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SPECIAL BOARD MEETING — TOWN HALL
JANUARY 1, 1994 — 2:00 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman Josephine M. Davenport, Councilman Peter A. Walter, and Supervisor Richard L. Kennedy.

Absent: Superintendent of Highways Eugene E. Ruchalski.

The legal requirements were waived to hold this special meeting. Supervisor Kennedy verbally notified the four Councilman and the Town Clerk December 31, 1993. The Town Board members agreed to hold this Board meeting today.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to appoint Joseph Terrizzi to the position of Town Prosecutor, term to expire 12/31/94.

COUNCILMAN FLOWERS	NAY
COUNCILMAN WOHLHUETER	AYE
COUNCILMAN DAVENPORT	NAY
COUNCILMAN WALTER	NAY
SUPERVISOR KENNEDY	AYE

two (2) Ayes — three (3) Nays — Denied

A motion was made by Councilman Flowers and seconded by Councilman Walter to appoint Brian W. Downey to the position of Town Prosecutor at a salary of $7,000.00, term to expire 12/31/94.

COUNCILMAN FLOWERS	AYE
COUNCILMAN WOHLHUETER	AYE
COUNCILMAN DAVENPORT	AYE
COUNCILMAN WALTER	AYE
SUPERVISOR KENNEDY	NAY

four (4) Ayes — one (1) Nay — Carried

A motion was made by Councilman Flowers and seconded by Councilman Walter to appoint Paul J. O'Brien to the position of Court Officer, term to expire 12/31/94.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to adjourn the meeting at 2:06 P.M.

David J. Shenk
DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING
JANUARY 5, 1994

TOWN HALL
7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman Josephine M. Davenport, Councilman Peter A. Walter, Supervisor Richard L. Kennedy, and Highway Superintendent Eugene E. Ruchalski.

Supervisor Kennedy welcomed the two new councilman to the board and noted that the Assembly, the County Legislature, and Congress always opened with a prayer. He stated it is appropriate to initiate this policy in the Town of Boston.

Reverend Richard Siemann opened the meeting with a prayer.

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to accept the corrections and adoption of the minutes of the December 31, 1993 and January 1, 1994 Special Board Meetings.

Carried

five (5) Ayes

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy that the General Fund and Special District Bills on Abstract #1, dated January 5, 1994 in the amount of $62,285.59 be paid.

Carried

five (5) Ayes

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers that the Highway Bills on Abstract #1, dated January 5, 1994 in the amount of $5,960.72 be paid.

Carried

five (5) Ayes

A motion was made by Councilman Flowers and seconded by Councilman Walter to grant Supervisor Kennedy permission to sign a contract with Richard Brox as Service Planner for the Planning Board with an annual retainer of $1,800.00

Carried

five (5) Ayes

Received and filed a letter from Rural Transit Services.

Received a letter from Hilton and Hilton Attorneys, RE: 8747 State Road, damage to sidewalks with heavy equipment to be restored. Letter referred to Town Attorney.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to appoint Lucille Genzel to the Office of Part-time Deputy Supervisor, salary of $1,200.00 per year, Part-time Clerk and Secretary at $8.15 per hr., term to expire December 31, 1995.

Carried

five (5) Ayes

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to appoint Joyce Thurber to the position of Full-time Clerk to the Town Justices, term to expire December 31, 1995.

Carried

five (5) Ayes

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to appoint Karen A. Ellis to the position of Deputy Town Clerk, term to expire December 31, 1994.

Carried

five (5) Ayes

REGULAR BOARD MEETING — TOWN HALL
JANUARY 5, 1994 — 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to appoint Michael Perley to the position of Town Attorney, term to expire December 31, 1995.

Councilman Flowers	Voting Nay
Councilman Wohlhueter	Voting Aye
Councilman Davenport	Voting Nay
Councilman Walter	Voting Nay
Supervisor Kennedy	Voting Aye

two (2) Ayes three (3) Nays Denied

A motion was made by Councilman Flowers and seconded by Councilman Walter to appoint Michael Reilly to the position of Town Attorney, at a salary of $18,500.00, term to expire December 31, 1995.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to appoint Jean Kleis to the position of full-time Bookkeeper, term to expire December 31, 1995.

five (5) Ayes Carried

Supervisor Kennedy read a letter that he received commending the Dog Control Officer.

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to appoint Richard Waszak to the position of Part-time Dog Control Officer, term to expire December 31, 1994.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to appoint David W. Wilson to the position of Deputy Town Attorney, term to expire December 31, 1994.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to appoint Mrs. Steiner to the position of Deputy Dog Control Officer, term to expire December 31, 1994.

Councilman Flowers	Voting Nay
Councilman Wohlhueter	Voting Aye
Councilman Davenport	Voting Nay
Councilman Walter	Voting Nay
Supervisor Kennedy	Voting Aye

two (2) Ayes three (3) Nays Denied

A motion was made by Councilman Flowers and seconded by Councilman Walter to appoint Michael Brown to the position of Deputy Dog Control Officer, term to expire December 31, 1994.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to appoint Dennis Kramer to the position of Code Enforcement Officer, term to expire December 31, 1994.

Councilman Flowers	Voting Nay
Councilman Wohlhueter	Voting Aye
Councilman Davenport	Voting Nay
Councilman Walter	Voting Nay
Supervisor Kennedy	Voting Aye

two (2) Ayes three (3) Nays Denied

DDH529

REGULAR BOARD MEETING
JANUARY 5, 1994

TOWN HALL
7:30 P.M.

A motion was made by Councilman Walter and seconded by Councilman Flower to appoint Jo Ann Santonocito to the position of Code Enforcement Officer, term to expire December 31, 1994.

Councilman Flowers	Voting Aye
Councilman Wohlhueter	Voting Nay
Councilman Davenport	Voting Aye
Councilman Walter	Voting Aye
Supervisor Kennedy	Voting Nay

three (3) Ayes two (2) Nays Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to appoint Frank Lisowski, Jr. to the position of Part-time Deputy Code Enforcement Officer, term to expire December 31, 1994.

Councilman Flowers	Voting Nay
Councilman Wohlhueter	Voting Aye
Councilman Davenport	Voting Nay
Councilman Walter	Voting Nay
Supervisor Kennedy	Voting Aye

two (2) Ayes three (3) Nays Denied

A motion was made by Councilman Davenport and seconded by Councilman Flowers to appoint Paul Sawicki to the position of Part-time Deputy Code Enforcement Officer, term to expire December 31, 1994.

Councilman Flowers	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Davenport	Voting Aye
Councilman Walter	Voting Aye
Supervisor Kennedy	Voting Nay

four (4) Ayes one (1) Nays Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to appoint Gerald O'Brien to the position of Recreation Director, term to expire December 31, 1994.

Councilman Flowers	Voting Nay
Councilman Wohlhueter	Voting Aye
Councilman Davenport	Voting Nay
Councilman Walter	Voting Nay
Supervisor Kennedy	Voting Aye

two (2) Ayes three (3) Nays Denied

A motion was made by Councilman Davenport and seconded by Councilman Flowers to appoint Marilyn Clesse to the position of Part-Time Recreation Director, term to expire December 31, 1994.

Councilman Flowers	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Davenport	Voting Aye
Councilman Walter	Voting Aye
Supervisor Kennedy	Voting Nay

four (4) Ayes one (1) Nays Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to appoint Doris Follman to the position of Part-time Cleaner Town Hall, term to expire December 31, 1994.

five (5) Ayes Carried

#5

REGULAR BOARD MEETING — TOWN HALL
JANUARY 5, 1994 — 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to appoint Leo Jensen to the position of Part-time Laborer Town Hall, term to expire December 31, 1994.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to appoint Dolores Seufert, Senior Citizen Group Leader and in Dolores Seufert's absence, Ruth Garrison will take charge, term to expire December 31, 1994.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flower to appoint James J. Jehle to the position of Town Historian, term to expire December 31, 1994.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to appoint Margaret Edington to the position of Bingo Inspector.

Councilman Flowers	Voting Nay
Councilman Wohlhueter	Voting Aye
Councilman Davenport	Voting Nay
Councilman Walter	Voting Nay
Supervisor Kennedy	Voting Aye

two (2) Ayes — three (3) Nays — Denied

A motion was made by Councilman Walter and seconded by Councilman Flowers to appoint Helen Gross to the position of Bingo Inspector, term to expire December 31, 1994.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Davenport to appoint the following Fire Police, term to expire December 31, 1994:

BOSTON FIRE COMPANY:	James Cunningham, Edward Dzierzanowski, David Emerling, Dale Hess, Charles Pettit, Leroy Pfarner, Norman Seguin, Robert Weber, Joseph Wells, Raymond Worth, Robert Zwack Dennis Emerling, Richard Emerling, Dennis Kramer, Eugene Ruchalski
NORTH BOSTON FIRE COMPANY:	Rodney Carr, Sean Crotty, Joseph Gern, Donald O'Bryant, Robert Karcher, Thomas Kyle, Kenneth Manista, Louise Manista, Joseph Santonocito, Randy Seufert
PATCHIN FIRE COMPANY:	Duane Brock, Mark Brock, Dick Chambers, Norm Gagne, William Ferguson, Grover Grinsell, Bob Pfluger, Alan Horschel, Pat Kennedy, Jim Pluta, Vince Cimato, Rochelle Wendling

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
JANUARY 5, 1994 — 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Flower to appoint David J. Shenk as Records Management Officer, no salary and Registrar of Vital Statistics at a salary of $1.00 per year, term to expire December 31, 1995.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to appoint Karen A. Ellis to the position of Deputy Registrar of Vital Statistics, no salary, term to expire December 31, 1994.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to appoint Donna Lenau to the position of secretary to the Planning Board, Zoning Board of Appeals, and the Conservation Council.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy to appoint Wayne Kreitzbender to the position of Highway Working Crew Chief, term to expire December 31, 1994.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to appoint Joyce Carr to the position of Marriage Officer, no salary, term to expire December 31, 1994.

five (5) Ayes — Carried

Town Attorney Michael Reilly was sworn in by Town Clerk, David J. Shenk.

New Appointments were sworn in by Town Attorney, Michael Reilly.

Appointment of the Town Board Liaisons by Supervisor Kennedy for the year 1994, as follows:

Councilman Flowers	Fire Company, Haz/Mat team, Investment Advisory Committee, Emergency Squad
Councilman Wohlhueter	Solid Waste & Refuse, Planning Board, Insurance, Cable T.V.
Councilman Davenport	Capitol Improvement, Senior Citizens, Recreation and Youth Services, Creative Playground
Councilman Walter	Traffic Safety and Roadways, Street Lighting, South Boston Playground, Drainage

Supervisor Kennedy made the following Committee Appointments for 1994:

CAPITAL IMPROVEMENTS

Richard Kennedy - acting chairman	Richard Seimann
Robert McDonnell	Charles Pettit
Josephine Davenport	Michael Reilly
Bonnie Clesse	Jean Kleis
Lisa Rood	Michael Perley
Jean O'Connell (Grants person)	Peter Walter

#7

REGULAR BOARD MEETING
JANUARY 5, 1994

TOWN HALL
7:30 P.M.

INSPECTION COMMITTEE

Code Enforcement Officer Santonocito
Deputy Code Enforcement Officer Sawicki
Deputy Town Attorney Wilson
Town Board Members

CABLE TV COMMITTEE

Don Wohlhueter - Chairman
Town Attorney Reilly
Supervisor Kennedy

INSURANCE COMMITTEE

Don Wohlhueter - Chairman	David Shenk
Brian Baty (Insurance Consultant)	John Szalay
Michael Perley	Don Meyer

SENIOR CITIZENS COMMITTEE

Leaders:

Dolores Seufert - Chairman	
Ruth Garrison	
Michael Czechowski	Dorothy Overhoff
Jack Seufert	John Snyder
Mary Yoder	Harold Rockwood
Caroline Burkard	Mary Naber
Joseph Mertzlufft	

CREATIVE PLAYGROUND COMMITTEE

Josephine Davenport - Chairman	Mike Mandeville
Judy Gutekunst	Leroy Pfarner
Barbara Wagner	Gregg K. Gibbs

TRAFFIC SAFETY AND ROADWAYS COMMITTEE

Peter Walter - Chairman	James E. Coyle
Milton Wittmeyer	Sgt. Broderick
Alan Carpenter	

INVESTMENT ADVISORY COMMITTEE

Mark Flowers - Chairman	Michael Reilly
Supervisor Kennedy	Mark Flaherty

Designated Reps. of Boston, N.Boston, and Patchin Fire Co.
All Councilman as Trustees for Committees

SOLID WASTE AND REFUSE COMMITTEE

Don Wohlhueter - Chairman	William Kleis
Michael Reilly	Reed Garver
Mark Flowers	Don Wilson

DRAINAGE COMMITTEE

Peter Walter - Chairman
Councilman Walter will solicit members to this committee.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to designate the North Boston Branch of the Evans National Bank for Supervisor, Town Clerk, Town Justices, and Tax Collector.

five (5) Ayes — Carried

REGULAR BOARD MEETING
JANUARY 5, 1994

TOWN HALL
7:30 P.M.

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter to schedule dates and times for Regular Monthly Meetings and Agenda Reviews as follows:

Town Board Meeting:	First and third Wednesday of each month at 7:30 P.M.
Agenda Review:	Monday prior to the first Wednesday of each month at 7:00 P.M. and if this is a holiday, the sessions will be held on the following day at 7:00 P.M. and on the third Wednesday at 6:15 P.M.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Davenport to designate the Springville Journal and the Hamburg Sun of H&K Publications as the Official paper for the Town of Boston. The rate will be $.45 per line, based on a combined circulation of 15,000-19,999.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Davenport to establish the following Salary Schedule for 1994:

Supervisor	Richard L. Kennedy	$10,400.00
Dep. Supervisor	Lucille Genzel	1,200.00
Councilman	Mark W. Flowers	5,800.00
	Don Wohlhueter	5,800.00
	Josephine Davenport	5,800.00
	Peter Walter	5,800.00
Town Justice	Robert W. Tills	9,500.00
	Patricia Maxwell	9,500.00
Clerk to Town Justice	Joyce Thurber	17,100.00
Town Clerk	David J. Shenk	27,700.00
Dep. Town Clerk	Karen A. Ellis	8.15 hr.
Clerk Typist	Wendy Kummer	8.15 hr.
Clerk Supervisor/Secty.	Lucille Genzel	8.15 hr.
Highway Superintendent	Eugene Ruchalski	34,125.00
Assessor	William H. Kleis, Jr.	21,625.00
Town Attorney	Michael Reilly	18,500.00
Town Prosecutor	Brian Downey	7,000.00
Dep. Town Attorney	David Wilson	4,300.00
Bookkeeper/Assessor Clerk	Jean Kleis	20,200.00
Dog Control Officer	Richard Waszak	6,000.00
Dep. Dog Control	Michael Brown	2,800.00
Code Enforcement Officer	Jo Ann Santonocito	8,200.00
Sect. Plan & Zoning Board	Donna Lenau	8.15 hr.
Dep. Code Enforcement Off.	Paul Sawicki	4,100.00
Court Officer	Paul O'Brien	2,900.00
Recreation Director	Marilyn Clesse	6,100.00
Cleaner	Doris Follman	6.15 hr.
Laborer- Town Hall	Leo Jensen	7.00 hr.
Nurse-Seniors	Susan Boswell	20.00 Mtg.
Group Leader Sen. Citizen	Dolores Seufert	25.00 Mtg.
	Ruth Garrison	
Town Historian	James J. Jehle	625.00
Bingo Inspector	Helen Gross	25.00 per Inspection
Registrar of Vital Stat.	David J. Shenk.	1.00 yr.

REGULAR BOARD MEETING — TOWN HALL
JANUARY 5, 1994 — 7:30 P.M.

Election Inspectors - PER DAY	
Registration	45.00
Primary Day	80.00
Chairman	15.00
Election Day	80.00
School	15.00

HIGHWAY DEPARTMENT

Working Crew Chief	13.00 hr.
M.E.O.'s	12.15 hr.
Laborers	5.00 /7.25hr.
M.E.O. Trainees	7.25/12.15hr.
Laborers(7 mos. Parks/5 mos. Hgwy)	4.50 /7.25hr.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to set the payment of salaries for 1994 as follows:

Bi-weekly checks to the Justices, Town Clerk, Deputy Town Clerk, Supervisor, Town Prosecutor, Highway Superintendent, Highway Crew Chief, Bookkeeper, Clerk P/T, Clerk Typist, Assessor, M.E.O.'s and Laborers P/T, all others are paid on a monthly basis.

five (5) Ayes — Carried

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

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to accept the investment policy previously adopted by the Town Board where idle town monies may be invested, subject to any further regulation from the State Comptroller pursuant to section 39 of the General Municipal Law as follows:

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

2. Obligations of Federal Agencies Guaranteed 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.

REGULAR BOARD MEETING — TOWN HALL
JANUARY 5, 1994 — 7:30 P.M.

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

five (5) Ayes — Carried

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

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to set the rate of .24 cents per mile as paid by the Town for mileage.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to Schedule the Annual Audit Meeting for January 19, 1994.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Davenport to adopt the Procurement Policy for 1994.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter to adopt a resolution to allow lending funds from one account to another.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy to approve form and sufficiency of the bonds.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Walter to appoint TVGA as Town Engineer with Robert Pettit as a liaison between the Town Board and the firm.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to set the policy for funding Seminars at $800.00 maximum per town official.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter to set March 14, 1994 at 1:00 PM for the bid opening for bus transportation.

five (5) — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to direct the Town Clerk to send letters to refuse collectors of annual payment of fees.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Walter 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:

Town Justices	8 Days
Town Prosecutor P/T	8
Councilman	8
Deputy Supervisor	2
Code Enforcement	10
Dep. Code Enforcement	7
Assessor	20
Town Attorney	12
Court Officer	5
Dep. Town Attorney	7

For a five (5) 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 Hwys.	7
Bookkeeper to Supervisor	7
Clerk to Town Justice's	7

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to adopt the Public Improvement Specifications.

five (5) Ayes Carried

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

Supervisor	$ 25.00
Town Clerk	200.00
Town Justice's	100.00
Highway Superintendent	25.00

five (5) Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter the following are the Holidays set for the Town of Boston as part of contract or arrangement we have with the Highway Department and Clerical work:

January 1, 1994 - New Year's Day, January 17, 1994 - Martin Luther King, Jr. (Day Observed), February 21, 1994 - Patriot's Day, April 1, 1994 - Good Friday, May 30, 1994 - Memorial Day (Day Observed), July 4, 1994 - Independence Day (Day Observed), September 5, 1994 - Labor Day, October 10, 1994 - Columbus Day (Day Observed), November 8, 1994 - Election Day, November 11, 1994 - Veteran's Day, November 24, 1994 - Thanksgiving Day, December 23, 1994 - 1/2 Christmas Eve, December 26, 1994 - Christmas Day, December 30, 1994 - 1/2 New Year's Eve.

five (5) Ayes Carried

A motion was made by Councilman Flowers and seconded by Councilman Davenport for the Correction of Transfers of Appropriations:

WATER DISTRICT #1

From:	SW1 8340.2 Equip	5000.00
To:	SW1 8340.3 Cont	5000.00

five (5) Ayes Carried

REGULAR BOARD MEETING — TOWN HALL
JANUARY 5, 1994 — 7:30 P.M.

TOWN CLERK REPORT

Town Clerk Shenk: I would like to welcome aboard Councilmen Walter and Davenport and Town Attorney Reilly. I look forward to an open relationship with all of you for the benefit of the people.

At the recommendation of Town Clerk Shenk, a motion was made by Councilman Flowers and seconded by Councilman Davenport to allow Deputy Town Clerk, Karen A. Ellis to attend the 1994 Training Seminar of Town Clerks, in Rochester, January 10, 1994.
The registration fee is $60.00 plus mileage.

five (5) Ayes — Carried

At the recommendation of Town Clerk Shenk, a motion was made by Supervisor Kennedy and seconded by Councilman Flowers to allow Deputy Town Clerk, Karen A. Ellis to attend a three day training seminar of Wordperfect 5.1 at Bryant & Stratton. Tuition - $75.00, books - $38.80.

five (5) Ayes — Carried

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Ruchalski: I also would like to welcome Councilmen Walter and Davenport and Town attorney Reilly to the Town Board.

At the request of Highway Superintendent Ruchalski, a motion was made by Supervisor Kennedy and seconded by Councilman Flowers to grant permission to pick up Christmas trees.

five (5) Ayes — Carried

Highway Superintendent Ruchalski: If people don't wish to wait for the pick-up they may bring the trees to the highway garage.

Highway Superintendent Ruchalski: I would like to request that the Town Board send a letter to the County concerning the unsafe conditions of Pfarner Road.

Supervisor Kennedy: Pfarner and West Tillen Road should be brought to the attention of John Gugino, Erie County Department of Highways.

TOWN ATTORNEY REPORT

Town Attorney Reilly: I would like to congratulate Supervisor Kennedy, Highway Superintendent Ruchalski, and Town Clerk Shenk on their re-election. I'd like to extend a welcome to our new Councilmen Peter Walter and Josephine Davenport. I wish to thank you for your vote here tonight. I will work hard and do my best. I also wanted to comment, last Friday I had an opportunity to review the legal records for the first time with Michael Perley. I found there had been a lot of time and effort put in on the work he had done and I hope to follow in his footsteps.

Town Attorney Reilly: With regard to the letter from Hilton and Hilton. The damage they are referring to, 8747 State Road, is in the Town of Colden.

REGULAR BOARD MEETING
JANUARY 5, 1994

TOWN HALL
7:30 P.M.

COUNCILMEN REPORT

Councilman Flowers: I attended a meeting called by Commissioner James Kane of Emergency Services of Erie County, with regards to the consolidation of services of the five existing Haz-Met teams in the county. We are trying to keep the teams separate from one organization. We've scheduled another meeting to accomplish this. I'll keep you advised of the situation and the additional meetings.

Councilman Wohlhueter: I would like to welcome our two new Councilmen on the Board as well as Town Attorney Reilly and all the other people appointed or re-appointed tonight. I hope we will have a good working relationship with everyone and I'll pledge my support to all the departments. Also, I would offer sincere thanks to all the people who were not re-appointed and who served the Town this past year and previous years. I wish them the best of luck.

Councilman Davenport: I would like to say that I'm happy to be a part of the Town government finally and I'd like to thank all those people who did any kind of work for me whatsoever. Especially the people who welcomed me into their homes so nicely. I hope to represent every citizen to the best of my ability.

Councilman Walter: Well I'd just like to say hello to everybody. I broke up last week and I couldn't say too much but I'm here if anybody needs me. My phone number is in the book. Call me for anything. I'm willing to help. Thank you.

CODE ENFORCEMENT OFFICER REPORT

A) Code enforcement Officer monthly report for December 1993 was received and on file in the Clerk's Office.

DEPUTY CODE ENFORCEMENT OFFICER REPORT

A) Deputy Code enforcement Officer monthly report for December 1993 was received and on file in the Clerk's Office.

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officer monthly report for December 1993 was received and on file in the Clerk's Office.

UNFINISHED BUSINESS

Town Clerk Shenk: I met with the new Recreation Director and she requested to be allowed to hire a staff for the Friday night Recreation program for this Friday and the following Friday. She is going to get in touch with the old director of the program. She would like permission from the Board to go ahead and hire a staff and then the Board can make final approval when she has all those names at the next Town Board meeting. She doesn't have them available tonight.

Supervisor Kennedy: At the same compensation?

Town Clerk Shenk: Correct.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to allow Recreation Director Clesse to hire a staff for the Friday night Recreation program beginning January 7, 1994. This will need final approval of the Town Board at the January 19, 1994 meeting.

five (5) Ayes Carried

REGULAR BOARD MEETING
JANUARY 5, 1994

TOWN HALL
7:30 P.M.

A motion was made by Councilman Flowers and seconded by Councilman Davenport to adjourn the meeting at 8:46 P.M.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

#15

REGULAR BOARD AND ANNUAL AUDIT MEETING — TOWN HALL
JANUARY 19, 1994 — 7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman Josephine M. Davenport, Councilman Peter A. Walter, Supervisor Richard L. Kennedy, and Town Attorney Reilly.

Absent: Highway Superintendent Eugene E. Ruchalski.

Thomas Kasprzyk, Pastoral Assistant - St. John's, opened the meeting with a prayer.

A motion was made by Councilman Flowers and seconded by Councilman Walter to accept the corrections and adoption of the minutes of the January 5, 1994 regular monthly meeting.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to accept the Town Clerk's monthly report for December 1993.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Davenport that the General Fund and Special District Bills on Abstract #1A, dated January 19, 1994 in the amount of $56,676.81 be paid.

five (5) Ayes — Carried

See Abstract #1A Pg 3

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy that the Highway Bills on Abstract #1A, dated January 19, 1994 in the amount of $25,806.12 be paid.

five (5) Ayes — Carried

Received and filed a letter from the Erie County Dept. of Health, John R. Finster Re: Approval of completed water line extension - Lango Road.

Received and filed notification from Envirogas, Alan J.Laurita, Re: drilling well on R. Telaak property.

Received and filed notice of Public Hearing in Albany, Re: Geographic Information Systems, January 24, 1994.

Received and filed notice of new tentative State Equalization Rate of 85.47.

Supervisor Kennedy: I do not anticipate challenging this tentative Equalization rate for our Town as this is a very favorable rate and the Town assessor has assured me that the assessment of the properties used, appeared to be fair. Last year Boston had a rate of 83.38.

Received and filed notice from Legislature Marshall's office, Re: Surplus Food Distribution for eligible Boston Residents on January 20, 1994 at the Boston Town Hall.

Referred to Code Enforcement Officer Santonocito in conjunction with Town Attorney Reilly notification of negotiations between John Falkides and New York Telephone for the installation of a fiber optic station on property west of Deanna Drive.

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to schedule a Public Hearing for Community Development Block Grant funds for February 16, 1994, 8:00 P.M.

five (5) Ayes — Carried

Received and filed a letter from Erie County Resource Corp. Inc., Susan Cleary, Re: Summer Youth Employment.

REGULAR BOARD AND ANNUAL AUDIT MEETING — TOWN HALL
JANUARY 19, 1994 — 7:30 P.M.

Supervisor Kennedy: I will submit a letter and request participation in Erie County Human Resource Corporation - Summer Youth Employment.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to approve attendance of Councilmen Wohlhueter, Davenport, Walter, Deputy Town Attorney Wilson, Highway Superintendent Ruchalski, Town Clerk Shenk and Town Attorney Reilly at the Association of Towns Annual conference, in New York City, February 19-23, 1994.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter to appoint Town Attorney Reilly as delegate and Councilman Walter as alternate at the Association of Towns Annual conference, February 19-23, 1994.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter to appoint the following to the Friday night Recreation Program at the Boston Valley School. The appointment to begin immediately and expire May 20, 1994.

Name	Title	Hrs.	Rate
Michelle Errington	Rec. Leader	6/wk.	7.50
Jennifer Schunk	Rec. Attendant	6/wk.	5.50
Todd Schunk	Rec. Attendant	5/wk.	5.50
Karen B. Wendling	Rec. Attendant	5/wk.	5.50
Donna Odoj	Rec. Attendant	5/wk.	5.50
Keith Gannon	Rec. Attendant	5/wk.	4.50
Angela Poppenberg	Rec. Attendant (designated sub.)	5/wk.	5.50

five (5) Ayes — Carried

The Town Clerk's Annual Report will be available at the next meeting.

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy to accept Town Justice Till's Annual Report for 1993.

five (5) Ayes — Carried

SUPERVISOR REPORT

A) Supervisor Monthly Report for December 1993 was received and on file in the Clerk's Office.

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to authorize Supervisor Kennedy to enter into a one year contract with TVGA Engineering, Surveying, P.C., with a retainer for services of $1,600.00.

five (5) Ayes — Carried

TOWN CLERK REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to accept the Registrar of Vital Statistics Report for December 1993.

five (5) Ayes — Carried

#6 17

REGULAR BOARD AND ANNUAL AUDIT MEETING — TOWN HALL
JANUARY 19, 1994 — 7:30 P.M.

TOWN ATTORNEY REPORT

Town Attorney Reilly: A pre-trial in the Slattery vs. Eugene E. Ruchalski et al case will be on February 1, 1994 before Judge Joslin. Re: Abandonment of a part of Dunn Road that has been contested by Lois Slattery and has been in litigation for some time.

Town Attorney Reilly: New York State Gas and Electric vs. the Town of Boston regarding their assessment. There will be a pre-trial on March 7, 1994 with Judge Notaro. I have spoken with the attorney for the Utility Company and suggested we have a meeting prior to the pre-trial.

Town Attorney Reilly: Regarding an injury that occurred to one of the young people in Town who was playing baseball this summer. He sustained injuries when hit by a ball and I'm in the process of ascertaining what the injuries he suffered were and what the expected expenses will be. When I have the information I will provide it to the Town Board.

Town Attorney Reilly: Regarding a question from the Recreation ski program of children who wish to ride the bus to and from Kissing Bridge but who are not in the program per say. I have drafted a release, which when signed by the parent or guardian, releases the Town of Boston and the Laidlaw Bus company from damages incurred as a result of any personal injury or property damage sustained while child is being transported. This will be used by the Recreation Director.

CERTIFICATE - Town of Boston New York, to abandon, pursuant to section 205 of the Highway Law, 25 feet of excess right-of-way of Crestwood Circle. Certificate was signed by Superintendent of Highways Eugene E. Ruchalski, Town Clerk David J. Shenk and all Town Board Members.

RESOLUTION 1994 - 1 CRESTWOOD CIRCLE RIGHT-OF-WAY

COUNCILMEN REPORT

Councilman Flowers: We had a meeting with the Town Engineers, TVGA and Nussbaumer and Clarke about water on the east side of town. We are scheduling another meeting with the Town of Colden to see if we can tie this package up and work together with another town to get our system built here and have it benefit both towns. If we pull together we should be able to get a better rate with the Water Authority.

Councilman Flowers: I also met with the board of directors of the Southtowns Haz-Mat team. As I reported in the past, it looks like there is going to be a takeover or a joining of the five Haz-Mat teams in the County with the County team. The board of directors have formulated a plan that we want to present to the County to see just what their feelings would be about the Southtowns taking over a portion of the Southern portion of Erie County as an independent contractor to the County. We have a meeting coming up next week and I will report more on that.

Councilman Flowers: I also have a number of questions for the emergency squad and I'll meet with Donna Odoj afterwards and tell you how we made out.

Councilman Wohlhueter: There will be a meeting of the North East Southtowns Solid Waste Committee tomorrow at 4:30 in the Municipal Building of Orchard Park, which I will be attending.

Councilman Davenport: I met with the leader of the Senior's and she is going to notify me when she would like a meeting.

TOWN OF BOSTON

TOWN OF BOSTON
NEW YORK

R E S O L U T I O N

NUMBER 1994- 1

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 January, 1994 at 7:30 o'clock in the evening Eastern Time there were:

Present:	**Richard L. Kennedy**	**Supervisor**
	Don A. Wohlhueter	**Councilman**
	Mark W. Flowers	**Councilman**
	Josephine M. Davenport	**Councilman**
	Peter A. Walter	**Councilman**

Absent:

Supervisor Kennedy presented the following Resolution and moved its adoption:

WHEREAS, the Town of Boston is the owner in fee title of the following described premises:

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 fifteen (15), 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 Chestnut Ridge Road (formerly Hess Road) 144.77' southerly of the intersection of the north line of lands conveyed to John F. Ulinger and Joseph G. Ulinger by Deed recorded in the Erie County Clerk's Office in Liber 4139 of Deeds, Page 235, and the center line of Chestnut Ridge Road (formerly Hess Road) and running thence easterly and parallel to the north line of the lands conveyed to William Schieler a distance of 430 feet more or less to the west line of lands conveyed by Ulinger to Smythe by a deed recorded in the Erie County Clerk's Office in Liber 4180 of Deeds, Page 577, running thence southerly along the said west line of Smythe a distance of 25 feet to a point, running thence westerly and parallel to the north line of the lands of Schieler a distance of 430 feet more or less to the center line of Chestnut Ridge Road (formerly Hess Road); running thence northerly along the center line of said Chestnut Ridge Road a distance of 25 feet more or less to the point and place of beginning.

and

TOWN OF BOSTON

WHEREAS: the Town of Boston does not use the above described premises for highway purposes, as certified by the Town of Boston Highway Superintendent in the Certificate of Abandonment executed by him on this date and accepted by the Town Board of the Town of Boston, and

WHEREAS, the Town desires to convey the above described property to the adjoining landowners so that same can become usable and assessable property within the Town of Boston.

NOW THEREFORE:

BE IT RESOLVED, that subject to a Permissive Referendum, Richard L. Kennedy, as Supervisor of the Town of Boston, Erie County, State of New York, and on its behalf, be and he is hereby authorized to convey title to the above described premises to the owners of property immediately adjacent thereto, who are reputed to be William Schmidlin, Bette Schmidlin and Natalie Schmidlin; and be it further

RESOLVED, that Richard L. Kennedy, as Supervisor of the said Town of Boston be and he is hereby authorized to execute all documents that may be required to effectuate such conveyance; and be it further

RESOLVED, that the grantees of the property so conveyed shall be responsible to pay all fees and expenses associated with the recording and/or filing of any and all documents executed in connection with the said conveyance; and be it further

RESOLVED, that this Resolution is subject to a Permissive Referendum as provided 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.

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

Supervisor Kennedy	Voting aye
Councilman Wohlhueter	Voting aye
Councilman Flowers	Voting aye
Councilman Davenport	Voting aye
Councilman Walter	Voting aye

AYES: Five NOES: None ABSENT: None

David J. Shenk - Town Clerk

REGULAR BOARD AND ANNUAL AUDIT MEETING — TOWN HALL
JANUARY 19, 1994 — 7:30 P.M.

Councilman Davenport: I talked to Bonnie Clesse she has come right along with her appointments and wants me to meet them.

Councilman Davenport: The Town Board was to receive a trophy from the Football Association but this has been delayed to a future meeting.

Letter of resignation from the Planning Board - Jo Ann Santonocito, as of January 6, 1994. In order to fulfill her new position with the Town, she will retain the book entitled "Code of The Town Of Boston New York " serial number 24.

Supervisor Kennedy: Requested the Town Clerk to draft a letter to Jo Ann expressing our appreciation for her service on the Planning Board.

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to appoint James Smolinski to the Planning Board, term to expire 2/1/01.

Councilman Flowers: I would like to delay this appointment to the next meeting.

Supervisor Kennedy: You must vote on the motion on the floor.

Councilman Flowers	Voting Nay
Councilman Wohlhueter	Voting Aye
Councilman Davenport	Voting Aye
Councilman Walter	Voting Aye
Supervisor Kennedy	Voting Aye

four (4) Ayes one (1) Nay Carried

TOWN ENGINEER REPORT

A) Town Engineer Monthly Report for December 1993 was received and on file in the Clerk's Office.

UNFINISHED BUSINESS

David Regan, 7420 Chestnut Ridge Road: I read in the paper last week that the Town of Colden applied for and received a 1.2 million dollar grant. I would like to know if we ever applied for a grant and if not, why not? I would also like to know how we stand now on the East Hill.

Supervisor Kennedy: First of all, I'd like to tell you that one of the reasons the Town of Colden is successful in receiving grant money from the FHA is that under the Community Development Block Grant program and in the census that was taken, the whole Town of Colden is eligible for Community Block Grant Projects.
Unfortunately, I think Boston was listed as 7th in income level in the County. That income level is what principally determines whether or not you'll be eligible for Federal funds under that program. Nothing precludes us from exploring that possibility once again when the Grants Person and the Capital Improvement Committee meet. It was the consensus at the last meeting that we would not be eligible for anything other than low interest loans from the FHA. Interest rates at many financial institutions were competitive if not lower than the rates that were currently being offered by the government. In the case of your particular area we have secured a grant from the State of New York in the amount of $25,000. We transferred by Resolution $75,000 in monies, from the General Fund, with no objections filed, so we didn't have to have a Permissive Referendum. Those monies were also allocated to that water district as seed money.

REGULAR BOARD AND ANNUAL AUDIT MEETING — TOWN HALL
JANUARY 19, 1994 — 7:30 P.M.

UNFINISHED BUSINESS (CONT.)

Supervisor Kennedy (Cont.): In addition, at one time through some manipulations to qualify that particular area, because there were enough people at that time that were retired and of low income and it was very close when we took the surveys, we were able to do a lot of the preliminary engineering as well as a survey of the water so we have all that information available to us as we go forward and make plans. As Councilman Flowers just told you we are going to have a meeting with Colden. They have turned down the Federal monies that they have been allocated. They are apprehensive as to whether or not that will pass now that they have scaled down that district in Colden and they are again going to vote on it in the later part of January. We want to be in a position in meeting with our Engineers to present an alternative for bringing the water through the Town of Boston. Since it does require a water tank to be placed somewhere to service the hamlet of Colden we would suggest that water tank be one and the same as the one we are planning to install in Boston anyway. We had an agreement with the Erie County Water Authority and when they took it back to the respective Boards of Aurora and Orchard Park, they threw it out. The Supervisors signed that document and the Town Boards didn't. It was contingent upon their approval. So we are back to square one again with the water authority. If there is any way that you know of that we can expedite water service in that area I'd certainly be willing to hear your suggestions and accept your services.

Mr. Regan: I asked your because you are the advocate for the East Hill by your own doing.

Supervisor Kennedy: You've been present and very active in that committee and you have been present at many of these meetings and you are certainly aware of what has taken place in the past.

Mr. Regan: For the last couple of months I haven't heard anything and all I wanted was an update.

Supervisor Kennedy: I'll ask Councilman Flowers to have a report at the next meeting on what Mr. Crangle at the Erie County Water Authority is intending to do.

A motion was made by Councilman Davenport and seconded by Supervisor Kennedy to adjourn meeting at 8:22 P.M.

David J. Shenk
DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
FEBRUARY 2, 1994 — 7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman Josephine M. Davenport, Councilman Peter A. Walter, Supervisor Richard L. Kennedy and Town Attorney Reilly.

Absent: Highway Superintendent Eugene E. Ruchalski.

Reverend Richard Siemann, opened the meeting with a prayer.

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter to accept the corrections and adoption of the minutes of the January 19, 1994 regular monthly meeting.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter to accept the Town Clerk's monthly report for January 1994.

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 #2, dated February 2, 1994 in the amount of $19,189.63 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Davenport that the Highway Bills on Abstract #2, dated February 2, 1994 in the amount of $60,472.40 be paid.

five (5) Ayes — Carried

Received and filed a letter from the Senate Committee On Local Government Re: Notice of Public Hearing in Albany, February 15, 1994, on the implication of State authorization for local governments to impose impact fees.

Received and filed notification from Congressman Quinn Re: Outreach dates at Boston Town Hall are February 17, April 14, June 16, and August 18 from 11:30 am to 1:30 pm.

Received and filed notice of Rural Transit Service Re: Transfer of Rural Transit Service to L.K. Painter Center.

Supervisor Kennedy: The letter requests a copy of the Public Hearing notice, minutes from the same, and a Resolution authorizing a Town Official to sign the CDBG (Community Development Block Grant) application. This will be brought up at the next Community Development Public Hearing.

Received and filed copy of the December 1993 Activity Report of the Erie County Sheriff's Department for the Town of Boston.

Received and filed letter from the Boston Chamber of Commerce, Inc. Re: Gregory Dake variance request rehearing.

Supervisor Kennedy: This letter wasn't directed to the Town Board but I asked that it be included in the minutes because there were so many people opposed to the rezoning application. The Boston Chamber Economic Development Committee is asking for every consideration for relief that we can afford in this situation. We did receive a letter informing us that they are applying for a re-hearing before the Zoning Board of Appeals. The Town Board does not have jurisdiction but I wanted to make people aware that there is an effort to make the Zoning Board of Appeals reconsider their denial.

REGULAR BOARD MEETING
FEBRUARY 2, 1994

TOWN HALL
7:30 P.M.

Nancy Stetter, 5562 James Drive: On January 1, Joseph Santonocito told me he received a letter from them asking for permission for an extension until April 15th so that they can move their business, so now why the change?

Supervisor Kennedy: Well that's possible. Maybe they have reconsidered and made another determination which I think under the circumstance would be an excellent choice.

Herbert Klein, 7690 Backcreek Road: Who, from the Chamber forwarded that letter to you?

Supervisor Kennedy: This was written to the Zoning Board Members and Joseph Santonocito, Chairman. It was written by Donald McDonald and the Boston Chamber Economic Development Committee composed of Charles Barrett, Maurice Emerling, Katherine Falkides, Bernadine Hauth, Richard Klinczar, Donald McDonald, John Szalay, and Joseph Terrizzi. We received a carbon copy as well as Mr. & Mrs. Dake.

Received and filed a letter from Nussbaumer & Clarke Re: Open road cut - 6657 Redwing Drive, December 3, 1993.

Received and filed a letter from Department of the Army Re: Status report of Section 14 Erosion Control Study along Eighteen Mile Creek, Hillcroft Bridge in the Town of Boston.

Supervisor Kennedy: I wrote a letter to Mr. James Dean of the Continuing Authorities and Flood Plain Management Services Section of the Department of the Army because I am concerned about the delays that we are experiencing in this Hillcroft Bridge area. If we have a serious snow melt accompanied by a rainfall we are going to have trouble in the Hillcroft area as well as all the tributaries that go to Eighteen Mile Creek. I know Superintendent Ruchalski is working very hard to keep the drainage ditches open because there isn't any place for the water to run. I am going to implore Councilman Walter as well as myself to see if we can get the members of the Drainage Committee composed and appointed as soon as possible because within another month they are going to be busy.

A Motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to appoint the following people as coaches of the Boston Youth Soccer League.

COACHES:

Wally Odden	Scott Draudt
Mary Ann Sullivan	David Derkacz
David Ruzzine	Mark Janker
Mary Clare Smith	Brian Smith
Paul Rosiek	Lou Matricardi
Wayne Hahn	Walt Filkorn
Tony Guido	Don Harris

five (5) Ayes Carried

Received and filed letter from the Boston Emergency Squad Inc. advising us of the 1994 Officers.

President:	David Stringfellow	Vice Pres: Donna Odoj
Recording Sec:	Sue Keller	Corr. Sec: Jennifer Hacker
Treasurer	Jim Henry	Dir. of Oper.: Debi Theil
Deputy Director:	Chris Zemrac	Duty Lt: Diane Helmbrect
Supply Lt	Marianne Wack	Training Lt: Barbara Cudeck
Emerg. Prep. Lt:	Sean Crotty	Transport: Chris Salisbury
Station Lt:	Audrey Frank	

REGULAR BOARD MEETING
FEBRUARY 2, 1994

TOWN HALL
7:30 P.M.

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport to authorize the Supervisor to spend $250.00, pending his discussion with Bucky Meyers of the H & K Publications, Inc., to help cover the cost of a pilot senior edition to be published this May.

five (5) Ayes Carried

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy to give the Highway Superintendent Ruchalski authorization to spend money to upgrade the three roads, Boston State Road (Aspen-Pin Oak), Zimmerman Road (George Drive) and Zimmerman Road (Ravine Drive), at the cost provided under the CHIPS program.

five (5) Ayes Carried

Highway Superintendent Ruchalski requested an amendment to the motion to clarify the expenditure of Highway moneys. Included in the total $218,000 is $30,000 for the Chips program and the balance is for all the roadwork this year.

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter to give the Highway Superintendent authorization to spend $218,000 for the general repairs of 36.90 miles of Town highways, and out of that, $30,000, that comes under the Chips program, for Aspen-Pin Oak, George Drive and Ravine Drive.

five (5) Ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter to grant a Temporary Certificate of Occupancy for lots 4, 5, and 18 of the Boston Hill Homes & Estates.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to establish the hours for the Recreation Director for purposes of NYS Retirement reporting as 15 days per month and 6 hours per day.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to set a petty cash fund for the Recreation Director at $300.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers authorizing the Town Clerk to advertise for bids for the additions and alterations to the Boston Town Hall, to be received until February 25, 1994, 11:00 A.M., when they will be publicly read.

five (5) Ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to approve advance monies of $200 for the attenders, Councilmen Wohlhueter, Davenport, Walter, Deputy Town Attorney Wilson, Highway Superintendent Ruchalski, Town Clerk Shenk and Town Attorney Reilly at the Association of Towns Annual conference, in New York City, February 19-23, 1994.

five (5) Ayes Carried

TOWN OF BOSTON

TOWN OF BOSTON NEW YORK

RESOLUTION 1994-2

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 2nd day of February 1994 at 7:30 P.M. Eastern Standard Time, there were:

Present:	Richard L. Kennedy	Supervisor
	Mark W. Flowers	Councilman
	Don A. Wohlhueter	Councilman
	Josephine M. Davenport	Councilman
	Peter A. Walter	Councilman
Absent:		

Councillman Flower presented the following resolution and moved its adoption:

WHEREAS, The Town of Boston Town Board must administer the Town of Boston Fire Protection District Service Award Program in accordance with the provisions of Article 11-A of the New York State General Municipal Law

WHEREAS, Article 11-A was amended by the enactment of Chapter 573 of the Laws of 1993 of the State of New York.

NOW THEREFORE:

BE IT RESOLVED, that as mandated by the enactment of Chapter 573, the Town of Boston Town Board replaces paragraph 13 of the Town of Boston Fire Protection District Summary of Service Award Program Provisions to read:

13. Mandated Line of Duty Disability Provision: In the event that any active volunteer firefighter is either totally and temporarily disabled, or partially and permanently disabled, as certified by the Worker's Compensation Board or other competent authority approved by the Town Board, and the disability occurs during the course of service as a volunteer, while actively engaged in providing line of duty services, as defined in subdivision one of section five of the Volunteer Firefighters' Benefit Law, the firefighter shall receive five points for each full month of such disability. However, if a participant is paid a benefit from the Town of Boston Fire Protection District Service Award Program because such disability became a permanent and total disability, then no future points shall be credited under this special line of duty disability benefit provision after the date such disability is determined to have become a total and permanent disability.

This amendment shall become effective January 1, 1994

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

Supervisor Kennedy	Voting Aye
Councilman Flowers	Voting Aye
Councilman Wohlhuetr	Voting Aye
Councilman Davenport	Voting Aye
Councilman Walter	Voting Aye

AYES: FIVE(5) NOES: NONE(0) ABSENT: NONE(0)

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
FEBRUARY 2, 1994 — 7:30 P.M.

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport to delete Ruth Garrison's name and add Irvine Overhoff to the Senior Citizens' Council of the Town of Boston.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Davenport to accept the corrections of Abstract #1A -January 19, 1994, Total Abstract From $56,676.81 to $60,043.80.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Walter to grant the request of William H. Kleis, Assessor, to attend a seminar of Equalization Concepts on March 15, 1994 at the Orchard Park Town Hall.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Davenport to grant the North Boston Fire Company use of the Lions Club Shelter for a family picnic and to serve alcohol on August 27, 1994.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to grant Rev. Gary V. Burdick use of the Lions Club Shelter for a wedding reception and to serve alcohol on July 16, 1994.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter to grant the Boston Fire Company use of the shelter at South Boston Park for their annual family picnic and to serve alcohol on July 24, 1994. This motion is contingent on the receipt of a certificate of insurance.

five (5) Ayes — Carried

Received and filed letter from Jo Ann Santonocito, Code Enforcement Officer Re: New York Telephone Fiber Optic Station. Mr. Falkides contacted New York Telephone regarding moving the proposed station to the northeasterly corner of his parcel of land. This "new" proposed location confirms the findings in which the station is considered a building and should meet the requirements noted in the Town Code Book. A building permit is required.

Received and filed letter from Supervisor Kennedy to Town Attorney Reilly Re: Determination by Code Enforcement Officer relating to locating a structure for fiber optics on Deanna Drive. Under the zoning regulations for Deanna Drive, which is currently zoned R-2, there is no provision for this type of structure.

Supervisor Kennedy referred both letters and the issue of the New York Telephone Fiber Optic Station at Deanna Drive to Town Attorney Reilly. He also directed the Code Enforcement Officer not to issue any permits and asked her to request John Falkides refrain from proceeding until we have the correct information.

RESOLUTION 1994-2 FIREMAN'S SERVICE AWARD PROGRAM DISABILITY PROVISION CHANGE

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport to change the salary for Friday Night Recreation Attendant Keith Gannon to $4.50 per hour.

five (5) Ayes — Carried

REGULAR BOARD MEETING
FEBRUARY 2, 1994

TOWN HALL
7:30 P.M.

SUPERVISOR REPORT

A) Supervisor Monthly Financial Report for January 1994 was received and on file in the Clerk's Office.

A letter received from Larry Reed of the U.S. Cycle Association of Boston Re: Requesting to hold a Bicycle Race Program in Boston, July 9, 1994, to be called the "Ted Smith Memorial Boston Hills Challenge". The Town Clerk is asked to check if there are any other events that weekend before a reply is issued.

Received New York Governor's Proposed 1994-1995 State Budget and was informed that the local aid to the Town's were maintained at the 93-94 levels. The Revenue sharing and the CHIPS portion of our budget will be maintained. A special dispensation will be made for the monies we will have to pay back to the retirement fund. The restoration is recommended to start with the 1995-1996 State Budget.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to reschedule the Agenda Review to February 28, 1994 at 6:00 P.M.

five (5) Ayes Carried

A motion was made by Councilman Flowers and seconded by Councilman Davenport to waive the site plan review for the Boston Fire Company remodeling project.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to authorize Town Attorney Reilly to negotiate an equitable settlement in the Eric Smolinski claim against the Town of Boston.

five (5) Ayes Carried

TOWN CLERK REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to accept the Registrar of Vital Statistics Report for January 1994.

five (5) Ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport to accept the Annual Town Clerk Report for 1993.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to accept the Annual Registrar of Vital Statistics Report for 1993.

five (5) Ayes Carried

TOWN ATTORNEY REPORT

Town Attorney Reilly: A pre-trial for the Slattery vs. Eugene E. Ruchalski et al case was on February 1, 1994 before Judge Joslin. Re: Abandonment of a portion of Dunn Road that has been contested by Lois Slattery and has been in litigation for some time. Attorneys appeared for Slattery and for an intervener, Mr. Bronstein. Slattery is challenging the abandonment of that portion of the road. Bronstein is in favor of the Town's position in abandoning it. The Judge suggested that Slattery's Attorney make a motion and bring it before the court to move toward some type of decision. There was discussion of a possible settlement.

REGULAR BOARD MEETING
FEBRUARY 2, 1994

TOWN HALL
7:30 P.M.

TOWN ATTORNEY REPORT (CONT.)

Town Attorney Reilly: Re: The former TNT Battery site. I provided the Council with a short memo indicating the current owners of that sight. There is also a letter to Joseph Ryan, the attorney for the DEC, requesting information on any lingering environmental liability for a new purchaser of that property. I have not had a response to date on that.

Town Attorney Reilly: I received a letter from Robert Tills, Attorney, for the North Boston Fire Company. It is their intention to purchase a new fire truck and they would like to take advantage of a tax break on the interest when they finance the truck. They will need the approval of the Town Board. Prior to that they have to publish and have a Public Hearing regarding the purchase of the new truck. I have informed Mr. Tills that it would be up to the fire company and when those requirements were met to seek Town Board approval.

DDH529

Town Attorney Reilly: I will be on vacation on April 4, 1994 for the Agenda Review meeting and April 6, 1994 for the Town Board meeting. Deputy Town Attorney Wilson will be filling in for me.

COUNCILMEN REPORT

Councilman Flowers: Last week the Southtowns Haz-Mat Team went to a general meeting with the County of Erie Department of Emergency Services Commissioner, over the proposed local law #1 to fund hazardous materials teams. We presented our proposal and the crux of the meeting was that the Tonawanda team didn't think it was necessary that we all join together. They felt that they wanted to be completely independent. They had no proposal prepared and they felt they are getting the best possible deal that they can out of their area. In essence they squashed the entire effort to consolidate all of this. The Commissioner of Emergency Services is now going to have to go back to the legislatures and say that you are going to have to fund a Haz-Mat team out of general revenue or we are going to have to fold up the team.

