (5) Ayes Carried

PUBLIC NOTICE

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 16, 1992 at 8:00 P.M. Eastern Standard Time for the purpose of considering into a contract with the Boston Emergency Squad, Inc. for the furnishing of Ambulance Service in the amount of $15,500 per annum for the year 1993.

NOTICE IS FURTHER GIVEN that another Public Hearing will be held at 8:05 P.M. Eastern Standard Time on the same date and place listed above for the purpose of considering and entering into seperate Fire Protection Contracts with the North Boston Fire 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 $73,800, for the calendar year 1993, $76,440, for the calendar year 1994, and $78,773 for the calendar year 1995.

NOTICE IS FURTHER GIVEN that another Public Hearing will be held at 8:10 P.M. Eastern Standard Time on the same date and place listed above for the purpose of considering and entering into a contract the Boston Historical Society, Inc. for the preservation of historical places and objects, in the amount of $3,800 per annum for the year 1993.

All persons interested in these matters shall be heard for or against at such time and place.

DATED: November 23,1992
PUBLISHED: November 27, 1992

By Order of The Town Board
DAVID J. SHENK
TOWN CLERK
Town of Boston

A motion was made by Councilman Zimmerman and seconded by Councilman Flowers to enter into a contract with the Boston Emergency Squad, Inc. for furnishing ambulance services in the amount of $15,500 per annum for the year 1993.

five (5) Ayes

Carried

At 8:10 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 $73,800, for the calendar year 1993, $76,440 for the calendar year 1994, and $78,773 for the calendar year 1995. Town Clerk Shenk read the Public Notice and Supervisor Kennedy convened the public hearing at which time there were no questions or comments.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to close the Public Hearing at 8:13 P.M.

five (5) Ayes

Carried

REGULAR BOARD MEETING
DECEMBER 16, 1992

TOWN HALL
7:30 P.M.

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers 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 furnishing of Fire Protection each in the amount of $73,800, for the calendar year 1991, $76,440 for the calendar year 1994, and $78,773 for the calendar year 1995.

five (5) Ayes — Carried

At 8:15 P.M. a Public Hearing was held for the purposes 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 $3,800 per annum for the year 1993. Town Clerk Shenk read the Public Notice and Supervisor Kennedy convened the public hearing at which time there were no questions or comments.

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to close the Public Hearing at 8:18 P.M.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to enter into a contract with the Boston Historical Society, Inc. for the preservation of historical places and objects; in the amount of $3,800 per annum for the year 1993.

five (5) Ayes — Carried

Supervisor Kennedy attended a meeting with the representatives of Chestnut Ridge Road and representatives of the Erie County Water Authority in regards to the extension of the lines on Chestnut Ridge and the adjoining road ways. A meeting of the Town Engineer and Town Attorney and Members of the Town Board who wish to be in attendance to discuss the five alternatives that were presented to us by Erie County Water Authority. We will be meeting with them in January to present what we feel is the best alternative to properly serve the Town of Boston in the future. All of the alternatives that were presented at that particular meeting by Ginnette Fleming require an additional tank in the Ward Road area to serve the water that we need to service not only the Chestnut Ridge Road area but also the areas of Aurora and the areas of Orchard Park that are now served by that water tank. There is going to be a delay in our contracts to provide water to the people on the east hill pending construction that will be forthcoming, in negotiated expense between the three towns that are involved.

Supervisor Kennedy had a visit from Laren Doser, of Kiatone Pipeline, and he indicated that Kiatone was in the process of installing rip rap on the creek bank to keep the erosion in check at the Eckhardt Road bridge. There is a high pressure oil pipeline that crosses in that area. Kiatone is concerned that if that pipeline were to rupture it would cause extensive environmental damage to the water sources both in Hamburg and subsequently in Lake Erie. Kiatone is trying to stabilize the creek bank. There will be some ongoing work done later on, also, to make certain that pipeline is not disturbed.

Supervisor Kennedy commented on the Governmental Affairs Review that he received from the State Comptroller and he was talking about the Environmental Bond Act that was just defeated by a 56 to 44 percent vote.