Councilman Flowers: I also received some correspondence from Dean Messing, Chairman of the Southtown Haz-Mat Team, who thanks the Town for their prompt payment to the Haz-Mat team.

Councilman Flowers: The Investment Advisory Committee met last week and discussed a number of issues.

Councilman Flowers: I met with Supervisor Kennedy, the Town Engineer, the Colden Supervisor and Colden's Town Engineer, over a proposal which the Town of Boston and the Town of Colden would like to present to the Water Authority. This would be mutually beneficial to both Towns.

Councilman Flowers: I talked with Donna Odoj tonight and the Emergency Squad thanks us for getting the washer and dryer hooked up.

Councilman Walter : We are in the process of putting together a Drainage Committee. We are going to have a problem if we get a quick thaw. I have called several people and I'm waiting for a response. I think within a week or so we will have a committee put together.

Councilman Walter: There is going to be a meeting shortly of the Traffic Safety and Roadways Committee. There are a lot of people complaining about speed limits in new developed areas. The way the law reads, it is 55 miles per hour unless stated otherwise.

Councilman Davenport: The Capital Improvements Committee met last week. I missed that meeting but I'll be at the February meeting.

REGULAR BOARD MEETING
FEBRUARY 2, 1994

TOWN HALL
7:30 P.M.

COUNCILMEN REPORT (CONT.)

Councilman Davenport: I contacted Joseph Crangle's office, who is the director of Erie County Water Authority and he has agreed to meet with representatives of the Board. I have told him that Councilman Mark Flowers and David Regan who lives in the problem area, and myself will meet with him. We will meet February 4, 1994 at 12:30 P.M. He is having a prior meeting the night before with another group of Engineers and people concerned with the technicalities and he will report the outcome to us.

Councilman Davenport: I attended the Recreation program at the Boston Valley School. Grades 3-8 start at 5:30-8:30 and Basketball runs from 8:00 to 10:30. The Recreation Director will now tell us about a new pilot program. We will now have three programs operating on Friday night.

Recreation Director Clesse: We have sent out notices to 7th and 8th graders in the Boston area. It was the idea of the Recreation Staff to reach out to this group to see if they would be interested in a program on Friday night. This coming Friday night we are going to have pizza, pop and music party for them.

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer's Monthly Report for January 1994 received and on file in the Town Clerk's office.

DEPUTY CODE ENFORCEMENT OFFICER REPORT

A) Deputy Code Enforcement Officer's Monthly Report for January 1994 received and filed in the Town Clerk's Office.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to accept the Planning Board Annual Report for 1993.

five (5) Ayes Carried

Supervisor Kennedy: I received a letter from the Planning Board requesting the Town Board to once again review their recommendation on steep slopes. I will forward the letter to the Council so that they can review it before the next meeting and decide what they wish to do with it.

A motion was made by Councilman Flowers and seconded by Councilman Walter to appoint Michael L. Kobiolka to the Boston Town Planning Board, term to expire on February 1, 1997.

five (5) Ayes Carried

REGULAR BOARD MEETING
FEBRUARY 2, 1994

TOWN HALL
7:30 P.M.

TOWN ENGINEER REPORT

A) Town Engineer's Monthly Report for January 1994, received and on file in the Town Clerk's office.

A motion was made by Councilman Flowers and seconded by Councilman Walter to adjourn meeting at 8:35 P.M.

David J. Shenk
DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
FEBRUARY 16, 1994 — 7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman Josephine M. Davenport, Councilman Peter A. Walter, Supervisor Richard L. Kennedy, and Town Attorney Michael E. Reilly.

Absent: Highway Superintendent Eugene E. Ruchalski.

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter to accept the corrections and adoption of the minutes of the February 2, 1994 regular monthly 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 #2A, dated February 16, 1994 in the amount of $87,668.65 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Walter that the Highway Bills on Abstract #2A, dated February 16, 1994 in the amount of $23,298.89 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport to grant the Democratic Club use of the Town Park and Community Room on April 2, 1994 for the 33rd Annual Boston Easter Egg Hunt.

five (5) Ayes — Carried

Received and filed the Erie County Sheriff's Monthly Report for January 1994.

Received and filed a letter from the West Seneca Developmental Disabilities Services Office with regard to community residential opportunities.

Supervisor Kennedy: The letter requests we consider the formation of a site identification or a site review committee in our municipality to develop suitable community residential programs. I will be appointing members to serve and set up such a committee.

Received and filed a notice from the Niagara Frontier Transportation Committee (NFTC) of three Public meetings on it's regional Transportation Improvements Program (TIP).
The Public Meetings will take place:

February 23, 1994 - 7:00 P.M. - Niagara Falls, NY
February 28, 1994 - 4:30 P.M. - Buffalo, NY
March 2, 1994 - 7:30 P.M. - Williamsville, NY

Referred a letter to Councilman Wohlhueter from the Department of Environment and Planning, requesting a copy of our quarterly reports for solid waste and recyclables for the year 1993. This is for the purpose of gathering necessary data for the Comprehensive Recycling Analysis and requests from the State.

A motion was made by Councilman Flowers and seconded by Councilman Davenport to send Larry Reade of the Buffalo Bicycling Club a letter of approval to hold "The Ted Smith Memorial- Boston Hills Challenge" in the Town of Boston on August 9, 1994. This approval is contingent upon Town Board approval of an alternate route in the event the Rice Hill access road is not open. Mr. Reade shall be responsible for contacting any community organizations he deems necessary to help him conduct this event.

five (5) Ayes — Carried

TOWN OF BOSTON

RESOLUTION 1994 - 3

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, New York 14224

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 - separate containers and truck

MSW - packer truck

ii. Manner and Place of Disposal:

Recyclables - C.I.D. Landfill, Inc. - Recycling Center

MSW - C.I.D. Landfill, Inc.

B) INDUSTRIAL customers

i. Manner of Collection:

Recyclables - separate truck and containers

MSW - packer truck

ii. Manner and Place of Disposal:

Recyclables - C.I.D. Landfill, Inc. - Recycling Center

MSW - C.I.D. Landfill, Inc.

- 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 - separate containers and truck

MSW - packer truck

ii. Manner and Place of Disposal:

Recyclables - C.I.D. Landfill, Inc. - Recycling Center

MSW - C.I.D. Landfill, Inc.

D) RESIDENTIAL customers (excluding Town contract)

i. Manner of Collection:

Recyclables - none

MSW - none

ii. Manner and Place of Disposal:

Recyclables - N/A

MSW - N/A

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 2/16/94.

David J Hentz
Town Clerk

C.I.D. REFUSE SERVICE, INC.
(type-in Company Name)

By: [signature]
Phil Dutson
Title: District Manager Date: 02/03/94

ACORD CERTIFICATE OF INSURANCE

CER NR | ISSUE DATE (MM/DD/YY) 01/24/94

PRODUCER

Lawley Service Inc
120 Delaware Avenue
Buffalo, NY
14202

716-849-8618

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED

CID Refuse Service Inc
4588 South Park Avenue
Blasdell, NY
14219

COMPANIES AFFORDING COVERAGE

COMPANY LETTER A — American & Foreign Ins. Co.

COMPANY LETTER B — State Fund

COMPANY LETTER C

COMPANY LETTER D

COMPANY LETTER E

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
	GENERAL LIABILITY					
A	X COMMERCIAL GENERAL LIABILITY	ATY435518	01/01/94	01/01/95	GENERAL AGGREGATE	$ 2,000,000
	CLAIMS MADE X OCCUR				PRODUCTS-COMP/OP AGG.	$ 2,000,000
	OWNER'S & CONTRACTOR'S PROT.				PERSONAL & ADV. INJURY	$ 1,000,000
					EACH OCCURRENCE	$ 1,000,000
					FIRE DAMAGE (Any one fire)	$ 50,000
					MED. EXPENSE (Any one person)	$ 5,000
	AUTOMOBILE LIABILITY					
A	X ANY AUTO	ATS435517	01/01/94	01/01/95	COMBINED SINGLE LIMIT	$ 1,000,000
	ALL OWNED AUTOS				BODILY INJURY (Per person)	$
	SCHEDULED AUTOS					
	X HIRED AUTOS				BODILY INJURY (Per accident)	$
	X NON-OWNED AUTOS					
	GARAGE LIABILITY				PROPERTY DAMAGE	$
	EXCESS LIABILITY				EACH OCCURRENCE	$
	UMBRELLA FORM				AGGREGATE	$
	OTHER THAN UMBRELLA FORM					
R	WORKER'S COMPENSATION AND EMPLOYERS' LIABILITY	10739985	01/01/94	01/01/95	X STATUTORY LIMITS	
					EACH ACCIDENT	$ 100,000
					DISEASE--POLICY LIMIT	$ 500,000
					DISEASE--EACH EMPLOYEE	$ 100,000
	OTHER					

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

Worker's Compensation Certificate of Insurance to follow from the State Insurance Fund.

CERTIFICATE HOLDER

Town of Boston
State Road
Boston NY 14025

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL _____ DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

ACORD 25-S (7/90)

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TOWN OF BOSTON

RESOLUTION 1994 - 3

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 Co., Inc.

2321 Kenmore Avenue

Kenmore, New York 14217 P.O. BOX 571
(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 and source separated containers

MSW - Hand service and containers

ii. Manner and Place of Disposal:

Recyclables - Material Recovery Facility (MRF) - Kenmore, NY

MSW - American Ref-Fuel, Niagara Falls, New York

BFI-Niagara Recycling, Inc., Niagara Falls, NY

B) INDUSTRIAL customers

i. Manner of Collection:

Recyclables - Co-mingled and source separated containers

MSW - Hand service and containers

ii. Manner and Place of Disposal:

Recyclables - Material Recovery Facility (MRF) - Kenmore, NY

MSW - American Ref-Fuel, Niagara Falls, NY

BFI-Niagara Recycling, Inc., 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 and source separated containers

MSW - Hand service and containers

ii. Manner and Place of Disposal:

Recyclables - Material Recovery Facility (MRF) - Kenmore, NY

MSW - American Ref-Fuel, Niagara Falls, NY

D) RESIDENTIAL customers (excluding Town contract)

i. Manner of Collection:

Recyclables - Co-mingled

MSW - Hand service

ii. Manner and Place of Disposal:

Recyclables - Material Recovery Facility (MRF) - Kenmore, NY

MSW - American Ref-Fuel, 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 2/16/94.

David J. Shea
Town Clerk

BFI of New York, Inc.
dba: Niagara Sanitation Co., Inc.
(type-in Company Name)

By: [signature]

Title: V.P. Date: 2/11/94

BFI CERTIFICATE OF INSURANCE

PRODUCER
SEDGWICK JAMES of GEORGIA INC.
3333 Peachtree Rd., N.E. #500
Atlanta, Ga. 30326

INSURED
BFI of New York, Inc.
dba: Niagara Sanitation Co., Inc.
2321 Kenmore Avenue
PO Box 571
Kenmore, NY 14217

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

COMPANIES AFFORDING COVERAGE

COMPANY LETTER	A National Union Fire of Pittsburgh, Pa.
COMPANY LETTER	B American Home Assurance Company
COMPANY LETTER	C
COMPANY LETTER	D
COMPANY LETTER	E

This is to certify that policies of insurance listed below have been issued to the insured named above and are in force at this time. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies.

COMPANY LETTER	TYPE OF INSURANCE	POLICY NUMBER	POLICY EXPIRATION DATE	Limits of Liability in Thousands (000's)		
					EACH OCCURRENCE	AGGREGATE
A	GENERAL LIABILITY ☒ COMMERCIAL FORM ☒ PREMISES - OPERATIONS ☒ EXPLOSION AND COLLAPSE HAZARD ☒ UNDERGROUND HAZARD ☒ PRODUCTS/COMPLETED OPERATIONS HAZARD ☒ CONTRACTUAL INSURANCE ☒ BROAD FORM PROPERTY DAMAGE ☒ INDEPENDENT CONTRACTORS ☒ PERSONAL INJURY	RMGL 175-9099-TX RMGL 175-9098-ALL OTHER	5/1/94	BODILY INJURY AND PROPERTY DAMAGE COMBINED	$2,500	
N/A	AUTOMOBILE LIABILITY ☒ COMPREHENSIVE FORM ☒ OWNED ☒ HIRED ☒ NON-OWNED	STATE APPROVED SELF-INSURER	5/1/94	BODILY INJURY AND PROPERTY DAMAGE COMBINED	$5,000	
B	EXCESS LIABILITY INCLUDING AUTO & GENERAL ☒ OTHER THAN UMBRELLA FORM	CLM 308-59-24	5/1/94	BODILY INJURY AND PROPERTY DAMAGE COMBINED	$7,500	$7,500
N/A	WORKER'S COMPENSATION and EMPLOYER'S LIABILITY	STATE APPROVED SELF INSURER	5/1/94	STATUTORY $2500 (EACH ACCIDENT) $2500 (DISEASE - POLICY LIMIT) $2500 (DISEASE - EACH EMPLOYEE)		

DESCRIPTION OF OPERATIONS

Solid Waste Collection & Disposal/Recycling

DATE ISSUED February 10, 1994

NAME AND ADDRESS OF CERTIFICATE HOLDER

Town of Boston
8500 Boston State Road
Boston, NY 14025-9648

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Certificate Holder (White) District File (Yellow) Houston Risk Mgmt. (Pink & Gold) C94

ACORD. CERTIFICATE OF INSURANCE

DATE (MM DD YY) 4/25/94

PRODUCER
Sedgwick James of GA, Inc.
Suite 500, South Tower
3333 Peachtree Road, N.E.
Atlanta, GA 30326

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED
BFI of New York, Inc.
2321 Kenmore Avenue
Kenmore, NY 14217

COMPANIES AFFORDING COVERAGE

COMPANY A: National Union Fire Ins
COMPANY B: Qualified Self Insured
COMPANY C:
COMPANY D:

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM DD YY)	POLICY EXPIRATION DATE (MM DD YY)	LIMITS		
A	GENERAL LIABILITY X COMMERCIAL GENERAL LIABILITY CLAIMS MADE X OCCUR OWNER'S & CONTRACTOR'S PROT	RMGL3197085-TX RMGL3197086-All Other States	5/01/94	5/01/95	GENERAL AGGREGATE PRODUCTS - COMP/OP AGG PERSONAL & ADV INJURY EACH OCCURRENCE FIRE DAMAGE (Any one fire) MED EXP (Any one person)	$ $ $ $ $ $	 2500000 2500000 50000 5000
B	AUTOMOBILE LIABILITY X ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS	Self Insured	5/01/94	5/01/95	COMBINED SINGLE LIMIT BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE	$ $ $ $	5000000
	GARAGE LIABILITY ANY AUTO				AUTO ONLY - EA ACCIDENT OTHER THAN AUTO ONLY: EACH ACCIDENT AGGREGATE	$ $ $	
A	EXCESS LIABILITY UMBRELLA FORM X OTHER THAN UMBRELLA FORM	CLM3089566	5/01/94	5/01/95	EACH OCCURRENCE AGGREGATE 	$ $ $	7500000 7500000
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY THE PROPRIETOR/ PARTNERS/EXECUTIVE OFFICERS ARE: X INCL / EXCL	SELF INSURED	5/01/94	5/01/95	X STATUTORY LIMITS EACH ACCIDENT DISEASE - POLICY LIMIT DISEASE - EACH EMPLOYEE	$ $ $	 2500000 2500000 2500000
	OTHER						

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

See attached endorsement.

CERTIFICATE HOLDER

Town of Boston
8500 Boston State Road
Boston, NY 14025

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Michael B. Dennis

ACORD 25-S (3/93)

© ACORD CORPORATION 1993

April 27, 1994

Town of Boston
8500 Boston State Road
Boston, NY 14025

ADDITIONAL INSURED ENDORSEMENT A

Attached to and forming a part of the Certificate of Insurance.

The above named Certificate Holder is added as an Additional Insured to:

General Liability #	RMGL 1759098	All Other States
General Liability #	RMGL 1759099	Texas

and Self-Insured Automobile Liability to the extent of the liability assumed by the Named Insured under the contract between the Certificate Holder and the Named Insured pursuant to which this Certificate is issued; however, the Certificate Holder shall not be included as an Additional Insured to the extent of their negligent acts or omissions.

Michael B. Dennis

MICHAEL B. DENNIS
Authorized Representative
National Union Fire of Pittsburgh, PA

TOWN OF BOSTON

RESOLUTION 1994-4

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:

Integrated Waste Systems Inc.

201 Ganson St., Buffalo, NY 14203

(716) 821-9003

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 - none

ii. Manner and Place of Disposal:

Recyclables - IWS Recycling-Buffalo, NY

MSW - none

B) INDUSTRIAL customers

i. Manner of Collection:

Recyclables - containers-Frontend loader

MSW - containers-Frontend loader

ii. Manner and Place of Disposal:

Recyclables - IWS Recycling-Buffalo, NY

MSW - Buffalo Transfer Station

- 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-Frontend loader

MSW - containers-Frontend loader

ii. Manner and Place of Disposal:

Recyclables - IWS Recycling-Buffalo, NY

MSW - Buffalo Transfer Station

D) RESIDENTIAL customers (excluding Town contract)

i. Manner of Collection:

Recyclables - none

MSW - none

ii. Manner and Place of Disposal:

Recyclables - none

MSW - none

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 2/11/94.

David J. Hall
Town Clerk

Integrated Waste Systems Inc.
(type-in Company Name)

By: Robert Miles

Title: Manager Date: 1/28/94

ACORD CERTIFICATE OF INSURANCE

CSR 2K · ISSUE DATE (MM/DD/YY) 02/21/94

PRODUCER

Lawley Service Inc
120 Delaware Avenue
Buffalo, NY
14202

716-849-8618

INSURED

Integrated Waste Systems, Inc
201 Ganson Street
Buffalo, NY
14203

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

COMPANIES AFFORDING COVERAGE

COMPANY LETTER A — Commerce & Industry
COMPANY LETTER B — National Union of Pittsburg,PA
COMPANY LETTER C
COMPANY LETTER D
COMPANY LETTER E

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS		
	GENERAL LIABILITY				GENERAL AGGREGATE	$	2,000,000
A	X COMMERCIAL GENERAL LIABILITY	GL3405053	07/01/93	10/01/94	PRODUCTS-COMP/OP AGG.	$	2,000,000
	CLAIMS MADE X OCCUR.				PERSONAL & ADV. INJURY	$	2,000,000
	OWNER'S & CONTRACTOR'S PROT.				EACH OCCURRENCE	$	2,000,000
					FIRE DAMAGE (Any one fire)	$	50,000
					MED. EXPENSE (Any one person)	$	5,000
	AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT	$	5,000,000
A	X ANY AUTO	CA27717711	06/30/93	10/01/94			
	ALL OWNED AUTOS				BODILY INJURY (Per person)	$	
	SCHEDULED AUTOS						
	HIRED AUTOS				BODILY INJURY (Per accident)	$	
	NON-OWNED AUTOS						
	GARAGE LIABILITY				PROPERTY DAMAGE	$	
	EXCESS LIABILITY				EACH OCCURRENCE	$	
	UMBRELLA FORM				AGGREGATE	$	
	OTHER THAN UMBRELLA FORM						
B	WORKER'S COMPENSATION	WC3170205	06/31/93	06/31/94	X STATUTORY LIMITS		
	AND				EACH ACCIDENT	$	1,000,000
	EMPLOYERS' LIABILITY				DISEASE—POLICY LIMIT	$	1,000,000
					DISEASE—EACH EMPLOYEE	$	1,000,000
	OTHER						

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

Re: Municipal Solid Waste License

CERTIFICATE HOLDER

Town of Boston
Town Hall
Attn: Michael E. Reilly
8500 Boston State Road
Boston NY 14025-9648

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL_____ DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES

AUTHORIZED REPRESENTATIVE

ACORD CORPORATION 1990

TOWN OF BOSTON

RESOLUTION 1994-4

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.

10667 RT. P.O. BOX 370

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 - SOURCE 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 2/16/94.

Town Clerk

MAPLE CITY DISPOSAL SERVICE, INC
(type-in Company Name)

By: _____

Title: PRESIDENT Date: 2/15/94

ACORD CERTIFICATE OF INSURANCE

CSR 2K ISSUE DATE (MM/DD/YY) 02/04/94

PRODUCER REVISED

Lawley Service Inc
120 Delaware Avenue
Buffalo, NY
14202

716-849-8618

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED
Maple City Disposal Service Inc.
10667 Route 16
Delevan, NY
14042

COMPANIES AFFORDING COVERAGE

COMPANY LETTER A Reliance Insurance

COMPANY LETTER B State Fund

COMPANY LETTER C Reliance of New York

COMPANY LETTER D

COMPANY LETTER E

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
	GENERAL LIABILITY				GENERAL AGGREGATE	$ 2,000,000
A	X COMMERCIAL GENERAL LIABILITY	JK 2532477	07/01/93	07/01/94	PRODUCTS-COMP/OP AGG.	$ 2,000,000
	CLAIMS MADE X OCCUR.	Ded $1,00081/PD			PERSONAL & ADV. INJURY	$ 1,000,000
	OWNER'S & CONTRACTOR'S PROT.				EACH OCCURRENCE	$ 1,000,000
					FIRE DAMAGE (Any one fire)	$ 50,000
					MED. EXPENSE (Any one person)	$ 5,000
	AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT	$ 1,000,000
C	X ANY AUTO	FA2536329	07/01/93	07/01/94		
	ALL OWNED AUTOS				BODILY INJURY (Per person)	$
	SCHEDULED AUTOS					
	HIRED AUTOS				BODILY INJURY (Per accident)	$
	NON-OWNED AUTOS					
	GARAGE LIABILITY				PROPERTY DAMAGE	$
	EXCESS LIABILITY				EACH OCCURRENCE	$ 1,000,000
	UMBRELLA FORM	* Excess Liab.			AGGREGATE	$ 1,000,000
A	X OTHER THAN UMBRELLA FORM	KR 2534677	07/01/93	07/01/94		
B	WORKER'S COMPENSATION AND EMPLOYERS' LIABILITY	1084 563-4	07/01/93	07/01/94	X STATUTORY LIMITS	
					EACH ACCIDENT	$ 100,000
					DISEASE—POLICY LIMIT	$ 500,000
					DISEASE—EACH EMPLOYEE	$ 100,000
	OTHER					
C	Comp & Coll.	FA2536329	07/01/93	07/01/94	$500.Ded	per sched
A	Inland Marineolicy	JK2532477	07/01/93	07/01/94	$51,200.	RC/250 Ded

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

Certificate to follow from the State Insurance Fund
* Excess Liability coverage applies over General Liability & Automobile
This Certificate voids and supercedes Certificate with issue date of 01/20/94

CERTFICATE HOLDER

Town of Boston
8500 Boston State Rd.
Boston, N.Y. 14025

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL _____ DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

ACORD 25-S (7/90)

© ACORD CORPORATION 1990

REGULAR BOARD MEETING
FEBRUARY 16, 1994

TOWN HALL
7:30 P.M.

Received an Application for a fill permit from Jerome R. Krencik, 7130 Boston State Road.

Supervisor Kennedy: If you are drawing fill from within the Town of Boston you don't need a permit, if you are going to continue to bring in fill from outside the community you will need a special permit. Is that what you wish to do?

Jerome R. Krencik, 7130 Boston State Road: Last year was the only year I had any brought in from the contractor. Before that I used all local fill. I don't know if this year will be the same or not. I would like to get a permit in case the contractor contacts me and has decent fill.

Supervisor Kennedy: In order to approve this permit, according to 123-126 of the Town zoning law, the use is subject to a special permit for dumping of materials which originate outside the Town of Boston. You would be required to be issued a special permit by the Town Board. The application procedure requires a Public Hearing and a referral to the Planning Board for their recommendation. There is a fee of $125.00 for this special use permit. If you wish to pursue this you will have to show clearly in your application where the fill will be used and what kind of fill you are bringing in.

RESOLUTION 1994-3 REFUSE LICENSE FOR C.I.D. REFUSE SERVICE, INC. AND BFI-NIAGARA SANITATION CO., INC.

RESOLUTION 1994-4 REFUSE LICENSE FOR MAPLE CITY DISPOSAL SERVICE, INC. AND INTEGRATED WASTE SYSTEMS, INC.

Supervisor Kennedy: The license of Maple City Disposal Service, Inc. and Integrated Waste Systems, Inc. is contingent upon the receipt of their Certificates of Insurance.

Town Attorney Reilly was directed to send letters to Maple City Disposal Service, Inc. and Integrated Waste Systems, Inc. requesting their Certificates of Insurance.

SUPERVISOR REPORT

Supervisor Kennedy: We met with our new Insurance carrier, PERMA, for Workmen's Compensation Insurance. Upon their recommendation, I am forming a safety committee to aid our employees to work in a safe environment. I am appointing David Shenk, Eugene Ruchalski, Marilyn Clesse, a representative from each of the three Fire companies and Emergency Squad as well as myself.

The Town Clerk was directed to write a letter to each of Fire companies and the Emergency Squad indicating that we have appointed one of their members to a safety committee and we will appreciate them forwarding us the name of their safety officer.
A motion was made by Councilman Flowers and seconded by Councilman Davenport to re-appoint Robert Zwack Boston Fire Police, Robert Karcher and Sean Crotty as North Boston Fire Police.

five (5) Ayes Carried

REGULAR BOARD MEETING
FEBRUARY 16, 1994

TOWN HALL
7:30 P.M.

The Town Clerk was directed to write a letter to Robert Zwack, Robert Karcher and Sean Crotty along with carbon copies to the chiefs of the Fire Company requesting them to file an oath card in the Town Clerk's Office within a fifteen day period in order to be covered by Insurance.

We met with Representatives of the Erie County Water Authority and they offered new proposals to myself and the Town Engineer, in an effort to fund the projects on the East Hill. They are exploring a sur-charge or the possibility of a different water structure of rates depending on how many times the water is pumped. Meetings were also scheduled with the Supervisors of Orchard Park and Aurora. We will all meet again including the Town Board and the Town Attorney before we meet with the Commissioners of Erie County Water Authority to either concur with their plans or to object.

At 8:02 P.M. a Public Hearing was held regarding the use of Federal Community Development Funds in the Town of Boston.

Town Clerk Shenk read the legal notice and Supervisor Kennedy convened the Public Hearing.

Supervisor Kennedy stated that Dolores Seufert requested that the additional cost of $75,000 be considered for the Kitchen upgrade, including the general construction, equipment, mechanical and electrical needed for a commercial kitchen.

We received a grant for $100,000 for the addition of the building. We now have an estimate of $125,000. Bids will be received on the community room on February 25,1994.

A letter was received from the Rural Transit Service requesting that funding for the Service be included in the Community Development Funds.

A request was received from Southtowns Coalition of Community Services asking for support for an application for a block grant for 1994.

LEGAL NOTICE
NOTICE OF PUBLIC HEARING
NOTICE TO THE CITIZENS OF THE TOWN OF BOSTON

A Public Hearing will be held on February 16, 1994 at 8:00 P.M. Eastern Standard Time at the Boston Town Hall, 8500 Boston State Road, Boston, New York regarding the use of Federal Community Development Funds in the Town of Boston.

The Town of Boston is eligible for a Federal Community Development Grant under Title 1 of the Housing and Community Development Act of 1974, as amended.

The purpose of the hearing is to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects 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 the Town of Boston's selection of potential projects to be submitted for possible funding 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. The meeting room is wheelchair accessible. Those needing special arrangements should call the Town of Boston at (716)-941-6113 by February 11, 1994.

DATED: January 20, 1994
PUBLISHED: January 27, 1994
BY ORDER OF THE TOWN BOARD
DAVID J. SHENK
1-27 TOWN CLERK

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

five (5) Ayes Carried

RESOLUTION 1994-5 COMMUNITY BLOCK GRANT PROJECT

Councilman Flowers requested that the Town Clerk send a letter to Nancy Protos, President of the Southtowns Coalition of Community Services, stating that the Town Board would have liked to have included her request for support for an application for a block grant but we did not have enough information.

TOWN OF BOSTON

RESOLUTION 1994 - 5

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 February, 1994 at 7:30 P.M.

PRESENT:

Richard L. Kennedy	Supervisor
Don A. Wohlhueter	Councilman
Mark W. Flowers	Councilman
Josephine M. Davenport	Councilman
Peter A. Walter	Councilman

Councilman Flowers presented the following resolution and moved its adoption;

As a result of a Public Hearing held at the Boston Town Hall on February 16th, 1994 relating to suggestions by the public of projects to be selected for funding during 1994, the Town Board of the Town of Boston offered the following resolution:

RESOLVED; that the Town Board of the Town of Boston submit the following projects to be considered for funding by the Erie County Community Block Grant Program for the year 1994

1st Priority - Senior Citizens - Renovation of the kitchen and needed equipment

2nd Priority - Rural Transit Service

BE IT FURTHER RESOLVED; that the Town Board of the Town of Boston authorize the Town Supervisor to sign, submit and execute any contracts relating to the described priority projects upon their approval by the Erie Community Block Grant Program,

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

Supervisor Kennedy	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye
Councilman Davenport	Voting Aye
Councilman Walter	Voting Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk, Town Clerk

Supervisor Kennedy added that we should include in the letter to Nancy Protos, that if the Community Block Grant is funded and there is an opportunity for us to participate she could let us know what our cost would be. If there is enough money in the senior budget to accommodate them, we will do so.

SUPERVISOR REPORT (CONT.)

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to accept the 1993 Annual Report of the Town of Boston Supervisor.

five (5) Ayes Carried

TOWN CLERK REPORT

Town Clerk Shenk: County Tax bills were mailed on February 15, 1994. During my collection this year I will be open four consecutive Saturdays, from 9:00 A.M. to 3:00 P.M.

February 19 & 26, 1994 and March 5 & 12, 1994.

For those who have received your tax bills, you may have noticed that the sewer tax appears on two separate lines. In the past it was shown on one line. We have been receiving many calls on this and we are assuring residents that there are no differences in the charges.

TOWN ATTORNEY REPORT

Town Attorney Reilly: I was asked to review an agreement regarding a tank refurbishment of a water tank on the West Hill. This was a proposal submitted by the Erie County Water Authority and the Supervisor and past Board wanted certain revisions. The revisions state that the Water Authority would be responsible for the cost of the removal of the sandblasted material, that the Town would be named as an insured on the Insurance policy and that the specs for advertising would be provided to the Town before publication. After review I found these items are in the document as written now and I would recommend its execution.

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to authorize the Supervisor to sign an agreement with the Erie County Water Authority for the sandblasting and repainting of the tanks.

five (5) Ayes Carried

Town Attorney Reilly: I met with Paul Huber of New York Telephone and Supervisor Kennedy regarding information on the Fiber Optic Station proposed for Deanna Drive. In a letter dated January 31, 1994, I was asked for a legal opinion regarding the following questions:

1. Whether a Fiber Optic Station is allowable on Deanna Drive, which is zoned R2?

2. If allowed, is a site plan review required?

It is my conclusion that the equipment to be installed by New York Telephone at this Fiber Optic Station is a telephone appurtenance. As such the Fiber Optic Station falls within a specific exclusion and is therefore allowable in this area even though zoned R2. It is my opinion that site plan review is not required. As indicated by the Code Enforcement Officer, a building permit will be required for this project and that process will be applicable.

Councilman Flowers: Can we ask New York telephone to add shrubs etc. to beautify the site so it does not stick out like a sore thumb.

Town Attorney Reilly: Mr. Huber indicated that the Telephone Company will put in shrubs, or a fence or both if requested.

Ronald Yormick, 6405 Deanna Drive: Will this Fiber Optic Station only require foot traffic? Will there be a driveway or anything connected with it?

Town Attorney Reilly: It is my understanding that the only travel to it will be pedestrian.

Ronald Yormick: There is not presently a road down that far. There will be mud all over our area since there isn't a road.

Katherine Falkides, Boston Hill Estates: In discussions with New York Telephone they told us the only way they would need to get to this equipment is by foot. They would landscape if we desired to our specifications.

COUNCILMAN REPORT

Councilman Flowers: I met with the Chamber of Commerce and they are entertaining letters and nominations for the "Boston Citizen of the Year Award". If there is someone you would like to nominate you can send your request to P.O.Box 47, Boston NY 14025. Councilman Davenport and myself met with the Commissioners of the Erie County Water Authority and they have a new plan for the water on the East side of Boston. It is subject to approval by the Towns of Orchard Park, Aurora, Colden and Boston.

Councilman Walter: On February 8, 1994, we had a meeting of the Traffic, Safety and Roadways Committee. Present were Bud Wittmeyer, Al Carpenter, James Coyle and myself. We discussed many items including the repairs to route 277, Boston Cross Road, and Boston Cross Road intersection where it meets Cole and Boston Colden Roads. They are going to reconstruct that whole intersection and the entire length of Lower East Hill Road and Old Lower East Hill Road. We also discussed speed limits and we feel that by the end of this year all the areas of this Town will be posted properly.

Councilman Walter: I had a meeting on February 10, 1994 with the drainage committee. Present were Richard Kennedy, Eugene Ruchalski, Michael Kobiolka, Paul Sawicki, and myself. We discussed all the problem areas including the Hillcroft Bridge area, the Maplelawn and Pinehurst area, Roland Drive, Meadow Drive and the Woodland, Hickory area. We are hoping for a slow melt down because a fast run off will give us problems. During the summer we hope to rectify these problems.

John Falkides, Boston Hills Estates: Can we ask the Army Corp of Engineers to do something in anticipation of problems in the event of a fast meltdown?

Councilman Walter: We have heard from the Army Corp. of Engineers and they have made studies in regards to the Hillcroft Bridge and they are not done yet.

Supervisor Kennedy: The Army Corp of Engineers will make sandbags and all the equipment we might need available if there is extensive flooding. That is about all that they offered at the emergency meeting I attended.

REGULAR BOARD MEETING
FEBRUARY 16, 1994

TOWN HALL
7:30 P.M.

Councilman Davenport: I visited the Boston Valley School Friday Night Youth Program. There are about ninety children enrolled in the program. It is a very good program and all the children are well behaved.

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officer Monthly Report for January 1994 was received and on file in the Town Clerk's Office.

A motion was made by Councilman Walter and seconded by Councilman Davenport to adjourn meeting at 8:48 P.M.

David J. Shenk
DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
MARCH 2, 1994 — 7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman Josephine M. Davenport, Councilman Peter A. Walter, Supervisor Richard L. Kennedy, Town Attorney Michael E. Reilly, and Highway Superintendent Eugene E. Ruchalski.

Thomas Kasprzyk, Pastoral Assistant - St. John's, opened the meeting with a prayer.

A motion was made by Councilman Flowers and seconded by Councilman Davenport to accept the corrections and adoption of the minutes of the February 16, 1994 regular monthly 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 #3, dated March 2, 1994 in the amount of $14,989.40 be paid.

five (5) Ayes — Carried

022 Correction Pg 45

A motion was made by Councilman Flowers and seconded by Councilman Walter that the Highway Bills on Abstract 3, dated March 2, 1994 in the amount of $11,900.90 be paid.

five (5) Ayes — Carried

Received and filed a letter from Erie County Department of Emergency Services requesting an updated list of town officials. Included was a Local Government Information Report and Disaster Plan.

Received and filed a notice from the State of New York State Board of Equalization and Assessment on the final State Equalization rate of 85.47 for the 1993 Assessment Roll.

Received and filed an updata letter from the State of New York Office of the State Comptroller on the Volunteer Ambulance Workers Service Award Program. Supervisor Kennedy directed Town Clerk Shenk to forward a copy to the Boston Emergency Squad.

Received and filed a petition from the residents of West Hill, Tillen, and Pfarner roads, opposing the present condition of the intersection of Old Pfarner and the new access highway, West Tillen.

Laura Heath, 9482 West Hill Road: Thank you Mr. Kennedy for your concern and your cooperation in meeting with the residents of West Hill, Tillen and Pfarner Roads on February 23, 1994. Tonight I had trouble at the intersection of Pfarner and West Tillen access roads. My front wheel drive car slid sideways down the hill.

Supervisor Kennedy: We have looked at it as members of the Council and the height of the previous road was increased by about two and a half feet in order to maintain the grades that are required by the DOT for the access road. In doing so they compounded what was already a very steep incline. We are exploring solutions with the County and our own engineers and when all the reports are in they will be referred to Councilman Walter.

Referred to Councilman Walter, a request for street lighting on the new section of West Hill Road from Laura Heath, 9482 West Hill Road, who is representing the residents of West Hill, Tillen and Pfarner Roads.

TOWN OF BOSTON

TOWN OF BOSTON NEW YORK

RESOLUTION 1994-6

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 2nd day of March 1994 at 7:30 P.M. Eastern Standard Time, there were:

Present:	Richard L. Kennedy	Supervisor
	Mark W. Flowers	Councilman
	Don A. Wohlhueter	Councilman
	Josephine M. Davenport	Councilman
	Peter A. Walter	Councilman
Absent:		

Councilman Wohlhueter presented the following resolution and moved its adoption:

WHEREAS, The Local Government Records Management Improvement Fund was created with a termination date of December 31, 1995 and

WHEREAS, grants and technical advice are essential in assisting all the local governments of New York State in developing records management programs adequate to the demands of government and citizens, and

WHEREAS, the Town of Boston is receiving funding from the Local Government Records Management Improvement Fund, and

WHEREAS, these needs are served and these programs sustained without the use of state tax revenues, through modest surcharges on fees for records filed and recorded by county clerks and the Register of the City of New York, then,

NOW THEREFORE:

BE IT RESOLVED, that the Town of Boston fully supports the perpetuation of the Local Government Records Management Improvement Fund through elimination of its sunset provision and supports its continued administration by the New York State Archives and Records Administration of the New York State Education Department and the oversight of that Fund by the Local Government Records Advisory Council.

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

Supervisor Kennedy	Voting Aye
Councilman Flowers	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Davenport	Voting Aye
Councilman Walter	Voting Aye

AYES: FIVE(5) NOES: NONE(0) ABSENT: NONE(0)

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
MARCH 2, 1994 — 7:30 P.M.

Received and filed a letter from Department of the Army regarding the Hillcroft Road Bridge. Enclosed was a copy of the Army Corps of Engineers Environmental Assessment Report, Finding of No Significant Impact, Public Notice and 404 (b) (1) Evaluation for the proposed emergency erosion protection for the Hillcroft Bridge on Eighteen Mile Creek, Town of Boston, New York. The purpose of the proposed action is to prevent the bridge from collapsing due to continuing erosion of its foundation along the creek.

Received and filed a letter from Congressman Jack Quinn regarding the Erosion Control Study at the Hillcroft Bridge.

Referred to Councilman Wohlhueter a notice from the NYS DEC of a Public Hearing in Albany New York, April 14, 1994 , on a Solid Waste Management Plan Update.

Received and filed a letter from the Erie County Water Authority stating that the adopted budget for 1994 contains no general rate increase for the upcoming year. Enclosed are extracts from the Minutes of the February 17, 1994 meeting of the Authority and the Authority's Tariff Amendments effective March 15, 1994.

REQUESTS FROM FLOOR

Ronald Yormick, 6405 Deanna Drive: First of all I'd like to thank the Town Board for not raising my taxes for 1994. Secondly, I'd like to know if there has been any communications or requests from the Deanna Drive property owners pending anything to do with Deanna Drive to any member of this Town Board?

Supervisor Kennedy: Neither I nor any members of the Town Board or the Town Attorney have received any communication from the property owners of Deanna Drive.

Received and filed a letter from the Erie County Water Authority concerning the Storage Tank Refurbishment Report. The report states the cost of refurbishment of the standpipe for the Eden II tank is the same as replacing the facility with a new structure, ($316,000 vs. $320,000).

Received and filed a letter from Town Attorney Reilly regarding the Storage Tank Ladder Safety System Improvements. The contract is a standard contract by the Water Authority and the improvements are mandated by OSHA, therefore this contract can be signed.

Received and filed a letter from the Town of Amherst requesting the Town of Boston adopt a Resolution in Support of Repealing the Sunset Provision of Chapter 78, Laws of 1989 Establishing the Local Government Records Management Improvement Fund.

RESOLUTION 1994-6 LOCAL GOVERNMENT RECORDS MANAGEMENT IMPROVEMENT FUND

A motion was made by Councilman Wohlhueter and seconded by Councilman Flower to grant the Town of Boston Softball League use of the Lion's Club Shelter and the chairs and tables from the Community Room, for a picnic on July 23, 1994.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter to grant the Welcome Wagon of Boston use of the Lion's Club Shelter on May 14, 1994, for the annual plant sale to benefit the Boston Library. No alcohol will be served.

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
MARCH 2, 1994 — 7:30 P.M.

A motion was made by Councilman Walter and Seconded by Councilman Davenport to grant the Boston Lions Club use of the Lion's Club Shelter and immediate surrounding Town Park facilities for their annual Octoberfest Celebration on July 29, and 30th, 1994. It is further granted that no events will be scheduled from July 25th through August 1st to allow for set up and tear down of scheduled events. Permission is granted to serve liquor and Liability insurance policies will be provided.
five (5) Ayes — Carried

Supervisor Kennedy: After review of the recommendations of the architect and discussions by members of the Capital Improvement Committee, the following recommendations are forwarded to the Town Board for their consideration: The Capital Improvements Committee recommends that the Town Board accept a bid for a pitched roof construction and the Alternates for storm, sewer and Food Service Equipments hook-ups be awarded so that a comprehensive nutrition program can be implemented after completion of the contract.

Supervisor Kennedy : I wrote a memo to the Councilman in regards to the lowest bidder, Kostas Construction, who is a General Contractor. Carol Siracuse, our architect, has assured me that they have fully investigated the three recommendations given them. All the engineering firms contacted stated they were satisfied with the work performed by Kostas.

Carol Siracuse, requested a list of all subcontractors and we have the power to deny any subcontractors whose work is blacklisted as doing sub-par work. She again recommends Kostas be awarded the contract.

The Bid Tabulation and Report of C.C.S. Architects is as follows: On Friday, February 25, 1994 at 11:00 a.m., bids were opened and read aloud for the Boston Town Hall Addition and Alterations Project. Bids were received for six (6) prime contracts as follows:

General Construction (9)
Heating, Ventilating and Air Conditioning (7)
Electrical (4)
Plumbing (7)
Asbestos Abatement (1)
Food Service Equipment (0)

The Bid Tabulations are attached. The apparent low bidders for each prime contract for pitched roof construction including recommended Alternates for storm, sewer and Food Service Equipment hook-ups are as follows:

GENERAL CONSTRUCTION

Kostas Construction
Base Bid: $107,000

PLUMBING WORK

R. G. Rechin, Inc.
Base Bid: $ 29,546 Alt. P-1 + $ 3,430 Alt. P-2 + $ 1,943
Total: $ 34,919

HVAC WORK

Buffalo Sheet Metals, Inc.
Base Bid: $59,900

REGULAR BOARD MEETING
MARCH 2, 1994

TOWN HALL
7:30 P.M.

ELECTRICAL WORK

Tunney Electric, Inc.
Base Bid: $ 15,865 Alt. E-1 + $ 885 Alt. E-2 + $ 214
Total: $ 16,964

ASBESTOS ABATEMENT WORK

A.A.C. Contracting - Reject
Base Bid: $ 9,999

FOOD SERVICE EQUIPMENT

No Bids Received

The total combined bids for Pitched Roof Construction are as follows:

Total Bids including desirable alternates:	$218,783
Asbestos Abatement Bid:	9,999
TOTAL	$228,782

We advise rejecting the Asbestos Abatement Bid since we believe the bid to be unreasonable for the scope of work. A more reasonable number would be $1000.+/-, which can be negotiated by the Town.

We further recommend re-bidding the Food Service Equipment portion of the project.

Using the estimate received from the Food Service Equipment Contractor for all of the equipment, $59,302, and the $1000 for Asbestos Abatement, the construction budget totals:

Construction Bids:	$218,783
Asbestos Abatement Allowance:	1,000
Food Service Equipment:	59,302
TOTAL	$279,085

To this total, we recommend the addition of contingency of 10%, or $27,909, bringing the total budget for construction to $306,994.

The following are recommended low bidders for each prime contract for flat roof construction including recommended Alternates for storm, sewer and Food Service Equipment hook-ups from C.C.S. Architects:

GENERAL CONSTRUCTION - Kostas Construction

Base Bid:	$107,000
Alt.GC-1:	2,000
Total	$109,000

PLUMBING WORK - R.G. Rechin, Inc.

Base Bid:	$29,546
Alt. P-1:	3,430
Alt. P-2:	1,943
Total	$34,919

HVAC - Buffalo Sheet Metals

Base Bid:	$59,900
Alt. H-1:	+ 220
Alt. H-2:	- 110
Total	$60,010

REGULAR BOARD MEETING
MARCH 2, 1994

TOWN HALL
7:30 P.M.

ELECTRICAL WORK	-	Tunney Electric	
		Base Bid:	$15,865
		Alt. E-1:	885
		Alt. E-2:	214
		Total	16,964
ASBESTOS ABATEMENT	-	A.A.C. Contracting	
		Base Bid:	$ 9,999
FOOD SERVICE EQUIP.	-	No Bids Received	

The total combined contracts for flat roof construction are as follows:

Total Bid Construction (Including Alternates)	$220,893
Asbestos Abatement Work	9,999
Food Service Equipment (Estimated)	59,302
Total	$290,194

We advise rejecting the Asbestos Abatement Bid, and re-bidding the Food Service Equipment contract.

In conclusion, we recommend acceptance of the low bids in either scenario.

In reference to the kitchen alternates, we can subtract $26,750 +/- from either total cost. Also, we can eliminate additional sewer work involved for the construction of a new lateral due to increased sewer load. It is advisable however to wait for responsible Food Service bids before making this decision.

A motion was made by Councilman Flowers and seconded by Councilman Walter to request the Town Clerk to advertise for the re-bidding of the Food Service Equipment for the Addition and Alterations CCS project No. 93-47. The sealed bids are to be received at the office of the Town Clerk until 11:00 A.M. on March 25,1994, when they will be publicly opened and read aloud.

five (5) Ayes — Carried

The following bids for the Boston Town Hall Addition and Alterations Project (CCS Project No. 93-47) which was opened and read aloud on February 25, 1994 at 11:00 A.M. were read into the minutes by Supervisor Kennedy.

GENERAL CONSTRUCTION	BASE BID	ALTERNATE
KBCC Inc.	133,713	3,831
CH Byron Co.	170,000	9,000
Kirst Const.	130,150	8,560
Hadala Corp.	129,000	11,900
Kostas Const.	107,000	2,000
Clarence Assoc.	149,300	9,500
Landmark Const. Co.	124,600	12,428
Telco. Corp.	134,934	9,782
LCP Const. Corp.	129,200	2,000

PLUMBING WORK	BASE BID	P-1	P-2
J.Nagoski	32,900	-6,500	
Ackerman & Hubesh	39,666	3,555	1,111
Kandy Inc.	43,779	5,500	2,000
WC Robertson	36,994	4,454	2,224
Aurora	53,470	4,000	1,000
R.G. Rechin Inc.	29,546	3,430	1,943
G.A.W. Blum	42,580	3,900	1,730

REGULAR BOARD MEETING
MARCH 2, 1994

TOWN HALL
7:30 P.M.

ELECTRICAL	BASE BID	E-1	E-2
Warren Elec.	21,437	885	924
Tunney Elec.	15,865	852	214
Weydman Elec.	22,799	725	310
CVM Elec.	23,177	1,087	297

ASBESTOS ABATEMENT	BASE BID	
AAC. Const.	9,999	recommended we reject

Mrs. Siracuse of C.C.S. Architect, contacted Minor Abatement Corp. in Lakewood NY, who submitted a bid dated March 1, 1994 in the amount of $1,012.50

HVAC	BASE BID	H-1	H-2
JW Danforth	67,677	1,200	-600
Vastola	67,546	2,514	-896
WC Robertson	73,000	2,100	-890
B & H Refrig.	66,300	585	-317
Frank Kellner	62,400	950	-650
Bflo Sheet Metal	59,900	-110	+220
Allied Mech. Inc.	67,531	1,000	-650

FOOD SERVICE EQUIPMENT

NO BIDS RECEIVED

Councilman Walter: Wasn't there supposed to be a list of sub-contractors that we were to check out prior to our awarding of the contracts?

Supervisor Kennedy: The Architect requested a list of the subcontractors. If we are not satisfied we can reject them and request someone else.

Councilman Walter: Once the contract is awarded, these figures were used in the bidding. If we reject the sub contractors, what does the General Contractor do for a bid?

Supervisor Kennedy: If we have no justification for eliminating them, then we will have to pay the difference for the contract we wish to put on the job.

Councilman Walter: That doesn't make a lot of sense. It would be best to straighten it out now.

Supervisor Kennedy: That is up to you but I am prepared to award the bids tonight on our recommendation. If you feel you want to delay the project that's fine with me. The Architect fully investigated the lowest bid and even gave him an opportunity of an out because he was the lowest bidder. He is standing firm by his bid and that he is able to do the work.
The recommendations we have are certainly in order. I will ask the Town Attorney now if under those circumstances if we can deny him as the lowest responsible bidder.

Town Attorney Reilly: What I believe Councilman Walter is requesting is to get a list of sub-contractors before you award the contract. I would think that would be an option the Council would have. The disadvantage being that it would delay the process.

Supervisor Kennedy: Suppose we get a list of sub-contractors and we are not familiar with their work, how are we, as members of the Board, going to know if they are responsible or not?
We have to rely on the expertise of the Architect. That is why we hired one.

Supervisor Kennedy: If you want to reject the bid, so be it, but be prepared in rejecting any bid that you can justify that rejection or you can be sued. Am I correct?

Town Attorney Reilly: If you make the determination that the lowest bidder is not responsible, they would have the option to come back on the Town and you would need some type of basis to justify that decision.

Councilman Walter: The only reason I requested a sub-contractor list is because the General Contractor bid was almost 20% lower than the other bids. When you are 20% lower you are cutting corners someplace especially when you are paying the prevailing rates. I was wondering who the sub-contractors were and if a bad name appeared I would make a recommendation. I would prefer to wait two weeks until the list of sub-contractors is investigated.

A motion was made by Councilman Walter and seconded by Councilman Davenport to table the awarding of the bids for the Addition and Alterations Project until a list of sub-contractors for the General Contractor can be supplied.

Councilman Flowers	AYE
Councilman Wohlhueter	NAY
Councilman Davenport	AYE
Councilman Walter	AYE
Supervisor Kennedy	NAY

three (3) Ayes two (2) Nays Carried

Supervisor Kennedy: I am appointing Councilman Wohlhueter as a liaison to the Southtowns Planning and Development Group.

Supervisor Kennedy: I am appointing Councilman Flowers as Chairman of the Site Selection Committee of the West Seneca Developmental Disabilities Service for a proposed group home.

RESOLUTION 1994-7 WORKERS COMPENSATION INSURANCE CARRIER

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to deny a building permit extension to Lester J. Woleckion, S5539 Stillwell Road, at site 6762 Liebler Road.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to deny a building permit extension to Glenn Wetzl of the Boston Valley Builders, at site 6748 Pin Oak Drive.

five (5) Ayes Carried

SUPERVISOR'S REPORT

A) Supervisor's Monthly Financial Report for February 1994 received and on file in the Town Clerk's Office.

TOWN CLERK REPORT

Town Clerk Shenk: Regarding my Interim Narrative Project Performance Report for the Records Management Grant that I received in July of 1993, we are halfway through the grant and will shortly be transferring records to the new storage system.

I would also like to remind everyone that County taxes for Boston are due March 15, 1994. The Town Clerk's office will be open extra hours for the end of the collection. On Friday, March 11, I will be open until 7:00 p.m., on Monday, March 14, till 8:00 p.m., and on Tuesday, the 15th, until 9:00 p.m..

TOWN OF BOSTON

TOWN OF BOSTON NEW YORK

RESOLUTION 1994-7

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 2nd day of March 1994 at 7:30 P.M. Eastern Standard Time, there were:

Present:	Richard L. Kennedy	Supervisor
	Mark W. Flowers	Councilman
	Don A. Wohlhueter	Councilman
	Josephine M. Davenport	Councilman
	Peter A. Walter	Councilman

Absent:

Councilman Wohlhueter presented the following resolution and moved its adoption:

WHEREAS, The Town of Boston Town Board terminated the State Insurance Fund for Worker's Compensation, effective December 31, 1993.

WHEREAS, The Town of Boston Town Board has contracted with PERMA, (Public Employer Risk Management Association) for Worker's Compensation Insurance, effective January 1, 1994.

NOW THEREFORE:

BE IT RESOLVED, that PERMA is the official designated insurance company for Worker's Compensation Insurance for the Town of Boston, effective January 1, 1994.

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

Supervisor Kennedy	Voting Aye
Councilman Flowers	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Davenport	Voting Aye
Councilman Walter	Voting Aye

AYES: FIVE(5) NOES: NONE(0) ABSENT: NONE(0)

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING
MARCH 2, 1994

TOWN HALL
7:30 P.M.

TOWN JUSTICE REPORT

A) Town Justice Monthly Report for February 1994 was forwarded to Albany.

SUPERINTENDENT OF HIGHWAYS REPORT

Superintendent Ruchalski: I would like to thank the Town Board for authorizing my trip to New York. The classes were very beneficial to me. Some that come to mind are, Department Management, Road Paving, and Salt Storage.

I also need authorization for brush pick-up for 1994. We are going to keep the same schedules as last year. First and third Mondays of April, May, September and October. We will put posters up at the local businesses and deliver notices in the Pennysaver boxes. We are still picking up christmas trees.

A motion was made by Supervisor Kennedy and seconded by Councilman Walter authorizing the Highway Department to pick-up brush for 1994.

five (5) Ayes — Carried

TOWN ATTORNEY

Town Attorney Reilly: At the last Town Board meeting the Supervisor asked me to check on two certificates of insurance that were not in from Integrated Waste and Maple City. I sent letters and have received the certificate from Integrated Waste.

I also attended the seminar in New York City. This was my first time in attendance and I found it to be very informative. Myself and Councilman Walter attended the business session as delegate and alternate. All the Resolutions that were recommended by the Town Association were passed. The Town Clerk made all the arrangements for transportation and lodgings and I thought he did a very good job.

COUNCILMAN REPORT

Councilman Wohlhueter: I too attended the seminar and I would like to thank the Town for allowing me to attend. I attended one on Cable TV. I also talked with Adelphia Cable because I had a request from a resident on Keller Road requesting cable TV. They have to do a study within 30 days and he will get back to me on this. The resident was of the opinion that there was a deadline where the whole Town should be covered with cable TV. There is no such deadline.

I attended a meeting on New York Municipal Insurance Risk Association. There is a possibility we can become involved with this company and save some money on our insurance.

Councilman Walter: I also attended the seminar in New York City. There were over 915 Towns represented. I had a chance to speak with some people from the DOT and made a request to them regarding speed limits. We sent letters to them in June of 1993 on speed limits. We sent follow up letter in January and on last week. They will give us a response in the area of Boston Valley School.

As for the drainage committee, we got another break tonight, there will be no water in the morning.

Councilman Davenport: I also would like to thank the Town. I really enjoyed the New York seminar. I covered about six different workshops and I will make a written report. The one on water applies to us very well.

REGULAR BOARD MEETING
MARCH 2, 1994

TOWN HALL
7:30 P.M.

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer monthly report for February 1994, received and on file in the Town Clerk's Office.

DEPUTY CODE ENFORCEMENT OFFICER REPORT

A) Deputy Code Enforcement Officer's monthly report for February 1994, received and on file in the Town Clerk's Office.

DOG CONTROL OFFICER REPORT

A) Dog control Officer monthly report for February 1994, received and file in the Town Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's report for February 1994 received and on file in the Town Clerk's Office.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to adjourn the meeting at 8:54 P.M..

David J. Shenk, Town Clerk

REGULAR BOARD MEETING — TOWN HALL
MARCH 16, 1994 — 7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman Josephine M. Davenport, Councilman Peter A. Walter, Deputy Supervisor Lucille C. Genzel, and Town Attorney Michael E. Reilly.

Absent: Supervisor Richard L. Kennedy and Highway Superintendent Eugene E. Ruchalski.

Deputy Supervisor Lucille C. Genzel chaired the meeting.

See correction p. 48

A motion was made by Councilman Flower and seconded by Councilman Walter to accept the corrections and adoption of the minutes of the March 2, 1994 regular monthly meeting.

four (4) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport that the General Fund and Special District Bills on Abstract #3A, dated March 16, 1994 in the amount of $49,063.05 be paid.

four (4) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Walter that the Highway Bills on Abstract 3A, dated March 16, 1994 in the amount of $35,263.67 be paid.

four (4) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport to accept the Town Clerk's monthly report for February 1994.

four (4) Ayes — Carried

Received and forwarded to Councilman Flowers an updated list of emergency telephone numbers from National Fuel.

Received and filed a letter from, Robert J. Russell, Regional Director, Department of Transportation, stating that the situation at the Rice Hill Road Interchange Access road is being researched.

Received and filed a letter from Assemblyman Pordum requesting a public meeting in Boston to address the concerns of the Rice Hill Road Interchange Access road.

Received and filed a letter from U.S. Senator, Alfonse D'Amato, offering help in response to a request from Supervisor Kennedy regarding the Hillcroft Road Bridge.

ERIE COUNTY SHERIFF'S REPORT

A) Erie County Sheriff's report for February 1994, received and on file in the Clerk's Office.

A motion was made by Councilman Flowers and seconded by Councilman Walter to grant Richard Waszak, Dog Control Officer, permission and reimbursement for expenses, to attend a Rabies Awareness Seminar, April 6, 1994 at Erie Community College.

four (4) Ayes — Carried

Deputy Supervisor Genzel: On February 25, 1994 bids were opened and read into the minutes of the March 2,1994 Regular Board Meeting for the Community Room Expansion Project. We had a list of low bidders and the awarding of contracts was deferred until the low bidder, Kostas Construction, provided the Board with a list of his sub-contractors.

REGULAR BOARD MEETING — TOWN HALL
MARCH 16, 1994 — 7:30 P.M.

Received and filed a letter from Kostas Construction, dated March 8, 1994, requesting withdrawal of his bid without any monetary repercussions to his company or his bonding company.

Deputy Supervisor Genzel: We have talked with our Architect and she has made other recommendations. At this point I am deferring to Town Attorney Reilly to ask what happens to the bid bond that Kostas Construction provided?

Town Attorney Reilly: When Kostas Construction submitted his bid for the addition to the Town Hall, a bid bond was required. That indicated that there was a penalty amount of 10%. The contractor has withdrawn from that contract and the provisions of the bid bond would now be applicable. The Town would have a right to enforce its right pursuant to that bid bond. It would be $10,700.

A motion was made by Councilman Flowers and seconded Councilman Walter to have the Town Attorney investigate and enforce the Town's rights under the terms of the contract and the bid bond.

four (4) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Davenport to award Landmark Construction Co., Inc. of Tonawanda, NY, be awarded the base contract for General Construction in the amount of $124,600.

four (4) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter to award the Plumbing Contract to R.G. Rechin, Inc. of Derby, Ny, with a base bid of $29,546 with alternate P1 of $3,430. Total bid is $32,976. We will hold off on Alternate P2 until the Food Service Contract is awarded.

four (4) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Flower to award the Electrical Contract to Tunney Electric, Inc. of Amherst, NY, total Bid of $15,865. We will hold off on Alternate E1 and E2 until the Food Service Contract is awarded.

four (4) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Davenport to reject the bid of A.A.C. Contracting in the amount of $9,999 for the Asbestos Abatement Work.

four (4) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to award the Asbestos Abatement Work to Minor Abatement Corp., Lakewood, NY, total Bid of $1,012.50.

four (4) Ayes — Carried

A motion was made by Councilman Flower and seconded by Councilman Walter to award the HVAC, (Heating Ventilating, and Air Conditioning) contract to Buffalo Sheet Metal, Inc., in the base amount of $59,900.

four (4) Ayes — Carried

Food Service Equipment has been re-bid and will be publicly opened March 25, 1994 at 11:00 a.m..

REGULAR BOARD MEETING — TOWN HALL
MARCH 16, 1994 — 7:30 P.M.

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter to refer to the Planning Board for review and recommendation, and set a Public Hearing for April 20, 1994 at 8:15 p.m., a request for a Special Permit for the Dumping of Material to Jerome Krencik of 7130 Boston State Road.

four (4) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Walters to refer to the Planning Board for review and recommendation, and set a public Hearing for April 20, 1994 at 8:00 p.m., a request for a Special permit for the Dumping of Material to Palmer Building Concepts, Inc. of 5535 George Drive.

four (4) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to accept the corrections to the General Fund Abstract #3, March 2, 1994.
General Fund Total from $11,033.07 to $11,050.57
The Abstract Total from $14,989.40 to $15,007.63

four (4) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter to grant the request for a Temporary Certificate of Occupancy to Michael Dybalski, 6291 Pfarner Road.
four (4) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter to grant the request for a Temporary Certificate of Occupancy to Brian Henry, 6199 Tillen Road.

four (4) Ayes — Carried

A motion was made by Councilman Wohlhueter with no second to re-appoint Judith Scheetz to the Zoning Board of Appeals, term to expire April 1, 1999.

No Votes cast — Denied

A motion was made by Councilman Flower and seconded by Councilman Walter to appoint John Pavlovic to the Zoning Board of Appeals, term to expire April 1, 1999.

Councilman Flowers	Aye
Councilman Wohlhueter	Nay
Councilman Davenport	Aye
Councilman Walter	Aye
Supervisor Kennedy	Absent

three (3) Ayes one (1) Nay one (1) Absent — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter to appoint Gerald (Potter) Lindsey to the position of Recreation Supervisor, term to expire December 31, 1994, at the annual salary of $1,100.

four (4) Ayes — Carried

Deputy Supervisor Genzel: I would request the Town Clerk to send a letter to Len Souliere, former Recreation Supervisor, and Judith Scheetz, past member of the Zoning Board of Appeals, thanking them for their past service to the Town.

REGULAR BOARD MEETING — TOWN HALL
MARCH 16, 1994 — 7:30 P.M.

A motion was made by Councilman Davenport and seconded by Councilman Walter to grant Marilyn B. Clesse, Recreation Director, permission and expenses to attend the NYS Recreation and Park Society Annual Conference from April 17 through April 20, 1994 in Ellenville New York.

four (4) Ayes — Carried

SUPERVISOR REPORT

PROCLAMATION - COMMUNITY BANKING WEEK - MARCH 20-26, 1994

TOWN CLERK REPORT

A motion was made by Councilman Flower and seconded by Councilman Wohlhueter to accept Town Clerk's Registrar of Vital Statistics Report for February 1994.

four (4) Ayes — Carried

TOWN ATTORNEY

Town Attorney Reilly: The Certificate of Insurance from Maple City Disposal was received on March 12, 1994.

On March 8, 1994, I drafted a legal opinion advising Jean Kleis, the Town Bookkeeper on the best methods for future collection of unpaid water bills for new constructions within the Town.

Regarding the water extension on Lango Road, the pipe has been put in, and citizens are asking when the water will be turned on. I have contacted the Erie County Water Authority and there are requirements the Town needs to fulfill. One of these being to obtain a Maintenance Bond. I have requested to have the contract sent to me to review all the requirements the Town must meet. The Water Authority indicated that they would attempt to schedule the turn on for the water today.

I will be drafting a memo for the Town Clerk and the Town Board Members on the time period available for office holders to take the Oath of Office and file their Oath cards with the Town Clerk.

I will be out of Town the first week in April and Deputy Attorney Wilson will be filling in at the April 4, 1994 Agenda Review meeting and the April 6, 1994 Town Board Meeting.

COUNCILMAN REPORT

Councilman Flowers: I attended the Chamber of Commerce meeting and the voting for the Citizen of the Year Award will be on March 29, 1994. Anyone who has a recommendation for this award must get their letter in by March 28, 1994.

Councilman Walter will report on our meeting with a representative of the Department of Transportation concerning the West Tillen Road project.

I attended the Southtowns Haz-Mat team, Board of Directors meeting and there is much discussion on the future of the Erie County team without funding. A committee was formed to investigate the possible funding. The committee consists of one of the majority and one of the minority legislatures, a member from each of the local Haz-Mat teams and a member of the Department of Emergency Services. A meeting will be scheduled soon and I will keep everyone up to date on this.

TOWN OF BOSTON

PROCLAMATION - COMMUNITY BANKING WEEK - MARCH 20-26,1994

For over 150 years, New York's independent community-based commercial banks have provided the determination and resources necessary to support the growth and vitality of local communities throughout the state. That tradition of expanding the local economic base continues with the nearly 100 locally owned and operated banks and their nearly 600 banking offices.

These bankers have an outstanding reputation as the community citizens who know and understand the complex needs of their cities, towns and villages.

Their value is evidenced by the fact that community banks employ over 10,000 men and women in full and part-time positions. They serve over 2 1/2 million account holders and have been entrusted with over $21 billion in assets.

Locally, these assets are at work at Evans National Bank providing reinvestment in the form of residential and commercial mortgages, student and commercial loans, and municipal financing needs.

Evans national Bank, in observance of Community Banking Week, March 20-26, 1994, will be celebrating the strength of its reputation and its contribution to local economic growth.

NOW THEREFORE, I, Lucille C. Genzel, Deputy Supervisor, do hereby proclaim March 20-26, 1994 as Community Banking Week in the Town of Boston.

Lucille C. Genzel

Lucille C. Genzel, Deputy Supervisor

REGULAR BOARD MEETING — TOWN HALL
MARCH 16, 1994 — 7:30 P.M.

COUNCILMAN REPORT (CONT.)

Councilman Flowers: I have been working on the update of the Disaster Preparedness Plan. I will schedule meetings with the Fire Companies and the Emergency Squad and get more information from local churches.
The plan is quite detailed and it needs to be updated.

I worked on the Site Selection Committee for the proposed group home. I am looking for more people to serve on this committee and anyone interested please contact me.

A motion was made by Councilman Flowers and seconded Councilman Davenport to appoint William Eagan, Marylou Olson, and Celeste Jones, as members of the Site Selection Committee.

four (4) Ayes — Carried

Councilman Flowers: I would like to invite the young children up to age twelve, to attend the annual Easter Egg Hunt, April 2, 1994 at 1:00 p.m. at the Town Park. I wish everyone a happy Easter.

Councilman Wohlhueter: A resident of Keller Road requested me to inquire about the feasibility of having cable TV installed on the portion of the road from Zimmerman Road to Feddick Road. According to Federal TV regulations, the local TV cable company has to do a study within 30 days. I contacted Adelphia Cable and he reported that there are only about eight homes in that mile stretch and twenty homes per linear mile is required to install cable TV. The cost of the installation for cable TV for the home on Keller road would be $3,920.

Councilman Walter: On March 4, 1994, Councilman Flowers and I we met with Gene Wardzinski, Project Engineer, NYSDOT, on the problems in the Rice Road Interchange area. There is a possibility we may have to close the road for safety measures.

We discussed the need for the installation of street lights and we the fact that since street lights were there before construction they should be reinstalled at their Department expense.

Michael Kobiolka, of the Traffic Safety Committee, and I, checked the Hillcroft Bridge area on March 8, 1994. We are checking the way the water is moving and we noticed some movement in the pored concrete superstructure. We are hoping the Army Corps of Engineer will begin moving on this project before it is too late.

On March 13, 1994, Highway Superintendent Ruchalski and I checked the troubled areas of drainage. We want to pinpoint the problem areas now so we can locate them in the dry weather. If anyone has information on any problem drainage areas, please call me and we will try and rectify the situation.

A motion was made by Councilman Flowers and seconded by Councilman Walter to approve the application for a building permit to Stanley J. Kandefer, as recommended by the Planning Board, to erect a two family dwelling on Sub Lot #8, Pin Oak Dr.
four (4) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter to adjourn the meeting at 8:10 P.M..

David J. Sherk
David J. Sherk, Town Clerk

REGULAR BOARD MEETING
APRIL 6, 1994

TOWN HALL
7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Josephine M. Davenport, Councilman Peter A. Walter, Supervisor Richard L. Kennedy, and Deputy Town Attorney David W. Wilson.

Absent: Councilman Don A. Wohlhueter, Highway Superintendent Eugene E. Ruchalski and Town Attorney Michael E. Reilly.

Reverend Gary Burdick opened the meeting with a prayer.

Deputy Town Attorney David W. Wilson counseled the meeting.

92 Minutes 7-8-56

A motion was made Councilman Davenport and seconded by Councilman Walter to accept the corrections and adoption of the minutes of the March 16, 1994 regular monthly meeting.

Town Attorney Report: Paragraph 2 reads: On March 8, 1994, I drafted a legal opinion advising Jean Kleis , the Town Bookkeeper on the best methods for future collection of unpaid water bills for new constructions within the Town.

Correction: Water bills should read Garbage bills.

four (4) Ayes Carried

A motion was made by Councilman Flowers and seconded by Councilman Walter that the General Fund and Special District Bills on Abstract #4, dated April 6, 1994 in the amount of $39,541.77 be paid.

four (4) Ayes Carried

See motion 7-59

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers that the Highway Bills on Abstract 4, dated April 6, 1994 in the amount of $10,068.68 be paid.

four (4) Ayes Carried

four (4) Ayes Carried

A motion was made by Councilman Flowers and seconded by Councilman Davenport to accept the Town Clerk's monthly report for March 1994.

four (4) Ayes Carried

Referred to Councilman Flowers notification from NYS Electric and Gas Corp. of the Live-Line Safety Demonstrations on May 15, September 21, and December 14, 1994.

Received and filed notice of a Public Hearing in the Town of Concord on April 18, 1994 at 7:00 P.M. regarding the adoption of a local law of the Town of Concord which would repeal the existing Zoning Law of the Town of Concord and substitute a new Town of Concord Zoning Ordinance to be known as the Town of Concord Zoning Ordinance of 1994.

Received and filed a letter dated March 16, 1994 from Code Enforcement Officer Santonocito to Edward Dzierzanowski of 6710 Mill Street, declaring the structure unsafe and declared as condemned. It is requested that the structure be demolished within the next three weeks and all materials and debris be removed from the premises and properly disposed of.

Received and filed a letter dated March 18, 1994 from Code Enforcement Officer Santonocito to NY Board of Fire Underwriters requesting denial of owners request to have electricity turned back on, at 6710 Mill Street.

REGULAR BOARD MEETING TOWN HALL
APRIL 6, 1994 7:30 P.M.

Received and filed a letter dated March 24, 1994 from Robert C. Garner, Architect, to Code Enforcement Officer Santonocito, at the request of Edward Dzierzanowski. Mr.Garner does not deem a complete condemnation is warranted and details his determination.

Received and filed a report dated March 31, 1994 from TVGA Engineering, Surveying, P.C. requested by Supervisor Kennedy on the structure Fire at 6710 Mill Street. In summation the report states the primary residence is habitable and could be reoccupied as soon as power is restored.

Received and filed notification dated March 16, 1994 from Jerry and Joan Carrow of 6710 Mill street, of damage to their fence, trees and landscaping resulting from a fire at 6710 Mill Street on March 11, 1994. It is requested that they be notified of any need to access their property and a written agreement be made to restore the property to its original condition at the expense of the demolisher.

Received and filed a letter dated March 28, 1994 from Assessor Kleis reducing the assessment of the property at 6710 Mill Street in the Town of Boston, known as tax account 258.09-1-10:

Former Assessment:	Land	13,500
	Buildings	54,000
Total Assessment		67,500
Assessment after Fire:	Land	13,500
	Buildings	54,000
Assessment 1994-95		67,500

Supervisor Kennedy: After I received a communication from the Town Engineer that the building was structurally sound and that the electrical didn't present any further hazards, I spoke with the Code Enforcement Officer and she contacted the Fire Underwriters and the electricity has been restored to the primary residence of Mr. Dzierzanowski. The board has concerns with the remainder of the property being a danger to the community as it now stands. The Code Enforcement Officer has requested a clean up schedule from you and you haven't responded.

Edward Dzierzanowski: I did talk to her. We are cleaning it up. There are a lot of antiques that did not get fire damaged. If I go in there with a bulldozer more stuff will get damaged that is not damaged now. We are going to take it from the top down and not let it fall on the neighbors property if I can help it.

Supervisor Kennedy: The neighbors have continued to complain to the Code Enforcement Officer that a greater amount of debris or junk being piled in the rear of the property. We are going to need a schedule from you as to when you will have this property cleaned up.

Edward Dzierzanowski: I don't have a time schedule. Every day we do a little more and we will keep going till we get it done.

Supervisor Kennedy: I have been told one of the concrete walls is bowed out and has a large crack in it. We are concerned that if children get in there they can get hurt. We need a schedule.

Edward Dzierzanowski: The front of the building is all boarded up since the day after the fire and the only way they could get in is in the back and someone is always there.

REGULAR BOARD MEETING
APRIL 6, 1994

TOWN HALL
7:30 P.M.

Councilman Flowers: We are looking for a timetable so you can tell us that at this date you will have this done.

Edward Dzierzanowski: I will come up with a schedule by the first of the week. As far as the neighbors complaining about my junk, why did they build their houses there? My junk has been there since 1948 when my Dad bought that property. If they didn't like it why didn't they sell? They had offers from people who wanted to put business there.

Supervisor Kennedy: We have an obligation as Town Officials to enforce the provisions of the existing code and we try to do so whenever we can so all we are asking is a timetable of when you are going to have it cleaned up.

Received and filed a letter from Congressman Jack Quinn enclosing the response from the Department of Army regarding the Erosion Control Study along Eighteen Mile Creek at the Hillcroft Bridge in the Town of Boston, under Section 14 of the 1946 Flood Control Act is 90% complete.

Received and filed a letter from Senator Alfonse D'Amato enclosing the Response from the Department of Army regarding the Erosion Control Study along Eighteen Mile Creek at the Hillcroft Bridge in the Town of Boston, under Section 14 of the 1946 Flood Control Act is 90% complete.

Received and filed a letter from Senator Dale M. Volker in response to our request of an appropriation of $8,000.00 to construct a soccer field at the west-end of the North Boston Park.

Received and filed a notice from the Town of Hamburg on a Public Hearing, April 11, 1994, at 7:00 P.M. on the re-zoning, A-C (Agricultural Conservation District).

Received and filed a Resolution from the City of Buffalo regarding Sales Tax Sharing.

RESOLUTION 1994 - 8 SALES TAX SHARING

Referred to Councilman Wohlhueter a quote from Integrated Waste Services of $10.10 per ton for recyclable materials generated from the municipality and delivered to licensed location.

Referred to Councilman Flowers a letter from the Local Emergency Planning Committee of Erie County, Department of Emergency Services. A workshop entitled "Overview of the Incident Command System" will be presented May 2, 1994.

Received and filed notice of the Southern Tier West Local Government Conference at St. Bonaventure College on May 20, 1994.

Received and filed notification from Erie County Department of Emergency Services listing the Volunteer Fireman completing the NYS Police Training Course by the Erie County Department of Safety:

BOSTON FIRE CO	NORTH BOSTON FIRE CO.
Emerling, Dennis M.	O'Bryant, Donald R.
Emerling, Richard P.	
Ruchalski, Eugene E.	PATCHIN FIRE CO.
Sequin, Norman W.	
Dzierzanowski, Edward R.	Horschel, Alan J.
Kramer, Dennis J.	Kennedy, Patrick A.
Pfarner, Leroy E.	Wendling, Rochelle L.
Zwack, Robert J.	

TOWN OF BOSTON

TOWN OF BOSTON, NEW YORK
RESOLUTION 1994-8

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 April 1994 at 7:30 P.M. Eastern Standard Time, there were:

Present:	Richard L. Kennedy	Supervisor
	Mark W. Flowers	Councilman
	Josephine M. Davenport	Councilman
	Peter A. Walter	Councilman
Absent:	Don A. Wohlhueter	Councilman

Councilman Flowers presented the following resolution and moved its adoption:

WHEREAS, The County of Erie has enjoyed total exclusivity in appropriating the proceeds of the extra one per cent of county sales tax for the span of ten years, and

WHEREAS, The City of Buffalo has donated approximately $160 million to county purposes during the decade by foregoing its share of the sales tax proceeds, and

WHEREAS, The County of Erie will pay in full the debt service on its deficit bond in 1994 resulting in a $9 million windfall and the state is poised to assume the managed care portion of the County medicaid budget which will result in another $4-$5 million saving and said debt service was the original purpose for increasing the county sales tax, and

WHEREAS, The County of Erie currently projects a budget surplus of more than $4 million for its fiscal year while the City of Buffalo faces a $31.2 million budget deficit for fiscal 1994-95,

WHEREAS, The City of Buffalo can no longer afford the generosity that has resulted in approximately $160 million of its sales tax revenue being diverted to county purposes as has been the case during a decade of Erie County exclusivity in appropriating the proceeds of the extra one per cent of county sales tax.

NOW THEREFORE:

BE IT RESOLVED, That this Town Board does hereby advise the New York State Senate and Assembly that this Board will aggressively seek the Town's fair share of the proceeds of the estimated $85 million proceeds realized by the collection of the extra one per cent of sales tax levied in Erie County, and

BE IT FURTHER RESOLVED, That this Town Board hereby seek the cooperation of the Western New York delegation to the New York State Legislature in our effort by proposing and enacting legislation to accomplish the necessary sharing of sales tax revenues as an integral part of any attempt to extend or make permanent the extra one per cent of Erie County sales Tax, and

BE IT FINALLY RESOLVED, That the Town Clerk send certified copies of this resolution to the Clerk of the Erie County Legislature and the City Clerk of the City of Buffalo.

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

Supervisor Kennedy	Voting Aye
Councilman Flowers	Voting Aye
Councilman Wohlhueter	Voting Absent
Councilman Davenport	Voting Aye
Councilman Walter	Voting Aye

AYES: FOUR(4) NOES: NONE(0) ABSENT: ONE(1)

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
APRIL 6, 1994 — 7:30 P.M.

A letter was received from Palmer Building Concepts, Inc. requesting a temporary Certificate of Occupancy for 5535 George Drive.

Councilman Flowers: We still have Palmer Building Concepts coming before the board for a Public Hearing April 20, 1994 on the fill for 5535 George Drive.

Code Enforcement Officer Santonocito: That does not present a problem. Most of the backfill is already in place. This meets my approval.

A motion was made by Councilman Flowers and seconded by Councilman Walter to grant a Temporary Certificate of Occupancy to Stephen Palmer of Palmer Building Concepts, Inc. for a home at 5535 George Drive.

four (4) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport to authorize Supervisor Kennedy to grant the AMVETS, Boston Post No. 219, a payment not to exceed $400.00 to offset expenses of the Memorial Day Ceremonies on May 30, 1994.

four (4) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter to authorize Supervisor Kennedy to continue with the Retired Senior Volunteer Program of the Erie County Department of Senior Services for the period of 7/1/94-6/30/95.

four (4) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to authorize Robert J. Ganey to attend training for the Board of Assessment Review members on tentative date of April 20, 1994. A back-up date is April 18, 1994, all appropriate expenses will be paid by the town.

four (4) Ayes — Carried

The following bids were received and opened on March 14, 1994 at 1:00 P.M. for transportation for the summer recreation and ski programs:

	Summer per bus/day	Ski per bus/day
Laidlaw	$114.95	$120.00
Niagara Scenic	$119.00	$140.00
Quality	$132.50	$145.10

Received recommendation from Recreation Director Clesse to approve Laidlaw.

A motion was made Councilman Walter and seconded by Councilman Davenport to award Laidlaw Transit Inc. the contract for transportation for the summer recreation at $114.95 per bus/day and ski program at $120.00 per bus/day.

four (4) Ayes — Carried

A motion was made by Councilman Flower and seconded by Supervisor Kennedy to grant Joseph Simmeth of 8010 Boston State Road a Soil Removal Permit.

four (4) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
APRIL 6, 1994 — 7:30 P.M.

A motion was made by Councilman Flower and seconded by Councilman Davenport to grant Martin & Mildred Logel of 7784 Boston State Road a Soil Removal Permit.

four (4) Ayes — Carried

A motion was made by Councilman Flower and seconded by Councilman Walter to grant Roy Emerling a Soil Removal Permit at 7957 Boston State Road on the condition that this property be monitored for potential excess excavation.

four (4) Ayes — Carried

A motion was made Supervisor Kennedy and seconded by Councilman Flowers to appoint William Dzierzanowski as a laborer in the Parks Department with a rate of $5.50 a hour effective April 18, 1994 through September 30, 1994.

four (4) Ayes — Carried

A motion was made Supervisor Kennedy and seconded by Councilman Walter to authorize Highway Superintendent Ruchalski to purchase from Bar-Chel, Inc., a John Deere Model 425 2-Wheel Steer Tractor, 48" Mower Deck, Bar Tires, for a State Bid Price of $4,455.00 plus a 3-Point Hitch Installed at $400.00 for a total price of $4,855.00, with an trade-in allowance of $1,500.00 for a total cost of $3,355.00.

four (4) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy to authorize the Town Clerk to purchase updates for the Town Code Books at a cost of $2,318.00.

four (4) Ayes — Carried

RESOLUTION 1994-9 CODE BOOK/ZONING BOOK PRICE CHANGE

The following Food Service Bids were received and opened on March 25, 1994 11:00 A.M. for the Community Room Expansions of the Boston Town Hall CCS Project 93-47:

	Bflo Hotel Supply	Cable-Wiedemer	Maines Equip
Base Bid	$14,147	$ 9,061	$ 13,899
Alt FSE-1	1,204	1,228	1,018
FSE-2	12,945	13,588	14,197
FSE-3	3,482	3,234	2,899
FSE-4	5,072	4,869	4,433
FSE-5	5,164	4,539	4,994
TOTAL	42,014	37,420	41,440

C.C.S. Architects recommends accepting the Food Service Equipment bid of Cable-Wiedemer and associated Alternates.

The total contract amount for the building addition with pitched roof and all kitchen equipment is $274,815.50. A 10% contingency ($27,481.55) is added bringing the total budget for construction to $302,297.

Supervisor Kennedy: We received $100,000 through HUD monies to go forward with this project. We also received a $10,000 grant from the efforts of Assemblyman Pordum. We have requests in to the Assembly once again for additional monies to help defer these costs. We were unsuccessful this year in our request for additional monies on our HUD application through Community Development. We do have surplus funds that could be appropriated to this project but it would be my recommendation to the Town Board that we set up a contract in the amount of $302,297 and award the food service equipment to Cable-Wiedemer and associated Alternates and proceed with this project.

TOWN OF BOSTON

TOWN OF BOSTON

RESOLUTION 1994-9

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 April 1994 at 7:30 P.M. Eastern Standard Time, there were:

Present:	Richard L. Kennedy	Supervisor
	Mark W. Flowers	Councilman
	Josephine M. Davenport	Councilman
	Peter A. Walter	Councilman
Absent:	Don A. Wohlhueter	Councilman

Supervisor Kennedy presented the following resolution and moved its adoption:

WHEREAS, the Town of Boston has recently completed a codification of its laws, to be known as the "Code of the Town of Boston", and

WHEREAS, the Town of Boston adopted said codification, designating said Code of the Town of Boston as the official body of general and permanent legislation of the Town, and

WHEREAS, the Town of Boston wishes to make said Code available to members of the public for sale, and

WHEREAS, the current price of the code book of the Town of Boston costs seventy-five dollars ($75.00) and the Zoning Code bock costs ten dollars ($10.00). Due to increasing prices the Town Board feels these prices should be raised.

NOW THEREFORE:

BE IT RESOLVED, that said Code of the Town of Boston shall be available for sale to members of the general public at a price of one hundred and twenty-five dollars ($125.00) per Code. The Zoning book will be available to the general public at a price of twenty dollars ($20.00) per book.

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

Supervisor Kennedy	**Voting Aye**
Councilman Wohlhueter	**VotingAbsent**
Councilman Flowers	**Voting Aye**
Councilman Davenport	**Voting Aye**
Councilman Walter	**Voting Aye**

AYES: FOUR (4) NOES: NONE (0) ABSENT: ONE (1)

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING
APRIL 6, 1994

TOWN HALL
7:30 P.M.

A motion was made by Councilman Walter and seconded by Councilman Davenport to award the food service equipment contract to Cable-Wiedemer, Inc. and award contracts to the associated Alternates for the Community Room Expansion of the Boston Town Hall CCS Project 93-46 bringing the total budget for construction to $302,297.

four (4) Ayes Carried

Received and filed a letter from Penflex, Inc. regarding the request of Paul G. Whittemore for a lump-sum disability benefit in the amount of $14,404.15.

Received and filed a letter from Penflex, Inc. authorizing payment of the service award program to Francis A. Wurtz for $140.00 per month.

A motion was made by Councilman Walter and seconded by Councilman Davenport to authorize Supervisor Kennedy to sign the Fire District Service Award documents regarding Paul G. Whittemore and Francis A. Wurtz.

four (4) Ayes Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport to authorize Supervisor Kennedy to enter into a contract with Kirst Construction Inc. for the reconstruction of the front stairway at the Boston Town Hall for a cost of $6,290.00

four (4) Ayes Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter to grant Mr. & Mrs. Gerald H. Wittmeyer a refund of $100.00 from a variance withdrawal on Enser Road.

four (4) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flower to direct the Town Clerk to set a Public Hearing for May 18, 1994 at 8:00 p.m. and refer to the Planning Board a request for a fill permit by Michael Byrne at 5615 John's Terrace.

four (4) Ayes Carried

SUPERVISOR REPORT

A) Supervisor's Monthly Financial Report for March 1994 received and on file in the Town Clerk's Office.

Supervisor Kennedy: Regarding the Community Room Project, the General Contractor will shore up the building the week of April 18, 1994 and begin work on the Community Room Project the week of April 25, 1994. The Asbestos Contractor will be here on April 11, 1994. The Seniors will have to vacate the Community room and all others will be notified that for the week of April 25, 1994 through the beginning of July 1994 the Community Room will not be available.

Town Clerk Shenk: I have informed some of the leaders of the Groups that will be affected by this project, that the Court Room may be used if available providing kitchen facilities are not required. I will post a sign in the Community Room to have all Groups contact me.

REGULAR BOARD MEETING
APRIL 6, 1994

TOWN HALL
7:30 P.M.

TOWN CLERK REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to accept the Registrar of Vital Statistics Monthly Report for March 1994.

four (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Walter to accept the Tax Collector's Monthly Report for March 1994.

four (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Supervisor Kennedy to grant Deputy Town Clerk Karen Ellis permission to attend the NYS Town Clerks Association 12th Annual Conference in Albany on April 24-27, 1994, with all appropriate expenses to be paid by the Town.

four (4) Ayes — Carried

TOWN JUSTICE REPORT

A) Town Justice Monthly Report for March 1994 was forwarded to Albany.

HIGHWAY SUPERINTENDENT

A motion was made by Councilman Flower and seconded by Councilman Davenport to authorize Highway Superintendent Ruchalski to purchase a 1994 Ford Explorer U24 under State Contract NO. P007371 at a total cost of $20,508.00, to be labeled and identified with The Town of Boston Seal.

Councilman Flowers	Aye
Councilman Wohlhueter	Absent
Councilman Davenport	Aye
Councilman Walter	Aye
Supervisor Kennedy	Nay

three (3) Ayes one (1) Nay one (1) Absent Carried

TOWN ATTORNEY

Received and filed a legal opinion by Town Attorney Reilly on the collection of unpaid bills for garbage service billed to owners of new homes after tax bills are sent out. Following is a summation of the letter: There are two options available to the Town.

Option 1 indicates that the Certificate of Occupancy can only be issued after the payment of the garbage fee. At this time there is no provision of the Boston Town Code which allows the Town to collect the amount owed for garbage service before issuing a Certificate of Occupancy.

Option 2: Section 198 (9)(C) of the NYS Town Law states that a Town Board may: Regulate when bills for garbage service are due, may assess a penalty of 10% of the amount due after thirty (30) days, and may report the amount of any unpaid garbage bills to the County so that it may be listed as a lien against the real property. The procedure to schedule these charges as a lien against real property would be exactly the same as the procedure used for unpaid water bills.

In my opinion Option 2 would be the better solution.

Supervisor Kennedy: The Board members are in favor of Option 2 so if you can relay to Michael Reilly that he draft whatever regulation is necessary.

Deputy Town Attorney Wilson: I am in receipt of a letter from The Fidelity and Deposit Company of Maryland which is the company that holds the bond on the Kostas Construction Company.
It acknowledges receipt of Mr. Reilly's letter which is making a claim for the bid bond. Kostas Construction Company submitted a bond for the addition for the Town Hall and defaulted on it.
We as a Town have made a claim for the bid bond. The contractor does not want to give us that money and the insurance company is looking for an excuse. They are looking to be excused by reason of a material mistake. Mr. Reilly and I don't believe there was a material mistake and we are going to peruse the collection of that money for the Town.

On March 18, 1994 the Lango Road water line was completed and the Erie County Water Authority is now allowing the homeowners who have completed and submitted their applications to have their taps turned on.

On April 15, 1994 at 9:30 a.m. there will be a pre-trial conference relative to NYSEG vs. The Town of Boston. That is an one of the assessment cases that we have pending. Mr. Reilly will attend and represent the Town's interest.

COUNCILMAN REPORT

Councilman Flowers: I met with the Boston Colden-Eden Fire Council to discuss the proposal of the 800 Mega-Hertz Radio Communication Systems. This is brought forth by both Hamburg Fire Control and the Erie County Emergency Services Department. This conversation will be very expensive.

I met with the Tri-Q committee and have produced the Tri-Q bank statements which have been distributed to the Council.

I met with Gene Wardzinski, the engineer in charge of the NYS DOT Rice Road Project and NYSEG over the location of the street lights.

The Town of Boston has always illuminated every intersection in the Town of Boston and we pay for this. However on the new road construction the State moved the intersection but not the lamps and poles. They wanted The Town to pay and myself and Councilman Walter responded that the State moved the intersection so it is their responsibility to move the lighting. NYSEG came up with a plan that won't cost the Town anything and we will have those three intersections illuminated.

I worked on a Disaster Plan. Councilman Davenport is a Disaster Plan liaison and I asked her to work on a portion of this project in relation to the Hamburg Schools. I was asked by the Emergency Squad if they could run the Squad's drills and training in the Community Room because the new OSHA mandates forbid them from using their truck bays. Our insurance consultant reviewed the Town's coverage and said there would be no problem with the squad using the community room.

I have a meeting with the Town Fire Chiefs and the Emergency Squad to discuss the emergency plan and the incident command system on April 7, 1994.

I worked with members of the Site Selection Committee on the Group home and potential sites. Supervisor Kennedy appointed me Chairman of the Search Committee. I reviewed some sites and vacant property with Celeste Jones and scheduled a tentative meeting on April 11, 1994 at 7:30 p.m. at the Town Hall.

REGULAR BOARD MEETING
APRIL 6, 1994

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.)

Councilman Davenport: The applications are being updated from the area churches and the Conservation Club for the Disaster Plan. I spoke with the Recreation Director and the Friday night program in the Boston Valley School has ended. It was very successful. The summer program will open July 7, 1994 and go through August 11, 1994. It will be the same program as last year. There are still job openings.

I will call a meeting of the Creative Playground people within the next few weeks.

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer monthly report for March 1994, received and on file in the Town Clerk's Office.

DEPUTY CODE ENFORCEMENT OFFICER REPORT

A) Deputy Code Enforcement Officer's monthly report for March 1994, received and on file in the Town Clerk's Office.

DOG CONTROL OFFICER REPORT

A) Dog control Officer monthly report for March 1994, received and file in the Town Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's report for March 1994 received and on file in the Town Clerk's Office.

PLANNING BOARD

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to approve the site plan for renovations to the Boston Fire Hall as recommended by the Planning Board.

four (4) Ayes Carried

Received and filed a Legal Opinion from Town Attorney Reilly stating that " Every office shall be vacant upon the happening of one of the following events before the expiration of the term thereof:

(h) his refusal or neglect to file his official oath card...if an appointive office, within (30) days after notice of his appointment, or within thirty (30) days after the commencement of such term.

Supervisor Kennedy: I made some inquires myself and I found that the Town of Aurora still signs two oath cards. One of which is forwarded to the County and the other remains in the Town Clerk's possession. In the large towns of Hamburg and Tonawanda they only file a card for the Town Clerk's Office.
Some Towns keep record books which everyone signs to be kept on file with the Town Clerk. According to law that has been described here by Michael Reilly, it certainly is in order that anyone who has been appointed to office file and oath card. We have a letter that was drafted to James Smolinski when he was appointed to the Planning Board. It says that he should stop in at his convenience and sign an oath card. Perhaps we have been remiss in the past for not signing these oath cards expeditiously. The board wishes to remove James from the Planning Board. We didn't do that with the Fire Police. When they didn't file their oath cards we notified them and we reappointed them.

REGULAR BOARD MEETING — TOWN HALL
APRIL 6, 1994 — 7:30 P.M.

Received a letter from James Smolinski dated March 15, 1994, again asking for an appointment to the Planning Board.

A motion was made by Supervisor Kennedy with no second to re-appoint James Smolinski as a member of the Planning Board term to expire 2/1/01.

No Votes Cast — Denied

Received and filed a letter from David M. Regan requesting appointment to the Planning Board.

Supervisor Kennedy: I would like to direct the Town Clerk to solicit from the respective Town Clerks in Erie County the way they handle the oath cards and the way they are recorded.

Councilman Flowers: We have been very lax in the past with oath cards as the Supervisor has indicated. Upon researching this I found that in 1990 only one of the elected officials in the Town of Boston filed and oath card with either the Town Clerk or the County of Erie.

Supervisor Kennedy: How do I know it was on file in the Town Clerk's Office?

Councilman Flowers: You could have checked the Clerk's office or the County Clerk's Office.

A motion was made by Councilman Flower and seconded by Councilman Walter to appoint David Regan to the Boston Planning Board term to expire 2/1/01.

Councilman Flowers	Aye
Councilman Wohlhueter	Absent
Councilman Davenport	Aye
Councilman Walter	Aye
Supervisor Kennedy	Nay

three (3) Ayes one (1) Nay one (1) Absent — Carried

A motion was made by Councilman Flower and seconded by Councilman Walter to declare two vacancies on the Boston Planning Board due to the invalidity of the oath cards of John David Early who took sixty-two (62) days and Angelo Bellittiere who took fourteen months to file their oath cards.

Councilman Flowers	Aye
Councilman Wohlhueter	Absent
Councilman Davenport	Aye
Councilman Walter	Aye
Supervisor Kennedy	Nay

three (3) Ayes one (1) Nay one (1) Absent — Carried

A motion was made by Councilman Davenport and seconded by Supervisor Kennedy to adjourn the meeting at 9:21 P.M.

David J. Shenk

David J. Shenk, Town Clerk

REGULAR BOARD MEETING — TOWN HALL
APRIL 20,1994 — 7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman Josephine M. Davenport, Councilman Peter A. Walter, Supervisor Richard L. Kennedy, Town Attorney Michael E. Reilly and Highway Superintendent Eugene E. Ruchalski.

Reverend Richard Siemann opened the meeting with a prayer.

A motion was made by Councilman Flowers and seconded by Councilman Davenport to accept the corrections and adoption of the minutes of the April 6, 1994 regular monthly meeting.

Correction of April 6, 1994 Town Board Minutes, page 2:

Received and filed letter from Assessor Kleis reducing the assessment of the property at 6710 Mill Street in the Town of Boston, known as tax account 258.09-1-10.

Former assessment:	Land	13,500
	Buildings	54,000
	Total Assessment	67,500
Correction:		
Assessment after fire:	Land	13,500
	Building	54,000
	Assessment 1994-5	67,500
Correction:		
Assessment after fire:	Land	13,500
	Building	20,000
	Assessment 1994-5	33,500

five (5) Ayes — Carried

See Correction 10/4/1128

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy that the General Fund and Special District Bills on Abstract #4A, dated April 20, 1994 in the amount of $54,542.92 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Davenport that the Highway Bills on Abstract #4A, dated April 20, 1994 in the amount of $9,202.58 be paid.

five (5) Ayes — Carried

Received and filed a letter from NY State Division of Equalization and Assessment stating that in 1993 the process of reviewing the NYSDEA appraised value with Assessor Kleis and making required changes to the appraisals were done prior to the establishment of the tentative equalization rate.

Received and filed a notice from NY State Board of Equalization and Assessment on the Tentative Special Franchise Assessments for 1994.

Received and filed a letter from the Erie County Water Authority authorizing acceptance of the agreements with the Towns of Orchard Park, Eden, Boston and West Seneca to refurbish tanks owned by the Towns.

Received and filed notification from UB College Democrats of a Health Care Meeting on April 26, 1994 at the Amherst Campus.

REGULAR BOARD MEETING — TOWN HALL
APRIL 20,1994 — 7:30 P.M.

Received and filed a letter from Lawrence Education and Government Insurance Programs announcing the appointment of the Home Insurance Company as the new insurance carrier for our municipal and school business.

Supervisor Kennedy requested the Town Clerk to schedule an Insurance meeting before August to review the Town's Insurance.

Received and filed the Erie County Sheriff's Monthly Report for March 1994.

Received and filed notification from Rural Transit Service of the Advisory Board Meeting on April 22, 1994.

Received and filed notification from the Erie County Department of Emergency Services of the Public Officials Conference on Emergency Planning on May 20, 1994 at the Hearthstone Manor.

Received and filed notification of the first Erie County Disaster Coordinators Association meeting on April 25,1994 at the Erie County Fire Academy.

Received and filed a letter from Erie County Department of Environment and Planning on the Erie County Sewer District #3 Boston Town Hall Addition.

Referred a letter from the New York State Department of Law on the results of the Rock Salt Survey to Highway Superintendent Ruchalski.

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter to accept the corrections of Abstract #4 Highway and General Fund of April 6, 1994.

Abstract #4 - Highway Fund - Typographical Error
total abstract from 10,068.68
to 19,068.68

Abstract #4 - General Fund and Special District -
Previously Paid Total was omitted
total Previously Paid 3,712.34
total abstract from 39,541.77
to 43,254.11

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Davenport to grant the continuance of a Temporary Field Office Permit to the Maplewood Construction Corp. from January 1, 1994 to July 31, 1994.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Wohlhueter to authorize Supervisor Kennedy to enter into a contract with Dix Electric, Inc. for the electrical work and installation of ceiling fans in the Highway Garage at a cost of $1,285 and from Davis Electrical Supply Co. for 10 ceiling fans at $64.08 each and a speed control for $41.14.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Flowers to grant four hundred dollars ($400) to the VFW Post 2556 for the Primary expenses and two hundred and fifty dollars ($250) to the AMVETS Post 219 for commemorative expenses to defray cost of the Memorial Day Celebration.

five (5) Ayes — Carried

REGULAR BOARD MEETING
APRIL 20,1994

TOWN HALL
7:30 P.M.

At 8:00 P.M. a Public Hearing was held regarding a Special Permit to bring in fill from outside the Town of Boston - Palmer Building Concepts 5535 George Drive.

Supervisor Kennedy read the legal notice, notification sent to neighboring property owners with map and copy of the Special Permit application and the recommendation from the Planning Board that the Permit be approved as presented. Supervisor Kennedy convened the Public Hearing.

LEGAL NOTICE
TOWN OF BOSTON
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston, Erie County, New York, will hold a Public Hearing at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on Wednesday, April 20, 1994 at 8:00 P.M., Eastern Daylight Saving Time, to consider the application of Palmer Building Concepts for a Special Permit to bring in fill from outside the Town of Boston to 5535 George Drive.

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

Dated: March 29, 1994
Published: April 7, 1994
BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK
4-7

Erika Bruck, 5486 Allen Drive: Why do they have to bring in fill from outside the Town of Boston when there is plenty of clay right here?

Supervisor Kennedy: Mr. Palmer, is it that you get the fill from some other party?

Mr. Palmer, 5535 George Drive: No, I have no preference at all. This happened to be a time when the fill was brought in.

Erika Bruck: Then it is already done?

Mr. Palmer: Yes.

William Brown, 5475 George Drive: On the application it says "origin of excavation". I know some of these places are dumps. Isn't it a possibility that some other builder may bring some of this fill from a dumping site to the Town of Boston? Some of the fill comes from Niagara Falls. Is that what the "Origin of excavation" means?

Supervisor Kennedy: We are trying to monitor the dumping. There were excavations out here where topsoil had been removed and people were bringing debris and fill from outside the municipality and using it as a dumping grounds.

Lawrence Weathers, 5492 Meadow Drive: Who is going to police all this dumping?

Supervisor Kennedy: We have a Code Enforcement Officer and a Deputy Code Enforcement Officer. When someone expresses concern when they see debris being brought in by truck loads they should notify a Town Official.

Lawrence Weathers: I don't see any way in the world this situation can be policed. Who authorizes these permits?

Supervisor Kennedy: The Town Board. That is what we are here for tonight at this Public Hearing.

Lawrence Weathers: I just want to know who has the final word.

Supervisor Kennedy: I will defer to the Town Attorney.

Councilman Flowers: As well as soil removal permits.

Town Attorney Reilly: That would be my understanding. Yes.

George Drive Resident: How many truck loads will they bring in? Or is it already all there?

TOWN OF BOSTON

PROCLAMATION

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 April 20, 1994 at 7:30 P.M., there were

PRESENT: Richard L. Kennedy, Supervisor
Mark W. Flowers, Councilman
Don A. Wohlhueter, Councilman
Peter A. Walter, Councilman
Josephine M. Davenport, Councilman

Councilman Flowers presented the following resolution and moved its adoption:

WHEREAS, "UNITED STATES ARMED FORCES WEEK" will be celebrated May 2 through May 8, 1994, and

WHEREAS, this will be the 34th United States Armed Forces Week observance, and

WHEREAS, a committee of the Joint Armed Forces from the Western New York area will be participating in this celebration, and

WHEREAS, the service that is provided by the Armed Forces is invaluable to the sense of security and peace of mind to the residents of Western New York,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Boston wishes to send sincere gratitude to the Armed Forces for their unselfish dedication to preserving the security of their community, and be it further

RESOLVED, that the Town Board of the Town of Boston is very proud to proclaim May 2 through May 8, 1994 "UNITED STATES ARMED FORCES WEEK" in the Town of Boston.

The question of the adoption of the foregoing Proclamation was seconded by Supervisor Kennedy and duly voted upon in the affirmative by all Town of Boston Town Board members, as above duly noted.

Dated: April 20, 1994

TOWN OF BOSTON, NEW YORK

By: Richard L. Kennedy
Richard L. Kennedy, Supervisor

REGULAR BOARD MEETING — TOWN HALL
APRIL 20,1994 — 7:30 P.M.

Supervisor Kennedy: I don't think there was that much brought in. It was just fill to bring that particular property up to grade. Mr. Palmer I don't think was aware of the fact that he needed a permit and when it was discovered he then applied for a permit.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to close the Public Hearing at 8:10 P.M.
five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Davenport to grant Palmer Building Concepts a permit to bring in fill at 5535 George Drive.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy to proclaim May 2, 1994 through May 8, 1994 "United States Armed Forces Week".

five (5) Ayes — Carried

PROCLAMATION - ARMED FORCES WEEK

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport to appoint the following as Officers, Baseball Coaches and Assistants for the 1994 Baseball Season.

President	Jim Frascella
1st Vice President	Greg Burroughs
2nd Vice President	Larry Steward
Secretary	Jim May
Treasurer	Kevin Elsaesser

Coaches and Assistants:

Larry Steward	Greg Burroughs
Mark Smith	Ken Biel
Ron Pachan	Kevin Elsaesser
Jim Appenheimer	Jim May
Tom Stellarecht	Bill Bachman
Mark Warnke	Jim Naczny
Jim Dion	Frank Kruszynski
Gene Partridge	Jeff Sullivan
Rodger Melius	Dan Woodrow
Ed Sliwinski	Jim Gastle
Bob Monzynski	Viendan Zahariev

five (5) Ayes — Carried

A motion was made by and seconded by to appoint the following as Coaches for the 1994 Girls Softball Season:

David Nicholas	Leigh Emerling
Dolores Dzikowski	Kevin Hesse
Nicole Kuczka	Galen Musselman
Craig Wilson	Martin White Jr.
Wayne Kreieger	Bob Ehlers
Paul Ketzer	Gerald Hey

five (5) Ayes — Carried

At 8:15 P.M. a Public Hearing was held regarding a Special Permit to bring in fill from outside the Town of Boston for Jerome Krencik, 7130 Boston State Road. Supervisor Kennedy read the legal notice, notification was sent to 23 neighboring property owners with a map and a copy of the Special Permit Application,

REGULAR BOARD MEETING
APRIL 20,1994

TOWN HALL
7:30 P.M.