REGULAR BOARD MEETING
DECEMBER 16, 1992

TOWN HALL
7:30 P.M.

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to rescind the resolution named - Proposed access road from existing Pfarner Road to Boston State Road be named Boston-Colden Road, which is dated January 16, 1991, Regular Town Board Meeting.

five (5) Ayes

Carried

RESOLUTION - PROPOSED ACCESS ROAD BE NAMED WEST TILLEN ROAD FROM THE RICE ROAD INTERCHANGE TO BOSTON STATE ROAD

RESOLUTION - PFARNER ROAD FROM BACK CREEK ROAD TO THE INTERSECTION OF NEW ACCESS ROAD (WEST TILLEN RD.) BE HENCEFORTH DESIGNATED AS MILL STREET

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to appoint Todd Schunk, Recreation Attendant, part time, Friday evenings, $5.50 per hour, 4 hours per week. Appointment to begin immediately and expire on May 29, 1992.

five (5) Ayes

Carried

Letter received from Joseph G. Terrizzi requesting appointment to the Conservation Advisory Council.

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy to appoint Joseph G. Terrizzi to the Conservation Advisory Council, term to expire March 1, 1995.

five (5) Ayes

Carried

SUPERINTENDENT OF HIGHWAYS

Highway Superintendent Ruchalski request authorization to pickup Christmas trees starting January 4, 1993, weather permitting. Residents that do not want to wait for the pickup can bring their trees to the Highway Department and place them in a designated area.

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter to authorize the Highway Superintendent to pickup Christmas trees starting January 4, 1993, at the convenience of the highway personnel depending on weather conditions.

five (5) Ayes

Carried

Highway Superintendent Ruchalski would like to replace a 1972 Osh Gosh 4x4 winter truck with a single axle dump truck, one that is also a summer and winter truck complete with plow, wing, and dumpbox sander. Approximate cost between $65,000 - $75,000.

Highway Superintendent Ruchalski will provide specifications by January 12, 1993 and is looking for a bid opening February 2 or 16, 1993.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to authorize Highway Superintendent Ruchalski to draw up specifications on a new summer-winter truck.

five (5) Ayes

Carried

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 December, 1992 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
	Mark W. Flowers	Councilman

Councilman Zimmerman presented the following resolution and moved its adoption:

WHEREAS, the New York State Department of Transportation is designing and will finish construction of 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 West Tillen Road from the Rice Road Interchange to Boston State Road.

Seconded by Councilman Wohlhueter 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 Flowers	Voting aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk

DAVID J. SHENK, 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 16th day of December, 1992 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
	Mark W. Flowers	Councilman

Councilman Wittmeyer presented the following resolution and moved its adoption:

WHEREAS, the New York State Department of Transportation is designing and 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, The road currently designated as Pfarner Road has already been bisected once during the construction of the U.S. Route 219, and

WHEREAS, the Town of Boston has already designated the two sections of the previous roadway as Old Pfarner Road and Pfarner Road, and

WHEREAS, the Town Board does not desire three separate divisions of the original Pfarner Road.

NOW THEREFORE BE IT RESOLVED, that to avoid future confusion, the Town Board of the Town of Boston does hereby request that the section of Pfarner Road from Back Creek Road to the intersection of the new access road (West Tillen Road) be henceforth designated as Mill Street. Upon approval by the County of Erie, Mill Street would begin at the Boston State Road and terminate at the intersection of the new access road (West Tillen Road)

Seconded by Supervisor Kennedy 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 Flowers	Voting aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING
DECEMBER 16, 1992

TOWN HALL
7:30 P.M.

TOWN ATTORNEY

Town Attorney Perley brought the Board up to date on two pieces of property that we are acquiring pursuant the Board Resolution. We have searches out, premises only, containing specific descriptions of property for the acquisition of the Town Park property which is a grant application. Also, for the George Drive subdivision. Neither of the searches are back, when they are we will begin the title work. Closing is anticipated January 15, 1993.