Public Hearing (Cont.):

a letter of recommendation from the Planning Board that the Permit be approved with the following exceptions: (1) fill be held back a minimum of five (5) feet from the easterly easement line and (2) the two (2) horizontal and (1) vertical slope be adhered to, a letter from TVGA Engineering recommending the fill be held back a minimum of five (5) feet from the easterly easement line and the 2 on 1 slope be adhered to, and a letter from Erie County Department of Environment and Planning stating that there is no objection if the toe of the slope is outside of the sanitary sewer easement and the fill slope is approximately 2 horizontal to 1 vertical.

LEGAL NOTICE
TOWN OF BOSTON
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston, Erie County, New York, will hold a Public Hearing at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on Wednesday, April 20, 1994 at 8:15 P.M., Eastern Daylight Saving Time, to consider the application of Jerome Krencik for a Special Permit to bring in fill from outside the Town of Boston to 7130 Boston State Road.

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

Dated: March 29, 1994
Published: April 7, 1994
BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK
4-7

Supervisor Kennedy read a letter from Jerome Krencik of 7130 Boston State Road stating the fill he will be using will consist of dirt, rock, broken concrete and shale. Finished grade will be dirt with a depth of 4 to 6 inches. Ground cover will be planted on bank when finished. There hasn't been any drainage problems. In a second letter Mr. Krencik states there will be no dumping after 9:00 o'clock p.m. and he requests bringing fill in from outside the community to expedite the process.

Supervisor Kennedy read a letter from Code Enforcement Officer Santonocito to Mr. Krencik informing him of Chapter 101 , Soil Removal, of the Code of the Town of Boston stating that a permit is required.

Supervisor Kennedy convened the Public Hearing.

Ronald Flick, President of Rolavid Inc., Owner of Creekside Court of Boston: Mr. Krencik's assumption that there hasn't been any water problems is inaccurate. I have had to spend money in the last few years to have a natural swail put in there to keep water away from the back of my garages. Two years ago we had floods in the basements. Water came down off the hills and sat down there and up against my buildings, It came into the basement apartments and I lost carpeting and everything else. If he is allowed to come within five feet of the property line, it is roughly seventeen feet from the back of the garage with a twelve to twenty foot embankment. I am going to have a lot of water in the back of my garage and it will float my slabs in a heavy downpour. I own the two buildings that are immediately behind his house and go about halfway down the proposed filling in that he's doing. There is another corporation that owns the remaining portion down into the next side. That garage is also affected in the same way and I tried to get a hold of the other owner tonight. I have a concern for my tenants. Right now all that debris is an eyesore. Just to look at a wall of that material that close to the back of the building destroys my property value. Here are pictures.

Mr. Flick presented pictures of the property site to the Town Board.

Mr. Flick: The Town promised a year ago to put a new culvert under the road down there and now there is a little small pipe down there to take it to the creek. If something is not addressed to take care of all these things I don't know where the water is going to go.

Supervisor Kennedy: I can understand your concern with the slope. We do have jurisdiction over the slope. It does require a 2 on 1 slope.

Mr. Flick: I don't know what the slope is but it is far enough back from the property line that it isn't a problem and he keeps it trimmed down. If that was to be extended all the way over to within five feet of his property line, that is much closer than what it is now.

Councilman Flowers: Right now you have all that rock that does not absorb any water and the water runs off. That slope is very deep, it may be a one on two slope or maybe a one on one. Once he gets it graded off and planted you may not have that problem with water. If we don't take action now in granting him a permit you are still going to have the problem.

Mr. Flick: I have had people grade this area off and now there are cat tails growing there.

Supervisor Kennedy: Can the Board use these pictures for awhile?

Mr. Flick: They belong to Patricia Needell.

Highway Superintendent Ruchalski: The gentleman is correct. There is an inadequate pipe that goes under the road. It has collapsed. I have new pipe to put in there. We received it late last fall and the weather kept us from installing it. It is scheduled. The pipe was a special order oval pipe. It should relieve the water from the section you are talking about.

Mr. Krencik: I think Mr. Flick misunderstood on the five feet. It is not five feet from his property line. It is five feet from the sewer easement which would make it about twenty five feet from the bank to the property line.

John Needell, 7123 Boston State Road: In the permit for the application it says the material to be dumped is dirt, stone, rock and concrete yet the purpose is to grow grass in the yard. I would like some assurance that this is indeed what it is to be used for. The stone is very close to the level of the road right now. It was mentioned in his letter that he was using fill from inside the Town. I know that some of the trucks have been from Town but also some of the tandem dump trucks were coming in from the Ford Plant. After he was notified he needed a permit he continued to bring in fill around the first of the year. I am concerned he didn't take the proper action after having been advised by the Town Supervisor. What assurance do we have that he will follow any rules imposed by the Town Board this time? We have had dump trucks as late as 12:30 A.M. It is a residential area. I don't object to dumping during the day. Is there anything that is done to prevent the importation of fill in other areas of Western NY? As Residents of this neighborhood we are not in favor of this fill. Should it be done we would certainly ask that it be done in a way that adds to the appearance of the neighborhood and that there be restrictions on what time of day dumping can occur.

Supervisor Kennedy: I agree with you. I don't like dumping late at night and I conveyed those concerns to Mr. Krencik. He has indicated that nothing will be dumped after 9:00 p.m. and that will be adhered to if this Board confirms his application.

Councilman Flowers: Mr. Krencik, how much top soil do you intend putting on?

Mr. Krencik: I think at least 6 to 8 inches.

Lawrence Weathers: He is level with the road right now. I don't know how he can come up another 6 inches. I am right across the street and as far as trucks coming from all over they also come from the Town of Boston and from the State of New York. These poor people that live around that neighborhood have to look at that eyesore and they are not very happy. He bought that house knowing there was only a little land. Then he bought these two lots from the Town of Boston and without any yes or no and he started filling it with everything under the sun. I've been there for the last seven years. Who is responsible for this whole situation?

Councilman Flowers: It is an important issue because we have to look at it too. If we leave it the way it is now it will always be this way. Something has to be done and we have to get to the end now. We have to do something to either say we are going to plant flowers and grass or we are going to stop it right now and it will look like that forever.

Patricia Needell, 7123 Boston State Road: I would like to know if it is possible to get a time frame imposed on this?

Supervisor Kennedy: The Town Board members have voiced some concerns that they would like to see the sight before they take final action on it. Perhaps Mr. Krencik could be there with us and show us where the extremities of the fill are going to be so the Town Board is aware before taking action.

Mr. Flick: Did I not hear that the extent of the depth of the line was about 220 feet?

Mr. Krencik: 220 feet is the length.

Mr. Flick: Will that qualify for a building lot?

Supervisor Kennedy: No that will not qualify for a building lot. I don't think that was ever the intention of Mr. Krencik.

Partner of Mr. Flick: There are flood problems not even mentioned. There are concrete blocks that are down from the water damage and they have to be put back up. The magnitude of that slope, two to one, is bad. I want to encourage the Town Board to review the site and where all the water is going.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to close the Public Hearing at 8:44 P.M.

five (5) Ayes Carried

Supervisor Kennedy: In view of the comments heard here tonight it would be my recommendation that the Town Board have an opportunity to review this first hand. Some of the Town Board members and myself don't understand exactly how far this slope would impact on the adjoining properties. Although the Planning Board has reviewed this and given their recommendation I would like to review the property, the pictures and comments here tonight before I make my decision at the next meeting.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to defer action until the May 4, 1994 to give the Town Board members an opportunity to view and confer on their observations at the next agenda review.

five (5) Ayes Carried

REGULAR BOARD MEETING — TOWN HALL
APRIL 20,1994 — 7:30 P.M.

Supervisor Kennedy: We will set up a time with Mr. Krencik to visit the site so he can show us exactly what he intends to do. I will get in touch with the people who live in the Creekside area and I will ask the Highway Superintendent to come along so that we can address the drainage problems.

A request for a certificate of temporary occupancy was received by Richard Young of 9351 Zimmerman Road.

Supervisor Kennedy: The Code Enforcement Officer has found that there is quite a bit of work to be done yet in the addition of the construction of a garage to comply with building codes.

Councilman Flowers: There are missing pieces of drywall and parts of the house. We have to have some of this work performed before we say it is ok to live in. We would put the Code Enforcement Officer on the hook as well as ourselves if the work is not finished and in compliance.

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to defer the temporary certificate of occupancy until the May 18, 1994 Town Board Meeting.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Walter to grant permission to The First Baptist Church of Hamburg to use the Lions Shelter on July 9, 1994 for their Sunday School Picnic. No alcohol will be served.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport to grant permission to The Hamburg High School, Class of 1940 to use the Lions Shelter for a class picnic. No alcohol will be served.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to grant a request from Town Justice Maxwell for Court Clerks Joyce Thurber and Wendy Kummer to attend the Unified Court Management Continuing Education Work Shop on April 30, 1994 at Erie Community College North Campus, with all appropriate expenses to be paid by the Town.

five (5) Ayes — Carried

Received and filed a letter from the Boston Planning Board approving a request from Cary and June Goehler to erect a temporary greenhouse at 8285 Boston State Road.

Received and filed a request from Cary and June Goehler to erect a temporary greenhouse at 8285 Boston State Road.

Received and filed a letter from Richard Brox, Planning Consultant, stating that the request of Cary and June Goehler to erect a temporary greenhouse at 8285 Boston State Road does not belong on the Town Planning Board agenda.

Received and filed a Short Environmental Assessment Form stating that the project is to erect a temporary building according to specs provided by B.F.G. Lancaster NY. The purpose of the structure is to provide protection for plants from adverse weather conditions. The structure is not intended for growing purposes and therefore has no environmental impact on land.

Supervisor Kennedy: Is this a temporary structure or is this going to be there for good?

REGULAR BOARD MEETING
APRIL 20,1994

TOWN HALL
7:30 P.M.

Mr. Cary Goehler, 8285 Boston State Road: It is my understanding that under the State Law of New York, any greenhouse is a temporary structure. There is no floor and there is no foundation. It is fastened to the ground by steel stakes drilled by the contractor. It will be landscaped with doors in the front. It is not to be used for growing purposes.

Councilman Flowers: What is the life expectancy on this particular greenhouse?

Mr. Goehler: The plastic should last at least seven years. It is guaranteed to support a snow load.

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to grant the application of Cary and June Goehler for a temporary greenhouse to be erected on their property at 8285 Boston State Road.

five (5) Ayes — Carried

An appointment was made by Supervisor Kennedy to appoint Sam Ware Jr. to the Capital Improvements Committee.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to appoint Lisa Rood to the Conservation Advisory Council, term to expire March 1, 1997.

five (5) Ayes — Carried

SUPERVISOR REPORT

Supervisor Kennedy: We received notification from the Erie County Department of Environment and Planning on the scores and ranking of projects submitted for 1994 - 95 Block Grant Funding. We submitted again to see if we could get some added funds for the kitchen project. It is going to cost more than we originally projected. The cutoff was at Gowanda with 39 points. Boston scored 34 points for the senior kitchen. Out of the first group of grants, twelve had to do with compliance with the new Americans Disability Act. There were only three other ones that had favorable ratings. We are disappointed of course and we will just have to try again. We did receive funding for the continuation of the Van so we at least got some of this year's grant money.

Received and filed a notification from the Department of Transportation on the completion of the contract for the concrete pavement joint sealing, slab replacement, shoulder milling and resurfacing on route 219.

TOWN CLERK REPORT

Town Clerk Shenk: I have received the names from the three fire companies and the Emergency Squad, of the people serving on the newly formed Safety Committee.

Supervisor Kennedy: I would like to appoint the following to serve on the newly formed Safety Committee and I thank the Town Clerk for contacting them and getting this committee formulated. From the Boston Fire Company, Dale Hess and Kieth Gannon. From Patchin Fire Company, William Schwab and from the North Boston Fire Company, Louise Manista. From the Emergency Squad, Daniel Poppenberg.

TOWN OF BOSTON

TOWN OF BOSTON
NEW YORK

R E S O L U T I O N

NUMBER 1994- 10

RE: Payment of Bills for Refuse and Garbage Collection Service

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 20th day of April, 1994 at 7:30 o'clock in the evening Eastern Time there were:

Present:	**Richard L. Kennedy**	**Supervisor**
	Don A. Wohlhueter	**Councilman**
	Mark W. Flowers	**Councilman**
	Josephine M. Davenport	**Councilman**
	Peter A. Walter	**Councilman**

Absent:

Don A. Wohlhueter presented the following Resolution and moved its adoption:

WHEREAS, the Town of Boston has duly established a Refuse and Garbage Special District for the Town of Boston, and

WHEREAS: the Town of Boston is interested in encouraging the prompt and full payment of the fee charged to users of the refuse and garbage collection service in the Refuse and Garbage Special District, and

NOW THEREFORE:

BE IT RESOLVED, that the users of the refuse and garbage collection service shall become liable to pay the fee charged for the collection of refuse and garbage on the day that collection of refuse and garbage commences; and be it further

RESOLVED, that payment of the fee charged for refuse and garbage collection shall be paid in full within thirty (30) days of the date of the bill for refuse and garbage collection which is sent to the user; and be it further

RESOLVED, that a penalty of ten per centum of the amount due shall be assessed against any user of the refuse and garbage collection service whose account is in arrears for more than thirty (30) days.

TOWN OF BOSTON

Seconded by Mark W. Flowers and put to a vote which resulted as follows:

Supervisor Kennedy	Voting aye
Councilman Wohlhueter	Voting aye
Councilman Flowers	Voting aye
Councilman Davenport	Voting aye
Councilman Walter	Voting aye

AYES: Five (5) NOES: Zero (0) ABSENT: Zero (0)

David J. Shenk

David J. Shenk - Town Clerk

REGULAR BOARD MEETING
APRIL 20,1994

TOWN HALL
7:30 P.M.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Ruchalski: We use a 1968 International tractor which works well but not in residental areas. I went to a method of being under a contract with BFI. This works excellent. The first year I started I was paying $1,300. Last year I gave them almost $3,500. I can rent a sweeper through Robert's Equipment for a total of $2,500 for seven days. I would like permission from the Town Board to allow me to rent this sweeper for seven days. They require a certificate of insurance because we will use our own operator employee on it.
Supervisor Kennedy: If we get adverse weather, what will we do then?

Highway Superintendent Ruchalski: We can sweep in the rain. This is eight hundred dollars less than we paid before and we can sweep more of the roads and recycle the sand for next year. The savings there is between $3,000 and $5,000 in recycle materials.

Supervisor Kennedy: I think economically it would be in our best interest to rent this machine.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to authorize the Highway Superintendent to rent the vehicle from Roberts Equipment for his annual clean-up sweeping project for $2,500.

five (5) Ayes Carried

TOWN ATTORNEY REPORT

Town Attorney Reilly: Regarding the ex TNT Battery DEC Site, On January 28, 1994, I sent a letter to the NYSDEC with a request as to whether they could indicate if there was any liability for past environmental damage which a new purchaser could incur. The response in a letter dated March 31, 1994 stated that the DEC, in an effort to recover costs for remedial work, may commence a cost recovery action against the current owners. This could result in a judgement lien encumbering the property.

Jean Kleis, the Town Bookkeeper, had indicated she was having a problem getting payment of bills for refuse and garbage collection services in a timely manner. The Town Board directed me to design a resolution to take advantages of the powers we had under the Town law regarding collection.

RESOLUTION 1994 - 10 PAYMENT OF BILLS FOR REFUSE AND GARBAGE COLLECTION SERVICE

Town Attorney Reilly: There was a question on a restriction in the title on the five acres of land that the Town of Boston purchased to add to the Boston Town Park. I had a discussion with Supervisor Kennedy and based on that discussion I was able to provide information on that title question to Conrad Langley of the Attorney General's Office. At this time that was sufficient to answer his question.

There was a pre-trial conference in a case NYSEG vs The Town of Boston. There was a pre-trial scheduled for April 18, 1994 pursuant to a request by NYSEG that was adjourned to June 20, 1994. I am working with the Town Assessor defending against that lawsuit.

REGULAR BOARD MEETING
APRIL 20,1994

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT

Councilman Flowers: I met with the Fire Companies and the Emergency Squad and discussed the update of the Emergency Disaster Plan.

I also had a meeting with a representative from the West Seneca Developmental Center and the site selection committee. They are looking in the Town of Boston as well as other communities.

Councilman Wohlhueter: I have tentatively scheduled a tire drop-off in May. I will put notices in the pennysavers.

Councilman Walter: We visited several drainage areas. We have them on George Drive, Zimmerman Road, Roland Drive, Northside, the foot of Lango, Woodland, Hickory area, Maplelawn, Pinehurst area and now a new one tonight, the Jerome Krencik area. We hope to have them all solved this summer.

I got a letter back from the DOT. We had requested the lowering of the speed zone in the area of the Boston Valley Elementary School. We were denied. A school speed zone cannot be approved. If the population of the Town of Boston increased to 10,000 we could then make it ourselves.

Councilman Davenport: The senior citizens are now meeting on the first and third fridays of the month at the North Boston Fire Hall.

I attended a meeting with Mrs. Como on April 19, 1994 at the Hilton Hotel. The Governor started a program called "The Decade of the Child" in 1988. There are 141 programs in the state devoted just to children.

CODE ENFORCEMENT OFFICER REPORT

A letter was received and filed from Jo Ann Santonocioto, Code Enforcement Officer to Edward R. Dzierzanowski of 6710 Mill Street, noting that as of April 15, 1994 the Town Board of Boston has not received a schedule of clean-up from the structure fire at 6710 Mill Street.

A letter was received and filed from Edward R. Dzieranowski of 6710 Mill Street requesting permission to erect a four foot plywood wall to prevent debris from damaging neighboring lawns and replace the roof on the north building to protect his tools.
It will take thirty days to clean and stabilize the walls and remove the roof from the front half of the shop, and 45 days to do the same with the rear half of the shop.

Supervisor Kennedy: When you talk about putting the roof on the front half of the shop, is that the roof that was burned out? Is that the middle section where the roof was burned away?

Edward Dzieranowski, 7610 Mill Street: That is the front building that is a separate building by itself where the fire started.

Councilman Flowers: Is that building more than fifty percent destroyed at this particular point?

Edward Dzieranowski: The only thing gone is that the roof is burned off and the southwest corner.

Councilman Flowers: Ed is it fifty percent gone.

Edward Dzieranowski: No.

Councilman FLowers: How many buildings are we talking about here? There are four buildings under one roof.

Edward Dzieranowski: No they are not under one roof.

Councilman Flowers: You will have to draw a map so all of us understand what you are getting at here. You said you want to put a roof on the north building and we have no idea what that is.

Edward Dzieranowski: The north building is the north building in the front. The one closest to the road.

Councilman Flowers: The north building is not the shop?

Edward Dzieranowski: The shop starts from that building and goes further west.

Councilman Flowers: When the Assessor assessed the property, he assessed it all as one parcel. We have to assume that this is all one building.

Edward Dzieranowski: It is not one building. It never was one building. It was all built in sections.

Councilman Flowers: Well then the whole place is in non-compliance not just one area.

Edward Dzieranowski: It was in compliance when it was built.

Councilman Flowers: Well now it's not in compliance because this is 1994 and the codes are applicable in 1994.

Edward Dzieranowski: It was constructed before the turn of the century and the building I am talking about was built around 1922.

Councilman Flowers: We still have to have a map or drawing, something that specify what area is going to be done. This is confusing even to me and I was there at the fire. We are working in the blind here now. We can't help you unless we know what is going on.

Edward Dzieranowski: You want a floor plan of all the buildings?

Councilman Flowers: That would help us immensely. When you say the north building we would know what you're talking about.

Edward Dzieranowski: All right. It won't be to scale but I'll draw it out for you.

Councilman Flowers: That will be a help. Is it your intention to rebuild the shop also?

Edward Dzieranowski: It is my intention to rebuild everything except the back apartment.

Councilman Flowers: I think we're going to run into trouble at this point now.

Edward Dzieranowski: There is another building in the middle. I didn't build it.

Councilman Flowers: Once we get into this, I think the members of the Town Board, the Code Enforcement Officer, you and your attorney Dick Attea, should all sit down and find out where we are and where we're going with this.

Joseph Santonocito: Chairman Zoning Board of Appeals: Isn't the definition of a building defined clearly in our Code Book and shouldn't the attorney be able to advise the Town Board as to what constitutes a building? Maybe Mr. Dzieranowski himself is confused as to what is a building as far as the Town of Boston is concerned.

Councilman Flowers: I think you are correct. We are going to have to have a session with the Mr. Dzieranowski, the attorneys involved, the board members, Code Enforcement Officer. I am sure at sometime in time you (Mr. Santonocito) you will also be involved. Before we act on anything we have to clear all this up.

Edward Dzieranowski: I will draw you up a ground floor plan as it stood before the fire and schedule a meeting.

Supervisor Kennedy: I think everyone has to get on the same wave length here as to what is going to be required in response to the letters that were drafted by both Bob Pettit and your own architect. I think in both of those letters they indicate that you will have to clean up so we can see which portions of the building are salvageable. Then we will have to have some indication from you which part or parts of the whole you intend to reconstruct. Unfortunately, whatever is reconstructed has to be re-constructed according to the New York State building codes.

Edward Dzieranowski: I am aware of that.

Supervisor Kennedy: We should sit down together and go through the whole thing. I will ask Jo Ann Santonocito to try and schedule a meeting when you can get Mr. Attea and the Town Board members together so we can agree how this can be effectively resolved. Can you do that soon?

Edward Dzieranowski: I will call Mr. Attea tomorrow.

Councilman Flowers: Can we schedule this session before the next Agenda Review that we have on May 2, 1994?

A letter was received and filed from Celeste Jones, 6585 Colonial Drive, requesting an appointment to the Planning Board of Boston.

A letter was received and filed from Kenneth S. Gliwa, 6415 Pfarner Road, requesting an appointment to the Planning Board of Boston.

A letter was received and filed from John David Early, 7125 Omphalius Road, requesting re-appointment to the Planning Board of Boston.

Supervisor Kennedy: I was reading through the Public Officers Law and article two, section thirteen, has " the officer or body making the appointment or certificate of election of a Public Officer shall, if the officer be required to give an official undertaking to be filed in an office other than that in which the written appointment or certificate of election is to be filed". That would mean if I understand it correctly, that any officer appointed or elected officer that is required to file an oath card that in the office that which it is filed it says" that if any officer shall neglect within the time required by law to take and file an official oath or to execute and file and official undertaking. The officer with whom or in whose office such oath or undertaking is required to be filed (meaning the Town Clerk) shall forthwith give notice of such neglect.

Supervisor Kennedy (Cont.): If an appointed officer to the authority appointing such officer (meaning the Town Board) If an elected officer to the officer Board or body authorized to fill the vacancy.(which is right above your petition in other words if you are an elected officer the committee to fill the vacancy would fill your office. If any or none of the vacancies in your office may be filled by a special election to the office or board or body authorized to call or give notice of this special election to fill such vacancy. Except that the notice of failure of a Justice of the Peace to follow his official oath shall be given to the Town Clerk to the Town for which the Justice was elected. The Town Clerk has on file in his office the oath cards. It is his responsibility as the Town Clerk to give forthwith to this Town Board the information that those oath cards aren't on file properly. Was I supposed to be informed forthwith by the Town Clerk that there wasn't an oath card on file by anyone who was appointed by this Town Board?

Town Attorney Reilly: What section you were reading from?

Supervisor Kennedy: I read this from the Public Officer's Law.

Town Attorney Reilly: What section is this?

Supervisor Kennedy: It is article two. Give this to the attorney. All I am saying is that it is discovered when it is politically appropriate.

Town Attorney: If I can just clarify for a moment here. I believe this section has to do with the undertaking. There are two parts that are covered. One, filing of the oath card and second an undertaking for an office that it's required. For instance, as Supervisor I believe you have to file an Undertaking for your position.

Supervisor Kennedy: I have to file an oath card.

Town Attorney Reilly: I think this is the section that is applicable to the Undertakings. In answer to your question. If you read section 30 of the Public Officers Law, I see no requirement in there that states the Town Clerk is responsible to notify anyone of someone not filing their oath card. The requirement here is for that person who is appointed to the public office to file the oath card within the thirty day period.

Supervisor Kennedy: I understand he has to file within the thirty day period. Are you saying this isn't applicable then?

Town Attorney Reilly: Just taking a fast look at it, I think that section applies to the Undertaking section rather than the Oath card. To my knowledge there is no requirement of the Town Clerk to report the failure to file an oath card. If you can find a section that says differently, I would be very happy to see it. The origin of this as I recall is that some of the Fire Police had not followed their oath cards going back to the original appointment day. The question came up as to what do we do about this situation?" That had nothing to do with the Planning Board as I recall it. It came up with the Fire Police, if they were to be injured in the course of their duty, are they going to be insured?

Mr. John David Early, 7125 Omphalius Road: I think everybody up there probably knows how much work I have done for this Town. The work that I have done on the Planning Board will speak for itself. My letter pretty much said it all. In my opinion this is political.

Mr. John David Early (Cont.): There is a letter in the paper where Mr. Flowers said he wanted good people on the Board and it didn't matter whether they were Democrats, Republicans, or Liberals. As far as I am concerned I have done a lot for this town in the time I have been here and I feel like I deserve to be on the planning board.

Councilman Flowers: I asked the local papers if they would print an ad saying the Town of Boston is looking for people to fill vacancies on the Planning Board.

Councilman Wohlhueter: I think that Mr. Early's letter has attested to what he has done for the Town and I know I have been a liaison to the Planning Board and he has been instrumental in getting a professional planner for the planning board. He has been active on the Conservation Advisory Council and I will make the nomination that he be appointed to a new term on the Planning Board. I believe this would be the proper term for the motion.

Town Attorney Reilly: There has been a couple of terms tossed around, one being removal and one vacancy. My interpretation of the law after looking at it is that after the resolution was passed at the last meeting there are two vacancies and the people who are in those positions right now shall continue to serve until there is a new appointment made by the Town Board.
Councilman Wohlhueter: So whoever is appointed will be to fill the vacancy.

Town Attorney Reilly: Right. It is up to the Town Board to fill the vacancies.

Town Clerk Shenk: We have two terms that are now declared vacant. One would expire 2/1/98 and one would expire 2/1/99.

Councilman Flowers: I would like to wait until the newspaper ad comes out. That will be in tomorrows paper and see if there is anybody other than the three applicants, if they are interested in serving on the Planning Board.

Supervisor Kennedy: I would also appreciate it if you would get us some additional information on Mr. Kenneth Gliwa. His was a very abbreviated letter and it doesn't give me any indication of what his qualifications or his abilities would be to serve on the Planning Board.

Councilman Flowers: When Mr. Gliwa originally wrote that letter there were no openings on the Planning Board. I thought he might serve on the Drainage Committee so I passed it on to Councilman Walter.

Supervisor Kennedy: I think it is appropriate when we make a decision regarding any appointment to any respective position within the government that we have some knowledge of the individual or what his qualifications are.

Damian Wiktor, Secretary Planning Board: I would like to speak on behalf of Mr. Early. Mr. Early's attendance at our Planning Board meetings has been very good. He is a very active, very participative member of the Planning Board who is well read and well prepared for each meeting. I would think that the Board would like to keep continuity on the Board with his appointment.
Lisa Rood, Conservation Advisory Council: I served with David on the Conservation Advisory Council and in addition to everything he outlined in his letter he also served as the liaison to the Planning Board. He also was our photographer for the many things that we did.

REGULAR BOARD MEETING TOWN HALL
APRIL 20,1994 7:30 P.M.

Lisa Rood (Cont.): He contributed by helping us to plant trees. He also worked on the pamphlet that we had and his attendance was very good. He was very knowledgeable in all the things he brought up from the Planning Board and with the steep slopes legislation also.

Supervisor Kennedy: Well is it your consensus Mr. Flowers, that we reserve the appointments until such time that we have an opportunity to review any forth coming letters?

Councilman Flowers: Yes please.

Supervisor Kennedy: According to the Town Attorney, at the present time, those people whose action was taken last month, are they off of the Planning Board now or do they remain on the Planning Board until they are replaced?

Town Attorney Reilly: They remain on the Planning Board until they are replaced.

Supervisor Kennedy: That was also the opinion of the Deputy Town Attorney and I am sure the Town Attorney would concur that any actions taken by these appointed officials whether they neglected to file an oath card or not is a defacto thing and any action they took is certainly valid. Is that correct?

Town Attorney Reilly: That is correct.

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to adjourn the meeting at 10:03 P.M..

David J. Shenk
DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING
MAY 4, 1994

TOWN HALL
7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman Josephine M. Davenport, Councilman Peter A. Walter, Supervisor Richard L. Kennedy, Town Attorney Michael E. Reilly, and Highway Superintendent Eugene E. Ruchalski.

Reverend Gary Burdick opened the meeting with a prayer.

A motion was made by Councilman Walter and seconded by Councilman Davenport to accept the corrections and adoption of the minutes of the April 20, 1994 regular monthly meeting.

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 #5, dated May 4, 1994 in the amount of $38,460.12 be paid.

five (5) Ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers that the Highway Bills on Abstract 5, dated May 4, 1994 in the amount of $5,930.96 be paid.

five (5) Ayes Carried

A motion was made by Councilman Flowers and seconded by to Councilman Walter to accept the Town Clerk's monthly report for April 1994.

five (5) Ayes Carried

Received and filed a notice from New York State Division of Equalization and Assessment on the Residential Assessment Ratio of 79.25 for the 1994 Assessment Roll.

Received and filed a Certificate of Attendance from the New York State Division of Equalization and Assessment for Assessment Review Training for Robert Ganey.

Received and filed notification from the Erie County Water Authority of an increase in the billing for fire hydrants.

Received and filed the Final Environmental Impact Statement from Kiantone Pipeline Corporation for the proposed Petroleum Pipeline Project from Warren, Pennsylvania to the Town of Tonawanda, New York.

Received and filed a Resolution from the Town of Brant regarding sales tax sharing in Erie County.

Received and filed notification from NYS DOT of a delay in the CHIPS O & M payment scheduled for April 25, 1994, because the New York State Budget has not yet passed.

Received and filed an announcement from Erie County Legislature, Fredrick Marshall, that the surplus food distribution for eligible Town of Boston residents will be held on May 12, 1994.

Herbert Klein, Boston Chamber of Commerce Member: Discussed a proposal for Christmas Decorations on Boston State Road. He presented the Town Clerk and the Town Attorney with a proposal from the New York Telephone Company. The cost for 12-17 poles would be approximately $3,500.00. Each decoration costs approximately $200.00.

REGULAR BOARD MEETING TOWN HALL
MAY 4, 1994 7:30 P.M.

Supervisor Kennedy: I think this is something the Town has needed for a long time. The Town Board will want to review the materials and decide the function of the Board in this respect and if we wish to contribute.

REQUESTS FROM THE FLOOR

Received and filed a letter from Joseph V. Ritchie containing a complaint of the Dog Warden.

Joseph V. Ritchie: The reason for my appearance is based on a citizens constitutional right and basic freedoms as opposed to a political official's self indulgent interpretations. He stepped over the line when he demanded an animal that was inside, in an enclosed room, under the control of a responsible adult citizen.

I reported this incident to the State Police as a dog-napping, just for the record, but will go no further if this situation is rectified. I need to have my $20 returned, all records expunged and the warden reprimanded for his unlawful action.

Supervisor Kennedy: The Dog Warden brought this to my attention but the Town Board has not had an opportunity to review or make an investigation of your statement. The Town Board will have a statement at the next Board meeting.

Dolores Seufert, 7556 Back Creek Road: When you were voted into office we had hoped that everybody would work together. I worked with the Zoning Board and the Planning Board and I came to them because Dake was starting a wood saw mill on my road. I am not about to have a saw mill on my road. I know nothing about the Zoning Board or the Planning Board. They did a great job, and they turned him down and he was to be finished in December. He wanted an extension and they gave him until the 15th. I was not here at the Board meeting when some of them were left out. I think that someone who doesn't get paid, does a good job, regardless of what affiliation they are, keep them in. I don't know who got the job, maybe they will do a good job.

I was gone for two weeks and when I came back Dake had cut wood piled as high as my back family room. The man is not listening or paying any attention. If you make rules and regulations in this town, why aren't you keeping them? He has been getting away with this since last summer. Today he has got all kinds of big logs in front of his house. He is there sawing them. How come he is allowed to do this?
Why hasn't something been done a long time ago? How long does it take the Board or those you have on the Zoning Board now, to do something about this?

Supervisor Kennedy: As far as I know he was given an opportunity during the hearing that took place to continue in the business and when he was told to stop he was supposed to stop and cease his operation. Have you looked at this Jo Ann?

Jo Ann Santonocito, Code Enforcement Officer: Yes I have. I have been working with the Town Attorney and the Deputy Town Attorney and I have been authorized to issue a cease and desist order. It has been issued.

Supervisor Kennedy: All we can do under the law is to issue an order and bring him into court. He will have to come to court and hopefully the Judge will acknowledge the fact that he in flagrant violation of the law. He has disregarded the directives that were given him and he is conducting something that is not legal. He is subject to a fine for every day
that he is in violation.

REGULAR BOARD MEETING — TOWN HALL
MAY 4, 1994 — 7:30 P.M.

Councilman Flowers: We get a report from the Deputy Code Enforcement Officer as well as the Code Enforcement Officer every month and we read these. We see that he went by the Dake residence and no violation appeared at that particular time.

Dolores Seufert: That is not so. He is not looking.

Supervisor Kennedy: You are correct. I made some observations myself and there is an operation going on there in violation of the directives that were put forth by this Board. He was supposed to terminate all that activity.

Dolores Seufert: Have you any idea of the capacity of the room downstairs when it is finished? How many people we would be able to be in there?

Supervisor Kennedy: I think there is supposed to be close to 150 people by law but will check the square footage and then I can give you an accurate count. We had a construction meeting and the schedule says they should be finished during the first week in July.

A motion was made by Councilman Flower and seconded by Councilman Wohlhueter to accept the corrections to the Abstract 4A of April 20, 1994, General Fund and Special Districts.

Voucher # 284A - Tomahawk Live Trap Co.
From 3510.4 Dog Control, Contractual
to 3510.2 Dog Control, Equipment

five (5) Ayes — Carried

A motion was made Councilman Flowers and seconded by Councilman Davenport to employ the services of TVGA Engineering for a sum not to exceed $1400 to manage the Proposal for Specifications and Bid Documents for the Tennis Court Repaving.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport to grant Jerome Krencik a Special Fill Permit with the following conditions:

A) A 2 to 1 slope be adhered to.
B) Stakes on property be adhered to, can only fill between the Boston State Road and the stakes indicating 10 feet of E.C.S.A. #3 easement.
C) Swale must be cut at the toe of fill area for proper drainage flow into the existing ditch.
D) Seed and ground cover entire fill area
E) Hours for operation are to be 8:00 am to sunset.
F) Permit to expire 10/31/94.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Walter to grant St. John the Baptist Church use of the Lions Club Shelter for their annual picnic on August 7, 1994. Alcohol will be served and a Certificate of Insurance will be supplied.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter to table a Resolution from Erie County Legislature, Brian Rusk, reducing the County work force through attrition, until the Board has an opportunity to review.

five (5) Ayes — Carried

REGULAR BOARD MEETING TOWN HALL
MAY 4, 1994 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to accept the resignation of Donna Lenau as the Planning Board, Zoning Board and Conservation Advisory Council secretary, effective June 1, 1994.

five (5) Ayes Carried

Supervisor Kennedy directed the Town Clerk to send a letter to Donna Lenau thanking her for her outstanding service to the Town of Boston.

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to appoint Joyce M. Rote as Secretary for the Planning Board, Zoning Boards, and Conservation Advisory Council, at a rate of $8.15 per hour, term to expire 12/31/94. Donna Lenau will work with Joyce M. Rote for one month.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to refer to the Planning Board , a letter from Patrick Higgins, requesting the property at 9720 Zimmerman Road be re-zoned as M2.

five (5) Ayes Carried

An application was received from Leo Gokey of 5534 Ripple Drive requesting a building permit to erect a second accessory building.

Supervisor Kennedy: Mr. Gokey already has two accessory buildings on the property, one of which is in the process of being torn down. Under the present zoning law of Boston you are allowed one accessory building. Under the provisions of the Zoning law this comes before the Town Board, is that correct?

Town Attorney Reilly: It goes to the Town Board if you want to have more than one accessory building.

Supervisor Kennedy: Mr. Gokey, why can't you make this part of the existing building in order to conform to the existing law?

Mr. Leo Gokey: I can't do that the way the house is built I would have to extend this way back to the back of the house.
I have a driveway that is two and a half cars wide now. I have to get my equipment under cover.

Joseph Santonocito, Chairman Zoning Board of Appeals: I would recommend that this request be tabled because in the past a request for an accessory building has always gone before the Zoning Board of Appeals. I think this should be studied.

Town Attorney Reilly: The relevant section of the code is 123-125, which states that no more than one accessory building shall be constructed on a lot except as authorized by the Town Board. That gives the Town Board primary jurisdiction but that would not preclude the Town Board from sending the request to the Planning Board.

Supervisor Kennedy: I have some concerns with a second accessory building and I would like to examine the premises myself before making a determination.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to refer the request of Leo Gokey of 5534 Ripple Drive, for a second accessory building, to the Planning Board.

five (5) Ayes Carried

REGULAR BOARD MEETING TOWN HALL
MAY 4, 1994 7:30 P.M.

A letter was received from Steve and Colleen Winnicki of 6264 Rice Road requesting a Building Permit extension.

Councilman Flowers: If they would put the foundation or pour a slab for a garage that would at least show some intent that they will build a garage. According to the code that was enforced when they began to build the house you did need a garage before you could get a certificate of occupancy.

Supervisor Kennedy: Did they indicate they had a temporary certificate or did they move in without the certificate?

Jo Ann Santonocito, Code Enforcement Officer: They did not have a certificate.

Supervisor Kennedy: It is required under the Zoning law that a garage be a part of the premises in order to be granted a certificate of occupancy. It is important that we not make an exception to that ruling and that we try in some manner to encourage these people to get the garage up as expeditiously as possible. I think we should require that they get a building permit. Is the permit only good for a year? On that permit it will show where the garage is going to be and the proper footers and foundation or slab be put in sometime during this construction season. Then we will know they are making an honest effort.

Jo Ann Santonocito, Code Enforcement Officer: It is good for one year if you begin construction within six months. If you do not begin in six months you must get another permit.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to direct the Code Enforcement Officer to tell Steve and Colleen Winnicki of 6264 Rice Road, that they have to secure a Building Permit, plotting on their site survey exactly where the building is going to be located. Within the six month period, construction is to be initiated on the garage by either putting in all the footings necessary for the construction of the garage and or a floating slab before a certificate of temporary occupancy can be granted.

five (5) Ayes Carried

A letter was received from Ralph Reiner of 7405 Chestnut Ridge Road requesting a Building Permit extension.

Supervisor Kennedy: Ralph Reiner received a building permit on January 19, 1990 for the construction of a single family dwelling. There is a great amount of work that hasn't been done on that building.

Jo Ann Santonocito, Code Enforcement Officer: There are a few windows missing and there is only siding on two sides of the house. He is not living in the house.

Supervisor Kennedy: Under those circumstances and with the recommendation of the Building Inspector, I recommend denial to Mr. Reiner for an extension. I think he should be brought in for another building permit and set aside a time limit for when he is going to have the building enclosed.

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter to deny a Building Permit extension to Ralph Reiner of 7405 Chestnut Ridge Road.

five (5) Ayes Carried

TOWN OF BOSTON

RESOLUTION 1994 - 12

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 May, 1994 at 7:30 p.m., there were

PRESENT:	Richard L. Kennedy	Supervisor
	Don A. Wohlhueter	Councilman
	Mark W. Flowers	Councilman
	Peter A. Walter	Councilman
	Josephine M. Davenport	Councilman

Supervisor Kennedy presented the following Resolution and moved its adoption; motion was seconded by Councilman Flowers and unanimously passed.

WHEREAS, DORIS FOLLMAN began her employment with the Town of Boston in January, 1968, when the Town Hall was housed in the former Community Church building across the street from the present Town Hall, and

WHEREAS, she has been continuously employed by the Town since that time, and

WHEREAS, during the past 26 years she has been a faithful, conscientious and dependable Cleaner of the Town Hall, and

WHEREAS, Mrs. Follman has now decided to retire from her job in order to have time to enjoy her many leisure pursuits,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Boston sends its heartfelt thanks and appreciation to DORIS FOLLMAN for her faithful service in helping to maintain the Town Hall in a condition of which the townspeople can be proud, and be it further

RESOLVED, that the Town Board extends to DORIS FOLLMAN their very best wishes for continued health and happiness in her well-deserved retirement years.

David J. Shenk

Town Clerk David J. Shenk

S E A L

REGULAR BOARD MEETING — TOWN HALL
MAY 4, 1994 — 7:30 P.M.

Supervisor Kennedy directed the Code Enforcement Officer to inform Mr. Ralph Reiner that his request for a Building Permit was denied and he should apply for a new permit as soon as possible.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to appoint Margaret Seider as a Cleaner Part-Time, retroactive to April 25, 1994, at a rate of pay of $6.15 per hour.

five (5) Ayes — Carried

RESOLUTION - 1994-12 - DORIS FOLLMAN

A motion was made by Councilman Davenport and seconded by Councilman Walter, upon the recommendation of Marilyn Clesse, Recreation Director, effective immediately with wages to be determined, term to expire 9/30/94, to appoint the following for the Supervisory Staff of the Summer Recreation Program:

Re-Appointment: Jennifer Schunk
Sharon Musselman
Jacquelyn Russell

Appointment: Irene Odden

five (5) Ayes — Carried

SUPERVISOR REPORT

A) Supervisor's Monthly Financial Report for April 1994 received and on file in the Town Clerk's Office.

Referred a letter from the County of Erie, Department of Environment and Planning regarding an active Conservation Advisory Council, (CAC), to Lisa Rood.

TOWN CLERK REPORT

A motion was made by Councilman Flowers and seconded by Councilman Davenport to accept the monthly Registrar of Vital Statistics Report for April 1994.

five (5) Ayes — Carried

SUPERINTENDENT OF HIGHWAYS REPORT

Superintendent Ruchalski: On May 5, 1994 at 10:30 a.m. we will have a press conference at the Erie County Building and most of the Highway Superintendents will be there. We talked to the Legislatures and the County Officials to let them know we are not happy with the County roads in our town and the neighboring towns. Something has to be done. The County is talking about turning back some county roads to the towns. They are not fixing them and it brings the question to mind as to why do we need a County Highway Department?

A motion was made by Councilman Flower and seconded by Councilman Davenport authorizing the Superintendent of Highways to attend the Association of Towns 1994 Highway School at Ithica College on June 5,6,7,8, 1994. All appropriate expenses to be paid by the Town of Boston that fall within the budget.

five (5) Ayes — Carried

REGULAR BOARD MEETING
MAY 4, 1994

TOWN HALL
7:30 P.M.

TOWN ATTORNEY REPORT

Town Attorney Reilly: Regarding the Town right-a-way at the end of Hillside Drive on the east hill. Supervisor Kennedy and myself made an inspection and I have asked the Highway Superintendent what do we need as far as that right-a-way. The intention here is that the town will determine what it needs in the right-a-way and any excess ground would be to abandon that and it would revert back to the landowners.

Regarding water for the valley: This is a plan where the Town would put a storage tank on the east hill in the vicinity of Chestnut Ridge Road. This will help to increase the water pressure in the southern part of the Town. To accomplish this the Town is going to have to purchase approximately four pieces of property. One will be for access to the tank, two pieces will be for the storage tank itself and one will be for the pump station. The Town is now in the process of purchasing the access road to get at the tank which will be a private road or sometimes known as lower Crestwood Circle. I would anticipate that the Town will complete that purchase within the next month.

RESOLUTION - 1994-11 - PURCHASE OF LOWER CRESTWOOD CIRCLE

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport authorizing Town Attorney Reilly to attend a seminar on Assessment Eminent Domain and Article seven at the UB Law School on May 14, 1994. All appropriate expenses to be paid by the Town.

five (5) Ayes Carried

COUNCILMAN REPORT

Councilman Flowers: I had a conversation with the Disaster Coordinator for the Town of Cheektowaga. They are in the process of forming a Emergency and Disaster Coordinators association throughout Erie County. We are trying to get everyone to use the same plan and the same format.

I met with the Board of Directors on the Southtowns Haz-mat team. Local Law number one for the County of Erie to collect money for the support of Haz-mat teams is floundering.

Councilman Wohlhueter: I attended the Southtowns Planning and Development Group meeting on April 25, 1994. On the agenda was the Mobil Human Service RV. This is the van that is going to go throughout the Southtowns at different sites during the month and service questions on medic-aid and food stamps etc. I will be attending the meetings on the fourth monday of every month.

The tire drop-off for the Town of Boston will be Saturday, May 21, 1994, from 9:00 a.m. to 2:00 p.m.. Each resident will be allowed to drop off two tires. It will be limited to car tires, no truck tires or tires on rims.

Councilman Walter: April 25, 1994 I was at the South Boston Park Committee meeting and a Capital Improvement meeting. We discussed the new steps for the Town Hall now under construction. We also discussed the water on the west hill and the draining of the tennis courts.

April 26, 1994 we were at Jerome Krencik's property and we think a lot can be done if everybody gets moving on it.

May 2, 1994, I was on Cloverfield with another drainage problem.

TOWN OF BOSTON

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1994- 11

RE: Purchase of Lower Crestwood Circle

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 May, 1994 at 7:30 o'clock in the evening Eastern Time there were:

Present:	**Richard L. Kennedy**	**Supervisor**
	Don A. Wohlhueter	**Councilman**
	Mark W. Flowers	**Councilman**
	Josephine M. Davenport	**Councilman**
	Peter A. Walter	**Councilman**

Absent:

Councilman Flowers presented the following Resolution and moved its adoption:

WHEREAS, the Town of Boston desires to locate a water storage tank in the vicinity of Lower Crestwood Circle, and

WHEREAS: the Town of Boston needs land to provide access to the water storage tank and to provide for a water main to the water storage tank, and

NOW THEREFORE:

BE IT RESOLVED, the Town of Boston purchase the property designated as a private road (sometimes known as "Lower Crestwood Circle " and as is more fully described in the attached Exhibit "A") from the Ulinger family for the sum of $1,500.00 with the Town of Boston to pay for the preparation of a search and survey of the property and to pay all filing fees. Said purchase to be of fee title, subject to Easements and Right-of Way of record.

BE IT FURTHER RESOLVED that the Supervisor be and he is hereby authorized to execute any and all documents necessary to complete this transaction.

TOWN OF BOSTON

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

Supervisor Kennedy	Voting aye
Councilman Wohlhueter	Voting aye
Councilman Flowers	Voting aye
Councilman Davenport	Voting aye
Councilman Walter	Voting aye

AYES: Five (5) NOES: None (0) ABSENT: None (0)

David J. Shenk

David J. Shenk - Town Clerk

E X H I B I T "A"

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Boston, County of Erie and State of New York, being part of Lot No. 15, Township 8, Range 7 of the Holland Land Company's Survey, described as follows:-

BEGINNING at a point in the center line of Chestnut Ridge Road at the southwest corner of lands conveyed to W. Earle Bartholomew and wife by deed recorded in Erie County Clerk's Office in liber 4460 of Deeds page 595; thence northeasterly along the south line of said deed recorded in said Clerk's Office in liber 4460 of Deeds page 595 and along the north line of a 50 foot wide private road 341 feet; thence northeasterly along the southerly line of lands conveyed to William E. Dickman and wife by deed recorded in said Clerk's Office in liber 5409 of Deeds page 154 and still along the north line of said 50 foot wide private road 384.22 feet; thence southeasterly in a straight line 56.16 feet to a point in the northerly line of lands conveyed to Charles J. Weimer by deed recorded in said Clerk's Office in liber 5436 of Deeds page 510 distant 236.06 feet northeast of the northwest corner of said lands conveyed to Charles J. Weimer and the southerly line of said 50 foot wide road; thence southwesterly along the north line of said deed recorded in said Clerk's Office in liber 5436 of Deeds page 510, 236.06 feet; thence southwesterly along the north line of lands conveyed to Ralph H. Wahl and one by deed recorded in said Clerk's Office in liber 5541 of Deeds at page 209 and still along the south line of said 50 foot wide road 172.29 feet; thence southwesterly along the north line of lands conveyed to Edward Heusinger and wife by deed recorded in said Clerk's Office in liber 4437 of Deeds page 212 and along the south line of said 50 foot wide road, 344.2 feet to the center line of Chestnut Ridge Road; thence northerly along the center line of Chestnut Ridge Road 50 feet more or less to the point of beginning.

REGULAR BOARD MEETING
MAY 4, 1994

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.):

Councilman Walter (Cont.): May 3, 1994 I was on the West Hill. A handicap individual is having a problem with the new road and a steep drive. I contacted the project manager and he will try to raise the road so that the grade will not be so steep and she will be able to get to the mailbox. These are laws set by the State that we have to abide by.

At the Boston Town Park we are building benches and I have to ask for volunteers. If anyone is interested in helping over there they can call 941-3713.

I talked with Bob Pettit and we discussed the drainage along the new road going in there and he will draw up a plan and give it to Supervisor Kennedy for his approval. I attempted to set up a meeting for Rollin Drive. It will be in the future and we will try and solve that problem also.

I received a lot of calls for fill from Lower East Hill Road residents. If anyone has any problems with the conditions there, give me a call.

Councilman Davenport: I am in close contact with Mrs. Clesse, Recreation Director and she is an excellent director.

I have had the privilege of meeting Mrs. Dolores Seufert, Group Leader of the Boston Senior Citizens. On May 5, 1994 we will have a meeting of the Seniors Board Members.

I talked to Mr. Gibbs, principal of the Boston Valley School and he welcomes the Creative Playground Group to have meetings at the school.

On the Disaster Plan, I have all the reports turned in from the area churches. The Conservation Association has not turned in their report.

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer monthly report for April 1994, received and on file in the Town Clerk's Office.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to grant Code Enforcement Officer, Jo Ann Santonocito permission to attend the Code Enforcement Training course, May 16, thru May 19, 1994. All appropriate expenses to be paid by the Town of Boston.

five (5) Ayes Carried

DEPUTY CODE ENFORCEMENT OFFICER REPORT

A) Deputy Code Enforcement Officer's monthly report for April 1994, received and on file in the Town Clerk's Office.

Councilman Flowers: In response to Dolores Seufert: "On April 11, 1994 on the complaint regarding Gregory Dake, the Deputy Code Enforcement Officer received a complaint that Mr. Dake was receiving a new load of wood and was cutting and loading wood on trucks. I contacted Deputy Town Attorney David Wilson and advised him of the status of Mr. Dake's operation".

DOG CONTROL OFFICER REPORT

A) Dog control Officer monthly report for April 1994, received and file in the Town Clerk's Office.

REGULAR BOARD MEETING
MAY 4, 1994

TOWN HALL
7:30 P.M.

TOWN ENGINEER REPORT

A) Town Engineer's report for April 1994 received and on file in the Town Clerk's Office.

PLANNING BOARD REPORT

A letter was received from Zintars Z. Zadins requesting an appointment to the Town of Boston Planning Board.

A letter was received from Cornelius W. Hubert requesting an appointment to the Town of Boston Planning Board.

Supervisor Kennedy: I think this is five letters we have received for appointment to the Planning Board.

Councilman Davenport: I would like to make a motion to appoint Zintars Zadins to the Boston Planning Board, term to expire 2/1/99, and if I could take a moment to speak about this person.

Supervisor Kennedy: You are appointing him to whose term? Which term of office is this?

Town Clerk Shenk: We have two terms declared vacant. One expiring 2/1/98, John David Early and one expiring 2/1/99, Angelo Bellittiere.

Supervisor Kennedy: There was concern last time that you were going to take action on it. I am just wondering if you are ready to take action tonight on appointments to the Planning Board. Have we received a letter from Mr. Bellittiere?

Town Clerk Shenk: I haven't. Have you?

Supervisor Kennedy: I haven't. Under those circumstances Zintars Zadins seems to have good qualifications. Of all the people that I have reviewed I would say that he is probably, next to Mr. Early the best qualified.

A motion was made by Councilman Davenport and seconded by Supervisor Kennedy to appoint Zintars Z. Zadins to the Boston Planning Board, term to expire 2/1/99.

five (5) Ayes — Carried

Nancy Stetter, 5562 James Drive: Mark Flowers complained that the terms are so long why are you appointing him to such a long term?

Councilman Flowers: It is an unexpired term.

Councilman Davenport: I would like to tell the audience about Mr. Zandins. He happens to be a neighbor but I did not realize what an important person I had living so close. He is a Project Geologist at Dames & Moore. He provides geologic regulatory compliance consultation for the NEPA EIS process and the RCRA corrective action program at the West Valley Demonstration Project. He is a member of the Hazardous Waste Facilities Branch. He has managed RCRA corrective action programs at significant New York facilities like Kodak, Zerox and Black & Decker. He has been an instructor in the Department of Geology at Oberlin College and he has taught undergraduate courses in structural geology, environmental geology. He has his Ph.D and M.S. from the University of Rochester.

REGULAR BOARD MEETING — TOWN HALL
MAY 4, 1994 — 7:30 P.M.

PLANNING BOARD REPORT (CONT.):

Councilman Wohlhueter : I would like to offer the name of John David Early for appointment to the Planning Board. I think he is very well qualified. He has done an excellent job on the Planning board and he has served the community very well. He has not allowed politics to enter into any of his decisions that he has made on the Planning Board and I feel that there was a technicality error made a couple years ago which I said I will go along with but I don't feel that Mr. Early should be relieved of this position because of this technicality.

Supervisor Kennedy : I will second that nomination. I just want to bring to your attention the fact that people spend a lot of time very unselfishly on the Planning Board and whoever is appointed to that Planning Board is going to find that for that amount of time that these people spend and the grief that they receive, it is amazing to me that we can find qualified people within the community that are willing to serve. To these people that are appointed, I commend them and I feel that John David Early deserves the recommendations and the support of this Board.

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to appoint John David Early to the Boston Planning Board.

Councilman Flowers	Nay
Councilman Wohlhueter	Aye
Councilman Davenport	Nay
Councilman Walter	Nay
Supervisor Kennedy	Aye

two (2) Ayes — three (3) Nays — Denied

A motion was made by Councilman Flowers and seconded by Councilman Davenport to appoint Celeste Jones to the Boston Planning Board, for the unexpired term to expire 2/1/98.

Councilman Flowers	Aye
Councilman Wohlhueter	Nay
Councilman Davenport	Aye
Councilman Walter	Aye
Supervisor Kennedy	Nay

three (3) Ayes — two (2) Nays — Carried

A motion was made by Councilman Walter and seconded by Councilman Wohlhueter to adjourn the meeting at 9:34 P.M..

David J. Sheak

David J. Sheak, Town Clerk

REGULAR BOARD MEETING — TOWN HALL
MAY 18, 1994 — 7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman Josephine M. Davenport, Councilman Peter A. Walter, Supervisor Richard L. Kennedy, Town Attorney Michael E. Reilly and Highway Superintendent Eugene E. Ruchalski.

Reverend Richard Siemann opened the meeting with a prayer.

See Correction Page 9

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter to accept the corrections and adoption of the minutes of the May 4, 1994 regular monthly meeting.
five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport that the General Fund and Special District Bills on Abstract #5A, dated May 18, 1994 in the amount of $65,353.17 be paid.

five (5) Ayes — Carried

Received and filed a letter and payment of the franchise fees of $18,077.96 for the period of October 1, 1993 through March 31, 1994 from Adelphia Cable Communications.

Received and filed a letter from Attorney Michael F. Perley containing the Monroe Abstract and Title Corporation Search number LT 0050 covering the property the Town purchased from the Tills family, adjacent to the Town Park, Liber 10759, Page 759.
Referred to Town Attorney, a Protest from NYNEX of the Special Franchise Assessment for the 1994 Tax Roll, filed with the New York State Board of Equalization and Assessment, dated May 4, 1994.

Received and filed the Erie County Sheriff's Monthly Report for April 1994.

Received and filed a Resolution from the Town of Cheektowaga regarding the Erie County One Percent Sales Tax distribution.

Received and filed a letter from Melvin Schmidt, 7730 Wohlhueter Road, commending the Town of Boston Highway Department.

Received and filed notification of the Southtowns Haz-Mat Team meeting on May 23, 1994.

Received and filed the Rural Transit Service Report for April 1994. Volunteer Recognition Picnic is June 24, 1994.

Received and filed the NYS DEC letter approving time extension for water district project, Contract No. C910011.

Supervisor Kennedy: This is a renewal of the $25,000 grant monies we received for East Hill water, two years ago, through New York State. Each year we have to renew this because of the delays we've had from Erie County Water Authority. We will soon be notified of a meeting with Erie County Water Authority because they have finally agreed on a method of funding for the improvements needed to bring water to the Boston Town line.

Received and filed a Memorial Day Program Schedule.

Received and filed a letter from the NYS DEC regarding the SBA Tree Planting Grant of $2,500.

Supervisor Kennedy: Since we received notification that this was approved, we took the liberty of advancing the monies from the General Funds through the Parks Department, for the planting of trees to take advantage of the Spring planting season.

REGULAR BOARD MEETING — TOWN HALL
MAY 18, 1994 — 7:30 P.M.

Received and filed a NYS DEC Renewal of Wittmeyer Mining Permit #0-1426-00021/00001-1, 130 acre parcel on Zenner Road. Expiration date is 1/4/99.

Reserved for review the Boston Cross Road Reconstruction Plans from Erie County Department of Public Works, Highway Division.

Supervisor Kennedy: I had reported that there was a $130,000 estimated cost of relocation of the water lines and it was determined that we didn't have to do this. We agreed on the width of the road etc. that would conform to our own highway regulations since after it is reconstructed it will be turned back to the Town of Boston. We were under the impression that we were not going to have to relocate these water lines. These new set of plans now show relocation of the water lines. It is going to cost the Town an appreciable sum of money. It will probably dissipate any surpluses we have in water district one that we had planned on using for the construction of the pump station and the tower. We will review this and find out why the plans have changed.

Requested the Town Clerk to send notifications to the Town Board members of a change in the June Meeting Schedule. The Agenda Review meetings will be on Tuesdays at 7:00 p.m.

Reserved for review the EXCEL Committee Report - Erie County Highways and Bridges. Included is a list 14.75 miles of roads the County is proposing for takeover by the Town of Boston. It also calls for the imposition of an additional County tax described as a registration fee imposed by the County of $5.00 for automobiles and $10.00 for commercial vehicles per year to fund the highway program.

A motion was made Councilman Walter and seconded by Councilman Flowers to re-appoint Vincent Cimato as Fire Police for the Patchin Volunteer Fire Company, term to expire 12/31/94.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Supervisor Kennedy to re-appoint the following, on the recommendation of Recreation Director, Marilyn Clesse, to jobs in the Summer Recreation Program, effective immediately and term to expire September 30, 1994.

James Cole	Recreation Attendant	4.60
Nicole J. Della Penta	Recreation Attendant	4.90
Rebecca M. Dubisz	Recreation Attendant	4.45
Tracie A. Durphy	Site Supervisor	7.10
David M. Jones	Recreation Attendant	4.45
Eric Krajewski	Recreation Attendant	4.45
Carissa Malchoff	Rec. Att./Lifeguard	4.45/6.00
Margaret C. Mead	Assistant Site Supervisor	6.35
Sharon Musselman	Site Supervisor	7.10
Donna Odoj	Recreation Attendant	4.60
Jacquelyn M. Russell	Assistant Site Supervisor	6.35
Jennifer Schunk	Site Supervisor	7.10
Eric S. Steward	Rec. Att./Lifeguard	4.60/6.00
Dawn Terrizzi	Recreation Attendant	4.45
Karen B. Wendling	Assistant Site Supervisor	6.35
Chris D. Wiktor	Recreation Attendant	4.90
Melissa B. Wilson	Arts & Crafts Supervisor	5.85
Cheryl Wittmeyer	Recreation Attendant	4.75

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
MAY 18, 1994 — 7:30 P.M.

A motion was made by Councilman Flower and seconded by Councilman Davenport to appoint the following, on the recommendation of Gerald Lindsey, Recreation Supervisor, as coaches and assistants for the 1994 baseball season:

Dick Delotto	Dan Dueringer
Jim Niewczyk	Dave Traeser
Tim Dinse	Priscella Trageser
Mike Rieske	Rick Emerling
Joe Newland	Chris Hogan
Mike Randall	Jerry May

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter to appoint the following, on the recommendation of Gerald Lindsey, Recreation Supervisor, as baseball umpires for the 1994 baseball season:

Gerald Lindsey	Jason Warnke
Daniel Brinkerhoff	Eric Jerge
David Brinkerhoff	Thom Gebler
Matt Glowgowski	Mike Pallotta
Nate Smith	Andy Zemrac
Kevin Dion	Andy Smith
Jeff Dion	Eric Steward
Nick Cervoni	Keith Steward

five (5) Ayes — Carried

At 8:00 P.M. a Public Hearing was held regarding a Special Permit to bring in fill from outside the Town of Boston to 5615 Johns Terrace.

Supervisor Kennedy read the legal notice. Notification was sent to 18 neighboring property owners, including NYS DOT. The recommendation from the Planning Board that the Permit be approved with conditions:
1) Proof of ownership or intent
2) List of fill origin
3) Confine drainage to property
4) Dump during regular hours
5) Proof of neighbor agreement

Supervisor Kennedy convened the Public Hearing.

Legal Notice
Town of Boston
Notice of Public Hearing

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston, Erie County, New York, will hold a Public Hearing at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on Wednesday, May 18, 1994 at 8:00 p.m., Eastern Daylight Saving Time, to consider the application of Michael Byrne for a Special Permit to bring in fill from outside the Town of Boston to 5615 Johns Terrace.

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

Dated: May 2, 1994
By Order of the Town Board
David J. Shenk, Town Clerk
1w 5/5/94

Gary Rzeszutek, 5607 Johns Terrace: My concern is that my one neighbor built level with the road and when Mr. Byrne builds, he will be level with the road and my house is in the middle, in a dip. The one neighbor's grass is four feet higher than mine and if Mr. Byrne does the same thing, by the time it gets to the back of the house it is quite a bit of a drop-off. Could he do this with-out building up? Maybe he could tap his sewer into the street behind us. On his permit he is saying he has to do this because the sewer extension won't work. Can he get a pump with-out building up the land too high?

Supervisor Kennedy: I would think if he would attempt to tap into the sewer on James Drive he would need an easement from some property owner there in order to gain access to the sewer which runs on the right-a-way of the road. I have not had an opportunity to review this and see what the property looks like.

Councilman Flowers: I know the piece that he is talking about and I understand what you are saying. The newest house that was built is quite a bit higher than your existing property now.

Michael Byrne, 37 Whitfield Avenue: I understand that. The house that you are talking about, his property is much more confined than the property I am buying. His garage is the minimum from the property line. On the plans that I have the I won't be as close to the property line. My property will be twenty feet away so the height will be the same but the slope will be half as the neighbor on the other side.

Councilman Flowers: Included in the recommendation from the Planning Board was that you also keep all drainage water confined to your own property.

Michael Byrne: I am confident that the run-off that will occur will be none or minimal because the natural drainage which I won't be changing that much, goes away from his house.

Councilman Flowers: So you are going to drain the water that comes off your house, the gutters, the driveway etc, you are going to slope toward the ditch that is at the expressway right-a-way.

Supervisor Kennedy: Where your property butts your neighbor's property, if you build this up and he is down, there is going to be some drainage going off to the side. Is there a swale or a catch basin that is going to pick that water up?

Michael Byrne: There is a substantial space between my garage and his garage. His is twenty-five feet from the property line and mine will be twenty feet. That is forty-five feet of space there. Other than the fact that I have to build up the house, the only run-off that will occur is from that twenty foot space, down. The roof pitches will be perpendicular.

Councilman Flowers: You are going to try and run your roof water to the expressway so the majority of the water that would come off the roofs will be going that way. Any water going towards Mr. Rzeszutek's house would be the rain that would fall out of the sky anyway. There is a forty-five foot space between your garage and his garage. Could you put drain tiles in?

Michael Byrne: I would if there was a problem.

Councilman Walter: How much drain tile would that involve from the cause of the water to where it will be discharged?

Michael Byrne: Probably eighty feet.

Councilman Walter: Could you possibly include that in while you are doing the fill and then it is all taken care of? Will that satisfy you Mr. Rzeszutek?

Michael Byrne: I will doing that. I will purchase a culvert and drainage pipe for that.

Councilman Flowers: According to the map where you are building your house, you are looking at an elevation of fourteen feet on the one end and four feet on the other, so you have a ten foot drop going toward the ditch on the expressway.

Michael Byrne: Since then I have re-thought it I will probably go with the ditch and topography there.

Herbert Berlin, 5583 Johns Terrace: He could create that so that the water can run behind the house. When I built my house there wasn't a house across the street from me and the water used to pour right through and to the lot next door to me. It used to bury Mr. Willis. It just got regraded and sloped in such a way that deterred it and I don't have any problem.

Michael Byrne: I have heard from the neighbors that it is well drained land.

Supervisor Kennedy: Do you own the land Mr. Byrne?

Michael Byrne: I have a contract on it.

Mark Schumer, 5622 James Drive: With all the building going on what's going to happen with the turn-around?

Supervisor Kennedy: We have a fifty foot turn-around deeded to the Town on that road. It is not his property.

Michael Byrne: Deputy Town Attorney Wilson knows about this matter. I described what was going on around here to the DOT. There is an empty field across the street. There are six things the Town could do. All the Town would have to do is send a letter. I explained all this to Mr. Wilson. He said it doesn't seem like much of a problem.

Supervisor Kennedy: You seemed to have fulfilled most of the conditions asked for by the Planning Board. If you provide some containment of the drainage water I don't anticipate you would be dumping at late hours.

Councilman Walter: Approximately how much fill are you talking?

Michael Byrne: About 250 yards.

Councilman Flowers: Where are you going to get the fill from?

Michael Byrne: I have a personal friend who is doing an excavation in Orchard Park. It will be the end of June.

Mark Schumer: I signed a release today. After he is done, let's say a year from now if there is a problem with water where there never was before, is he responsible for whatever he has to do to get the water away from my yard?

Supervisor Kennedy: I would defer to the Town Attorney on that.

Town Attorney Reilly: I would first have to take a look at the document and see what it says.

Councilman Flowers: Could we make this contingent upon or have a sunset clause that would make him responsible for run-off for a year should there be a situation develop.

Town Attorney Reilly: I don't see any problem in doing that. I think the question is what happens in the course of a year, two years, three years, or eleven years?

Councilman Flowers: Well I think we should know that in the course of a full years worth of four seasons.

Town Attorney Reilly: I think a year would be a reasonable time period. A lot of construction work is guaranteed a year.

Councilman Flowers: Would you have any problems with that?

Mark Schumer: Would that be a year from when he starts or a year from completion?

Councilman Flowers: I would say a year from completion from the fill operation itself.

Mark Schumer: Mr. Byrne has told me he is planning on tiering his back yard. Now if he does that a year after the house is done and it could totally change the way the water is going to flow then.

Councilman Flowers: What we are dealing with now is a fill application. If he fulfills his obligation and changes things after he obtains a Certificate of Occupancy that is beyond our control.

Michael Willis, 5598 James Drive: That doesn't do me much good if I'm getting flooded out. When Reed built his property I had fill in my yard three different times that I had to rake out. I had to do it myself, when I turned to the Town Building Inspector, I might as well as turned to the wall.

Councilman Walter: Why don't we go with the eighty feet of drain tile?

Michael Byrne: The part of the property that Mr. Schumer is talking about is lower than his property. There is no physical way that it can happen and I am going to flatten out the low part so it will basically make the land lower in the back which will be less of a concern to anyone behind me which is where it dips. This is the lowest part of that whole surrounding area.

Supervisor Kennedy: He owns frontage on a Town Road now. If he weren't to do any fill there he could still build on the property if he were able to get the sewage in there. Is that correct? If he made alterations in his property some time down the line there would be nothing the Town could do. If he does impact the drainage on an adjacent property, then you are subject to a suit.

Town Attorney Reilly: If there was a problem between landowners where one landowner changed the terrain and that caused water problems you could sue the landowner that caused the change.

Herbert Berlin: Why not have it graded to the highway ditch? Make sure it flows into the ditch that's already there.

Councilman Flowers: What we are concerned about now is that forty-five foot area because it slopes and we have somebody down in the bowl. According to the topo this slopes ten feet toward the ditch on the expressway. I think we have to address that forty five feet between the houses.

Herbert Berlin: He could move the house over to the expressway. I sympathize with him but how would you like to be Mr. Rzeszutek sitting between the two houses. I don't know how they let Reed build his house so high.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to close the Public Hearing at 8:30 P.M.

five (5) Ayes Carried

Supervisor Kennedy recommended The Town Board make an on site inspection before a decision is rendered.

A motion was made by Councilman Flowers and seconded by Councilman Davenport to table the request of a Special Permit Application at 5615 Johns Terrace until the June 1, 1994 Regular Town Board Meeting.

five (5) Ayes Carried

REGULAR BOARD MEETING TOWN HALL
MAY 18, 1994 7:30 P.M.

Herbert Klein, Chamber of Commerce: We would like to present a Christmas Lighting Proposal to the Town Board. We would purchase four trees at $236 apiece, two candles at $197, and six wreaths at $230 for a total of $2718.00. This would decorate twelve poles in the vicinity of the State Police to Patchin Road. The Chamber of Commerce has committed $1000 to the project. We would hope the Town would make an appropriation for the remainder of the funds. The Senior Citizens pledged $100 donation. It is our intent to have a Town wide fund raiser
event in December. We would hope to raise enough funds to increase the decorations the following year.
I would like to see the Town approve this and have the funds run through the Town's bookkeeping system. We can receive a 22% discount until the end of May. I am going to ask the North Boston Fire Company if we can use their metal building for storage. It should be done in the name of the Town of Boston for insurance purposes. We have to provide certificates of insurance to the phone and electric companies.

Supervisor Kennedy: I am sure the Town is responsive to a contribution that would allow the committee to proceed with the purchase of these decorations by the end of the month. I will review my budget to see where the monies can be found. I would be responsive to a resolution approving at least $2000 on behalf of the Town. The Town could set up a Town Lighting Christmas Decorating Committee so the funding could be processed through the bookkeeper with a special account established at Evans Bank.

Town Attorney Reilly: Mr. Klein asked me to review the contract from the Telephone Company. The Telephone Company is the owner of the poles which the decorations would be placed on. It is a typical lengthy contract absolving them of almost anything and not obligating them to anything. In section 6.3, it states only trained qualified employees be used for installation and removal. In section 8.2, any unauthorized attachment will result in a 5 year rate under the contract, in other words a penalty. Section 9.1, for worker's compensation or else a certificate that we are self insured. General liability insurance, bodily injury of one million, property damage of one million, indemnification under section 10 for injury to person or damage to property. Section 12.1 is administration fee of $500 and under section 12.2 there is a charge for inspection, cost of pre-construction survey, make ready work, post construction payment in advance as mandated.

Herbert Klein: There are three different fees in that contract and there are two of them that can be waived. The third one can't be waived without a letter from the Town. This is another reason to have the Town of Boston make the application. It will get better consideration from the phone company than if it is the Chamber of Commerce or a citizen's committee.

Supervisor Kennedy: We have a substantial contract with NYSEG and I am hopeful that they would be responsive to requests made by a Town Official. I can see the merit of having something structured through the Town rather than a private entity. We should direct Mrs. Kleis to establish a separate account for the funding of a Town wide Christmas Lighting Project. We should appropriate $2000 to this account. Monies could be expended from some area of the budget, it is possible it could be taken from contingencies or the Supervisor's excess salary that already exists. It is a good community project.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to appropriate $2000 and set up a special fund for the Boston Town Christmas Lighting Project.

five (5) Ayes Carried

REGULAR BOARD MEETING TOWN HALL
MAY 18, 1994 7:30 P.M.

Councilman Flowers: I would like to thank Herbert Klein on my behalf for doing all the footwork on this project.

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to grant use of the Lion Shelter and baseball diamonds to the Boston Youth Baseball Association on August 6, 1994 for the annual picnic from 8:00 a.m. to dusk.

five (5) Ayes Carried

A letter was received from Mrs. Constance Hubert requesting a building permit extension until June 30, 1994.

Supervisor Kennedy: I spoke with Code Enforcement Officer Santonocito and she has told me it is a large home that is progressing and they have sold their other home.

A motion was made by Councilman Flowers and seconded by Councilman Walters to grant Mrs. Constance Hubert a building permit extension until June 30, 1994 on 7135 Serpentine Drive.

five (5) Ayes Carried

A letter was received requesting a Temporary Certificate of Occupancy for 7509 Boston State Road.

Supervisor Kennedy: Code Enforcement Officer Santonocito has made an inspection of this property and has recommended we grant this certificate.

A motion was made by Councilman Flowers and seconded by Councilman Davenport to grant a Temporary Certificate of Occupancy to Karen Weishaar of 7509 Boston State Road.

five (5) Ayes Carried

Received and filed a letter from Mr. & Mrs. Jerry Carrow of 6700 Mill Street, requesting action in complying with building codes from Ed Dzierzanowski of 6710 Mill Street.

Councilman Flowers: The Code Enforcement Officer gave a booklet of information to Mr. Dzierzanowski. He was granted the opportunity to put a temporary roof on a portion of the structure so he could move his manual books under cover and start moving things in and out of the building. It was decided that Mr. Dzierzanowski has until June 10, 1994 to file all the necessary paper work for the Zoning Board of Appeals. If the paper work is not ready at that time we will be forced to take another course of action.

Supervisor Kennedy: That would be the response of the Town Board to Mr. & Mrs. Carrow. The Town Board has met with Mr. Dzierzanowski and he has come to an agreement with the Board to file the necessary paper work required for application for a variance which include plans for re-building.

Councilman Flowers: It states right off the application,

1) Applicant has to be the owner of the property
2) Complete Building Code Application
3) Submission of a letter stating why a variance is requested, explain what building is to be used for.
4) Up to date survey prepared by a current NYS licensed land surveyor.
5) Deed to property
6) Blueprints or drawings
7) Completed SEQR form
8) 7 copies of above submitted for review of the Code Enforcement Officer.
9) Check for $100 payable to the Town Clerk.

REGULAR BOARD MEETING — TOWN HALL
MAY 18, 1994 — 7:30 P.M.

Councilman Flowers (Cont): It then goes on to step three, step four and step five. It is three pages long. We have not ignored the situation that exists. We have tried to be lenient with Mr. Dzierzanowski while trying to take care of the other residents that live in the area.

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to appoint Christopher A. Bifaro to the Conservation Advisory Council, term to expire 3/1/97.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Davenport to grant Joseph Santonocito of the Zoning Board of Appeals, and Celeste Jones of the Planning Board permission to attend the Planning and Zoning Workshop Seminar on May 23, 1994, with all appropriate expenses to be paid by the Town of Boston.

five (5) Ayes — Carried

SUPERVISOR REPORT

The Town Hall will be closed on May 27, 1994. There will be no power in this building on May 27. I have informed the Town Clerk so that he may coordinate with those persons who have computers and who may lose memory storage.

TOWN CLERK REPORT

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to accept the Tax Collector's monthly report for April 1994.

five (5) Ayes — Carried

TOWN ATTORNEY REPORT

Town Attorney Reilly: A question was raised at the last Town Board meeting: If a variance is required for a second accessory building, shouldn't the request go to the Zoning Board of Appeals? It states in the Town Code Book, Section 123 - 125, " No more than one (1) accessory building shall be constructed on a lot, except when authorized by the Town Board." If this section were not in the Town Code Book, it would go before the Zoning Board of Appeals.

Regarding the lawsuit of NYSEG vs. the Town of Boston for a lower assessment: The Town Assessor, myself and the representatives of NYSEG will meet at the Town Hall on May 20, 1994 at 10:00 A.M.

On the question as to whether the term of office for Planning Board Members could be reduced from (7) years: Section 271 (1) of the New York State Town states that:

> "Of the members first appointed to a ...Planning Board consisting of seven (7) members... his reappointment or the appointment of his successor shall be for a term of seven (7) years."

This means that a seven (7) year term is mandated by state law for Planning Boards with seven (7) members.

An exception to this rule is a Planning Board with five (5) members which mandates a five (5) year term. The only other way to decrease the term of the Planning Board would be to pursue an amendment to Section 271 of the NYS Town Law.

REGULAR BOARD MEETING — TOWN HALL
MAY 18, 1994 — 7:30 P.M.

COUNCILMAN REPORT

Councilman Flowers: The Boston Emergency Squad is undergoing their one year review by the NYS Dept.of Health tonight. I have a list of needed repairs of the Squad Hall for the Supervisor's review.

The new Board Members and Officers of the Chamber of Commerce:

President	- Jay Boardway	Board	- Robert Brunner
Vice President	- Sam Ware Jr.	Members	- Sam Ware Jr.
Treasurer	- Herbert Klein		- Cathy Charlap

A motion was made by Councilman Flowers and seconded by Councilman Davenport to appoint Larry Steward, Donna Odoj, and Chris Zemrarc to the ambulance committee.

five (5) Ayes — Carried

Councilman Wohlhueter: The tire drop-off is May 21, 1994 from 9:00 A.M. to 2:00 P.M. There will be a limit of two tires per resident. No truck tires or tires with rims.

Councilman Walter: We had a meeting May 12, regarding the Pfarner, Rice Road access roads. They have redesigned the Pfarner Road entrance to the Rice Road area. They claim it will cost $67,000.

Councilman Davenport: I attended the meeting of the Board of Directors of the Senior Citizens on May 5, 1994. There are 127 members now and they will allow for 26 more when the addition is finished. They will be in need of a food table, 3 tables and 24 chairs.

I spoke with the Principal of the Boston Valley School and the PTA President regarding the Creative Playground. They would like an appropriation of $75.00 from the funds allocated for the playground, for the refurbishing of the playground.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to appropriate $75.00 out of the Creative Playground Fund to the Boston Valley School for the refurbishing of the Creative Playground.

five (5) Ayes — Carried

Recreation Director, Marilyn Clesse, has been doing an excellent job of interviewing people. She personally interviewed all 64 people who applied for jobs. There were only 29 jobs available.

Marilyn Clesse, Recreation Director: I would like to thank the Town Board for their unanimous vote to approve all 18 people who worked in Summer Recreation Program '93 and applied for Summer Recreation Program '94. This means that every single person who re-applied was re-appointed.

NYSCA, National Youth Sports Coaches Association is a nationwide, non-profit organization established in 1981 to promote their mission " Better Sports For Children". This is accomplished by providing up-to-date training designed by nationally recognized experts for volunteer coaches. I have taken the course and exam and I'm certified as a clinician, facilitator and chapter director. I will be establishing a chapter of NYSCA in the Town of Boston so we can train our own coaches as well as others. There is no cost and no revenues to the Town. The benefits are: Well trained coaches, one half million dollars of liability insurance for each coach, use of an on-staff attorney specializing in sport liability law, and a library of materials and VCR tapes on coaching.

REGULAR BOARD MEETING
MAY 18, 1994

TOWN HALL
7:30 P.M.

DOG CONTROL OFFICER REPORT

Supervisor Kennedy: We have received a written report from the Dog Control Officer, Richard Waszak, in response to the complaint of Joseph V. Ritchie who felt his constitutional rights were violated by the Dog Control Officer. I see nothing out of order in what Mr. Waszak did in apprehending the dog. I will direct the Town Clerk to send a copy of Mr. Waszak's report to Mr. Ritchie and inform him that we felt the Dog Control Officer acted within his jurisdiction and therefore his request of a refund of the fine of $20 is denied.

PLANNING BOARD REPORT

Supervisor Kennedy: We have received a letter from William Boltz, Boston Planning Board Chairman, requesting notification by mail, from the Town Clerk, to all the subordinate Boards of the Town of Boston of any appointment, to include the individuals name and term of office prior to that Boards next meeting after the appointment was made.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to direct the Town Clerk to notify all subordinate Boards of the Town of Boston of any appointment, to include the individuals name and term of office prior to that Board's next meeting after the appointment was made.

five (5) Ayes — Carried

Councilman Flowers: I received a thank you letter from the Emergency Squad thanking us for use of the Boston Town Court Room for their April meeting. This is facilitated because they need more space for their training.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to adjourn the meeting at 9:24 P.M..

David J. Shenk
DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
JUNE 1, 1994 — 7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman Josephine M. Davenport, Councilman Peter A. Walter, Supervisor Richard L. Kennedy, and Town Attorney Michael E. Reilly.

Absent: Highway Superintendent Eugene E. Ruchalski.

Reverend Richard Siemann opened the meeting with a prayer.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to accept the corrections and adoption of the minutes of the May 18, 1994 regular monthly meeting.

Correction of the May 18, 1994 Town Board Minutes, page 9:

TOWN ATTORNEY REPORT

Town Attorney Reilly: A question was raised at the last Town Board Meeting: *If a variance is required for a second accessory* building, shouldn't the request go before the Zoning Board of Appeals? It states in the Town Code Book, Section 123-125, "No more than one (1) accessory building shall be constructed on a lot, except when authorized by the Town Board." If this section were not in the Town Code Book, it would go before the Zoning Board of Appeals.

CORRECTION:

TOWN ATTORNEY REPORT

Town Attorney Reilly: The following question was raised at the last Town Board Meeting:

If a person wants to construct a second accessory building, is this actually a request for a variance which should go to the Zoning Board of Appeals?

The Town Code Book, Section 123-125, states "No more than one (1) accessory building shall be constructed on a lot, except when authorized by the Town Board." If this section were not in the Town Code Book, the issue would be a request for a variance which would go to the Zoning Board of Appeals. However, because this section is in the Town Code Book, I conclude that the Town Board and not the Zoning Board of Appeals has jurisdiction.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter that the General Fund and Special District Bills on Abstract #6, dated June 1, 1994 in the amount of $38,460.12 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Davenport that the Highway Bills on Abstract 6, dated June 1, 1994 in the amount of $5,930.96 be paid.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by to Councilman Flowers to accept the Town Clerk's monthly report for May 1994.

five (5) Ayes — Carried

Received and filed a notification from the Town of Concord of a Public Hearing on May 31, 1994 regarding the adoption of a Local Law repealing the existing Zoning Law of the Town of Concord.

REGULAR BOARD MEETING — TOWN HALL
JUNE 1, 1994 — 7:30 P.M.

Received and filed a Lackawanna City Council Resolution on the Erie County Water Authority System Development Fees.

Received and filed a letter of Appreciation from the Boston Welcome Wagon for use of the Lions Shelter for the annual fund raiser.

Received and filed a status report from Legislator Frederick J. Marshall on the Lower East Hill construction project.

Supervisor Kennedy: Councilman Walter talked with representatives of the Erie County Highway Department and received information that, at the Erie County Legislative Session on June 9, 1994, the necessary appropriation to continue with the Lower East Hill Road construction project will be acted upon. Supervisor Kennedy said the Economic Development Committee of the County approved the additional expenditure at their May 31 meeting, therefore, it will be on the Agenda for the June 9 Session. It is expected that additional survey work will be completed by this time and that the road project will be resumed without delay, following Legislative approval of the additional monies necessary to continue.

Received and filed notification from Adelphia Cable on a programming and public service campaign, "Picture What Women Do", from May 17, through June 15, 1994.

Received and filed NYS Department of Health Certificate of Approval for 1" RPZ in Mechanical Room of Boston Town Hall.

REQUESTS FROM THE FLOOR

Wayne Mintz, 4898 Enser Road: I am building a house on Belcher Road and I applied for a building permit. I called Code Enforcement Officer, Jo Ann Santonocito for a foundation inspection prior to back filling but I already had the house up. It states on the application that you should have the foundation laid out on a survey. My house is right in the middle of my property. It is ninety feet from one side to the other sides of the property lines and it is one hundred and forty-two feet from the road. The Code Enforcement Officer wants me to get it surveyed and it is another cost. I am here to ask if the requirement for a survey could be waived.

Supervisor Kennedy: You indicated that you have adequate set-back from both front and side lot lines and your house is located in the center of a large lot. The problem that we have is the requirements we have under the law. When you apply for a building permit you state where you expect the house to be located. A financial institution financing your home requires a survey where it is actually built. It is then on file with the Code Enforcement Officer.

Wayne Mintz: I don't have a bank loan. That is not a state law. I checked and it is a Town law. I can understand it here in Town but in the country there are only a few lots on Belcher Road. It was an honest mistake. I had my own boss, Olivieri & Sons dig the hole and I had somebody put the concrete in and the house went up in three days. When I spoke to Dennis Kramer, former Code Enforcement Officer, he said it was not needed out there in the country. I told the Code Enforcement Officer and she said I wasn't supposed to have a house there. It is an honest mistake but what good is this going to do the Town of Boston to show you a survey where my house is when you can see it?

Supervisor Kennedy: I am responsive if the rest of the Town Board wants to waive the restriction.

TOWN OF BOSTON
NEW YORK

R E S O L U T I O N

NUMBER 1994-14

SERIAL BOND RESOLUTION DATED JUNE 1, 1994

At a regular meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 1st day of June, 1994 at 7:30 o'clock in the evening Eastern Time there were:

Present:

Richard L. Kennedy	**Supervisor**
Don A. Wohlhueter	**Councilman**
Mark W. Flowers	**Councilman**
Josephine M. Davenport	**Councilman**
Peter A. Walter	**Councilman**

Councilman Flowers 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:

SECTION 1. That the Town of Boston Senior Center Community Room Project is hereby authorized. This Project involves the construction of an addition to the Boston Town Hall located at 8500 Boston State Road, Boston, New York. The addition will add approximately 1200 square feet to the Senior Center Community Room and will increase the dinner seating capacity of the room from ninety-six (96) people to one hundred seventy-one (171) people. The Project will also involve updating and renovating the kitchen facilities to accommodate the increased capacity.

SECTION 2. That the maximum estimated cost of such specific object or purpose is $321,840.00 and the plan for financing therefor is as follows:

a) By the issuance of $130,000.00 serial bonds of the Town of Boston, hereby authorized to be issued pursuant to the Local Finance Law; and

b) By the use of $90,000.00 awarded pursuant to Community Development Block Grant.

c) By the use of $10,000.00 awarded pursuant to a Member Item Request Grant from the New York State Department of Aging

d) By application of $91,840.00 from the unexpended balance of the General Fund which has been accrued from previous years.

SECTION 3. That it is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is ten (10) years, same being defined as the construction of an addition to a class "C" building pursuant to Local Finance Law § 11.00 subsection 12(a)(12).

SECTION 4. That the Town of Boston, Erie County, New York, issue its serial bonds in the amount of $130,000.00 to finance such cost in accordance with the financial plan set forth above. Such bonds shall be dated approximately as of the date of adoption of this Resolution and the power to fix and determine the exact date of such bonds is hereby delegated to the Supervisor.

SECTION 5. That such bonds shall be numbered consecutively and shall be in the total amount of $130,000.00 and shall mature in numerical order in annual installments in the years and in the total amounts as follows: $26,000.00 - June 2, 1995, $26,000.00 - June 3, 1996, $26,000.00 - June 2, 1997, $26,000.00 - June 2, 1998, $26,000.00 - June 2,1999 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 applicable provisions of the Local Finance Law.

The bonds shall bear interest at a rate not exceeding five percent (5%) per annum. Payments of such interest shall be evidenced by notation thereof on said bonds at the time of payment. The bonds shall be substantially in the form of the proposed bond which is attached hereto and made part of this Resolution.

SECTION 6. That 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 certified check. The proceeds of sale of the bond shall be deposited in a special bank account, as required by § 165.00 of the Local Finance Law and the powers delegated to the Supervisor by this Resolution shall be exercised in conformity with the provisions of the Local Finance Law.

SECTION 7. That the faith and credit of the Town of Boston, Erie County, New York are hereby irrevocably pledged for the payment of principal and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property in such Town, a tax sufficient to pay the principal of and interest on such bonds as the same shall become due and payable.

SECTION 8. This Resolution shall take effect immediately.

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

Supervisor Kennedy Voting aye — Signature

Councilman Wohlhueter Voting aye — Signature

Councilman Flowers Voting aye — Signature

Councilman Davenport Voting aye — Signature

Councilman Walter Voting aye — Signature

AYES: Five (5) NOES: None (0) ABSENT: None (0)

David J. Shenk- Town Clerk
Town of Boston

TOWN OF BOSTON
NEW YORK

R E S O L U T I O N

NUMBER 1994-14

SERIAL BOND RESOLUTION DATED JUNE 1, 1994

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SECTION 4. That the Town of Boston, Erie County, New York, issue its serial bonds in the amount of $130,000.00 to finance such cost in accordance with the financial plan set forth above. Such bonds shall be dated approximately as of the date of adoption of this Resolution and the power to fix and determine the exact date of such bonds is hereby delegated to the Supervisor.

SECTION 5. That such bonds shall be numbered consecutively and shall be in the total amount of $130,000.00 and shall mature in numerical order in annual installments in the years and in the total amounts as follows: $26,000.00 - June 2, 1995, $26,000.00 - June 3, 1996, $26,000.00 - June 2, 1997, $26,000.00 - June 2, 1998, $26,000.00 - June 2,1999 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 applicable provisions of the Local Finance Law.

The bonds shall bear interest at a rate not exceeding five percent (5%) per annum. Payments of such interest shall be evidenced by notation thereof on said bonds at the time of payment. The bonds shall be substantially in the form of the proposed bond which is attached hereto and made part of this Resolution.

SECTION 6. That 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 certified check. The proceeds of sale of the bond shall be deposited in a special bank account, as required by § 165.00 of the Local Finance Law and the powers delegated to the Supervisor by this Resolution shall be exercised in conformity with the provisions of the Local Finance Law.

SECTION 7. That the faith and credit of the Town of Boston, Erie County, New York are hereby irrevocably pledged for the payment of principal and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property in such Town, a tax sufficient to pay the principal of and interest on such bonds as the same shall become due and payable.

SECTION 8. This Resolution shall take effect immediately.

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

Supervisor Kennedy	Voting aye	Signature
Councilman Wohlhueter	Voting aye	Signature
Councilman Flowers	Voting aye	Signature
Councilman Davenport	Voting aye	Signature
Councilman Walter	Voting aye	Signature

AYES: Five (5) NOES: None (0) ABSENT: None (0)

David J. Shenk- Town Clerk
Town of Boston

ARBITRAGE AND USE OF PROCEEDS CERTIFICATE
DATED JUNE 1, 1994

I, Richard L. Kennedy, Supervisor of the Town of Boston (the **TOWN**), in the County of Erie, State of New York, **HEREBY CERTIFY** and reasonably expect with respect to the issuance of the $130,000.00 Bond Anticipation Note for the construction of the addition to the Senior Center Community Room (the **NOTE**) of the Town dated June 2, 1994 as follows:

1. That the **TOWN** is a governmental unit with taxing powers.

2. The **NOTE** does not constitute "private activity bonds" as the term is defined in Section 141 of the Internal Revenue Code of 1986, as amended (the **CODE**).

3. Ninety-five percent (95%) or more of the net proceeds of the sale of the **NOTE** are to be used for local governmental activities of the Town.

4. The **TOWN** reasonably expects that the aggregate face amount of all tax exempt bonds issued by the **TOWN** during the current calendar year will not exceed $5,000,000.00.

5. The proceeds from the sale of the **NOTE** will be used to provide funds for the purpose described (the **PROJECT**) pursuant to a Resolution of the Town Board entitled Serial Bond Resolution Dated June 1, 1994.

6. No Bond Anticipation Notes have been heretofore issued in anticipation of the sale of Serial Bonds authorized to be issued for the **PROJECT** pursuant to the Serial Bond Resolution hereinabove cited in paragraph 5 hereof.

7. The **TOWN** has entered into, or will enter into within six (6) months of the date hereof, binding commitment(s) for the acquisition, construction or accomplishment of the **PROJECT** and the amount of such commitment(s) with respect to the **PROJECT** exceed the lesser of an amount equal to two and one-half percent (2-1/2%) of $130,000.00, being the aggregate amount of obligations currently issued for the **PROJECT** or $100,000.00.

8. The **PROJECT** has been completed, or, if the **PROJECT** has not been completed, it is reasonably expected that all of the proceeds of sale of the **NOTE** will be expended within three years from the date of this certificate. If the **PROJECT** has not been completed, work on the acquisition, construction or accomplishment of the **PROJECT** will proceed or is proceeding with due diligence to completion.

9. The total proceeds of sale of all the Bond Anticipation Notes to date for the **PROJECT** do not exceed the total cost of the **PROJECT**.

10. The **PROJECT** will not be sold or otherwise disposed of in whole or in part except for incidental sales of surplus items the proceeds of which will not constitute net operating profits or net capital profits to the Town.

11. The **NOTES** will be paid from taxes and the proceeds of other obligations of the **TOWN** issued to fund the **NOTES**.

12. The taxes used to pay principal and interest on the **NOTES**, whether or not deposited in a debt service fund, will be expended within 13 months of the date of deposit in such fund, or the date of their accumulation, in the payment of debt service on the **NOTES**. Any amounts received from the investment of such deposit or accumulation will be expended within one year of receipt. The debt service fund, if any, will be used to achieve a proper matching of revenues and debt service and will be depleted at least annually except for a reasonable carryover amount not to exceed one years earnings on the fund or 1/12 of annual debt service.

13. Except for the debt service fund described herein the **TOWN** has not created or established, and does not expect to create or establish, any sinking fund or other similar fund which the **TOWN** reasonably expects to use to pay principal or interest on the **NOTES**.

14. No portion of the proceeds of the **NOTES** will be invested, directly or indirectly, in federally insured deposits or accounts other than investments of a debt service fund or investments for an initial temporary period.

15. At least 90 percent of the proceeds of the **NOTES** will be used to finance property which is:

(a) available for use by the general public on an equal basis;

(b) used by qualified governmental units or by the employees of such units; or

(c) used by nongovernmental persons pursuant to contracts or agreements which provide that:

(i) at least 50 percent of the compensation paid to the service provider (other than a governmental unit) is on a periodic, fixed-fee basis;

(ii) no amount of compensation is based on a share of net profits;
(iii) the TOWN may terminate the contract (without penalty) at the end of any 3 year period; and
(iv) the term, including renewal options, does not exceed 5 years.

16. No more than 5 percent of the proceeds of the NOTES will be used to finance property used by a nongovernmental person in a trade or business which is unrelated to the governmental use of the property referred to in paragraph 15 above.

17. No more than 5 percent of the proceeds of the Notes is allocable to any disproportionate related private business use. For purposes of this Arbitrage and Use of Proceeds Certificate, NOTE proceeds are allocable to a disproportionate related private business use to the extent that the proceeds of the NOTES which are to be used to finance property used by a nongovernmental person in a trade or business which is related to the governmental use of the property referred to in paragraph 15, above, exceeds the proceeds of the NOTES which are to be used for the governmental use to which such private trade or business use relates.

18. The TOWN has not received notice that it has been listed by the Commissioner of Internal Revenue as an issuer that may not certify its obligations, nor has it been advised that the Commissioner is contemplating listing the TOWN as a governmental unit that may not certify its obligations.

On the basis of the foregoing, it is not expected that the proceeds of the sale of the NOTES will be used in a manner that would cause the NOTES to be "arbitrage bonds" under Section 148 of the Code and the Income Tax Regulations prescribed thereunder. To the best of my knowledge and belief, there are no other facts, estimates or circumstances that would materially change the foregoing conclusion.

I am one of the officers of the Town of Boston charged by the resolution of the TOWN Board of said TOWN hereinabove cited in paragraph 5 hereof with the responsibility for issuing the NOTES and, as such, an an official whose certification may be relied upon as the certification of the TOWN as referred to in Section 148 of the Code, and Sections 1.103-13, 1.103-14 and 1.103-15 of the Income Tax Regulations thereunder. Neither I nor the TOWN has been notified or advised by the Internal Revenue Service of any contemplated publication of a notice in the International Revenue Bulletin that the certification of the TOWN as to arbitrage status may no longer be relied upon by purchasers of its bonds or NOTES. This certification has been delivered as part of the records of proceedings and accompanying certificates with respect to the

issuance of the **NOTES** and the provisions of this certificate constitute a contractual obligation of the **TOWN** in consideration for the purchase of and payment for the **NOTES** by the purchaser(s) thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporation seal of the Town of Boston, this 1st day June 1994.

[SEAL]

Richard J. Kennedy
Supervisor

TOWN OF BOSTON
NEW YORK

R E S O L U T I O N

NUMBER 1994-15

BOND ANTICIPATION NOTE RESOLUTION DATED JUNE 1, 1994 FOR THE ISSUANCE AND SALE OF A BOND ANTICIPATION NOTE OF THE TOWN OF BOSTON, NEW YORK, IN ANTICIPATION OF THE SALE OF $130,000.00 SERIAL BONDS FOR THE TOWN OF BOSTON, SENIOR CENTER COMMUNITY ROOM PROJECT

At a regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston New York, on the 1st day of June 1994 at 7:30 o'clock in the evening Eastern Time there were

Present:

Richard L. Kennedy	**Supervisor**
Don A. Wohlhueter	**Councilman**
Mark W. Flowers	**Councilman**
Josephine M. Davenport	**Councilman**
Peter A. Walter	**Councilman**

Absent:

Councilman Wohlhueter 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:

SECTION 1. For the purpose of financing the Senior Center Community Room Project, in accordance with procesdings heretofore taken by the Town Board of the Town of Boston, are hereby authorized to be issued a $130,000.00 Bond Anticipation Note of said Town.

SECTION 2. Specific reference is hereby made to a Resolution entitled "Serial Bond Resolution Dated June 1, 1994", 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.

SECTION 3. The amount of the Bonds to be issued for the aforesaid object or purpose is $130,000.00, and such bonds shall be Serial Bonds.

SECTION 4. The amount of the Bond Anticipation Note to be issued is $130,000.00. Such Note shall be dated June 2, 1994 and shall be numbered "No.1", and shall mature June 2, 1995, bearing interest at the rate not exceeding five percent (5) per annum, payable at maturity. Such Note shall be signed by the Supervisor of said Town, and be 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.

SECTION 5. Said Note shall be payable from the proceeds derived from the sale of said Bonds or otherwise be redeemed in the manner provided by Section 23.00 of the Local Finance Law.

SECTION 6. The faith and credit of said Town are irrevocably pledged for the payment of said Note and interest thereon.

SECTION 7. 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.

SECTION 8. The supervisor of the Town of Boston is hereby authorized to sell said Note at private sale at not less than par and accured 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 reciept 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.

SECTION 9. This resolution shall take effect immediately.

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

Supervisor Kennedy	Voting	aye	Signature
Councilman Wohlhueter	Voting	aye	Signature
Councilman Flowers	Voting	aye	Signature
Councilman Davenport	Voting	aye	Signature
Councilman Walter	Voting	aye	Signature

Ayes: Five (5) **NOES: None (0)** **ABSENT: None (0)**

David J. Shenk- Town Clerk
Town of Boston

TOWN OF BOSTON
NEW YORK

R E S O L U T I O N

NUMBER 1994-15

BOND ANTICIPATION NOTE RESOLUTION DATED JUNE 1, 1994 FOR THE ISSUANCE AND SALE OF A BOND ANTICIPATION NOTE OF THE TOWN OF BOSTON, NEW YORK, IN ANTICIPATION OF THE SALE OF $130,000.00 SERIAL BONDS FOR THE TOWN OF BOSTON, SENIOR CENTER COMMUNITY ROOM PROJECT

At a regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston New York, on the 1st day of June 1994 at 7:30 o'clock in the evening Eastern Time there were

Present:

Richard L. Kennedy	**Supervisor**
Don A. Wohlhueter	**Councilman**
Mark W. Flowers	**Councilman**
Josephine M. Davenport	**Councilman**
Peter A. Walter	**Councilman**

Absent:

Councilman Wohlhueter 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:

SECTION 1. For the purpose of financing the Senior Center Community Room Project, in accordance with proceedings heretofore taken by the Town Board of the Town of Boston, are hereby authorized to be issued a $130,000.00 Bond Anticipation Note of said Town.

SECTION 2. Specific reference is hereby made to a Resolution entitled "Serial Bond Resolution Dated June 1, 1994", 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.

SECTION 3. The amount of the Bonds to be issued for the aforesaid object or purpose is $130,000.00, and such bonds shall be Serial Bonds.

SECTION 4. The amount of the Bond Anticipation Note to be issued is $130,000.00. Such Note shall be dated June 2, 1994 and shall be numbered "No.1", and shall mature June 2, 1995, bearing interest at the rate not exceeding five percent (5) per annum, payable at maturity. Such Note shall be signed by the Supervisor of said Town, and be 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.

SECTION 5. Said Note shall be payable from the proceeds derived from the sale of said Bonds or otherwise be redeemed in the manner provided by Section 23.00 of the Local Finance Law.

SECTION 6. The faith and credit of said Town are irrevocably pledged for the payment of said Note and interest thereon.

SECTION 7. 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.

SECTION 8. The supervisor of the Town of Boston is hereby authorized to sell said Note at private sale at not less than par and accured 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 reciept 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.

SECTION 9. This resolution shall take effect immediately.

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

Supervisor Kennedy	Voting	aye	Signature
Councilman Wohlhueter	Voting	aye	Signature
Councilman Flowers	Voting	aye	Signature
Councilman Davenport	Voting	aye	Signature
Councilman Walter	Voting	aye	Signature

Ayes: Five (5) **NOES: None (0)** **ABSENT: None (0)**

David J. Shenk- Town Clerk
Town of Boston

Councilman Flowers: Did you have a foundation inspection before you moved in?

Wayne Mintz: No. Yes, Code Enforcement Officer Santonocito inspected the house.

Code Enforcement Officer Santonocito: When I went to inspect the foundation location the house was already rough framed. He did not have it back filled so I did get to see the exterior of the foundation.

Supervisor Kennedy: So you did see if the exterior met the requirements under the NYS Building Codes?

Code Enforcement Officer Santonocito: Yes.

Councilman Flowers: Can the Code Enforcement Officer give us her input?

Code Enforcement Officer Santonocito: It is Town Code and I can't violate it. The only way the Town Board can, is to change the Town Code if they want to.

Wayne Mintz: I already signed a paper stating I am responsible for where I built my house and it is on file in the Town Hall. Otherwise the Code Enforcement Officer was going to shut down the building. I told her I could measure it by hand but she wanted it surveyed. I'm ten feet off from where I planned it but I could show it exact if you want.

Supervisor Kennedy: I would defer to the Town Attorney. I don't know if it is part of the Town Zoning Code now. If it is a requirement of the law then the only way it could be waived is to change the law or make an exception.

Wayne Mintz: Instead of having it surveyed how about if I came with a piece of paper?

Town Attorney Reilly: It is a Town regulation. If the Board would like to change the law, that would be something to look at.

Code Enforcement Officer Santonocito: Basically the Code states that I can't reinspect without having a survey. So if he is up to the next inspection step, I wouldn't be able to go out there.

Wayne Mintz: This is something that wasn't needed last year and this year it is.

Supervisor Kennedy: Can you wait for an answer until the next Town Board Meeting on June 15,1994?