COUNCILMEN

Councilman Flowers wished everyone a Merry Christmas and a Happy New Year.

Councilman Flowers has been working on some street light proposals for the residents of Back Creek Road and is still waiting for a response from NYSEG for a cost.

Councilman Flowers responded on the replacement of a street light pole at the interchange of Route 391 and Route 219 he has received some quotes which are being considered he is still checking further into this and is not ready to make a recommendation to the Board for replacement of that particular light at this time. Councilman Flowers has received a great deal of cooperation from other governmental agencies in his search for this particular pole and the pieces that go with it.

Councilman Wohlhueter responded on the Solid Waste pickup. Paul Balbierz, BFI will be notifying us as to what week of the month bulky items can be put out in 1993. Under the new contract two (2) bulk items can be put out twice per month along with eight (8) bags of garbage per week. He will notify us and put fliers in the recycling baskets and also ads in the Pennysaver as to what week of the month the bulk will be picked up.

Councilman Wohlhueter will be scheduling a meeting with the Solid Waste Committee to go over the Comprehensive Recycling Plan that the county is attempting to devise.

Councilman Zimmerman reported that Joe Santonocito notified him about some trees down in Eighteen Mile Creek behind the Creekside Apartments creating a dam like situation.

Supervisor Kennedy responded that we will go to the site and evaluate the situation.

Councilman Wittmeyer, as he was traveling through town with Traffic Safety noticed that the "Playground" sign by Boston Valley School is missing on Back Creek Road traveling north. He asked the Highway Superintendent to check into this and have it replaced.

Councilman Wittmeyer drew up another map on all the speed limits throughout town. Chestnut Ridge Road area will be included in the subdivision part where the area speed limit will be 35 MPH.

Highway Superintendent Ruchalski asked Councilman Wittmeyer if anything has been done about the entrance to the State Road going into B-Kwik? Councilman Wittmeyer has talked to the owner of B-Kwik and he will work us in any way we want to go with it. Councilman Wittmeyer will ask Traffic Safety to review this situation.

A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer to adjourn the meeting at 9:00 P.M.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

SPECIAL BOARD MEETING — TOWN HALL
DECEMBER 31, 1992 — 9:00 A.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman Milton I. Wittmeyer, Supervisor Richard L. Kennedy, and Town Attorney Michael F. Perley.

Absent: Councilman David G. Zimmerman
Superintendent of Highways Eugene E. Ruchalski

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to accept the correction and adoption of the minutes of the December 16, 1992 Regular Board Meeting.

four (4) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers that the General Fund and Special District Bills on Abstract #12B, dated December 31, 1992, in the amount of $17,472.11 be paid.

four (4) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers to accept the correction of General Fund and Special District Abstract #12A dated December 16, 1992 as follows:

Voucher 969 - National Business Furniture Inc.
From: A 1220.4 Cont To: A 1220.2 Equip

Voucher 978 - National Fuel
From: $500.00 To: $500.64

Voucher 994 - Brunner's Pizza Baron
From: A 7310.4 Youth To: A 7140.4 Play/Rec. Centers

Total General Fund Change:
From: $13,912.11 To: $13,912.75

Total Abstract 12A
From: $62,899.66 To: $62,900.30

four (4) Ayes — Carried

Letter from Charles Sickler, Supervisor of Design, Erie County Dept. of Public Works Division of Highways acknowledge receipt of the Town Board Resolutions with regard to the naming of the access road at the Rice Road interchange. The same has been forwarded to the New York State D.O.T., received and on file in the Town Clerk's Office.

Letter from Thomas Jorling, New York State D.E.C. regarding public hearings and workshops to review the draft revisions that regulate solid waste management facilities referred to Councilman Wohlhueter and the Conservation Advisory Council received and on file in the Town Clerk's Office.

Letter from Fred Marshall, County Legislature announcing surplus food distribution scheduled for January 14, 1993 at the Boston Town Hall.