Wayne Mintz: I will probably have to start to do some plumbing or electrical work.

Supervisor Kennedy: The Board will make a determination based on the law.

RESOLUTION 1994-14 SERIAL BOND

RESOLUTION 1994-15 BOND ANTICIPATION NOTE

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter to set the summer schedule as follows:

Agenda Review	Mon. July 18, 1994	7:00 P.M.
	Mon. August 15, 1994	7:00 P.M.
Town Board Meeting	Wed. July 20, 1994	7:30 P.M.
	Wed. August 17, 1994	7:30 P.M.

five (5) Ayes Carried

REGULAR BOARD MEETING
JUNE 1, 1994

TOWN HALL
7:30 P.M.

Supervisor Kennedy directed the Town Clerk to draft a letter to the owners of the Boston Hills Estates and Sprague Mobil Home Park respectively informing them of the dates set for the Annual Mobil Home Park License Inspection by members of the Town Board as follows:

Monday, June 13, 1994, 6:30 P.M. and 7:30 P.M.

Supervisor Kennedy: Code Enforcement Officer Santonocito has called my attention to the Code 123-136 residential district, accessory buildings and roof projections shall occupy no more than 25% of the rear yard and shall not exceed 725 square feet. Mr. Gokey's application called for a building that exceeded that. Has this been amended?

Code Enforcement Officer Santonocito: Yes I have an amended application that changes the building size to 20' x 26'. That is a total of 712 square feet.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to grant a request by Leo Gokey for a second accessory building at 5534 Ripple Drive on the recommendation of the Planning Board with the following stipulations:

1) Conforms with the code not to exceed 725 square feet of accessory building and the building to be 20' x 26.

2) Structure have one double door 16' in front, one side passage door, and no window.

3) Vinyl siding to be exact same color of house or as near as possible.

4) Roofing be the same composition as the house.

five (5) Ayes Carried

A motion was made by Councilman Flowers and seconded by Councilman Davenport to schedule a Public Hearing on the re-zoning request for 9720 Zimmerman Road to June 15, 1994 at 8:00 P.M.

five (5) Ayes Carried

Supervisor Kennedy: A request from Michael Byrne to bring in fill from outside the Town of Boston to 5615 Johns Terrace was tabled from the May 15, 1994 to give the Board an opportunity to review the property. Mr. Byrne has proposed a plan to minimize any effects that could occur from building up his property. This would give him a rear entrance coming in at grade level to the rear of his property going toward James Terrace. The front of the property would have to be filled to accommodate the structure of the house. The turn-a-round is not where it is supposed to be according to the easement we have on Johns Terrace so that turn-a-round would have to be constructed further toward the expressway. This would require the Town to fill in that ravine probably with twelve feet of fill. NYS DOT has a triangular shape piece of property across the street from Mr. Byrne's property. We could minimize the effects of hauling in the fill if the DOT was responsive to taking the fill from the other side of the street and making the turn-a-round on the high side with the proper slopes that are required under our soil zoning ordinances to across the street. This would help the Town of Boston as well as Mr. Byrne.

REGULAR BOARD MEETING TOWN HALL
JUNE 1, 1994 7:30 P.M.

Councilman Walter: I would move that in the event the DOT backs out of our agreement we would still have to grant a permit to Mr. Byrne to haul fill in.

Supervisor Kennedy: Mr. Byrne will have to distribute that fill according to what we discussed. He would pitch that drainage toward that deep ravine that is to the west of his property. If the DOT does back out, the Town will have to reconstruct a new turn-a-round further to the west than now currently exists.

Neighbor: I was at the last meeting and I asked the question as to who's responsibility is the drainage. Mr. Flowers and Mr. Walter suggested it could be written up that if he was granted a permit, for one year after he would be responsible for drainage problems.

Councilman Walter: We can amend the motion to include that in the event there is a water problem in the twelve month period, Mr. Byrne is responsible for it.

Neighbor: When will the twelve month period begin?

Councilman Walter: After the Certificate of Occupancy is issued.

A motion was made by Councilman Walter and seconded by Councilman Wohlhueter to grant Michael Byrne a request for a Special Permit to bring in fill from outside the Town to 5615 Johns Terrace in the event the DOT is not responsive to the Town plan for a turn-a-round which would provide fill for Mr. Byrne's property. Other conditions are that the fill shall be distributed according to discussions. He would pitch the drainage toward the deep ravine to the west of his property. In the event the DOT does back out the Town of Boston will have to reconstruct a new turn-a-round further to the west than it currently exists. Also, Mr Byrne is responsible if there is a drainage problem in the next twelve months period, beginning from the date of the issuance of a Certificate of Occupancy.

five (5) Ayes Carried

Supervisor Kennedy read a letter from Code Enforcement Officer Santonocito to Mr. & Mrs. Young of 9351 Zimmerman Road, informing them of the denial by the Boston Town Board of their request for a Temporary Certificate of Occupancy. The Town Board will allow 30 days to drywall the entire dwelling and begin construction on the garage. After the completed reinspection a request may be resubmitted with an itemized list of what is yet to be completed and a timetable to do such.

Code Enforcement Officer Santonocito: The garage is poured and the foundation wall is started. He is putting tongue and groove pine on the walls and that is half done. He is moving along and is looking at approximately a month to finish the inside.

A motion was made by Councilman Flowers and seconded by Councilman Davenport to grant a request for a Temporary Certificate of Occupancy to Mr. and Mrs. Young of 9351 Zimmerman Road.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to extend the Sunset Provision of Local Law #1-1993 to May 31, 1995.

five (5) Ayes Carried

REGULAR BOARD MEETING — TOWN HALL
JUNE 1, 1994 — 7:30 P.M.

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter to grant the Churchill Child Center use of the Lions Shelter and the Town Park Shelter on June 9 and June 10, 1994 from 10:30 A.M. until 12:00 P.M. for the annual picnic.

five (5) Ayes — Carried

RESOLUTION 1994-13 SALT STORAGE BUILDING

A motion was made by Councilman Davenport and seconded by Councilman Walter to appoint the following jobs in the Summer Recreation Program, term to expire September 30, 1994.

Irene Odden	Summer Recreation Supervisor	$2300/season
Sydney Andrysiak	Recreation Attendant	4.30 hour
Chris Emerling	Recreation Attendant	4.30 hour
Kieth D. Gannon	Recreation Attendant	4.30 hour
Brett Kaczmarski	Recreation Attendant	4.30 hour
Christine Metzger	Recreation Attendant	4.30 hour
Colleen O'Halloran	Recreation Attendant	4.30 hour
Doris A. Pilato	Arts & Crafts Supervisor	5.85 hour
Kathleen Remington	Recreation Attendant	4.30 hour
Kathleen Rooney	Arts & Crafts Supervisor	5.85 hour
Karl M. Siebert	Recreation Attendant	4.30 hour
DESIGNATED SUBSTITUTES		
Amy Cocina	Recreation Attendant	4.30 hour
Tammy Couell	Recreation Attendant	4.30 hour
Michael Measer	Recreation Attendant	4.30 hour
Michael J. Shanahan	Recreation Attendant	4.30 hour

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to appoint Matthew Glogowski to temporary employment for the Parks Department, term June 6, 1994 to August 12, 1994 at a rate of $5.00 per hour.

five (5) Ayes — Carried

SUPERVISOR REPORT

A) Supervisor's Monthly Financial Report for May 1994 received and on file in the Town Clerk's Office.

Supervisor Kennedy: The front stairs have been poured over three weeks now and Kirst Construction is waiting for the center railing that is being fabricated. It should be installed either the latter part of this week or the early part of next week.
The Town Engineer has examined the County plans for reconstruction of the Boston Cross Road and relocation of the water lines. It was the consensus of the Engineers that it would be less expensive to locate the water lines on the same sides that they are now installed. The County has agreed to locate all the water lines at their expense.

We have two major water line problems. Back Creek Road between Rice Road and Hillcroft Drive has low pressure especially in high demand time. We have had a complete wash out of a section of the water line which comes out of Rucker Lumber and runs parallel to the creek down as far as Rice Road and crosses over the creek and goes over to Back Creek Road and services that road as far as the Catholic Cemetery. The Town Engineer is going to see if there is any way we can reconstruct that line and protect it. It would cost a great deal of money to drive pilings there because the creek is moving toward Rucker Lumber. We did make a temporary repair three years ago. It only involved one length of pipe that is gone now too.

TOWN OF BOSTON

TOWN OF BOSTON

RESOLUTION 1994-13

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 1st day of June 1994 at 7:30 P.M. Eastern Standard Time, there were:

Present:	Richard L. Kennedy	Supervisor
	Mark W. Flowers	Councilman
	Josephine M. Davenport	Councilman
	Peter A. Walter	Councilman
	Don A. Wohlhueter	Councilman

Absent:

Councilman Wohlhueter presented the following resolution and moved its adoption:

WHEREAS, the Town of Boston has determined that construction of a Salt Storage Building is neccessay.

NOW THEREFORE:

BE IT RESOLVED, that the Town Board of Boston has authorized J. O'Connell and Associates, the Town Grants Writer to apply to the New York State Environmental Facilities Corporation through the State Revolving Fund for low interest funding to build a Salt Barn. The cost to build the Salt Barn is approximately $50,000.

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

Supervisor Kennedy	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye
Councilman Davenport	Voting Aye
Councilman Walter	Voting Aye

AYES: FIVE (5) NOES: NONE (0) ABSENT: NONE (0)

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING TOWN HALL
JUNE 1, 1994 7:30 P.M.

SUPERVISOR REPORT (CONT.)

Supervisor Kennedy: A pipe is exposed at the road crossing at Trevett Road. That was replaced in 1972 or 1973. We will have to bring in heavy stone to stabilize the north side of the water line. If the line breaks, it is the main line from the tank located on Brown Hill Road and the Boston Fire Company and everyone in the Hamlet of Boston won't have any water. It has to be repaired and we will do it as soon as possible.

TOWN CLERK REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to accept the monthly Registrar of Vital Statistics Report for May 1994.

five (5) Ayes Carried

Town Clerk Shenk: I received notification from the Planning Board that David Regan is their new Vice Chairman.

TOWN ATTORNEY REPORT

Town Attorney Reilly: I attended a Seminar on May 14, 1994 at the University of Buffalo on Eminent Domain and Article VII. I found it to be a very informative seminar and I thank you for the opportunity to attend it.

I would like to supply the Board with a copy of the letter from DeGraff Wilson Ralston & Dwyer P.C. regarding the fees for their Bond Counsel Services for the Town of Boston East Hill Water District Financing.

The Resolutions were passed tonight for the Bond and the Anticipation note in the amount of $130,000 for the addition to the Boston Town Hall. In addition to the resolutions I have prepared an Arbitrage Certificate. In my opinion said note has been authorized and issued in accordance with the Constitution and Statutes of the State of New York and constitutes a valid and legally binding general obligation.

COUNCILMAN REPORT

Councilman Flowers: I received a complaint about the TNT Battery property from Patchin Fire Chief Mark Brock. I asked the Code Enforcement Officer to request the property owner to board the building up. They have been avoiding her. The Chief's main concern was a fire in that building. I read that TNT Battery property was up for tax foreclosure auction on June 7, 1994. Hopefully the new owner will be cooperative.

At the last meeting, the Supervisor supplied all Board Members with a copy of the EXCEL report. The scope of the EXCEL Committee is to find a way to repair Erie County Highways. I spoke to two members on some serious issues and they told me they would bring them up at their meeting and get back to me.

I was unable to attend a joint meeting of the County Haz-Mat team over Local Law #1 for the funding of the Haz-Mat team. I do have a meeting tomorrow and will report back on that meeting.

Councilman Wohlhueter: We had a tire drop off on May 21, 1994. We took a lot of tires out of circulation.

Councilman Walter: I talked to a representative from Erie County regarding Chestnut Ridge Road. This road needs a lot of repair. I have had a lot of calls on it. He did say when they start the hot patch team he will give this road top priority. They will proceed within the next seven days to repair that road.

REGULAR BOARD MEETING
JUNE 1, 1994

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.)

Councilman Davenport: I met with the staff of the Creative Playground and they informed me that the money raised from the bake goods sale was used to maintain the playground. Registration for the summer program is going very well.

Marilyn Clesse, Recreation Director: I had a meeting with the representatives from ECC South. Our program here is a go this summer. We all know that ECC has financial problems and they do impact on us, more so next year. At Supervisor Kennedy's convenience, I will be meeting with him to give him all the details.

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer monthly report for May 1994, on file in the Town Clerk's Office.

Received and filed a copy of NYS Code Enforcement Training Certificate, Administration and Enforcement, for Jo Ann Santonocito, Code Enforcement Officer.

Received and filed a notification sent by Code Enforcement Officer Jo Ann Santonocito to Clara Franz noting an unsafe building located at 8242 Cole Road.

Supervisor Kennedy: Have you received communication from her?

Code Enforcement Officer Santonocito: I received phone calls from both of Clara Franz's daughters. They don't have the money and they don't know what they are going to do. They are going to send me a letter and we will sit down and work something out.
Received and filed the following revised schedule of office hours for the Code Enforcement Officer, effective July 1, 1994:

Monday	4:00 P.M.	-	5:00 P.M.
Tuesday	4:00 P.M.	-	7:30 P.M.
Wednesday	4:00 P.M.	-	5:00 P.M.
Thursday	4:00 P.M.	-	5:00 P.M.
Friday	4:00 P.M.	-	5:00 P.M.

In addition: The time frame from this office receiving a complete Building Permit Application to the time the Building Permit is approved will take a minimum of 1 week.

DEPUTY CODE ENFORCEMENT OFFICER REPORT

A) Deputy Code Enforcement Officer's monthly report for May 1994, received and on file in the Town Clerk's Office.

DOG CONTROL OFFICER REPORT

A) Dog control Officer monthly report for May 1994, received and file in the Town Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's report for May 1994 received and on file in the Town Clerk's Office.

A motion was made by Councilman Walter and seconded by Councilman Flowers to adjourn the meeting at 8:45 P.M..

David J. Shenk

David J. Shenk, Town Clerk

REGULAR BOARD MEETING — TOWN HALL
JUNE 15, 1994 — 7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman Josephine M. Davenport, Councilman Peter A. Walter, Supervisor Richard L. Kennedy, Town Attorney Michael E. Reilly and Highway Superintendent Eugene E. Ruchalski.

Reverend Ronald Sprehe opened the meeting with a prayer.

A motion was made by Councilman Flowers and seconded by Councilman Walter to accept the corrections and adoption of the minutes of the June 1, 1994 regular monthly meeting.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Davenport that the General Fund and Special District Bills on Abstract #6A, dated June 15, 1994 in the amount of $117,722.34 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy that the Highway Bills on Abstract #6A, dated June 15, 1994 in the amount of $8,678.55 be paid.

five (5) Ayes — Carried

Received and filed notification from Adelphia Cable of the addition of FX Cable Channel 37.

Received and filed a Public Notice from the US Army Corps of Engineers for a Permit Application from Thomas Coyne to work in the Irish Gulf Stream in the Town of Boston.

Received and filed notification from NY State Commission on Cable Television of the initiation of rate regulation.

Referred to Councilman Flowers notification from Erie County Disaster Coordinators Association of a meeting on June 28, 1994 at 7:00 P.M. at the Erie County Fire Academy in Cheektowaga.

Received and filed a letter from the NY State Environmental Facilities Corp. regarding the Town's proposed project, SRF No. 6707-01, for construction of a salt storage facility.

REQUESTS FROM THE FLOOR

Arthur Reiter, 7937 Burr Road: Have all these people been made aware of my battle with BFI for the last six years?

Supervisor Kennedy: I have not had a chance to review it with the Board. I have received bills from Mr. Reiter for work that was performed on his driveway when his driveway pipe collapsed. He attributes most of the damage to BFI. I contacted BFI and asked if they were willing to contribute in some manner toward the reconstruction of the culvert pipe in Mr. Reiter's driveway. They do turn heavy vehicles around in Mr. Reiter's driveway as well as our own Town Highway Department.

Arthur Reiter: I have paid almost $3,000 out of my own pocket. I should not be asked to provide a heavy duty turn-around table for BFI's 50 ton equipment on private property. I have been fighting this for six years. It is not a question of the Town of Boston, that is a short wheel base truck with a single axle. I object to a 50 ton forty foot long truck with a dual axle. The highway department is aces high with me. They take good care of me. I can't praise Gene enough. I have photographs of the extensive damage.

REGULAR BOARD MEETING — TOWN HALL
JUNE 15, 1994 — 7:30 P.M.

Supervisor Kennedy: I think in working in conjunction with the Highway department we could address the problems with your driveway. The Town uses that also. As far as the collapsing of the pipe, I don't know what BFI is going to do. I wrote them a letter and according to my conversations with David Slotman who put the pipe in for you, that there was a representative from BFI who was out there in response to my letter. I haven't heard as to what portion of the responsibility they are willing to accept.

Arthur Reiter: It better be substantial. It is almost $3,000 out of my pocket and I expect nothing less than a third, a third and a third. That makes about $2,000 to me from somebody. You are aware of what I expect. I don't like to threaten litigation but I am going to have to recoup my losses. I will give you these photographs but I want them back as I may need them.

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to accept the following transfer of appropriations of the General Fund:

TRANSFER OF APPROPRIATIONS
GENERAL FUND

From:	Supervisor, Pers Services	1220.1	14,400	
	Contingency	1990.4	8,000	22,400
To:	Supervisor , Contractual	1220.4	14,400	
	Parks, Contractual	7110.4	8,000	22,400

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter to accept the following correction to Abstract #6 of the General Fund:

CORRECTION
ABSTRACT #6 - 6/1/94

Voucher #415 - Boston Valley PTA (Creative Playground Expense)

From: TA 7110.4
To: H 7140.4

five (5) Ayes — Carried

Supervisor Kennedy: Regarding the matter involving Wayne Mintz of 4898 Enser Road and his request of a waiver of a survey requirement which was tabled from the June 1, 1994 Town Board Meeting: We asked the Town Attorney to review the situation and present the Board with the provisions that are required under the law.

Supervisor Kennedy read a legal opinion from Town Attorney Michael Reilly on the question of "Whether an applicant must provide a survey in order to obtain a Building Permit." In summary, Mr. Reilly states, " As the Town's legal representative, my recommendation is that the Town Board enforce the provisions contained in the Town Code, including the requirement to provide a stamped, re-dated survey to the Code Enforcement Officer before a building permit can be issued".

Supervisor Kennedy: The Town Board has the opportunity to review the Code and determine whether or not all provisions of the Code are fair and equitable. They could make changes in the Code if they so desire. I concur with the opinion rendered by the Town Attorney that under current law the permit shall be accompanied by two copies of a survey. I don't know how the Board can waive this without changing the law.

Wayne Mintz, 4898 Enser Road: Somebody already changed the law. I have a Building Permit and I filled out the application and the Code Enforcement Officer didn't ask for this. I have a house standing there. I had to complete everything because the walls were changed from 10" cement walls to 8" poured cement walls.

Supervisor Kennedy: We can issue a Building Permit based on the location of the house drawn on the application but in order for you to get a Certificate of Occupancy and proceed with the house it has to be surveyed once the foundation is actually laid on the lot itself.

Wayne Mintz: It says in here, "before it is built". It says I can't get a building permit until I comply with everything the Code Enforcement Officer wants. The second thing is, this is not on the Town of Boston's road. Why does the Town of Boston care where the house is?

Supervisor Kennedy: You mean because Belcher Road is in the Town of North Collins? I think it is because the property itself is located within the Town of Boston. I defer to the Town Attorney. I don't know the ramifications of the permit application. I would assume that in most applications when someone applies for an application to build a house, they draw it to scale as best they can at that particular juncture where they intend the foundation walls to be erected, showing the Code Enforcement Officer that building foundation will conform with the set back requirements from both the side and rear lot lines. After the foundation is actually put into the ground and constructed then the normal procedure is a that a survey is made to locate the foundation exactly on the property.

Wayne Mintz: Would you go back and read the last sentence of the Town Attorney's letter. I don't want to be a stickler about this, I will go and get it surveyed.

Supervisor Kennedy: ".....provide a stamped, re-dated survey to the Code Enforcement Officer before a building permit can be issued."

Wayne Mintz: "Before". That's right. I am not a lawyer but I know what happened here is a mistake. I'll get it straight.

Town Attorney Reilly: I think the issue presented at the last meeting is whether the Town Board could entertain your request to waive the survey requirement. That is the issue. I'm sure these question will come up in the future. When there is a section in the Code that allows the Town Board discretion then clearly they can decide yes or no. If there is no discretion in the Code then it is a mandatory requirement. If they were to waive the requirement then the question becomes what happens when the next person comes in and says, " well Mr. Mintz didn't have to do it"? That was the basis for the decision.

Wayne Mintz: I am dealing with two Building Inspectors here. One was Mr. Kramer and he said no it wasn't mandatory. Then when I got the Building Permit I was told it wasn't mandatory. All of the sudden Code Enforcement Officer Santonocito said it is. Then the last sentence of what Town Attorney said. Everything has to be complied with before you get a permit. I got a permit. I complied with everything. Now after the fact, you want me to get a survey.

Supervisor Kennedy: I agree under the circumstances, of the fact that you have at you have an appreciable distance between your property lines and that you conform to all the set back requirements. It's unfortunate and perhaps it is a part of the Town Law that the Town Board should look into. I don't see how we can legally waive the requirement in your instance without getting ourselves in a lot of trouble.

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Wayne Mintz: I don't mean to make a lot of trouble. It is just the idea of another hidden cost.

A motion was made by Councilman Flowers and seconded by Councilman Walter to grant the Boston Emergency Squad use of the South Boston Park for a first aid training session on July 16, 1994.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Walter to grant the Good Shepherd Lutheran Church use of the Town Park and Lions Shelter on June 25, 1994, from 9:00 A.M. to 1:00 P.M. for a Rummage Sale to benefit the parking lot fund of the church. A Certificate of Insurance will be supplied.

Councilman Flowers	Aye
Councilman Wohlhueter	Aye
Councilman Davenport	Aye
Councilman Walter	Aye
Supervisor Kennedy	Abstain

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

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport to grant the Boston Patriots Little Loop Football Organization use of the Town Park and Lions Shelter for a family picnic on August 20, 1994 from 12:00 P.M. to 6:00 P.M.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Davenport to grant Richard Klinczar use of the Lions Shelter for a family picnic on August 21, 1994 from 10:00 A.M to 8:00 P.M. Alcohol will be served and a Certificate of Insurance has been supplied.

five (5) Ayes — Carried

Supervisor Kennedy read an Advertisement for Bids for the Repair and Resurfacing of the Tennis Courts dated June 6, 1994 and published June 9, 1994. Bids will be received until June 20, 1994 at 10:00 P.M., when they will be publicly opened and read aloud.

A motion was made by Councilman Flowers and seconded by Councilman Davenport to authorize Supervisor Kennedy, after inspection of the bids on June 20, 1994 at 10:00 A.M., for the repair and resurfacing of the tennis courts, and after a recommendation by the Town Engineer, and no objections being offered by Town Board Members, to award the contract to the lowest responsible bidder.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to accept the appropriation of the Supervisor's Salary as follows:

$1,000.00	Oil and screen roadway at North Boston Stadium and install needed culvert pipes.
$1,500.00	Oil and screen parking lot and entrance roadway at the South Boston Playground.
$ 500.00	Pave driveway to the entrance of Recreation Storage Building at Town Park.
$1,200.00	Pave concrete walkway from side entrance of the Emergency Squad Building to the rear entryway to conform to OSHA regulations.

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$2,500.00 Install three extra light standards at the Town Park Tennis-Basketball Court.

$2,500.00 Contribution for lighting - Christmas Decorating Committee.

$9,200.00 Total Appropriation

five (5) Ayes Carried

Supervisor Kennedy read a letter from John and Nancy McCall regarding the clean-up schedule of the Dzierzanowski property at 6710 Mill Street.

Supervisor Kennedy: We thought we could work with Mr. Dzierzanowski on a clean-up plan without taking legal recourse. This hasn't been successful. He has made promises and obligations to this Board of things he intended to do and he hasn't followed through. He indicated to us that he would like to rebuild a portion of that building. He was told to apply for a variance because 50% of the original structure was destroyed.
By June 10, 1994 he was to provide the Town Board with building plans, a survey and all the information required to proceed with a variance before the Zoning Board of Appeals. He has neglected to do this. All we have received from him is the letter stating he intends to rebuild the building as it was. The Town Board is being pressed by many persons in the municipality.

We asked the Town Attorney what the procedures were legally as to the Town of Boston's action if you haven't cooperated with the Town Board to this point. I defer to the Town Attorney for sections to the law that refer to this.

Town Attorney Reilly: The section of the Boston Town Code that would apply to this situation is chapter 47 which regards unsafe buildings. This article consists of various provisions.

1) An assessment to be done by the Code Enforcement Officer and a report issued to the Town Board.

2) The Town Board to send out a notice regarding either the repair, removal or demolition of the parts that are unsafe or dangerous.

3) An opportunity for a Hearing before the Town Board.

4) If party does not comply with the order and notice, the Town has the power to undertake either the correction or the demolition and access the cost to the property owner.

Supervisor Kennedy: We are being justifiably pressed by many people in the municipality that feel there is no clean-up going forward. Parts of the building were examined by the Town Engineer as well as the Code Enforcement Officer and deemed to be unreplaceable. You were instructed by the Town Engineer that the only way we could make a proper assessment of the remaining structure was to have all this cleaned up. We cannot leave the building as it is.

Mr. Dzierzanowski: In the first place there is no shingles being dumped back there. As far as her (Nancy McCall) assessment being dropped $10,000 to $15,000, my assessment dropped from $167,000 to $105,000 when they built the house next door. Nobody said anything to me about building that house over there so that house never should have been built. I sent the letter a long time ago that I was going to rebuild the whole thing back the way it was.

Supervisor Kennedy: It was explained to you that because of the percentage of the building destroyed by fire you couldn't build it back the way it was without a variance. It is in conflict with the law. If over a certain percentage is destroyed you no longer have "Grandfather" rights to reconstruct the building.
You were told at a meeting and you were sent a letter from the Code Enforcement Officer indicating that if you wished to rebuild you would have to do certain things and you were to have them done by a certain date and all we got was a letter from you stating once again that you want to rebuild the building the way it was.

Councilman Flowers: Your letter was dated June 14, 1994. four days after the June 10, 1994 deadline we gave you.

Mr. Dzierzanowski: I was here on June 10, 1994 and no one was here. I was here at 7:00 P.M. and no one showed up.

Supervisor Kennedy: We have tried to work with you because we understand the traumatic experience you went through because of the fire. We can no longer leave the thing go. It constitutes a danger and it is an eyesore.

Mr. Dzierzanowski: It will be an eyesore until I can get it built up again.

Supervisor Kennedy: It has to be cleaned up. It can't be cleaned around.

Councilman Flowers: We have another report from Bob Pettit, the Town Engineer. You have to gut it and get it out of there.

Supervisor Kennedy: When you receive communication from the Town Board again it will be outlined very specifically those areas in the structure that have to be taken down and cleaned out of there. You will be given a date for a Hearing when you will appear before the Town Board. If that is not done then the Board will have to proceed to the next step and have it done.
This fire was in March and the property doesn't look any different today.

Mr. Dzierzanowski: Yes it does. The whole front piece is down. The walls I am not taking down. I talked to my Attorney and he doesn't see why I have to take it down. He doesn't see why I have to have a variance.

Councilman Flowers: We gave you the packet of information that you have to have. We've tried to explain to you that your premisses was more than 50% demolished by the fire.

Mr. Dzierzanowski: It was not more than 50% demolished.

Councilman Flowers: The Assessor went down there and reassessed your property. Remember? According to the Codes if you have more than a 50% loss you are out of the Grandfather clause. You have to start the whole process all over again. As we explained to you. The first nine steps is all the information you have to have and you have to go to the Zoning Board of Appeals for a Hearing. That is the only way you can get started on this. You are not going to be able to say that this is what I am going to do and then do it. We have to follow the Codes for the State Of New York and the Town of Boston.

Mr. Dzierzanowski: If you're so concerned about my building what about the other buildings that are not cleaned up yet?
That burnt five years ago. Why is everyone so hard on me? Mine only burnt three months ago. Can't I have at least a year to clean up so I can save some of the stuff I lost?

Councilman Flowers: According to the Code you have thirty days.

Mr. Dzierzanowski: Some people have had seven years and it isn't cleaned up yet. What about the building down by the bridge?

Councilman Flowers: That's next on the list.

Mr. Dzierzanowski: Give me time to clean it up. I need time to fix it up the way you want it. I got the survey. I have an environmental assessment that you just handed me today. I should have gotten this when I got this letter. This environmental assessment stuff. I called three different assessment companies and they didn't know what I am talking about. Finally I called a local one and she said the Town Code Enforcement Officer should have given me one. I just got it today. I had no idea what it was for and they didn't either.

Councilman Flowers: If you have a problem, why didn't you call us or the Code Enforcement Officer?

Town Attorney Reilly: Mr. Dzierzanowski, you indicated you have an Attorney representing you. Who is representing you?

Mr. Dzierzanowski: I have talked to two different ones. I have no one representing me yet. Mr. Attea is one. The other I don't want to divulge at this time.

Town Attorney Reilly: If you get to the point that you do retain an Attorney, would you inform the Town Board that you have a representative?

Mr. Dzierzanowski: Yes I will.

Supervisor Kennedy: I have two other correspondence that relates to this matter. A memo from Code Enforcement Officer Santonocito stating that as of June 10, 1994 she has not received any applications for the Zoning Board of Appeals or any correspondence from Mr. Dzierzanowski regarding his application to the Zoning Board of Appeals.

A letter was received from Mr. Dzierzanowski dated June 14, 1994 stating that on March 11, 1994, the building he owns at 6710 Mill Street was partially destroyed by fire. Prior to the fire it contained five apartments including his residence, a store front, automobile repair shop and machine and carpenter shop. He intends to restore the building to its use prior to the fire with no change.

Supervisor Kennedy: Under the circumstances Mr Dzierzanowski, and without objection from the Town Board, I would direct the Town Attorney to work in conjunction with the Town Engineer to determine what sections of that building need to be razed or destroyed and to be cleaned-up. You will be notified of that and given a specified amount of time in which to take care of that. Bob Pettit, the Town Engineer will work with the Town Attorney. We have already had an inspection made by Mr. Pettit at which time he provided us with photographs and indicated to us certain sections of the building that should be razed, torn down or destroyed. Certain sections have to be cleaned up in order to determine further extent of fire damage. What constitutes a hazard will be outlined in a letter that is drafted to you with a specified time to give you an opportunity to clean it up. If it is not done then this Board will have to take whatever action is appropriate cognizant with the law to enforce it. We would like to see it resolved without any legal action.

Supervisor Kennedy: We have to respond to the letter from John and Nancy McCall we received as Board Members because a response was requested within seven days. We will inform her that we have put the matter in the hands of the Town Attorney in conjunction with the Town Engineer to develop a criteria for what we feel is unsafe and needs to be taken down. We will inform her that Mr. Dzierzanowski has been notified and under the provisions of the law he has an opportunity to meet with the Town Board. A meeting date will be scheduled within the framework of that letter.

Town Attorney Reilly: The procedure. I take it I am now instructed to activate that procedure.

Supervisor Kennedy: Without an objection from the Board I would say that is what we have decided.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to reschedule a Public Hearing for a request to rezone the property at 9720 Zimmerman Road, to July 20, 1994 at 8:00 P.M.

five (5) Ayes Carried

Supervisor Kennedy: I have had a number of inquires from people residing on Back Creek Road who have extremely low water pressures. I will try and give a report a this meeting so that everyone is aware of the situation that has taken place and the reasons why they have such low pressures. During the winter a portion of the water line washed out behind Rucker Lumber. It carries a 8" water main from the pump station behind the telephone office to Rice Road and then distributes it up and down Rice Road in both directions. Erie County Water Authority was under the impression it was just one line where they had a water leak so they shut the valves off that control the water flow in this particular section. When people called they explained that as soon as the weather permitted they would be fixing the line. Under the lease and management agreement we have with the Erie County Water Authority, if there is a leak in the water lines, they normally take care of them. The Town becomes involved when a large section of the line washes out or something destroys it. We have an obligation as the owners of the lines to assume that responsibility to our own respective water districts.

The Erie County Water Authority never notified the Town. The first indication I had was five weeks ago when a resident informed me the pressure was low and when he contacted the Erie County Water Authority he was informed it was the Town of Boston's responsibility. I called the engineer at the Erie County Water Authority. They examined it and found a large section of water line that had washed out in high waters and flood waters this spring. It would require reconstruction of 300 feet of water line in order to put it back in service. We have determined that it has to be replaced as soon as possible. When we examined this water line crossing we discovered there were other crossing in the Town of Boston that also have major problems. One is Hillcroft Drive, Trevett Road and one is in the ditch near Sprague Trailer Park.

Supervisor Kennedy read a site-by-site analysis from the Erie County Water Authority on the Boston Water District #1 Creek and Ditch Crossings.

Supervisor Kennedy: It is unfortunate that we are just now officially notified of problems behind Rucker Lumber. We could have been addressing that quite some time ago. We are going to ask for a request for proposals. We have to acquire a right-a-way behind Rucker Lumber before we can proceed. We will ask for a request for a proposal under emergency situations from at least three reputable contractors provided us by the Town Engineer. We will select the lowest responsible bid. I would like authorization

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Supervisor Kennedy (Cont.): from the Board and when that is forthcoming I will relay that information to them and a polling of the Board will be sufficient because there isn't another Town Board meeting until July 20, 1994. This has to be done immediately. We received information from Bob Pettit, Town Engineer, on the installation of Gabion baskets in the creek at Trevett Road and I will declare an emergency if needed to go into the creek without a permit and repair that line. We can't afford to have that 12" line from Brown Hill Tank go out and we will lose all the water we have in the Town of Boston.

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter to authorize Supervisor Kennedy to Poll the Town Board when requests for proposals are received from three reputable contractors on needed repair work to the water lines.

five (5) Carried

Received and filed a recommendation from Municipal Insurance Consultants to change from UCIC Insurance Company to PERMA Insurance Company immediately.

Supervisor Kennedy directed Town Clerk Shenk to schedule a meeting with Brian Baty of Municipal Insurance Consultants and the Insurance Committee and make sure there is no interruption in the Town's liability coverage prior to the meeting. We see no alternative at the present time other than to go with PERMA, we are going to explore the legal ramifications with the Town Attorney and see if we can recoup monies from paid premiums.

Town Attorney Reilly: I would need a copy of the contract so I can review it.

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport to authorize Supervisor Kennedy to enter into an insurance agreement if need be, prior to the insurance meeting.

five (5) Ayes Carried

Kay Falkides, Boston Hill Estates: On behalf of the residents in the manufactured homes communities in this town. I object to the process of inspecting mobil home communities. I know it is required by your law and I know you are following that law but I object to that law on their behalf. I think it is discriminatory and I would like to know what other form of housing or what other form of business in the Town of Boston is inspected annually? It is very degrading.

Supervisor Kennedy: I will accept your comments although it is done in other municipalities. They have inspections also. I am not going to say under the provisions of the law that it is not able to be done because I think it is.

Kay Falkides: I would like to go on record as requesting the Town consider changing their law before someone takes legal action some point in the future. It is very discriminatory and there is nothing to be gained from an inspection. Last year when the Town Board inspected our mobil home park, you all came through and you were measuring height of stairs on the back doors of our peoples homes. In the whole park you found three that didn't meet the eighth or quarter inch height requirement. I just want to say there isn't any other form of housing in this Town that you go and check that closely.

Supervisor Kennedy: I don't agree with you. I think on New York State Building Codes there are very stringent requirements on what is required on fire exits in a regular house.

Kay Falkides: But you don't make annual inspections.

Supervisor Kennedy: They're inspected at the time they are constructed by the Building Inspector to conform to the New York State Building and Fire Codes. We don't issue permits where we inspect the construction of your facilities or how they are placed on the lots until they are actually on there. It is a different situation when you lay a foundation and build a house and you get a Certificate of Occupancy.

Kay Falkides: We do get a Certificate of Occupancy.

Supervisor Kennedy: I understand that. When you take out a mobil home and you put another unit in there we don't have any discretion as to what you've done until it is actually put in there. We have no way to determine how it was put in there unless we make an inspection.

John Falkides, Boston Hill Estates: The question is, what other entity in this Town is required to obtain an annual license at a fee and be inspected by this Town? The answer to the question, if I may, is the companies that pay garbage here pay a flat fee of one hundred dollars a year, and they don't have any inspection, that's it. There is to my knowledge, other than the manufactured housing communities, no other entity in this town that is inspected by this Town. Nor licensed by this Town. There are restaurants, saloons, barber shops, they are inspected by Health Departments, the State, and the State Liquor Authority. No other entity in this Town is inspected by this Town. No other entity in this Town has to buy a license from this Town every year. Is that not correct?

Supervisor Kennedy: You've done the research so I will take your word for it. Are you saying that this is the only municipality that charges a fee? I'm asking if you feel you are being discriminated against, singled out as one entity within this community? This takes place in many communities and I wanted you to answer that.

John Falkides: Let me rephrase the question. Is there any other entity in this Town, inspected every year by this Town, and sold a license every year by this Town, to continue operation?

Supervisor Kennedy: You are probably correct. You have made your point. You feel the inspection fee and the inspection schedule is being discriminatory toward your residents. I do not know about other entities in this Town. You did the research. I feel it is justifiable in many communities not just Boston. There are a lot of differences and if you would like I will outline them in a letter to you. I will show you the differences between modular homes that are rental units and those that are permanent structures in the community. How they are taxed and assessed and we will make that determination and you can show me the differences in mobil home units and the construction of your own roadways. I'll write you a memo on this and then you can write me your criticisms.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to reschedule the Mobil Home Park Annual Inspections to June 24, 1994, Sprague Park at 6:30 P.M. and Boston Hills Homes and Estates at 7:30 P.M.

five (5) Carried

SUPERVISOR REPORT

Supervisor Kennedy: I solicited three bids to build the fishing dock. I asked Al Kumet, he wasn't interested. Robert Karcher's bid was $1,488.79 and Henry Construction bid was $1,875. My recommendation is we award the bid to the lowest bidder, Karcher at $1,488.79 as part of the Park Project.

REGULAR BOARD MEETING — TOWN HALL
JUNE 15, 1994 — 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to award the fishing pier contract to Robert Karcher for $1,488.79.

five (5) Ayes — Carried

TOWN CLERK REPORT

A motion was made by Councilman Davenport and seconded by Councilman Flowers to accept the Tax Collector's monthly report for May 1994.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter to grant permission for Deputy Town Clerk Karen Ellis to attend the Annual DEC Licensing Issuing Seminar on June 30, 1994 from 9:30 A.M. to 12:30 P.M. in Hamburg and for Town Clerk Shenk to attend the Annual DEC Licensing Issuing Seminar on July 1, 1994 from 9:30 A.M. to 12:30 P. M. in Salamanca. All appropriate expenses to be paid.

five (5) Ayes — Carried

Town Clerk Shenk: I will be on vacation from June 20, 1994 through June 24, 1994. I will be on my Annual Training for Reserves from July 6, 1994 through July 19, 1994.

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to grant the Mulawaka Scholarship Fund Committee use of the Lions Shelter on June 18, 1994 from 6:30 P.M. to 11:00 P.M. for the second Annual golf outing to raise money for the children of deceased Robert A. Mulawaka. A Certificate of Insurance has been supplied.

five (5) Ayes — Carried

HIGHWAY SUPERINTENDENT REPORT

Superintendent Ruchalski: I would like to request authorization to put out specifications for bid for one 4 X 4 truck chassis. This truck would replace 1979 International 4 X 4 winter truck. The new truck would be designed for summer and winter use whereas the truck it is replacing is 16 years old and a winter truck. I would also like to request authorization to put out specifications for bid for a front hitch for the new truck and to include a plow wing and a spreader box and all hydraulics. We are looking at approximately 180 days delivery so we won't see this until 1995 if I can award the bid at the July 20, 1994 meeting.

Supervisor Kennedy: You mean it won't be delivered until 1995?

Superintendent Ruchalski: I can't see it coming in before January and the estimated cost is approximately $100,000. With a trade-in of approximately $10,000, I'll say $90,000. I would like to put in the bid the way I requested but if I can I might be able to drop the plow and wing and use the existing one I have.

Councilman Flowers: Are there any State bids for these trucks?

Superintendent Ruchalski: No.

Town Clerk Shenk: When would you want the bid opening and when would you have the documents available for me?

Superintendent Ruchalski: July 13, 1994 for the bid opening and the bid documents will be ready June 24, 1994.

REGULAR BOARD MEETING — TOWN HALL
JUNE 15, 1994 — 7:30 P.M.

HIGHWAY SUPERINTENDENT REPORT (CONT.):

Supervisor Kennedy: I don't have a problem as long as this is delivered in 1995 and we don't start paying until 1995. I would rather have an opportunity to budget this money.

Superintendent Ruchalski: I don't know if the truck we have now will complete another winter.

A motion was made by Councilman Flowers and seconded by Councilman Davenport to allow the Highway Superintendent to develop Bid specifications for publication and to include in the specification that delivery will not be before January 1995 and the bid opening will be July 13, 1994 at 1:00 P.M.

five (5) Ayes — Carried

TOWN ATTORNEY REPORT

Town Attorney Reilly: The NYSEG lawsuit pre-trial scheduled for June 20, 1994 has been adjourned until August 29, 1994.

In Slattery vs. the Town of Boston I have some good news. This is a case in which Lois Slattery contested the Town's abandonment of a portion of the Dunn Road right-a-way. There was an intervener in this case, Mr. Bronstein. Slattery wanted to have the abandonment of the right-a-way rescinded and Bronstein supported the Town's position. The plaintiff's Attorney has entered into a stipulation of discontinuance that has been signed by the Attorneys for all three parties. I would anticipate that it would be filed by the end of this week and that would be the conclusion of this lawsuit.

COUNCILMAN REPORT

Councilman Flowers: I attended the County Tax auction and TNT Battery has a new owner. I have the name and address of the new owner and I passed it on to the Code Enforcement Officer who has written a letter to them asking that the property be closed up and secured. We are waiting for a response.

I contacted Jean O'Connell for funds for the update of the Disaster Plans and as of now I was informed there are no funds available for the update. She will continue to look.

Councilman Walter: Lower East Hill Project is still on hold. I talked with the contractor this week and there is a lot of wash-outs of the culverts and he felt as if he didn't have to repair them. I told him that if he didn't I would check with his supervisor and the Town Highway Superintendent. We would repair them ourselves and back charge him at the rate of $150 to $200 per hour. The following morning he was up there repairing all the culverts. These people seem to think we are going to go along with the mess up there. The people are up in arms. We want it done. There is nothing we can do at the present time but hope the workers move in the near future.

South Boston Park looks real good. A lot of work has been done down there. Supervisor Kennedy and Superintendent Ruchalski have done a lot with the Parking area and with a joint effort it has turned out to be a nice looking job.

Councilman Davenport: The Creative Playground at the Boston Valley School is going to be checked for any weeds and will be power washed. The kids are sanding this week. It will be treated to preserve it for another year. Recreation Director, Marilyn Clesse talked to the Director of Senior Citizens, Dolores Suefert, regarding the collection taken at the concerts for the past two years. This was for the benefit of football and the cheerleaders but because of all the complaints this practice will be stopped.

REGULAR BOARD MEETING — TOWN HALL
JUNE 15, 1994 — 7:30 P.M.

COUNCILMAN REPORT (CONT.)

Recreation Director Clesse: I would like to ask Councilman Walter to make the contractor of the Lower East Hill project aware that after the closing of the school season we will be having children picked up on that street with school busses. If it is not possible to run the busses we could arrange to have the children brought down but it would be a hardship.

Councilman Walter: The roads will be open. The school bus will be able to pass.

Recreation Director Clesse: Soccer has increased to 245 participants . In an effort to alleviate overcrowding in the fields at the Town Hall, we have reserved the soccer fields at the Boston Valley school through HPER Hamburg schools. Our concern is if we are covered by Town Insurance.

Supervisor Kennedy: I am almost sure we are covered but we will check for sure.

Recreation Director Clesse: There is an adult Volleyball group beginning next week at the South Boston Park and anyone interested may contact Barbara Cudeck.

CODE ENFORCEMENT REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to grant a Temporary Certificate of Occupancy to Sandra J. Yokota and Richard B. Bankert of 4786 Enser Road, Mr. Angelo Castriconi Sr. of 6030 Old Pfarner Road and Susan Hanley of 8030 Cole Road.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport to adjourn the meeting at 9:18 P.M..

David J. Shenk

David J. Shenk, Town Clerk

REGULAR BOARD MEETING — TOWN HALL
JULY 20, 1994 — 7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman Peter A. Walter, Supervisor Richard L. Kennedy, Town Attorney Michael E. Reilly and Highway Superintendent Eugene E. Ruchalski.

Absent: Councilman Josephine M. Davenport.

Reverend Richard Siemann opened the meeting with a prayer.

A motion was made by Councilman Flowers and seconded by Councilman Walter to accept the corrections and adoption of the minutes of the June 15, 1994 regular monthly meeting.

four (4) — Carried

A motion was made by Councilman Walter and seconded by Supervisor Kennedy that the General Fund and Special District Bills on Abstract #7, dated July 20, 1994 in the amount of $166,656.55 be paid.

four (4) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers that the Highway Bills on Abstract 7, dated July 20, 1994 in the amount of $26,484.90 be paid.

four (4) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by to Councilman Walter to accept the Town Clerk's monthly report for June 1994.

four (4) Ayes — Carried

Received and filed a Certificate of Final Special Franchise Assessments from NYS Board of Equalization and Assessment.

Assessor Kleis commented that the Town of Boston assessments have increased $30,000.

Received and filed a NYS Dept. of Environmental Conservation Permit for Thomas Coyne, Wildwood Drive property, to re-align approximately 400 feet of Irish Gulf Stream, install medium quarry stone riprap at two locations, build a single family dwelling and necessary back yard grading.

Received and filed a letter from Assemblyman Francis J. Pordum regarding the budget for the new fiscal year and State Aid.

Received and filed notification from NYS DOT of the Legislature agreement on the Local Street and Highway Improvement Progran (CHIPS) for SFY 1994-95.

Received and filed notification from the NYS Comptroller that the State Legislature has passed and the Governor has signed for the payment of State General Purpose Revenue Sharing (GPRS) to cities, towns and villages.

Received and filed a request for paving of town rural roads from John and Donna MacMillen of 8829 Rockwood Road.

Highway Superintendent Ruchalski: After receiving this letter I checked Rockwood Road and found the road to be in fair condition. There are no potholes or breaks and we did hot patch the road. As far as a complete repaving, it is on the list but I don't see it for this year or next year. There is a hill across from Winkelman Road that is scheduled to have paving done.

REGULAR BOARD MEETING — TOWN HALL
JULY 20, 1994 — 7:30 P.M.

Supervisor Kennedy: I've had a question from Mr. Clark where they backed a trailer in, has that been fixed?

Highway Superintendent Ruchalski: Yes. The shoulder is in fine shape. The private property has not been fixed. We will get on Rockwood Road. I would love to pave all the roads in town but with the funds not there we just can't do it. We have to set priorities on the roads and there are roads worse than Rockwood. I stopped at Mr. & Mrs. MacMillen's home but they were not home. I will talk to them and tell them of cur plans.

Received and filed verification of receipt of NYS DOT Easement Request Reply - Southern Tier Expressway Property.

Supervisor Kennedy: We contacted the NYS DOT to see if we could utilize part of the easement for the 219 extension for a turn-a-round on Johns Terrace.

On July 1, 1994, bids were received from three (3) waterline contractors for work on the emergency repairs as follows:

	SITE 1	SITE 2	SITE 3	
CONTRACTOR	RUCKER LUMBER	TREVITT RD.	IRISH GULF	TOTAL
Kandey Co. Inc.	$11,772.00	$2,193.00	$2,529.00	$16,494.00
Visone Const.	$10,570.80	$4,950.00	$3,900.00	$19,420.80
Mar Wal Const.	$17,928.00	$5,700.00	$4,100.00	$27,728.00*

*Deduct $3,000.00 for award for three sites.

Supervisor Kennedy: At the June 15, 1994 Town Board Meeting I was given authorization by the Town Board to enter into a contract with the low bidder recommended by the Town Engineer. I would like to have the Board officially approve this bid.

A motion was made by Councilman Walter and seconded by Councilman Wohlhueter to award the Emergency Waterline Repair Contract to Kandey Company, Inc. for the three sites for a total of $16,494.00.

four (4) Ayes — Carried

Supervisor Kennedy: Work has been progressing on those three contracts. We had to repair the water line in Irish Gulf where it crosses before you enter Patchin by the Mobile Home Park. We had water lines to install behind Rucker Lumber. We have acquired an easement from Mr. Rettig, 9184 State Road, to install 300 feet of line behind there and also to repair the water line where it crosses the twelve inch main that comes from the Brown hill tank and services the whole hamlet of Boston. Kandey Co. has completed the Irish Gulf installation. They worked in conjunction with the Water Authority and finished today. They proceeded to the Trevett Road side. That should be just about finished so that all that will remain of these three contracts will be the waterline that has to be installed behind Rucker Lumber. I thank the people who have patiently been awaiting the reconstruction of these lines. On Back Creek Road there has been severe shortages of water up to those properties that abut the hill. We have been working as expeditiously as possible and I thank you for your patience.

Received and filed notification from ISO Commercial Risk Services, Inc. (CRS) of an upgrade in Fire Insurance Protection Classification.

Received and filed notification from Erie County Legislature, Frederick Marshall of a Mobile Assistance/Project CARE program and Resource Fair for the Rural Elderly & Their Caregivers, on July 29, 1994 at the North Collins American Legion Post.

REGULAR BOARD MEETING
JULY 20, 1994

TOWN HALL
7:30 P.M.

Supervisor Kennedy directed the Town Clerk to give Dolores Seufert, Senior Citizens Leader, a copy of this notification and noted that it is posted on the Town Hall bulletin Board.

Received and filed Resolution Number 103 from the Town of Wales requesting the 1% increased sales tax revenue be distributed to the local municipalities of Erie County.

Received and filed notification from Frank Bonuito, President of the Boston Garden, Inc. that per the requirement of the State Liquor Authority, a Liquor License has been applied for, to operate the Boston Garden located at 7115 Boston State Road.

Received and filed the Erie County Sheriff's Monthly Report for May 1994.

REQUESTS FROM THE FLOOR

Ronald Yormick, 6390 Deanna Drive: Pertaining to the land at the end of Deanna Drive, I would like to know if there has been anything directly or indirectly said to the Town Board Members pertaining to anything that is to be done or planned at the end of our street?

Supervisor Kennedy: I have not had any information at all relative to that matter directly or indirectly.

All Councilman and Town Attorney responded likewise.

James Gastle, 6573 Rice Road: I would like to submit a petition signed by 153 residents of the Town of Boston:

PETITION

We the undersigned request that the deplorable field conditions at diamond #1 be rectified. The conditions include numerous bumps, holes and a general unleveled playing surface. These conditions do not allow our children to engage in fair and equitable baseball competition. Repeated requests to the Parks Department over the last few years have gone ignored. We believe that the Parks Department should be placed under the control of the Highway Department to better serve the needs of Boston residents.

Supervisor Kennedy: Who were these requests made to?

James Gastle: I'm going on heresy but I believe one request was made of you Mr. Kennedy.

Supervisor Kennedy: I was approached once to have some kind of lip cut down.

James Gastle: Wrong diamond.

Supervisor Kennedy: I had Mr. Pfarner look into any written communication he received from Jerry Lindsey. He gave me three communications that he received. One, 5/12/94, about leveling off the pitcher's mound on diamond #1. That was done on 5/13/94. The second, for diamond #3, 6/3/94. That was done. The third one was to move the batters circle on diamond #3 etc. and he did everything but supply the requested light because that is Leo Jensen's, Town Hall Laborer, job. The problem we have here is communication. The Parks Department is responsible for the Creative Playground at the North Boston Elementary School. Cobble Hill Cemetery has to be maintained, the Commuter Parking Lot, the State Police property, North Boston Stadium, South Boston Park, the Town Park including the trail system, the Boston Green, all installing, changing and painting of signs, pick-up of food for distribution, and flag installations.