RESOLUTION - UNPAID WATER TAX

A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer that the following General Fund Transfer of Appropriations the be made:

FROM:	A 1990.4	CONTINGENT	$ 1,900.00
	A 7510.2	HISTORIAN, EQUIP	1,200.00
	A 9010.8	STATE RETIREMENT	4,450.00

TOWN OF BOSTON

At a Special Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 31st day of December 1992 at 9:00 A.M. Eastern Standard Time, there were present:

	Richard L. Kennedy	Supervisor
	Milton I. Wittmeyer	Councilman
	Don A. Wohlhueter	Councilman
	Mark W. Flowers	Councilman
Absent:	David G. Zimmerman	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 1993 Tax Rolls the following unpaid Water Bills:

SBL # 211.10-2-32 5639 Northside Drive $196.04

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

Supervisor Kennedy	Voting Aye
Councilman Wittmeyer	Voting Aye
Councilman Zimmerman	Voting Absent
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye

AYES: 4 NOES: 0 ABSENT: 1

David J. Shenk

DAVID J. SHENK, TOWN CLERK

SPECIAL BOARD MEETING
DECEMBER 31, 1992

TOWN HALL
9:00 A.M.

	TOTAL		$ 7,550.00
TO:	A 1110.1	JUSTICE, PS	$ 200.00
	A 1440.4	ENGINEER, CONT	1,000.00
	A 1450.4	ELECTIONS, CONT	70.00
	A 1670.4	CENT PR 7 MAIL, C	1,000.00
	A 3620.1	SAFE INSPECT, PS	70.00
	A 5010.2	S OF HWY, EQUIP	165.00
	A 5010.4	S OF HWY, CONT	30.00
	A 5182.4	STREET LIGHT	2,500.00
	A 6410.4	PUBLICITY	50.00
	A 7510.4	HISTORIAN, CONT	1,215.00
	A 7620.4	ADULT REC, CONT	100.00
	A 9030.8	SOCIAL SECURITY	200.00
	A 9060.8	HOSP/MED INSUR	500.00
	A 9789.4	OTH DEBT SERV	450.00
	TOTAL		7,550.00

four (4) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter that the following Highway Fund Appropriation of excess revenue be made:

ESTIMATED REVENUE - D 2300 - SERV FOR OTH GOVTS $35,000.00

APPROPRIATIONS:

D 5130.2	MACHINERY, EQUIP	$ 4,005.00
D 5130.4	MACHINERY, CONT	7,495.00
D 5142.1	SNOW REMOVAL, PS	5,000.00
D 5142.4	SNOW REMOVAL, CONT	5,000.00
D 5148.1	SER OTH GOVTS, PS	6,000.00
D 5148.4	SER OTH GOVTS, CONT	7,000.00
D 9010.8	RETIREMENT	500.00
TOTAL		$35,000.00

four (4) Ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy that the following Water District #1 Transfer of Appropriations be made:

FROM: SW1 8340.2 TRANS & DISTR, EQUIP $ 3,000.00

TO: SW1 8340.4 TRANS & DISTR, CONT 3,000.00

four (4) Ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers that the following Light District Appropriation of excess revenue be made:

ESTIMATED REVENUE - SL 2401 INTEREST & EARNINGS $ 650.00

APPROPRIATIONS - SL 5182.4 STREET LIGHTING $ 650.00

four (4) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to appoint Joseph G. Terrizzi as Town Prosecutor part time term to expire 12/31/93:

four (4) Ayes Carried

SPECIAL BOARD MEETING
DECEMBER 31, 1992

TOWN HALL
9:00 A.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to accept the Eden No. 2 Water Pumping Station Capacity Modification Project as satisfactorily completed and to officially close this project.

four (4) Ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to pay Davis Electric Supply Co., Inc. in the amount of $758.60 for replacement lamps and additional electrical fixtures for various town facilities.

four (4) Ayes

Carried

The Erie County Water Authority annual Report for 1991 was received and on file in the Town Clerk's Office.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to adjourn the meeting at 9:17 A.M.

four (4) Ayes

Carried

David J. Shenk

DAVID J. SHENK, TOWN CLERK