Supervisor Kennedy: I am proud of what they have accomplished with a minimal crew. Baseball seems to be the only program we have problems with. We try and make the diamonds the best we can with the resources we have. Outside of the General Fund government expenditures, the biggest single item we have in the budget is for Parks and Recreation. We budget $55,000 for the Parks, $11,000 for Play and Recreation centers, $88,000 for the Youth Program for a total of $154,000. This total doesn't include monies for celebrations and other items that take place within the Park. We can make the diamonds major league if that is what they want.

James Gastle: Diamond #1 has been neglected for at least three years.

Supervisor Kennedy: Why don't you write me a letter of what you consider to be the real problem with that diamond and I'll submit it to Mr. Pfarner. I can then undertake to see if he makes those corrections or why those corrections can't be made.

James Gastle: Again I'm talking on heresy but I believe Mr. Pfarner was approached and the problem is, that over the years, they keep throwing dirt on the bases. Those areas are elevated 5 to 6 inches so there are humps because time wasn't taken to scrape them down. I understand the Parks Department doesn't have control of the Highway Department equipment to scrape the mounds. I understand the Parks Department not having the equipment to do it, refuses to do it, and the Highway Department is not allowed on the diamonds because it's not their area. As a taxpayer I look at this as childish. If we are spending $154,000 a year, the diamonds should be at least in safe playing condition. Mr. Lindsey, who knows more about this than I do, has told me he has asked repeatedly and that he spoke to you and things just don't get done. We are talking about a 5 or 6 inch elevated area on the bases where someone could get hurt if you get a ball bouncing the wrong way. I don't believe the kids safety should be at risk. It's a condition that should be addressed and the Highway Department should work with the Parks Department. It's a reasonable request that has been made numerous times. People in the baseball organization have conferred that on me and I am here to voice it.

Supervisor Kennedy: I received a letter today requesting electricity in the diamonds so they can have an electric machine to pitch balls.

James Gastle: Let's take care of the conditions of the diamonds first. Can we move on this?

Highway Superintendent Ruchalski: I would like to make two corrections. The Parks Department has control of our equipment anytime they wish to use it. You are correct in that the Highway Department is not allowed on the diamonds. NYS Highway law states my funds have to go on Town highways. I would need authorization or funding by the Town Board to go on Parks.

Supervisor Kennedy: I would recommend the Town Board review this petition and establish better communication between the baseball organization and the Town Departments responsible for taking care of the diamonds.

Councilman Wohlhueter: This is a small diamond and I don't know if anything can be done this year because the baseball season is drawing to a close. Next year it should be scraped and it won't cost a lot of money or time so I think with the help of the coaches and the Town Government we can get this done.

REGULAR BOARD MEETING
JULY 20, 1994

TOWN HALL
7:30 P.M.

At 8:12 P.M. a Public Hearing was held regarding the rezoning Patrick Higgins property, 9720 Zimmerman Rd, from R-A to M-2. Supervisor Kennedy read the legal notice. Notification was sent to 23 neighboring property owners, including Erie County Forest Land Bureau of Forestry. Notification included a copy of the legal notice, Assessor's map and letter of intent.

The recommendation from the Boston Planning Board was denial. The recommendation from the Town Planner was denial with following reasons:

1) The Town Master Plan indicates the area to remain low density residential/agricultural in character.

2) The area to be mined of topsoil is adjacent to public recreation facilities and not compatible with existing uses.

3) The request is so site and use specific and not of town wide benefit that it would be considered "spot zoning" for the benefit of one individual.

Supervisor Kennedy convened the Public Hearing.

Town Clerk Shenk: The Commercial Zoning sign was placed on the property.

Robert Kester, 5677 Feddick Road: What latitude does this give Mr. Higgins if his property is rezoned commercial? What can he do on it?

Supervisor Kennedy: The only way he can have a Soil Removal Permit to remove that amount of soil is to have his property rezoned to M-2. After removal of the soil, his property would revert back to R-A. I will ask the Town Attorney but I believe it has to be zoned M-2 to have a mining permit.

Town Attorney Reilly: That is correct.

PUBLIC NOTICE
TOWN OF BOSTON

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Boston, Erie County, State of New York, will hold a Public Hearing on the 20th day July, 1994 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 which is currently zoned Residential-Agriculture District (R-A) to General Industrial District (M-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, and being part of Lot No. 23, Township 8, and Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the center line of Zimmerman Road, 2066.27 feet north of the center line of South Feddick Road, as measured along the center line of Zimmerman Road, and running thence west parallel with the center line of South Feddick Road and the south line of Lot No. 23, a distance of 963.92 feet; thence north 705'40" east, a distance of 605.53 feet to the south line of lands conveyed to the County of Erie by a deed recorded in Erie County Clerk's Office in Liber 7424 of Deeds at page 381; thence easterly along the south line of said lands so conveyed to the County of Erie and continuing easterly along the south line of lands conveyed to the Boston Valley Conservation Society by a deed recorded in said Clerk's Office in Liber 6267 of Deeds at page 327, a distance of 960.58 feet to the center line of Zimmerman Road; thence south along the center line of Zimmerman Road a distance of 598.29 feet to the point or place of beginning.

AT THIS HEARING, at the time above noted, all interested parties will be heard for or against said petition.

Dated: June 29, 1994
Published: July 7, 1994

BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK
7-7

Robert Kester: Why would you have to remove a foot of topsoil for landscaping?

Patrick Higgins, 9720 Zimmerman Road: I am trying to remove soil as a trade to help pay for the digging of the pond, and the landscaping of the property. I will be leaving at least six inches of topsoil as required by the DEC. I spoke with NYS Soil and Water Conservation Bureau authorities and they didn't see any reason why it would affect anything else including the water table. We are doing this strictly for recreation and enjoying our property. We have anywhere between 12 and 18 inches of clean topsoil throughout the property. The DEC permit requires a minimum of 6 inches of topsoil be left on the property. They regulate it. I have tried to follow every rule and law as much as I could and applied for this permit and did my research to make sure it would not adversely affect my property because I just built a house there. I have checked with people who know the property and authorities at the Soil and Conservation Dept.

Karen Inman, Zimmerman Road: Are you planning on stripping the entire 13 acres?

Patrick Higgins: Yes.

REGULAR BOARD MEETING TOWN HALL
JULY 20, 1994 7:30 P.M.

Public Hearing (Cont.)

Karen Inman: How much will you be paid for this topsoil?

Patrick Higgins: Most contractors work it out in trade by re-landscaping the property. We haven't figured it out yet.

Karen Inman: Why do you need to remove the soil? Wouldn't it be possible to dig a pond without rezoning the property? You need to dig deeper than 18 inches for a pond.

Ken Gliwa, 6415 Pfarner Rd: If you are digging a pond you need soil to make banks.

Patrick Higgins: My property isn't sloping. You need a permit to take soil off the land.

Ken Gliwa: I can't see why you would tear down all the trees.

Patrick Higgins: There are no trees, just fields. I am doing this to landscape, grow trees and put in a pond to enjoy my property.

Robert Kester: My questions on zoning have been answered but I just want to add that, to my knowledge, there is not one and a half feet of topsoil on that land.

Patrick Higgins: There has to remain a minimum of 6" of topsoil on the land and it is inspected very closely by the DEC.

Karen Inman: There will be lots of traffic on the road with all the trucks.

Patrick Higgins: If there is 18 inches of soil removed there will be around 200 trucks.

Martin Huber, 9800 Zimmerman Road: I have some concerns as to the trucking back and forth and all the noise of the shredding.
How long will all this be going on?

Patrick Higgins: The trucks will be going the opposite of you and the soil removal will go very quickly. The shredding will not be done on my property. They will haul it away and shred it at their site. This has to be completed in one summer.

Nancy Lemieux, 5948 Pfarner Road: Is this for sure that it is temporary?

Supervisor Kennedy: The only way he can take soil out is to rezone the property.

Nancy Lemieux: Is it just his section or is it all of our property to be rezoned?

Supervisor Kennedy: It is just his property. I don't think it is our business what compensation he will receive. Mr. Higgins, do you want to comment on the denial of the Planning Board? The Town Board puts weight on their conclusion because they take a lot of time to evaluate the situation before they submit anything to us.

Patrick Higgins: The Planning Board never gave me a reason for the denial. We were there four different weeks and one concern was wells. I checked with other authorities and it was determined that removing a foot of topsoil will not affect other wells. Unless someone had a short spring well. The authorities don't believe there are any on top of the hill. That was the only thing they kept going back on, was the wells.
I researched that as much as I could. I spent a lot of time in libraries trying to find out how water tables and wells work. Everything in there says it works from seepage.

REGULAR BOARD MEETING TOWN HALL
JULY 20, 1994 7:30 P.M.

Public Hearing (Cont.)

Patrick Higgins: Anything on the surface wouldn't affect the water table. I don't know if that's the reason they turned me down other than the on spot zoning. The DEC investigates very closely. That's their job. If they thought it would affect other properties they would deny the permit. Then it would revert back to the R-A Zoning. I would think that what I'm doing would increase property values.

Martin Huber: What was the concern about the water table?

Patrick Higgins: I have checked with all the people involved. They did a cold spring study. They do intense studies.

Celeste Jones, Planning Board Member: I talked with Mr. Taft, of the DEC in Olean, and he stated the DEC studies are incomplete. Jo Ann, did you check the depth?

Patrick Higgins: Yes they are incomplete.

Code Enforcement Officer Santoccito: I checked the Erie County Soil Survey book and the ground water is at a depth of anywhere from 1/2 foot and deeper.

Celeste Jones: You are next to a wetland. According to the DEC Wetlands map you are right next to a wetlands area.

Councilman Flowers: I took the lot dimensions from your plan of 598 feet times 963 feet, and came up with a calculation of 22,700 yards of material. Rounding it out to 23,000 yards comes out to 1,500 truck loads. This troubles me. Instead of 200 trucks we are talking in the thousands. Zimmerman road can't take a pounding like that. The County won't fix it. No where in the package I have in front of me does it say you want to put in a pond.

Patrick Higgins: The recommendation from the DEC said to leave any ponds off the reclamation plan because the reclamation plan does not require a pond to be dug. If I did put a pond on the reclamation it would have to be the exact size. A pond can be dug without a permit. To remove soil I would need a permit.

Councilman Walter: If there is any runoff whatsoever you have to have a permit. They want to know what you stocked that pond with. Before you build a pond you need a permit from the DEC.

Patrick Higgins: I was told from the DEC that you can dig a pond as long as it is not banked or bermed or holds more than a million gallons of water. You do not need a permit whether you have a run off or not. I can dig down as deep as I want. Again that is not the issue here. The issue is whether my property can be rezoned to meet my DEC permit requirements.

Resident: Usually when you get a permit or build something you have to get some sort of a bond. Is that the case here?

Patrick Higgins: There is a $27,000 bond that is required by the DEC for the permit.

Supervisor Kennedy: I don't think there are any requirements for bonding the roads. They claim that's what the roads are there for.

Patrick Higgins: It is a one mile stretch from my house to Rice Road. That is the road they will travel to get on the thruway.

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to close the Public Hearing at 8:50 P.M..

four (4) Ayes Carried

TOWN OF BOSTON

TOWN OF BOSTON

RESOLUTION 1994-16

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 20th day of July 1994 at 7:30 P.M. Eastern Standard Time, there were:

Present:	Richard L. Kennedy	Supervisor
	Mark W. Flowers	Councilman
	Peter A. Walter	Councilman
	Don A. Wohlhueter	Councilman
Absent:	Josephine M. Davenport	Councilman

Supervisor Kennedy presented the following resolution and moved its adoption:

NOW THEREFORE:

BE IT RESOLVED, that the Town of Boston purchase and install a fire hydrant located on Boston Cross Road opposite the Hesse property. Which is located at 7042 Boston Cross Road and be it

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

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

Supervisor Kennedy	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye
Councilman Davenport	Voting Absent
Councilman Walter	Voting Aye

AYES: FOUR (4) NOES: NONE (0) ABSENT: ONE (1)

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETINGTOWN HALL
JULY 20, 1994 7:30 P.M.

A motion was made by Councilman Walter and seconded by Councilman Flowers, on the recommendation of the Planning Board and the Town Planner, to deny the request of Patrick Higgins to rezone 9720 Zimmerman Road from R-A to M-2.

four (4) Ayes Carried

RESOLUTION 1994 - 16 INSTALL FIRE HYDRANT BOSTON CROSS ROAD

At 10:00 A.M., June 20, 1994 bids were received, opened and publicly read aloud for the Tennis Court Repaving Project. The two bids received were as follows:

Louis Del Prince & Sons, Inc.	$25,692.00
American Paving and Excavating, Inc.	$32,450.00
Engineer's Estimate	$30,000.00

TVGA Engineering, Surveying, P.C. has recommended Louis Del Prince & Sons, Inc. (low bidder).

On June 21, 1994, Supervisor Kennedy, with prior authorization from the Town Board, and after review by Town Engineer Pettit of TVGA Engineering, awarded the contract for the Tennis Court Repaving Project to Louis Del Prince & Sons, Inc. for $25,692.00.

A motion was made by Councilman Flowers and seconded by Councilman Walter to authorize Supervisor Kennedy to sign the contract for the Tennis Court Repaving Project awarded to Louis Del Prince & Sons, Inc. for $25,692.00.

four (4) Ayes Carried

four (4) Ayes Carried

Referred a letter from Maurice J. Emerling requesting the zoning of the entire Emerling Chevrolet property including the Crotty portion to be amended to read C-2, to Town Attorney Reilly for review and to set a meeting with Supervisor Kennedy, Mr. Emerling and the Town Attorney.

Received and filed a letter from Mr. & Mrs. John Witka, 9046 Boston State Road requesting denial of the Emerling request to re-zone the former Crotty property.

Supervisor Kennedy: We are going to meet with Mr. Emerling to discuss what took place before and to look up the records because I believe there was a portion of the land that was sold to you (Mr. & Mrs. J. Witka) that was formerly B-1. There was a 30 foot buffer zone between your driveway and the Emerling property line that was a green space. We will look up those records.

Kathleen Witka: If you rezone that property why does the map show that it is zoned R-C? In order to change that map it has to go before a zoning hearing.

Supervisor Kennedy: That is correct and you will be notified.

Kathleen Witka: You are saying it has already been rezoned.

Supervisor Kennedy: We are talking prior to the zoning that is now in effect. New zoning regulations and classifications were adopted four years ago. Prior to that time there was only one classification for business within the Town of Boston, B-1. The entire Emerling property at that time was zoned B-1. When he sold the Crotty property to you he zoned a portion of that B-1 also. This is prior to the zoning. Since we adopted new zoning regulations his property now became C-1 and that small portion there instead of being C-1 also was zoned R-C.

REGULAR BOARD MEETING
JULY 20, 1994

TOWN HALL
7:30 P.M.

John Witka: He zoned that property B-1 after I bought my house?

Supervisor Kennedy: Before you bought your house. I am talking about the prior zoning classification, there was only one business classification and it was B-1. Any changes that have to be made in any zoning incorporated now on those base maps has to go to Public Hearings to be changed.

John Witka: He already has his parking lot in. You are picking on Mr. Higgins for taking topsoil out when Mr. Emerling has already done that without a permit.

Supervisor Kennedy: Does he have vehicles on there now?

John Witka: He has a tractor and he is hauling topsoil off today, he is all done.

Supervisor Kennedy: I think after Town Attorney Reilly and I sit down with Mr. Emerling he is going to have hold up on that until this is resolved.

Kathleen Witka: He is doing it today. The trucks were coming in and taking out topsoil and bringing in more stone. People have said no more work is to be done on the parking lot and I called to tell the Code Enforcement Officer that but the work continues.

Supervisor Kennedy: I did not understand that the reconstruction of that area for a parking area was already going forward. Until it is resolved he can't utilize it for a parking area and I will tell Town Attorney Reilly to contact Mr. Emerling at the earliest opportunity and inform him that until we have this resolved he can't go forward with the parking area.
It is not zoned to be used as part of the business. If he parks vehicles there that in turn is part of the business and would have to be zoned accordingly. If it is zoned R-C it wouldn't be correct. There may have been mistakes made when the zoning maps were done but that doesn't preclude the fact that this Board in order to rectify any mistakes or to consider any rezoning still has to have a Public Hearing to be changed because those maps have been officially adopted by the Town of Boston as official zoning maps. On that map, the portion you are speaking of is designated R-C.

John Witka: When I complained about it, Code Enforcement Officer Santonocito said there was nothing she could do about it. She said he could put a parking lot there.

Supervisor Kennedy: Let's defer to the Town Attorney for his review and I am sure we can work it out with Mr. Emerling. If he has documentation that shows that it was B-1 before and he wishes to submit a rezoning application to this Board it is going to have to be considered. I want you to understand that.
Anybody who submits a rezoning application is going to be considered by this Board. He will use that as documentation, the fact that it was zoned B-1 before your purchase. Whether this Board considers that rezoning in light of that and makes a determination, it is up to this Board to decide. All this information is part of the Town Records that have to be researched.

Town Attorney Reilly: For clarification, the directive from the Supervisor to have Emerling cease work regards the construction or enlargement of a parking lot. Is that correct?

Supervisor Kennedy: Yes. On some area that is officially zoned R-C according to the official zoning map. Emerling's intention is to extend his parking area to include the area that was formally B-1 that is now R-C. It abuts the Witka property.

Supervisor Kennedy (Cont.): There is a 30 foot buffer there where he is not working. He is not working up to the property line. He is working 30 feet from their driveway which is his property line towards the Chevrolet business. When we have a rezoning meeting, Mr. and Mrs. Witka will have the same information as every one else. All the property owners are notified by the Town Clerk by letter. In addition to that there is a sign placed on the property indicating that the property is going to be rezoned so that everyone will have knowledge of the Public Hearing.

John Witka: Then Mr. Emerling will be told not to do anymore work on it?

Supervisor Kennedy: If you have questions you can direct them to the Code Enforcement Officer or the Town Attorney who will determine if what he is doing is proper and if not they can tell him to cease and desist until such time it is zoned for that purpose.

At 1:00 P.M., July 13, 1994 bids were received, opened and publicly read aloud for the 1994 Heavy Duty Diesel Powered 4 X 4 Single Axle Truck and Front Hitch with Plow and Wing and Dump Body Spreader. The bids received were as follows:

TRUCK AND CAB AND CHASSIS

COMPANY	BID WITHOUT TRADE-IN	BID WITH TRADE-IN
Bison Truck Center, Inc. 2370 Walden Avenue P.O.Box 201 Buffalo, NY 14205 (bid bond) (No Non-Coll)	$83,920.00	$76,420.00
Peterbilt of Buffalo 2370 Walden Avenue Buffalo, NY 14225 (bid bond) (No Non-Coll)	$96,812.00	$89,312.00
Hanson International Trucks, Inc. John Dulnawaka 2425 Walden Avenue P.O.Box 247 Buffalo, NY 14225 (bid bond)	$93,498.00	$87,998.00
Buffalo Whitegmc, Inc. 271 Dingens Street Buffalo, NY 14206 (bid bond)	$92,977.00	$87,777.00

COMPANY	FRONT HITCH
Roberts Equipment 3250 Rt. 20 at Nelson Box 328 Cazenovia, NY 13035 (bid bond)	$31,913.00
Tenco, U.S.A. 5700 S. Lima Rd. P.O. Box 635 Lakeville, NY 14490-0635 (Certified Check)	$34,500.00

REGULAR BOARD MEETING
JULY 20, 1994

TOWN HALL
7:30 P.M.

Received and filed a legal opinion from Town Attorney Michael Reilly regarding the Late filing of the Certificate of Non-Collusion.

DATE: July 18, 1994

ISSUE: Whether a late filing of the Certificate of Non Collusion disqualifies a low bidder from the award of the contract.

CONCLUSION: In a case where the low bidder filed the Certificate of Non Collusion immediately after discovering its error and where there is no actual prejudice to the other bidders, then the failure of the low bidder to file the Certificate of Non Collusion with its bid is de minimis and is not sufficient to prohibit the award of the contract. Beaudette Construction Company v. City of Syracuse-62 Misc2d, State Comptroller's Opinion 86-62.

Corrections to the legal notice of the Hamburg Sun which was published on June 30, 1994 regarding the Bid Notice of One 1994 Heavy Duty Diesel Powered 4 X 4 Single Axle Truck as follows:

From: Dated: June 27, 1993 to June 27, 1994

From: Published: June 30, 1993 to June 30, 1994

Supervisor Kennedy: Everyone who bid, bid on a 1995 truck because we went past the deadline for the companies to provide a new 1994 truck. We don't feel there is a problem awarding the bids under these conditions.

Town Attorney Reilly: As each of the companies have bid on a 1995 I can't see where there would be any prejudice to any bidders.

Supervisor Kennedy: Highway Superintendent Ruchalski has reviewed all the bids and finds them in order and Bison Truck is the low bidder at $83,920 without a trade and $76,420 with a trade. The low bid for the Front Hitch is Roberts Equipment at $31,913. Is that correct Mr. Ruchalski?

Highway Superintendent Ruchalski: That is what they have down but they don't have any specifications.

Councilman Flowers: They don't meet the specifications for this bid?

Highway Superintendent Ruchalski: We put in our specifications that "franchise dealer must also state that truck being bid has not been modified in any way by another manufacturer, is not an after market conversion and must show where the complete vehicle has been manufactured". What Ford does is build it, send it to the Ford dealer, and then to Howe Bill, a Junk Yard Dealer. Howe Bill will completely tear the front end apart, put in a conversion unit and make it a four wheel drive. We will not accept this. Also I asked for a 23,000 front end axle and they are supplying me with an 18,000. It doesn't meet the specifications. I talked to Great Valley who bought one of these trucks and he said it was a mistake. The only two who did meet the specifications were Peterbilt of Buffalo and Hanson International Trucks, Inc. and my recommendation to the Board would be Hanson International Trucks, Inc. and Roberts Equipment.

Councilman Flowers: We are trading in a 1979, the amount of money given here is less than $6,000. Do you feel we would do better on the open market?

REGULAR BOARD MEETING — TOWN HALL
JULY 20, 1994 — 7:30 P.M.

Highway Superintendent Ruchalski: I don't think so. I've got one down there that is a 1972 and I can't sell it. We were offered $2,000 on a trade so we kept it. The total complete package would be $117,761. $85,848 to Hansen International after they agreed to deduct $2,150 for a transfer case we don't need from the original bid of $87,998. This makes $117,761 the total including the $31,913 for the Front Hitch with Roberts Equipment. I have gone through this with extensive research and my recommendation would be Hanson International Trucks, Inc.
I have no objection if you want to table this for another month to go over the paperwork.

Supervisor Kennedy: I would request the Town Attorney make sure we are not going to get in trouble by denying the two lowest bidders, one on small items. Did we draw the specifications to include more than one bidder or did we draw them to exclude bidders?

Highway Superintendent Ruchalski: No we didn't. Peterbilt is 100% on. There is a difference of $221 between Hanson International Trucks, Inc. and Buffalo Whitegmc, Inc.
There are numerous differences where they didn't meet the specifications which could eat up more than $221.

A motion was made by Councilman Flowers and seconded by Councilman Walter to table the awarding of the contract for a 1995 Heavy Duty Diesel Powered 4 X 4 Single Axle Truck and Front Hitch with Plow and Wing and Dump Body Spreader to the August 17, 1994 Regular Town Board Meeting.

four (4) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to accept the Transfers of Appropriations of the General Fund as follows:

From:	A1220.1	Supervisor, Personal Services		$9,200.00
To:	A1620.4	Buildings, Contractual	$1,200.00	
	A7110.4	Parks, Contractual	$5,500.00	
	A7550.4	Celebrations, Contractual	$2,500.00	$9,200.00

Appropriation of Supervisor's Salary:

$1,000.00 Oil and screen roadway at North Boston Stadium and install needed culvert pipes.

$1,500.00 Oil and screen parking lot and entrance roadway at the South Boston Playground.

$ 500.00 Pave driveway to entrance of Recreation Storage Building at Town Park.

$1,200.00 Pave concrete walkway from side entrance of the Emergency Squad Building to the rear entryway to conform to OSHA regulations.

$2,500.00 Contribution for lighting - Christmas Decorating Committee.

$9,200.00 Total Appropriation

four (4) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
JULY 20, 1994 — 7:30 P.M.

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to accept the following correction to Abstract #6 of June 1, 1994:

Voucher 414 - Slotman Plumbing & Heating, Inc.

From: H1620.4
To: H7110.2

four (4) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter to grant the Patchin Volunteer Fire Company use of the Lions Club Shelter on July 31, 1994 for the annual 25 Week Club Chicken Bar-b-que. Alcohol will be served and a Certificate of Insurance supplied.

four (4) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter to grant use of the Lions Shelter and bathrooms for the Boston Arts Council Summer Concert Series on all Tuesdays from July 12, 1994 to August 30, 1994.

four (4) Ayes — Carried

Received and filed a letter from Theresa A. Pettis-Cruse, Boston Valley Apartments, requesting assistance in having the high grasses cut on the property behind the Boston Valley Apartments belonging to Roy Emerling.

Supervisor Kennedy: The Highway Superintendent is confined to the operation of the Highway Department or Town properties. He can't cut grass on private land. As long as we are setting up a meeting with Mr. Emerling to discuss other matters perhaps we can ask Mr. Emerling about the grass too.

Received and filed a letter from John P. Falkides, Boston Hills Homes & Estates, noting that the storage garages across the street from the Boston Hills Estates is an eyesore for the community. He is requesting the Town Board review the landscaping requirements for the zoning change, and notify the owners to correct the situation.

Supervisor Kennedy: We had a problem with Mr. Butera another time that he failed to cut the grass and we were successful in having him cut the grass. Perhaps the first thing we should do is ask him to cut the grass and we should review what requirements were made by the Planning Board when the zoning was effective.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to grant a Temporary Certificate of Occupancy to the Boston Hills Homes and Estates lot #20 (120).

four (4) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter to approve the annual Mobile Home Parks License Fees for Boston Hills Homes and Estates and the Sprague Trailer Park, License to expire 6/30/95.

four (4) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
JULY 20, 1994 — 7:30 P.M.

A motion was made by Councilman Flowers and seconded by Councilman Walter, on the recommendation of Marilyn Clesse, Recreation Director, the following appointments to jobs in the Recreation Department, term - 5/15/94 to 12/31/94:

NAME	JOB TITLE	SALARY ($/hr)
Angela Poppenberg	Recreation Attendant	4.30
Gregory Shanks	Recreation Att/Lifeguard	4.30/6.00
Audrey Torno	Recreation Attendant	4.30
Jessica Kobiolka	Designated Substitute	4.30
Jill Tibbetts	Designated Substitute	4.30
Kristen Greenquist	Administrative Aide	7.00

Due to other commitments the following people have had to decline their appointments:

Sidney Andrysiak
Christine Metzger
Colleen B. O'Halloran
Amy E. Cocina
Michael J. Shanahan

four (4) Ayes — Carried

SUPERVISOR REPORT

A) Supervisor's Monthly Financial Report for June 1994 received and on file in the Town Clerk's Office.

Received and filed a copy of a letter, from Town Attorney Reilly, to Willard J. Magavern, Jr., Esq., Attorney, enclosing a Town of Boston check No. 15229 in the amount of $1,510.00 for the purchase price and the $10.00 in expenses incurred for the right-of-way acquisition of 25 Lower Crestwood Circle.

Supervisor Kennedy: We are going to have a problem with the right-of-way acquisition on Crestwood Circle for the tank location as we have been denied access to the Braunbach property because of sickness by the husband and the wife's refusal to go through with the sale of the property. We will have to make an effort to contact other property owners to see if we can locate that tank without any problems.

At the last Town Board meeting we were instructed by the Insurance Committee to be sure we had uninterrupted insurance coverage. The Insurance Committee, at a meeting on June 27, 1994 decided to change Insurance carriers from UCIC to PERMA for liability coverage effective July 1, 1994, for one year.

I have appointed Councilman Josephine Davenport as a liaison to the Conservation Advisory Council.

A report on the Reiter Property, 7937 Burr Road: With the cooperation of the Highway Superintendent, the driveway section that has been utilized by our Town trucks for a turn-a-round has been paved. I understand Mrs. Reiter is selling the house now that Mr. Reiter has passed away. Mrs. Reiter's Attorney said he reviewed the documents submitted to BFI and asked if I had any solution to the problem. A representative of BFI has agreed to the compensation requested by Mr. Reiter and indicated he would like to have some assurance that if the property is sold, we would still have the ability to turn around there. The large garbage packer cannot back down that hill in the winter time. I relayed that information to our insurance carrier and they contacted BFI. The Attorney representing Mrs. Reiter is receptive to incorporating something to allow the Town and BFI to use the driveway for a turn-a-round when it is sold.

REGULAR BOARD MEETING
JULY 20, 1994

TOWN HALL
7:30 P.M.

SUPERVISOR REPORT (CONT.)

Supervisor Kennedy: I have had a complaint from Roger Corlett, 6474 Omphalius Road, about wild roosters and chickens in the area of the Musser cabins, 6502-6582 Omphalius Road. I want the Town Board to be aware of this situation and I ask the Deputy Code Enforcement Officer to go up there again and tell them to pen up those chickens.

I have had two questions on speed limits and I will refer them to Councilman Walter and ask that he check with the County or the State, whoever is reviewing our requests for speed limits in all the sub-divisions, because there are many people in sub- divisions regarding this and I told them we have requests pending that have been submitted by Councilman Walter and his predecessor before him, Councilman Wittmeyer, and we haven't received anything as of yet.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to waive the restrictions for boring Pin Oak Drive and that Paul McNamara be allowed to make the open cut and to utilize that open cut and fill it with select fill as required in any open cut in the Town of Boston and that this in no way establishes any precedent nor does this give anyone else within the community the opportunity to ask for a waiver of these regulations because this is special due to the numerous cuts that have been made.

four (4) Ayes Carried

TOWN CLERK REPORT

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter to accept the monthly Registrar of Vital Statistics Report for June 1994.

four (4) Ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter to accept the Tax Collector's monthly report for June 1994.

four (4) Ayes Carried

Town Clerk Shenk: I have presented to the Board and other Town Officials a request to attend an "Americans with Disabilities Acts" Seminar, which I will host, July 27, 1994 in the Boston Town Hall Court Room at 7:00 P.M..

I would like to thank the many Town Officials and Town Residents that have been very kind to my family and I during the recent passing of my Mother. It is well appreciated and we want to say thanks to everyone.

TOWN ATTORNEY REPORT

Town Attorney Reilly: On the law suit of Slattery vs the Town of Boston, No 2251-91: I have a letter I will be submitting after the meeting. " In 1991 Louise Slattery commenced a special proceeding against the Highway Superintendent and the Town of Boston. This proceeding was terminated by the filing of a Stipulation of Discontinuance in the Erie County Clerk's office on June 15, 1994. A certified copy of the Stipulation of Discontinuance is attached. The filing of the Stipulation represents the conclusion of this matter in all respects".

The Town of Boston is involved in litigation with NYSEG. This is a matter regarding our assessment. I would like to ask for authorization in conjunction with the Town Assessor to pursue a settlement of this lawsuit.

REGULAR BOARD MEETING — TOWN HALL
JULY 20, 1994 — 7:30 P.M.

TOWN ATTORNEY REPORT (CONT.)

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter, on the recommendation of Town Attorney Reilly, to authorize the Town Attorney in conjunction with the Town Assessor to pursue a settlement of the NYSEG lawsuit.

four (4) Ayes — Carried

Town Attorney Reilly: I was asked to draft legislation by Councilman Walter regarding a change in the term for the Town Clerk. This legislation would be aimed at extending that term from it's present two years to a four year term. I will read the resolution.

A LOCAL LAW PROVIDING A FOUR YEAR TERM FOR THE OFFICE OF THE TOWN CLERK OF THE TOWN OF BOSTON COMMENCING WITH THE BI-ANNUAL ELECTION TO BE HELD IN THE CALENDAR YEAR 1995. Be it enacted by the Town Board of the Town of Boston as follows:

Section 1 - Purpose: The purpose of this local law is to change the term of the Town Clerk from two (2) to four (4) years pursuit to the enabling authority of Section 10 of the Municipal Home Rule Law.

Section 2 - Term of Office: The term of office of any Town Clerk elected after the effective date of this Local Law shall be four years.

Section 3 - Effective Date: This Local Law shall become effective upon approval by majority of the qualified electors of the Town of Boston voting at the next general election.

Section 4 - Applicability to Town Law: This local law shall supersede, in its application to the Town of Boston, Town Law Section 24, with respect to the term of office of the elected Town Clerk as provided for in Town Law Section 24-A.

Regarding the site of the Tank on the East Hill to increase the water pressure for the southern area of the town: The Town purchased land on Chestnut Ridge Road that would be used for access to this tank and the deed was recorded on June 20, 1994. The Town paid $1,500 for that land.

There has been an item of concern to quite a few people in the community. There has been a situation at the Dzierzanowski residence at 6710 Mill Street. On March 11, 1994 there was a serious fire which damaged some parts of various structures located there. The Town Board since then has attempted to do everything in it's power to get Mr. Dzierzanowski to begin to clean up the site. At the last Town Board meeting the Board authorized me to pursue this in conjunction with the Town Engineer. Pursuant to Section 47 of the Boston Town Code, I prepared a notice of an unsafe building at that location, with specifications supplied by the Town Engineer. That notice was served personally on Mr Dzierzanowski on July 11, 1994. It was attached to the premises and it also sent by certified mail. Pursuant to that notice there was a hearing scheduled on July 18, 1994 and after a two and a half hour hearing, the Town Board unanimously came to the following conclusion: The Town Clerk was directed to send a certified letter to Edward Dzierzanowski, 6710 Mill Street, informing him of the following findings of the Town Board at a hearing held on July 18, 1994:

1) Building No. 1 - Residence - safe, nothing to be removed.
2) Building No. 2 - Store with Apartment above - unsafe, second floor and roof to be completely removed.
3) Building No. 3 - Garage/Shop - unsafe, building to be completely removed back to the block wall between the carpenter shop and the garage.

REGULAR BOARD MEETING
JULY 20, 1994

TOWN HALL
7:30 P.M.

TOWN ATTORNEY REPORT (CONT.)

All debris and demolished materials are to be completely removed from the property.

The Town Board has extended the time for the demolition and removal of the above listed material until August 2, 1994. If you fail to remove this material by August 2, 1994 the Town Board will contract for the removal, hauling, and disposal of this material.

Please take notice that the Town Board will assess any costs so incurred as a lien against the property.

COUNCILMAN REPORT

Councilman Flowers: I attended the Disaster Coordinators meeting. I met with the Chiefs of the Fire Companies after the North Boston Fire. We had a few fire fighters injured. There was some talk of not only an investigation but an also an inspection by OSHA. We got a hold of the director of PESH in the Western NY area. We've come to a mutual agreement that no fines will be levied and he has given us time to correct any deficiencies.

The First Aid Squad had an open house for the shopping of a new ambulance. They would like to purchase a new ambulance and they brought in four new ambulances from three different manufactures. They will be making a decision as to which specifications they want to bid.

I also attended the hearing on the Dzierzanowski property and I hope we have come to an agreement equitable to all parties involved. I see Mr. Dzierzanowski has been cleaning up the property.

Councilman Walter: We had a meeting with several residents of Rollin Drive concerning the drainage problem in the area. I think we made a dent in the problem that has been going on there for years. The Town Attorney is putting together a rough draft and if everyone involved approves we can go ahead with the work that has to be done. That should alleviate the problems.

There is a lot of work being done at the South Boston Park. I was helping out a couple of times this month. There are good people there and they are working hard.

We had the Capital Improvements Meeting on June 27, 1994. A lot of people from the possibly new water district were there and a lot of questions were answered. A lot of questions remain, such as location of tanks etc.

I was also present to view the ambulances and they cost around $80,000. It is well worth the cost for what the people of the Town get out of the ambulances. These people give a lot of time and effort and they work for nothing.

Lower East Hill Road is in terrible shape. It is in all probability the worst job I've ever seen as far as job coordination. I don't know what the problem is and I hope I am wrong but I have a funny feeling something is going to happen up there.

At the Agenda Review Meeting of July 18, 1994 the Town Board Members read a copy of a Resolution, Local Law No 1 of the Year 1994 to change the term of the Town Clerk from two (2) to four (4) years pursuant to the enabling authority of Section 10 of the Municipal Home Rule Law. I've asked Town Attorney Reilly to draft proper legislation to do this and I would like to have this on the August 17, 1994 Town Board Meeting Agenda. Then we could take action to schedule a Public Hearing for September 7, 1994.

REGULAR BOARD MEETING
JULY 20, 1994

TOWN HALL
7:30 P.M.

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer monthly report for June 1994, on file in the Town Clerk's Office.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to grant Code Enforcement Officer Jo Ann Santonocito permission to attend the NYS Code Enforcement Training Course on July 25, 1994 to July 29, 1994. All appropriate expenses to be paid by the Town.

four (4) Ayes Carried

Supervisor Kennedy: We have received a request for Building Permit for a single family Home on Omphalius Drive from Daniel H. & Shirley M. Hurtubise. Since this is the East Hill, the application falls within the perimeters of the Local Law #1 for the year 1993. This has to be referred to the committee. I don't think we have appointed the members of that committee that are required under the law drafted by Councilman Flowers. We have to identify certain people from that particular area that have to serve on that committee. I will ask Councilman Flowers to look into this and take action at the next Board meeting to appoint them and refer this request to them.

Councilman Flowers: Could we poll the Board members and go from there? Do we have to do this at a Regular Town Board Meeting?

Supervisor Kennedy: No. I am receptive to submitting it for review by the committee that was designated under your law. This includes yourself, the Code Enforcement Officer, the Town Engineer, Chairman of the Planning Board, but there are three members that aren't appointed yet.

Daniel Hurtubise, 42 Prospect Avenue, Hamburg: It is my home that you are discussing. It is not my intention to use well water. It is my understanding that the well was designed to check and use pond water which is on the property and properly treated the same way the municipality would treat public water.
Therefore there should be no possible damage to anyone else's well that is in the area.

Supervisor Kennedy: Is there an existing pond with an adequate supply of water that you are going to utilize?

Daniel Hurtubise: Yes there is. I have the pond drained at this time to clean it out and get any debris out and repair the bank of the pond that has continuously seeped for years.

Supervisor Kennedy: Since you don't intend to drill a well or interrupt the water table I would think that the Town Engineer in conjunction with Councilman Flowers might go up there with the Code Enforcement Officer and review the situation and perhaps it doesn't need the complete review if it isn't going to be a well.

Daniel Hurtubise: In addition to that I am planning on building approximately a thousand feet back from the road which is away from any of the other users of well water.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to give the Councilman Flowers, the Town Engineer and the Code Enforcement Officer, authority to examine the premises and pending a review, a recommendation could be made to the Code Enforcement Officer whether or not to issue a building permit.

four (4) Carried

REGULAR BOARD MEETING — TOWN HALL
JULY 20, 1994 — 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers and recommended by Code Enforcement Officer Santonocito to grant an extension of Building Permit B-93-56 expiring August 3, 1994, to James Dion of 6676 Holiday Drive for one month to September 3, 1994.

four (4) Ayes — Carried

DEPUTY CODE ENFORCEMENT OFFICER REPORT

A) Deputy Code Enforcement Officer's monthly report for June 1994, received and on file in the Town Clerk's Office.

DOG CONTROL OFFICER REPORT

A) Dog control Officer monthly report for June 1994, received and file in the Town Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's report for June 1994 received and on file in the Town Clerk's Office.

Marilyn B. Clesse, Recreation Director: The Recreation Program has 320 children enrolled. The Soccer Program has 220 children enrolled and is set to go as soon as baseball finishes. Football and Cheerleading is set to begin August 1, 1994. A few spots are open, it is almost full.

The Concerts in the Park will be every Tuesday except July 26, 1994 due to set up for the Boston Lions Octoberfest. The concerts will run until Labor Day. We are very pleased with the people who are turning out and the programs that are being given. We also would like to thank the Lions for the use of their shelter and the use of their stage.

A motion was made by Councilman Walter and seconded by Councilman Flowers to adjourn the meeting at 10:01 P.M..

David J. Shenk

David J. Shenk, Town Clerk

REGULAR BOARD MEETING — TOWN HALL
AUGUST 17, 1994 — 7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman Josephine M. Davenport, Councilman Peter A. Walter, Supervisor Richard L. Kennedy, Town Attorney Michael E. Reilly and Highway Superintendent Eugene E. Ruchalski.

A motion was made by Councilman Flowers and seconded by Councilman Davenport to accept the corrections and adoption of the minutes of the July 20, 1994 regular monthly meeting.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy that the General Fund and Special District Bills on Abstract #8, dated August 17, 1994 in the amount of $94,657.63 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Walter that the Highway Bills on Abstract #8, dated August 17, 1994 in the amount of $37,916.53 be paid.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to accept the Town Clerk's monthly report for July 1994.

five (5) Ayes — Carried

Received and filed a list of stockholders and bondholders from Adelphia Cable Communications.

Received and filed notification from Erie County Legislator Frederick J. Marshall of the surplus food distribution on August 23, 1994 at 9:00 A.M. in the Community Room of the Boston Town Hall.

Received and filed the Erie County Sheriff's Monthly Reports for June and July 1994.

Received and filed the Town of Colden Resolution for non- support of the EXCEL Committee recommendations on County roads.

Received and filed Erie County Department of Health approval for the Completed Works for Public Water Supply Improvement - Rucker Lumber Ref:924.

Received and filed BH Refrigeration, Inc. notification of Certification requirements under the EPA regulations.

Received and filed notification from Congressman Quinn of Job Search Workshops for Western New York.

Referred to Councilman Flowers notification of the Erie County Disaster Coordinators Association meeting on August 23, 1994.

Received and filed notification from Erie County Department of Public Works, Division of Highways, of a Pre-Letting meeting regarding the Boston Cross Road, CR443, Project #RCR 443-91. A Bid opening is set for September 1, 1994 at 10:00 A.M.

Received and filed a request to NYS DEC for a letter of intent for the Erosion Control Project at Hillcroft Bridge over Eighteen Mile Creek, from Colonel Neitzke, Continuing Authorities/Flood Plain Management Services Section, U.S. Army.

Received and filed a Notice of Petition from Niagara Mohawk to review Real Property Tax Assessments.

REGULAR BOARD MEETING
AUGUST 17, 1994

TOWN HALL
7:30 P.M.

REQUESTS FROM FLOOR

Herbert H. Klein, 7690 Back Creek Road: Mr. Klein informed the Town Board that when he applied for a building permit to replace a lean-to shed on his property he was informed he needed a Demolition Permit as well as an updated survey. He is requesting the Town Board review the Town of Boston Codes and if necessary amend the Town Codes to rescind this unnecessary and unreasonable requirement.

Supervisor Kennedy directed the Town Attorney to research the Town Codes on Building permits.

Steven Reiner, 7405 Chestnut Ridge Road: Requested a Temporary Certificate of Occupancy for one year and a copy of the Boston Town Codes, in order to secure a bank loan to complete residence. The Town Board directed Code Enforcement Officer Santonocito to reinspect the Reiner residence and give a report to the Town Board at the September 7, 1994 meeting.

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to accept the correction to the General Fund Abstract #7, July 20, 1994 as follows:

Voucher #572 - AT&T Ambulance District Bill
From: A4540.4 to SM4540.4

Voucher #516 - National Fuel - Delete - Credit not amt due

Voucher #532 - Marilyn B. Clesse
From: A7140.4 140.03
A7310.4 465.35 605.38
To: Marilyn B. Clesse
A7140.4 140.03
A7310.4 201.15
and
Marilyn B. Clesse
Petty Cash
A7310.4 264.20 605.38

Voucher #487 - Tunney Electric

From: A1620.2 to H1620.2

Total General Fund - From 31,075.54 to 25,994.02

Total Capital Fund - From 71,302.33 to 76,311.13

Total Abstract - From 166,656.55 to 166,583.83

five (5) Ayes Carried

Referred to Highway Superintendent Ruchalski a request for a street sign on Eckhardt Road from Mr. & Mrs. Frank Nicotera, 4596 Eckhardt Road.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to grant Tax Collector Shenk use of the Boston Town Hall for the collection of school taxes for the sum of one thousand dollars ($1,000.00).

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to adopt the Town of Boston Records Management Procedure Manual from Town Clerk Shenk.

five (5) Ayes Carried

TOWN OF BOSTON

TOWN OF BOSTON

RESOLUTION 1994-17

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 17th day of August 1994 at 7:30 P.M. Eastern Standard Time, there were:

Present:	Richard L. Kennedy	Supervisor
	Mark W. Flowers	Councilman
	Peter A. Walter	Councilman
	Don A. Wohlhueter	Councilman
	Josephine M. Davenport	Councilman

Councilman Wohlhueter presented the following resolution and moved its adoption:

NOW THEREFORE:

BE IT RESOLVED, that the Town of Boston authorizes Supervisor Kennedy to sign the contractual agreement to renew the Erie County STOP-DWI Grant Program. The contracts are for January 1, 1994 through December 31, 1994.

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

Supervisor Kennedy	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye
Councilman Davenport	Voting Aye
Councilman Walter	Voting Aye

AYES: FIVE (5) NOES: NONE (0) ABSENT: NONE (0)

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
AUGUST 17, 1994 — 7:30 P.M.

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter to grant Assessor Kleis, Jr. permission to attend the NYS Assessor's Association, Inc. Annual Meeting & Seminar on Assessment Administration on October 9 - 12, 1994 in Kiamesha Lake, New York. All appropriate expenses to be paid.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to refer to the Planning Board for a Site Plan Review a request for a Change of Occupancy for the Boston Pool & Barbecue Supply, Inc., 8381 Boston State Road. A Public Hearing is to be scheduled for a Special Use Permit on September 7, 1994 at 8:00 P.M.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to schedule a Public Hearing for the re-zoning of the entire Emerling Chevrolet property (including the Crotty portion), 9000 Boston State Road, to C-2., on October 5, 1994 at 8:00 P.M.

five (5) Ayes — Carried

RESOLUTION 1994 - 17 AUTHORIZE SUPERVISOR KENNEDY TO SIGN THE STOP-DWI CONTRACT

A motion was made by Councilman Flowers and seconded by Councilman Walter to authorize Supervisor Kennedy to enter into a contract with Nussbaumer & Clarke, Inc. on the proposed East Hill Water Improvements proposal for engineering services NCI proposal No. 94-100/84 for a total of $14,100.00.

five (5) Ayes — Carried

Received and filed a letter from Mr. & Mrs. Roger Corlett, 6474 Omphalius Road, regarding their problem with crowing roosters. Supervisor Kennedy commented that the matter is now in the hands of the Boston Court and the offenders have been cited.

A motion was made by Councilman Walter and seconded by Councilman Flowers to schedule a Public Hearing for September 7, 1994 at 7:55 P.M. for the Local Law No. 1 of the Year 1994, providing for a four (4) year term for the office of the Town Clerk of the Town of Boston commencing with the bi-annual election to be held in the calendar year 1995.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Davenport on the recommendation of Highway Superintendent Ruchalski, to award the bid for a 1995 4X4 truck to Hanson International Trucks, Inc. for $85,848.00. The bid for the front hitch is awarded to Roberts Equipment, Inc. for $31,913.00 for a total of $117,761.00.

five (5) Ayes — Carried

Received and filed a report from TVGA Engineering, on the Dzierzanowski property at 6710 Mill Street.

Supervisor Kennedy: It was agreed at the Hearing of July 18, 1994 that the removal of all the debris must be completed by August 2, 1994.

REGULAR BOARD MEETING — TOWN HALL
AUGUST 17, 1994 — 7:30 P.M.

Edward Dzierzanowski, 6710 Mill Street: I understood I was to take the shop down. I did. The rest was supposed to stand from the length of the store all the way to the back. I stored the good blocks in the back and the boat is repairable.

Councilman Flowers: All debris and demolished materials are to be removed from the property. The blocks and the fire damaged boat are included in the debris.

Edward Dzierzanowski: Can I have at least one year to clean-up?
Councilman Flowers: The agreement was August 2, 1994. We gave you extensions and you have not complied as agreed.

A motion was made by Councilman Flowers and seconded by Councilman Davenport to authorize TVGA Engineering, Surveying, P.C. to obtain proposals for the demolition and removal of debris for 6710 Mill Street. Demolition and removal costs will be paid by the Town of Boston and assessed as a lien on the property. A three day notice will be given to Mr. Dzierzanowski to remove any valuables before demolition.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport to authorize Supervisor Kennedy to sign a contract with Ginny Taber of Sew Many Possibilities, Orchard Park, for the purchase and installation of eight (8) pairs of drapes for the Community Room at a total cost of $3,278.65.

five (5) Ayes — Carried

Received a request from David Monin to close off a section of Boston State Road for a charity run, in memory of Jeffery Wright, for the Brain Tumor Research Center at Roswell Park Hospital on August 28, 1994. Supervisor Kennedy directed Town Clerk Shenk to inform David Monin that the Town of Boston does not have jurisdiction over Boston State Road and his request should be directed to Erie County.

SUPERVISOR REPORT

A) Supervisor's Monthly Financial Report for July 1994 received and on file in the Town Clerk's Office.

Supervisor Kennedy noted that the high grass behind the Boston Valley Apartments belonging to Roy Emerling and the landscaping across the street from the Boston Hills Homes & Estates belonging to Mr. Butera have not been taken care of. He will follow up on both these complaints.

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter to authorize Supervisor Kennedy to sign a contract for $1,485.00 with the Boston Hill Nursery for shrubbery for the Town Hall.

five (5) Ayes — Carried

Supervisor Kennedy will schedule a meeting with the Baseball leader of the Recreation Department to determine the problem with the Baseball Diamond #1.

TOWN CLERK REPORT

A motion was made by Councilman Flowers and seconded by Councilman Walter to accept the monthly Registrar of Vital Statistics Report for July 1994.

five (5) Ayes — Carried

REGULAR BOARD MEETING
AUGUST 17, 1994

TOWN HALL
7:30 P.M.

TOWN CLERK REPORT (CONT.)

Received and filed the Final Narrative Project Performance Report for Inactive Records Storage Projects.

HIGHWAY SUPERINTENDENT

Highway Superintendent Ruchalski: The new 1994 Ford Explorer has been received and it met our specifications and was approved.

TOWN ATTORNEY

Town Attorney Reilly: I have enclosed for filing in the Town Clerk's office the following documents with respect to the Town's purchase of Lower Crestwood Circle:

1. Deed from Joseph G. Ulinger
2. Deed from Margaret Ulinger
3. Certified copy of the Will of John Francis Ulinger
4. Certified copy of the Order probating the Will of Joseph Francis Ulinger.

Also enclosed is an original of the survey for this property.

COUNCILMAN REPORT

Councilman Flowers: As I have requested, the Erie County Department of Emergency Services has issued the Town of Boston a CD Identifier number CD-143 and permission to use the Erie County Local Government in an emergency. We should now consider getting a crystal and putting it in a needed radio.

A motion was made by Councilman Flowers and seconded by Councilman Davenport to grant Donna Odoj, 5271 Dorst Drive, permission to respond to emergency calls inside the Town of Boston from her residence and to be covered by the Town of Boston insurance while doing so.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Walter to direct the Town Clerk to advertise in the Official Town newspaper, for bids for a 1994 ambulance and set the bid opening date for September 6, 1994 at 11:00 A.M. in the Boston Town Clerk's Office.

five (5) Ayes — Carried

After receipt of letters from Glen Orser, Joyce Corlett and Victor Antonelli we can appoint them to the East Hill Water Citizen's Review Committee.

In response to Supervisor Kennedy's inquiry on the review of the Daniel Hurtubise property on Omphalius Road, Councilman Flowers responded that he, the Town Engineer, and the Code Enforcement Officer visited the property and determined there would be no impact on other properties should Mr. Hurtubise utilize his pond to supply his home with water.

Councilman Walter: As requested by Supervisor Kennedy, I sent a letter to the DOT regarding the speed zones in the Town of Boston and a request for a stop sign at Rollin Drive and Greenbriar South.

Councilman Davenport: The Director of the Senior Citizens has been given permission to order the tables and chairs for the Boston Community Room.

The summer recreation program has ended. The Fundraiser Entertainment books will be available September 27, 1994 for the football and cheerleading funds.

REGULAR BOARD MEETING
AUGUST 17, 1994

TOWN HALL
7:30 P.M.

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer monthly report for July 1994, on file in the Town Clerk's Office.

Received and filed a copy of NYS Code Enforcement Training Certificate, Introduction to Code Enforcement Practices, for Jo Ann Santonocito, Code Enforcement Officer.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to grant Joseph H. Rice, 6349 May Drive, a permit for a second accessory building and to send this request to the Zoning Board of Appeals for review.

five (5) Ayes — Carried

DEPUTY CODE ENFORCEMENT OFFICER REPORT

A) Deputy Code Enforcement Officer's monthly report for July 1994, received and on file in the Town Clerk's Office.

DOG CONTROL OFFICER REPORT

A) Dog control Officer monthly report for July 1994, received and file in the Town Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's report for July 1994 received and on file in the Town Clerk's Office.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to adjourn the meeting in memory of David Regan, Planning Board Member, at 9:38 P.M. and observe a moment of silence.

David J. Shenk

David J. Shenk, Town Clerk

REGULAR BOARD MEETING — TOWN HALL
SEPTEMBER 7, 1994 — 7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman Josephine M. Davenport, Councilman Peter A. Walter, Supervisor Richard L. Kennedy, Town Attorney Michael E. Reilly and Highway Superintendent Eugene E. Ruchalski.

Reverend Richard Siemann opened the meeting with a prayer.

A motion was made by Councilman Walter and seconded by Councilman Davenport to accept the corrections and adoption of the minutes of the July 20, 1994 regular monthly meeting.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy that the General Fund and Special District Bills on Abstract #9, dated September 7, 1994 in the amount of $291,303.47 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport that the Highway Bills on Abstract #9, dated September 7, 1994 in the amount of $46,724.99 be paid.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to accept the Town Clerk's monthly report for August 1994.

five (5) Ayes — Carried

five (5) Ayes — Carried

Supervisor Kennedy directed Town Attorney Reilly to research and amend Local Law #2 of 1983 to include no swimming and no skateboarding, add the South Boston and North Boston Parks, and present to the Town Board at the September 21, 1994 meeting so a Public Hearing can be set.

Referred to Councilman Flowers a letter from NYS Comptroller regarding the Service Award Program for Volunteer Ambulance Workers.

Supervisor Kennedy reported on the August 27, 1994 flood and reviewed the limited aid available to homeowners. Letters from residents with problems are being referred to the Roadway and Highway Safety Chairman, Peter Walter. Senator Volker will try to obtain State monies for the aid and assistance of Shero Road.

James Kosinski, co-owner with Michael Franco, 5535 George Drive: We are one of four new built homes where the contractors or the Town of Boston did not address the issue of drainage. Our loss from the flood was $6,000 in landscaping. It has been proposed to install a major culvert through our property. We have some problems with easements, and liability. I am saying to the Town is that it has to be done right and be approved by an engineer. If that trench goes through on a verbal ok, and a year from now there is nothing in writing that I gave that permission, the next thing I would get a knock on the door from the DOT asking why I was running the water down the 219 and upending all our roadways and I am being sued.

At 7:58 P.M. a Public Hearing was held regarding Local Law NO. 1 of the year 1994. Supervisor Kennedy read the legal notice and Local Law NO. 1 of the Year of 1994. Supervisor Kennedy convened the Public Hearing. No comments were made.

LEGAL NOTICE
TOWN OF BOSTON
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that there has been presented to the Town Board of the Town of Boston, Erie County, New York, on August 17, 1994, a copy of Local Law Number 1 of the year 1994, entitled A Local Law Providing for a Four-Year Term for the Office of Town Clerk of the Town of Boston Commencing with the Biannual Election to be held in the Calendar Year 1995.

NOTICE IS HEREBY 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, September 7, 1994 at 7:56 P.M., Eastern Daylight Savings Time, at which time all interested persons will be heard.

Dated: August 22, 1994
Published: August 25, 1994

BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK
8-25

REGULAR BOARD MEETING
SEPTEMBER 7, 1994

TOWN HALL
7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to close the Public Hearing at 8:00 P.M.

Vote: (5) Ayes Carried

RESOLUTION 1994-18 LOCAL LAW NO. 1 OF THE YEAR 1994

At 8:00 P.M. a Public Hearing was held regarding the application of Boston Pool and Barbecue Supply, Inc. for a Special Use Permit to install a Propane Filling Station at 8381 Boston State Road. Supervisor Kennedy read the legal notice. Notification was sent to 15 neighboring property owners, including Irish Propane Corporation. Notification included a copy of the legal notice, Assessor's map and the Permit Application.

LEGAL NOTICE
TOWN OF BOSTON
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston, Erie County, New York, will hold a Public Hearing at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on Wednesday, September 7, 1994 at 8:00 P.M., Eastern Daylight Savings Time, to consider the application of Boston Pool and Barbecue Supply, Inc. for a Special Use Permit to install a Propane Filling Station at 8381 Boston State Road.

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

Dated: August 22, 1994
Published: August 25, 1994
BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK
8-25

The recommendation from the Boston Planning Board was approval with the following stipulation:

1) The area on the south side of the building, be dedicated as an access driveway, and be maintained as such where there wouldn't be any customer parking or blockage for emergency vehicles to access the propane tank.

Supervisor Kennedy convened the Public Hearing.

Councilman Flowers: I talked with Timothy Mann from Irish Propane Corp. about my concerns about having gates at opposite ends of the tank. I asked if it would be acceptable to put a screened gate in the middle, in case there is a problem with the tank, emergency personnel can get to the liquid and vapor valves to close them. That is what I was taught at the State Fire School and the Propane Emergency Courses which I have taken. He said he didn't have any problem with doing that and in the consequent letter I sent to the Planning Board, I outlined that and they agreed to this. The information about having gates at opposite ends has been changed to having two swinging gates in the middle.

Supervisor Kennedy: Mr. Antonelli, is this tank larger than you have at your location now?

Victor Antonelli, 6496 Omphalius Road and owner of Boston Pool and Barbecue Supply: No it is exactly the same size.

Jack Roberts, 8378 Boston State Road: My wife and I moved into the Boston Valley in 1979. We lived at 8398 Boston State Road until 1984 at which time we moved two doors over to out present location at 8378 Boston State Road. Our two children have and are attending Boston Valley. Our older girl just entered the Junior High School in Hamburg. They too love it here and they participated in the Town's baseball and softball programs for the past several years. Because of the many factors which make-up a community not the least of which is the ongoing warmth and friendliness we have enjoyed. Two years ago my wife and I decided to add on to the property with the intent of being life long residents. Our taxes have gone up accordingly and we haven't complained because there is a price to pay to live in such an area. Last week the picture seemed about to change. After returning from our family vacation we were notified by letter of the proposed propane filling station to be situated directly across from our home. I am not a political person but this may soon turn to anger. My wife and I decided to try and stop this. We feel betrayed and thus we decided on the following petition to the Boston Town Board from the Boston Residents:

TOWN OF BOSTON

RESOLUTION 1994 - 18

LOCAL LAW NO. 1 OF THE YEAR 1994

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 7th day of September 1994 at 7:30 P.M. Eastern Daylight Savings Time, there were

Present:	Richard L. Kennedy	Supervisor
	Mark W. Flowers	Councilman
	Don A. Wohlhueter	Councilman
	Josephine M. Davenport	Councilman
	Peter A. Walter	Councilman

Councilman Walter presented the following resolution and moved its adoption:

A LOCAL LAW PROVIDING FOR A FOUR YEAR TERM FOR THE OFFICE OF THE TOWN CLERK OF THE TOWN OF BOSTON COMMENCING WITH THE BI-ANNUAL ELECTION TO BE HELD IN THE CALENDAR YEAR 1995.

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

Section 1. Purpose

The purpose of this Local Law is to change the term of the Town Clerk from two (2) to four (4) years pursuant to the enabling authority of Section 10 of the Municipal Home Rule Law.

Section 2. Term of Office

The term of office of any Town Clerk elected after the effective date of this Local Law shall be four years.

Section 3. Effective Date

This Local Law shall become effective upon approval by a majority of the qualified electors of the Town of Boston voting at the next general election.

Section 4. Applicability to Town Law

This Local Law shall supersede, in its application to the to the Town of Boston, Town Law Section 24, with respect to the term of office of the elective Town Clerk as provided for in Town Law Section 24-a.

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

Supervisor Kennedy	Voting Aye
Councilman Flowers	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Davenport	Voting Aye
Councilman Walter	Voting Aye

AYES: -5- NOES: -0- ABSENT: -0-

David J. Shenk

David J. Shenk, Town Clerk

REGULAR BOARD MEETING TOWN HALL
SEPTEMBER 7, 1994 7:30 P.M.

Public Hearing (Cont.):

Jack Roberts, (Cont.): We are STRONGLY OPPOSED to the granting of a"Special Use Permit" to install a propane filling station at 8381 Boston State Road for the following reasons:

1) safety hazard
2) area of residential homes
3) sight pollution
4) many families with small children
5) numerous school bus routes - all using Boston State Road
6) additional traffic flow in an already congested area

My closing comments regarding the people who have signed this petition: These people are our friends and neighbors. They range in age from 18 years to over 80 years old. They have lived here from six months to a lifetime. The vast majority are from the immediate surrounding area. Boston State Road, Valley View, Fairlane, Sherwood, Kevinton, Tricia and Patchin Road. The signatures are from Town residents or property owners. There was one common bond. All felt about the neighborhood as we feel. All shared the family community values that we have and the same anxiety over the tendencies toward decline in the community. There are 121 signatures which we respectfully submit for your consideration which we admittedly say no to this application. I will give this petition to Town Clerk Shenk.

Kevin Worral, 6431 Cole Road: We purchased Bill Boltz's building which is directly next door. We are in the process of fixing up our building to make it look nicer than it does. The building next door to us looks worse in my opinion. If you go down the street there is a building across the street that used to be a gas station that looks like crap. You live in this neighborhood but you want to see these buildings improved. The only way you are going to do this is, you're not going to put a residence there. No one is going to live there. So you have to put a commercial building there. Somebody is going to open it up and develop a business and make it look like something, hopefully. I don't know who the person is. You want it to improve. It is a business street. He can't do that on one of the other streets you talked about. I think it is a good idea. I am concerned about the tank because of the neighbor on the other side. The tank is directly up the guys window. It is sitting right there. Either get a fence that covers it or something. That's a bit ridiculous but that's my point.

Paul Przybylski, 8389 Boston State Road: I am the neighbor next door where the tank would be under my bedroom window. I bought the house about three years ago and have constantly been fixing it up since. I am sure you noticed it. I probably wouldn't have purchased it if it was right next to such a commercial establishment. It is just going to knock down my property values. Who would want to buy a residence next to a propane filling station should I decide I don't want to be there? I have nothing against the gentleman, I do business with him. I get my propane filled there. There is nothing personal at all you just don't want to be next to it.

Kevin Worral: Are you discussing just the tank?

Supervisor Kennedy: This particular Hearing is on the sitting of the tank as a commercial.

Kevin Worral: I am not picking on the situation over there but once you put the tank back there and you put a driveway in, that has to be kept clear for the process of emergency vehicles or whatever, the only question I have for him is what is he going to do for parking? He has forty feet left. That's four cars.

Victor Antonelli: The way business has been if I can get four cars in there I will be real happy.

REGULAR BOARD MEETING
SEPTEMBER 7, 1994

TOWN HALL
7:30 P.M.

Public Hearing (Cont.):

Alice Roberts, 8378 Boston State Road: I have been a resident of the community for fifteen years also. In considering the proposal I would ask the Board to take into consideration the fact that the many 121 people who have signed the petition are taxpaying homeowners who feel the way we do about the community. There are two questions I would like to submit also. In the event of an accident due to human error or vandalism, has anyone ascertained what would be the worst possible scenario in terms of damage and what assurance has been made of our safety in that event and secondly did the town at any point consult a realtor in order to determine the extent of the decline in property value that might result in the event of such a venture? I too am strongly opposed to this proposal. I would ask you to consider denying this request and I place my faith in the Town Board to protect the best interest of those tax paying residents of the Town of Boston who collectively have earned the right to be considered first here.

Councilman Flowers: I would like to answer one of those questions. As far as damage and the worst case scenario. I am a Hazardous Material Specialist recognized by the State of New York. I make my living doing this. Everybody since the propane explosion in the city of Buffalo has been scared. I must tell you that with the schools that I've been to, propane is the one of the safest products out there. Most of the times you have an accident with propane it is in transportation, not in storage. As far as the worst case scenario and everything else. In a disaster plan that we have and we are in the process of updating we have included the property which Mr. Antonelli is renting now in the Disaster Plan as a potential site of trouble because of the nature of a thousand gallons of propane being stored on the premise. Should this move we will change the address, we will change the notification system and we will handel it the way it should be handled. As I have said with all the schools I have been to propane is a very safe thing. I have at my house 250 gallons of propane.

Timothy Mann, Irish Propane Corp.: The tank that we are asking to put in is a tank that is also used in residential heating for cooking and for stove use and for washers and dryers. So it is not something that isn't found in residential areas. I know you have a couple of these applications in town. I do believe we are filling a couple of people who have these installations in their back yards and that is what they are doing, heating their houses. As far as the safety factors involved, you have a safety release valve that is built into the top of the tank should a fire be under the tank in anyway that safety relief valve will go off. Fire fighters as they approach the tank only need to cool the tank, they don't have to put the fire out. The safety relief valve will shut off. As far as tampering with the tank, there are excess flow valves that are built into the bottom of the tank. The excess flow valve will slam off and you have a 95% product shut down right there at the tank. So as far as the safety factor that goes into it, it's built for safety. The tank is not just a steel tank.

Robert Keel, 6417 Kevinton Place: Is there industrial zoned areas of the Town that a business like this could be located that doesn't require a reclassification to accommodate this particular request to put the tank this close to a residential area?

Supervisor Kennedy: Either of the commercial zonings, C-1 or C-2, if it is a gasoline filling station or in this case a propane filling station, it would require a Special Use Permit.

Robert Keel: This permit has two things requested. Not only a Special Use Permit but a change in occupancy classification required.

Councilman Flowers: No. It is zoned C-1 commercial.

REGULAR BOARD MEETING TOWN HALL
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Public Hearing (Cont.):

Robert Keel: The permit is marked that a change of occupancy classification is also requested.

Councilman Flowers: He is moving his business from 8936 Boston State Road to 8381 Boston State Road.

Robert Keel: I understand that but this application had two different marks and two different actions are required.

Councilman Flowers: He needs a Special Use Permit for a propane filling station. That's the only thing that is at issue here. There is no zoning change. There is no rezoning.

Robert Keel: Are there industrial areas within Town boundaries that would not require the change in occupancy classification that is in fact required to move his business from there to this close to the residential area?

Councilman Flowers: It is zoned commercial and because of the C-1 zoning he has every right to ask for a Special Use Permit.

Robert Keel: Is the zoning here the same as the zoning down where his business is currently located right now?

Councilman Flowers: Yes. It is the same zoning.

Robert Keel: I didn't know that. The nature of the two marks on the application led me and I think a lot of others to think that it is a duel request and not just to relocate a business from one area in an industrial area to another area in an industrial area.

Supervisor Kennedy: In an application for a gasoline filling station whether it is a gas station like a mobil station or a propane filling station, it requires a Special Use Permit even though it is in a commercial zoning. In this instance that property within the business section of Patchin is zoned C-1. That whole strip along there where the present gas station is, is zoned C-1. It is brought to the Town Board for review because any gas station has to be reviewed by the Town Board even though it is allowable in certain classifications of zoning, it is something we feel is important enough to be brought before the Board and a Special Use Permit has to be issued in order to conduct that type of business in that commercial zoning. It is no different than the zoning that he presently has.

Robert Keel: This is identical to the Special Use Permit that he currently has for the building in it's present location?

Supervisor Kennedy: Yes.

James Salvalzo, 6534 Valley View Lane: My property would be directly east of where Mr. Antonelli is looking to put in the propane tank. I think everyone who signed the petition echo Mr. and Mrs. Roberts sentiments exactly. No on here who signed that petition is looking to attempt or even has thought of holding up commerce in the Town of Boston and seeing the tax base expand. The main concerns is the potential hazards of the propane tank going in. I would like to bring out just one other fact and that is with Mr. Worral speaking. He just recently lost a tenant and that was Paragon Press. Just to show that the view in the neighborhood is not against business in that area, I myself, felt sad almost to see Paragon Press go because in terms of being neighbors needing anything from them, those people were always there. I am sure we could do worse. While Mr. Antonelli's intentions may be good, my concern is should the business not continue in it's present capacity as it is now in his other location, should he be forced to leave we would also be stuck with

REGULAR BOARD MEETING — TOWN HALL
SEPTEMBER 7, 1994 — 7:30 P.M.

Public Hearing (Cont.):

James Salvalzo, (Cont.): a potential white elephant in the area that has to be addressed. One final point would be location. Being on a busy highway, route 391, should there be a traffic accident in the area that might hit this propane tank, I ask the gentleman from Irish Propane, what is a safety valve going to do in that particular situation?

Timothy Mann: When we put the tank in we put it in an area we hope wouldn't be hit with traffic. We put it behind the building. As far as if the tank was hit, there is a safety relief valve that will stop it with no problem. Once it reaches a certain point they slam off and you have a 95% stoppage.

Daniel Ballou, 6542 Valley View Lane: Has anyone ever been involved in a propane explosion? In the one downtown, I was in the emergency room when they brought those people in and there is not much to go back to.

Councilman Flowers: Why did that happen?

Daniel Ballou: It was a fire.

Councilman Flowers: When you have a 500 gallon propane tank on a forklift and it slides off and shears the bottom liquid vapor valve off and you have a fire inside the building, you are going to have an explosion, yes. The chances of a forklift over here, shearing the bottom liquid valve off are slim and none. How are you relating this to a permanent installation?

Daniel Ballou: It is a potential hazard.

Councilman Flowers: So is the ROBO gas station.

Daniel Ballou: I agree and it's close to where you want to put the propane.

Florence Wendling, 6436 Patchin Road: I own property at 8358 Boston State Road which is kiddy corner across the street from where this new building is going to go. That has been my parents and my homestead. I was born there. I am diametrically opposed to the propane tank being put there for the safety reasons of the people around us, my family who all live in that house.

Victor Antonelli: I have lived on Omphalius Road for the past eighteen years so I have as much as stake in this community as anyone. I have lived here and paid taxes since 1976. I have no intention whatsoever of bringing anything into this community that is going to injure anyone including myself because I spend twelve hours a day next to this tank. The business has been here for three years and its been building and growing. My reasons for wanting to move the location are to lower the overhead so I can continue this business. Many people have said it is a convenience not only for the propane for grills but for swimming pool chemicals and water testing service and these sort of things. In that case it has been a plus. I am looking to have the business grow some more to eventually have some employees in the place. My intent is not to blow the neighborhood up. I think a lot of the reaction is pretty much from a couple of industrial accidents. This is not an industrial application I have. This tank is used for residential establishments in the southern tier. Believe me I have no death wish. I don't plan on sitting around something all day long that is going to take me out or anyone else. The comments on the petition are a little disturbing in some regards. Site Pollution. I really don't think that the building the way it sits right now and soon to be abandoned is going to enhance any property values. There are other white elephants sitting around there. Basically, I have a clean business here that has been running for three years.

REGULAR BOARD MEETING TOWN HALL
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Public Hearing (Cont.):

Victor Antonelli, (Cont.): There has been no complaints whatsoever. I think overall by moving the location into Patchin I am looking to draw more from North Boston as well as from Boston where I am right now. It is a more central location. If there was a way I could put this location right in my own backyard you had better believe I would do it because it would save an awful lot of money. As for the traffic on 391, there is no more traffic here at the new location I am looking at than there is right now. I am still on 391 down by the Super Chicken. Yes there are residents where I am right now. Across the street in the apartment building and on both sides of it. The lot is bigger. If you look at other locations in other Towns like Orchard Park where Pools Unlimited is located on Union Road right next door to McDonalds. Right in the middle of a neighborhood. The one on route 39 in Springville is right in the middle of Springville. East Aurora it is right in the middle of the village. There are all sorts of safe guards that are on the tank. The belts are closed all the time. If there is any kind of leak it shuts itself off. People are leery enough of it that I don't have to worry about children playing around the tank. Most adults stand about ten feet away when I am filling a tank which is real good. Most people have a strong respect for it. I think a lot of those fears that have been expressed if you were around the product like I am every day you wouldn't have some of those fears. I don't think having a successful business in the center of the community is going to detract from anyone's property values. If I get that location I plan on cleaning it up and making it look like something. The building that I am in right now I can not do because it is cost prohibited. I don't know how long I am going to be there. At the present rate of overhead I won't be there next year. That's the reason why I am looking to make a change. In terms of how the signatures were collected. I know there was a petition placed in Tony's Pizzeria. If you are looking to get qualified signatures with real care I don't think someone who is picking up a pizza should be signing a petition which is affecting someone's business and livelihood. I don't know how they were collected, I'm sure most of them were in earnest. My wife and I both live in Town here. I am not some foreigner that came from a distant place to try and rip off the community. I live here. My intention is to enhance this community and pay taxes for a long time.

Edna Murray, 6573 Valley View Lane: I really don't want this because every one of those streets up there are full of small children. It is a residential area.

Victor Antonelli: Try and find commercial space on 391. Where this will be located is C-1. It is a commercial designation. In terms of the safety of the tank and children getting at it, it has two locking gates. No one is going to get in there. You don't have to worry about teenagers or anyone else playing with it.

John Roberts: My wife and I personally took care of 115 of the 121 signatures. Six came from Tony's Pizzeria which they offered to put out.

Resident: I have a concern as to how it is going to look. It is safe and it is protected now you have an industrial setting. There was a lawyers office and now you come with a very visible business. Not only propane you will have chlorine cylinders and all the other stuff that is tucked behind the building where he is now. In the back where you can hardly see it their is an awful lot.

Victor Antonelli: Some of the empty cylinders and what not are because of the space that I have right now. At the new location it is going to offer me better space and it is not going to be looking like an industrial back yard. There will be a fence around it with access on one side.

REGULAR BOARD MEETING — TOWN HALL
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Public Hearing (Cont.):

Supervisor Kennedy: I would think that is a major concern because I think landscaping can be addressed to do that it is whether or not the Board thinks it appropriate to site the tank in that particular location.

Anna Sokolinski, 5470 Meadow Drive: I'm concerned when you move to a new location, don't you have to have some kind of an inspection to get approval? How will the people know it has been approved. They will have to have somebody come in and inspect it right.

Supervisor Kennedy: It will have to conform to the existing laws not only our zoning laws but the laws that conform how these tanks have to be installed. I don't think there is a major concern there because it would be monitored very closely I am sure.

Councilman Walter: Mr. Antonelli, in the three years that you've had your propane filling business down behind the Super Chicken have you ever had an accident or a discharge?

Victor Antonelli. No I have not. The Town has bought gas from me and numerous residents have purchased gas from me. In those cases a very interesting fact. People will walk in with an empty propane tank right into where the counter is. In doing that a full tank inside a building like that is ten times more dangerous than that tank sitting outside. The gas is extremely dangerous when it is confined. In most cases I've tried to educate people. Number one don't store a full bottle of propane in your garage. If you are going to keep an extra that's great. Put it on blocks outside where it should be. If tanks are out of date they are not filled. If the tanks are excessively rusty there is a twelve different criteria that has to be met before the tanks can be refilled. In many cases I've tried to educate people. Some times you simply don't know. Tanks are dangerous when they are in a contained space and when you don't treat them with respect. You wouldn't think of bringing a five gallon tank of gasoline inside the building. There has never been an accident down there. There has been no problems whatsoever.

Councilman Davenport: Could you describe the fence that is going to hide this tank?

Victor Antonelli: The fence doesn't hide the tank. It is a cyclone fence that is an open fence that is basically just protection to keep people from accessing to the tank. I have had no problem with that whatsoever. Most people are skeptic of it, they don't want to get too close to it. It also has locking gates on both ends which will be changed to the new criteria of two open gates in front. Kids could go over the top unless you put barb wire on it. It is like anything else. If someone really wants to get in there are going to. No one has ever bothered the tank. Basically we have a clean community and I think that is a real plus. Barb wire could be put on top and locks could be put on and everything shut down in the evening. There is really no danger. Say the pump itself. If you were to take a pocket knife and cut through the hose itself, the tank is going to shut off. Nothing is going to escape. It is all done according to federal regulations.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to close the Public Hearing at 8:44 P.M.

five (5) Ayes — Carried

Supervisor Kennedy: I haven't had an opportunity to inspect the site as carefully as I should have so I would like to reserve a decision on this until the next Town Board Meeting on September 21, 1994.

REGULAR BOARD MEETING
SEPTEMBER 7, 1994

TOWN HALL
7:30 P.M.

Public Hearing (Cont.):

Victor Antonelli: The time frame that I am working at. When I first talked to Mr. McNaughton a few months ago putting this whole thing in process. He has held off on renting the section of the building that I am looking at. The lease that I have right now which I extended for an extra three months, expires at the end of this month. That is the time frame that I am in.

Supervisor Kennedy: I would like to have the opportunity to review the site and speak with some of the people here tonight. It is not abnormal procedure for this board to digest what is said at a Public Hearing before they make a decision. I am not prepared tonight to make a decision. I don't know what the rest of the board is prepared to do.

Victor Antonelli: I have to let the person I am renting from know tomorrow whether I am renewing the lease or not. If the Board can be poled in the interim in a shorter time frame that would certainly help. Now I've got to make a decision as to whether I am going to stay in that location or not. Whether I am going to keep or dissolve the business. He won't give me another extension. I have to sign a lease for another year. I have to let him know whether I am going to renew or not so he can advertise the space to rent.

Councilman Wohlhueter: I am not ready to make a decision tonight either.

Councilman Flowers: I must tell everyone here in the room tonight that I wrote a letter to the Planning Board saying that I don't have a problem with Mr. Antonelli's business and the storage of propane at that particular site. In my particular area where I live, within one half mile of my house there is a thousand gallon propane tank. On another route, a mile and a half there is another propane tank. I have been to the propane schools. I am in favor of allowing Mr. Antonelli to move his business and his tank to that location.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to reserve the decision until the next Town Board meeting of September 21, 1994.

five (5) Ayes Carried

Referred to Town Attorney Reilly the Petition for the Tennessee Gas Pipeline vs. Town of Boston.

Referred to Town Attorney Reilly the Petition for New York Telephone vs. Town of Boston.

Received and filed the Franchise Fee Check from Adelphia Cable for the period from April 1, 1994 through June 30, 1994.

Received and filed a Resolution from the Town of Wales confirming non-support of the EXCEL Committee Report.

Received and filed notification from the Town of Amherst of a Public Hearing on August 29, 1994.

Received and filed notification from the U.S. Army Corps of Engineers of Permit Actions for New York State, July 1994.

Received and filed a Resolution from Orchard Park Central School District to amend the Erie County Property Tax to allow partial payment of current 1994-95 School Taxes.

Referred to Town Attorney a Petition from NY Telephone vs. State Board of Equalization.

REGULAR BOARD MEETING — TOWN HALL
SEPTEMBER 7, 1994 — 7:30 P.M.

Received and filed a letter from Erie County Legislator Frederick J. Marshall regarding the reconstruction of the Hillcroft Road Bridge.

REQUESTS FROM FLOOR

Mr. Rucker, 6910 Boston Cross Road and 8982 Back Creek Road: On Back Creek Road there was extensive damage to my property. I don't know if the work on the new 219 expressway exit or on the property on this side of Rice Road, if any of that property had been cleared, if we would have had the amount of the water come down that we did. I lost 700 feet of gas line that is costing me a lot of money. I don't know if the Boston Cross Roads ditch was supposed to be let out. I was hoping when they do the road that they will lower the road in the area of the church and the old Fire Hall. I understand they are supposed to take the big hump out of the road as you turn and come up the hill. Maybe that will let some of the water go down and get into the Eighteen Mile Creek. It acts as a dam.

Supervisor Kennedy: I will have the Town Engineer look into that and see if there is any proposal to lower the road in that area.

Katherine Falkides, Boston Hills Estates: All 22 homes are placed in our development now. We have only one left to sell. I would like to request that we receive permanent Certificates of Occupancy for our residents.

Supervisor Kennedy: I see that a paving outfit put the final coating on the road. I think that's all that had been lacking to have the final Certificate of Occupancy so I'll check with the Code Enforcement Officer and if she has no problems with it we will issue the Certificates.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to transfer from the Contingency Account 1990.4 to the Engineering Account 1440.4, $9,000.00 for the Water Study on the East Hill.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Flowers to approve the contract for the construction of shelving for the Town Recreation Department to Henry Construction for $1,645.00.

five (5) Ayes — Carried

The following bids were received and opened on August 30, 1994 for emergency repairs to Shero Road due to the flood of August 27, 1994 in which Boston was declared a State of Emergency:

Tri Delta Contracting, Inc. 3623 Eggert Road P.O.Box 288 Orchard Park, NY 14127-0288	$34,884.00
Oakgrove Construction 6900 Seneca Street P.O. Box 103 Elma, New York 14059	$38,750.00
Holmes & Murphy, Inc. Bank Street Orchard Park, New York 14127-2991	$54,000.00

TOWN OF BOSTON

1994 - 19

YOUTH SERVICE AND YOUTH INITIATIVE PROGRAM

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 7th day of September 1994 at 7:30 P.M. Eastern Daylight Savings Time, there were

Present:	Richard L. Kennedy	Supervisor
	Mark W. Flowers	Councilman
	Don A. Wohlhueter	Councilman
	Josephine M. Davenport	Councilman
	Peter A. Walter	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 Davenport and duly put to a vote which resulted as follows:

Supervisor Kennedy	Voting Aye
Councilman Flowers	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Davenport	Voting Aye
Councilman Walter	Voting Aye

AYES: -5- NOES: -0- ABSENT: -0-

David J. Shenk

David J. Shenk, Town Clerk

REGULAR BOARD MEETING — TOWN HALL
SEPTEMBER 7, 1994 — 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers, on the recommendation of Highway Superintendent Ruchalski to approve the contract with Tri-Delta Contracting, Inc. for the reconstruction of Shero Road at a total cost of $34,884.00.

five (5) Ayes — Carried

RESOLUTION 1994-19 RECREATION, YOUTH SERVICE AND YOUTH INITIATIVE PROGRAMS

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport to defer, until the Town Board Meeting of September 21, 1994, a request for an appointment to the Boston Town Planning Board from Steve Tybor, 6540 Hillcroft Drive, pending receipt of his resume for review .

five (5) — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to appoint the following Cheerleading Coaches to the Boston Patriots Cheerleading Roster for 1994:

Mary Anne Mulawka	Jamie Kummer
Leah Metzger	Sue Kersten
Jennifer Kersten	Nanette Mead
Beth Travis	

five (5) Ayes — Carried

On September 6, 1994 all items regarding bids for the new 1994 Type III Ambulance were read received as follows:

Professional Vehicle Sales, Inc. 3259 Winton Road Rochester, New York 14623	No Bid Submitted
Snow Fighting Equipment & Consultants of Buffalo, Inc. P.O. Box 126 Southside Station Buffalo, New York 14025	No Bid Submitted
Quality Ambulance Sales, Inc. P.O. Box 628 Buffalo, New York 14207	$79,750 - No Trade $77,250 - With trade

A motion was made by Councilman Flowers and seconded by Councilman Davenport on the recommendation of the Boston Emergency Squad, to award Quality Ambulance Sales the bid for a 1994 Type III Ambulance for a cost of $79,750 with-out a trade, delivery date in late December 1994 or early January 1995.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter to grant Grace Lutheran Church permission to use the Lions Shelter September 15, 1994 from 5:00 P.M. to 9:00 P.M. for a Sunday School Teacher's cook-out. No Alcoholic beverages will be served. A certificate of Insurance is requested.

five (5) Ayes — Carried

SUPERVISOR REPORT

A) Supervisor's Monthly Financial Report for August 1994 received and on file in the Town Clerk's Office.

Supervisor Kennedy requested Councilman Flowers investigate and report at the next Town Board Meeting, the status of the dog enumeration project on the west side of 219.

REGULAR BOARD MEETING — TOWN HALL
SEPTEMBER 7, 1994 — 7:30 P.M.

TOWN CLERK REPORT

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter to accept the monthly Registrar of Vital Statistics Report for August 1994.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to authorize the Highway Department, Parks Department and Town Hall Laborer to move the voting equipment for the September 13, 1994 Primary and the November 8, 1994 General Election.

five (5) Ayes — Carried

HIGHWAY SUPERINTENDENT

Highway Superintendent Ruchalski: I talked to the County on the condition of the Boston Cross and Zenner Roads and they assured me that they would do a temporary road patch. The Lower East Hill Road status is that the County said it will have a base binder, and I see no problem with that. If it's a mud or dirt situation I will have to ask the Town Board to turn it back to the County.

TOWN ATTORNEY

Town Attorney Reilly: Regarding the Propane Tank discussion: I was asked what the appropriate zoning would be for such a propane tank. Our Zoning Codes have nothing specific on Propane. The appropriate zoning would be either C-2 under section 123-78 of the Town Code or C-1 with a Special Use Permit under section 123-71.

NYSEG vs. the Town of Boston on their assessment: We now have two more Article Seven cases; Tennessee Pipe Line and NY Telephone. NYSEG has sued on their assessment for 1990, 91, 92, 93 and the Town Board has authorized myself and the Assessor to meet with their representatives. We have been able to come up with a Resolution to these lawsuits and to their assessment for 1994, 95, 96. I would like approval of the Town Board on a Stipulation which would terminate these lawsuits, as per the following Resolution:

RESOLUTION 1994-20 NYSEG STIPULATION OF DISCONTINUANCE

Herb Klein had a question regarding zoning. Herb is in the process of rebuilding an attachment to a building he owns on Heinrich. One question addressed to me was whether he would need a demolition permit and whether he would need a survey. I think the real issue is whether a Building Permit is required and secondly whether there is a survey required. My conclusion is that he will not need a Building Permit as this is an alteration to an existing building under section 57-2A2 of the Code and if a Building Permit is not required he will not need a survey.

We have two different versions in our Town Code as to when a Building Permit is required and when a survey is required. I would suggest to the Town Board that at the time we review the Code for amendments this might be an area that would be a very good subject for an amendment, to clarify what the requirements are for a Building Permit and for the Survey.

COUNCILMAN REPORT

Councilman Flowers thanked all groups involved in helping the Town of Boston during the flood of August 27, 1994.

Councilman Flowers: I stipulated to Timothy Mann, Irish Propane that I didn't have any problems with the 1,000 gallon propane tank being sighted as long as some improvements were made to make access to the tank easier for emergency responders in case of emergency.

TOWN OF BOSTON

RESOLUTION 1994 - 20

NYSEG STIPULATION OF DISCONTINUANCE

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 7th day of September 1994 at 7:30 P.M. Eastern Daylight Savings Time, there were

Present:	Richard L. Kennedy	Supervisor
	Mark W. Flowers	Councilman
	Don A. Wohlhueter	Councilman
	Josephine M. Davenport	Councilman
	Peter A. Walter	Councilman

Supervisor Kennedy presented the following resolution and moved its adoption:

Index Nos. 10978-90,8710-91,10196-92,9652-93.

IT IS HEREBY STIPULATED AND AGREED by and between the Parties as follows:

1) The parties are entering into this Stipulation in order to settle the above captioned proceedings.

2) The terms of this Stipulation have been agreed to by Petitioner and Respondents.

3) The taxable values of Petitioner's real properties on the assessment rolls prepared by Respondents In 1994, 1995, and 1996, shall be the respective amounts set forth in column A, below.

PARCEL No.	COLUMN A
258.00-2-35	862,675
666.00-13-3.1	431,118
666.00-13-3.2	413,741
666.00-13-3.3	221,597
666.00-13-3.4	166,014
666.00-13-4.1	61,030
666.00-13-4.2	58,570
666.00-13-4.3	31,370
666.00-13.4.4	23,501
666.00-13-6.1	41,200
666.00-13-6.2	39,540
666.00-13-6.3	21,142
666.00-13-6.4	15,833

4. If the assessment rolls prepared by Respondents in 1994, 1995 and 1996 are prepared in accordance with paragraph 3, above, it is agreed that there shall be submitted to the Court for execution the Order, a copy of which is attached hereto as Exhibit A.

Petitioner and Respondents in the above-captioned proceedings, having entered into the Stipulation attached hereto agreeing that this Order be submitted to this Court for exection,

NOW, upon motion of Glenn B. Robbins, Esq., Attorney for Petitioner, it is

ORDERED, that the above-referenced proceedings are hereby discontinued with prejudice.

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

Supervisor Kennedy	Voting Aye
Councilman Flowers	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Davenport	Voting Aye
Councilman Walter	Voting Aye

AYES: -5- NOES: -0- ABSENT: -0-

David J. Shenk, Town Clerk

REGULAR BOARD MEETING — TOWN HALL
SEPTEMBER 7, 1994 — 7:30 P.M.

COUNCILMAN REPORT (CONT.)

Councilman Flowers (Cont.): He said should this propane tank be moved we could get all the Fire Companies and the First Aid Squad together and have a Propane Seminar in how to handle any emergency.

Councilman Walter: I will be meeting with Highway Superintendent Ruchalski tomorrow to work on the drainage problems and I will meet with the people from Hillcroft Road also.

Councilman Davenport gave an update of the Fall Recreation.

Recreation Director Clesse: Entertainment books and candy bars are being sold to raise funds for the Varsity Football trip to Florida. There are jobs available for the Friday Night Recreation program.

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer monthly report for August 1994, on file in the Town Clerk's Office.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to grant Code Enforcement Officer Santonocito permission to attend Erie County Fire Training Academy on September 26, 1994. All appropriate expenses to be paid.

five (5) — Carried

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter to grant a second Building Permit on the same premises to Leo Gokey, 5534 Ripple Drive.

five (5) — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to grant Paul Conklin, 7230 Chestnut Ridge Road approval for a second accessory building to be placed on the agricultural portion of his property.

five (5) Ayes — Carried

Received and filed notification that a Temporary Certificate of Occupancy issued to Brian Henry, 6199 Tillen Road will expire on September 17, 1994

DEPUTY CODE ENFORCEMENT OFFICER REPORT

A) Deputy Code Enforcement Officer's monthly report for July 1994, received and on file in the Town Clerk's Office.

DOG CONTROL OFFICER REPORT

A) Dog control Officer monthly report for July 1994, received and file in the Town Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's report for July 1994 received and on file in the Town Clerk's Office.

A motion was made by Councilman Flowers and seconded by Councilman Davenport to adjourn the meeting at 9:44 P.M..

David J. Shenk

David J. Shenk, Town Clerk

REGULAR BOARD MEETING — TOWN HALL
SEPTEMBER 21, 1994 — 7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman Josephine M. Davenport, Councilman Peter A. Walter, Supervisor Richard L. Kennedy, and Town Attorney Michael E. Reilly.

Absent: Highway Superintendent Eugene E. Ruchalski.

Reverend Gary Burdick opened the meeting with a prayer.

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter to accept the corrections and adoption of the minutes of the September 7, 1994 regular monthly meeting.
five (4) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport that the General Fund and Special District Bills on Abstract #9A, dated September 21, 1994 in the amount of $19,831.37 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Walter that the bill for the emergency repairs to Shero Road contracted to Tri-Delta Contracting, Inc. in the amount of $34,884 with an additional amount of $19,200 for a total amount of $54,084 be paid.

five (5) Ayes — Carried

Received and filed County Highway Deputy Commissioner letter to NYS DEC that the County of Erie will maintain the Hillcroft Road Bridge and the adjoining rip-rap flood protection work within their right-of-way (ROW) of jurisdiction.

Received and filed notification from NYS Department of Conservation to the Buffalo District Corps of Engineers that they are willing to cost share the erosion control project for Hillcroft Bridge.

Received and filed a letter from Beryl M. Bradford relative to the condition of Cole Road.

Received and filed a Resolution from the Hamburg School District allowing partial payments of current 1994-1995 school taxes.

Received and filed Erie County Sheriff's Department Monthly Activity Report for August 1994.

Referred to Councilman Flowers notification of the yearly "Disaster Drill" from the Boston Emergency Squad, Inc. and requested the State Police and the Erie County Sheriff's Department be notified.

Received and filed a letter from Kimberly Kuhn regarding a legal problem between her and her landlord.

Supervisor Kennedy noted that the Boston Town Board does not have jurisdiction over this tenant-landlord relationship.

REQUESTS FROM THE FLOOR

James Kosinski, 5535 George Drive: The Town purchased a fifty foot radius area from Palmer Construction. The utilities put around this cul-d-sac called for them to be approved and finalized by the Town within a five foot area. The remaining forty-five feet would be a green space which would house all the utilities as well as any culvert system that the Drainage Committee would approve. It was not to be blacktopped. Highway Superintendent Ruchalski said he is going to blacktop the entire fifty feet radius and go over the utility outlets. Is there an approved plan that can be seen and can the Highway Superintendent deviate from this plan?

James Kosinski, (Cont.): Does the Planning Board or the Drainage Committee get involved in this?

Supervisor Kennedy: We have a plan on file from Palmer's subdivision showing the cul-d-sac question. They did have approval from Erie County Sewer District #3. I will go up there with Councilman Walter of the Drainage Committee and Superintendent Ruchalski and see what you are talking about.

Clive Rucker, 6910 Boston State Road: Work is going to start on Boston Cross Road next Monday and they have talked of lowering the road by the church.

Town Attorney Reilly: A question from the last meeting was whether they were going to remove the dip in the road when they rebuilt it. I talked to the Engineer for the County who is in charge of this project and he indicated they were going to take out that dip. I requested a profile of the road and he sent out a complete set of specifications for the reconstruction. He indicated the award would be made the end of September and the contractor gave a very aggressive schedule for the work that was to be completed this year.

Gregory Hahn, 6527 Fairlane Drive: Who gives out the contacts for doing the Town roads? I have been living there since 1956 and it has never been resurfaced.

Supervisor Kennedy: Each year we approve the roads that the Highway Superintendent is going to resurface under the CHIPS program.

Gregory Hahn: What about the valuation and the equalization on School Tax? I have a brother in Hamburg who has a house that is assessed more than mine and pays less tax in the same school district.

Supervisor Kennedy: We have had a very favorable equalization rate this year. We received a favorable reduction in our school taxes compared to the increases they received in Hamburg.

Resumes were received from Donald M. Sauer, Patricia M. Jerome and Steve Tybor, Jr. for appointment to the Planning Board, term to expire 2/1/01.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to appoint Donald M. Sauer to the Planning Board, term to expire 2/1/01.

Councilman Flowers and Councilman Walter commented they would like to table the appointment until they have had ample time to review and access each resume.

Councilman Flowers	Voting Nay
Councilman Wohlhueter	Voting Aye
Councilman Davenport	Voting Nay
Councilman Walter	Voting Nay
Supervisor Kennedy	Voting Aye

two (2) Ayes three (3) Nays Denied

A motion was made by Councilman Flowers and seconded by Councilman Davenport to appoint Louise A. Manista to the Conservation Advisory Council, term to expire 3/1/97.

five (5) Ayes Carried

REGULAR BOARD MEETING — TOWN HALL
SEPTEMBER 21, 1994 — 7:30 P.M.

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to appoint Sylvia J. Wisher to the Conservation Advisory Council, term to expire 3/1/96.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to reappoint Clayton G. Schunk to the Assessment Board of Review, term to expire 9/30/99.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter to appoint the following as Soccer League Coaches for the 1994 season:

Ben Randle	Hang-Yat Tam
Pete Yeskoot	John Hartman
Sean Greene	Mike Hacker
Barry Decker	Bob Ehlers
Ken Bihl	Gene Partridge
Paul Rosiek	Mark Williams
Dave Derkacz	Rick Lardo
Tony Guido	Tim Stotz
Walt Filkorn	John Marron
Jack Grech	Tom Crabtree
Mike Kozina	Tim Dinse
Lou Matricardi	Dave Grove
Mark Janker	Dave Ruzzine
Larry Kosowski	Don Harris
Scott Draudt	Ryan Draudt
Wally Odden	Mary Ann Sullivan

Wayne Hahn - Equipment Mgr., Tom Krajewski - Head of Officials

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Davenport to approve the correction of Abstract #9, dated September 7, 1994 as follows:

Voucher #739 - Coyne Textile Services
From: 65.00
To: 186.39

Voucher #743 - Gernatt Asphalt Products
From: 473.00
To: 473.60

Voucher #766 - Donna Odoj - 400.00
Previously approved on Abstract #8, Voucher #636

Total General Fund
From: 14,274.11
To: 14,396.10

Total Previously Paid
From: 168,806.96
To: 168,406.96

Total Abstract #9
From: 291,303.47
291,026.46

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to schedule the Public Hearing for the Community Development Block Grant Program Projects for October 19, 1994 at 7:50 P.M.

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
SEPTEMBER 21, 1994 — 7:30 P.M.

Received and filed a letter from Victor J. Antonelli, President of Boston Pool and Barbecue Supply, Inc., withdrawing his application for a Special Use Permit at 8381 Boston State Road.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to refer to the Planning Board and set a Public Hearing for October 5, 1994 at 7:45 P.M., a request for a Special Use Permit at 8344 Boston State Road for the Boston Pool and Barbecue Supply, Inc.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to table until the next Town Board meeting, a request from Donald Brunner, Sr. and Michael J. Brunner of 8936 Boston State Road for a Special Use Permit to retain an existing propane tank located on said property, pending receipt of sufficient information.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to grant the final Certificates of Occupancy for the Boston Hills Estates Development.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport to grant a six month extension of a Building Permit, B-93-78 for 5953 Old Orchard Drive.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to authorize TVGA Engineering, Surveying, P.C. to provide professional services, at a cost of $4,100 for the installation of a underground fuel tank at the Highway/State Police facility.

five (5) Ayes — Carried

SUPERVISOR REPORT

A motion was made by Councilman Flowers and seconded by Councilman Davenport to solicit bids and have a bid opening and award on September 30, 1994 at 10:00 A.M. in the Town Clerk's Office for the demolition of the property at 6710 Mill Street declared unsafe by the Town Board.

five (5) Ayes — Carried

TOWN CLERK REPORT

Town Clerk Shenk read a letter from Richard Brox, Architect, regarding the application for a Building Permit from George Hartman for George's Hotdog Stand. Mr. Brox recommended the application be tabled until a site plan under Article 97 be provided.

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to grant a Building Permit to George Hartman, George's Hotdog Stand, with the following stipulations as recommended by the Boston Planning Board:

1) That the green space stays in front along Herman Hill Rd.
2) Parking expansion be kept to the south side of property.

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
SEPTEMBER 21, 1994 — 7:30 P.M.

TOWN CLERK REPORT (CONT.)

Town Clerk Shenk announced that the school tax bills have been mailed.

HIGHWAY SUPERINTENDENT REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to grant permission to Highway Superintendent Ruchalski to attend the NYS Association of Town Superintendent of Highways 65th Annual conference at the Nevele Hotel, Ellenville, NY on September 27th through 30th, 1994, to be paid from funds appropriated.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Walter to table the request of Highway Superintendent Ruchalski, for two (2) truck driver positions at a rate of $8.00 to $10.00 per hour.

five (5) Ayes — Carried

TOWN ATTORNEY REPORT

Town Attorney Reilly: There was a report made by the Town Board that there was a problem with children swimming near the new dock behind the Town Hall in the Town Park. A request was made to amend Local Law #2 from 1983 which regards what can and cannot be done on Town property. Pursuant to that request I have proposed Local Law #2 for the year 1994 which is as follows:

LOCAL LAW NO. 2 FOR THE YEAR 1994

A local law to amend Local Law No. 2-1983, entitled Town Property, codified in Chapter 114 of the Boston Town Code, providing for the prohibition of certain activities on Town Property.

BE IT ENACTED BY THE TOWN BOARD OF BOSTON AS FOLLOWS:

Section I.

That local Law NO. 2-1983, codified in Chapter 114 of the Boston Town Code, be amended by deleting all of Section 114-11 and by adding the following new Section:

"SECTION 114-11. HUNTING, SWIMMING, AND SKATE BOARDING PROHIBITED.

NO PERSON SHALL PARTICIPATE IN THE FOLLOWING ACTIVITIES ON TOWN PROPERTY:

A. GAME HUNTING.
B. SWIMMING.
C. SKATE BOARDING."

Section II.

This Local Law shall take effect upon filing with Secretary of State in State of New York.

A motion was made by Councilman Flowers and seconded by Councilman Walter to hold a Public Hearing on October 19, 1994 at 8:15 P.M. for Local Law NO. 2 for the Year 1994.

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
SEPTEMBER 21, 1994 — 7:30 P.M.

TOWN ATTORNEY REPORT (CONT.)

An easement has been prepared and sent out for the turn-around on the Reiter Property, 7937 Burr Road, which will be utilized by Town trucks and the Refuse Collector, which is now BFI. We are in the process of negotiating the final terms.

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter to authorize Town Attorney Reilly and Deputy Town Attorney Wilson to attend a CPLR update Seminar on September 23, 1994, at a cost of $70.00 per person.

five (5) Ayes — Carried

COUNCILMAN REPORT

Councilman Flowers gave an update on the Southtowns Haz-Mat team. The Emergency Squad reported that some parking signs have been knocked down and State Police cannot ticket offenders who park in Emergency Personnel spaces.

Supervisor Kennedy directed the Town Clerk to request the Highway Superintendent to replace the signs.

Councilman Walter reported on the status of Town drainage problems and the progress of work on Lower East Hill Road.

Councilman Davenport reported on a request from a Town resident that Boston become a sister city.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to adjourn the meeting at 8:51 P.M..

David J. Shenk

David J. Shenk, Town Clerk

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 5, 1994 — 7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman Josephine M. Davenport, Councilman Peter A. Walter, Supervisor Richard L. Kennedy, Town Attorney Michael E. Reilly, and Highway Superintendent Eugene E. Ruchalski.

Thomas Kasprzyk, Pastoral Assistant - St. John's opened the meeting with a prayer.

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter to accept the corrections and adoption of the minutes of the September 21, 1994 regular monthly meeting.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy that the General Fund and Special District Bills on Abstract #10, dated October 5, 1994 in the amount of $115,596.34 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Walter that the Highway Bills on Abstract #10, dated October 5, 1994 in the amount of $22,818.68 be paid.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by to Councilman Walter to accept the Town Clerk's monthly report for September 1994.

five (5) Ayes — Carried

Received and filed a rebuild update from Adelphia Cable Communications.

Received and filed receipt of Emergency Proclamation by NYS Dept. of State. (flood 8/27/94).

Received and filed an update from Senator Dale M. Volker on the status of the 1994-95 Local Initiative Request.

Received and filed the Town of Boston 1995 Capital Plan from the Erie County Water Authority.

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy to authorize Town Clerk Shenk to advertise for bids for the installation of a Fuel Storage and Distribution System to be opened and read aloud on October 18, 1994, at 11:00 A.M.

five (5) Ayes — Carried

On September 30, 1994 at 10:00 A.M. the following bid was opened and read aloud for the Building Demolition Project, 6710 Mill Street:

Maplewood Construction Corp. — $5,000.00
6440 Omphalius Road
Colden, NY 14033
(Insurance Certificate Attached)

Received and filed a letter from TVGA Engineering, dated 9/30/94, regarding Building Demolition Project of 6710 Mill Street, recommending the Town negotiate a price per truck load in lieu of a lump sum bid as the amount of materials to be demolished changes daily.

REGULAR BOARD MEETING TOWN HALL
OCTOBER 5, 1994 7:30 P.M.

Received and filed a letter from TVGA Engineering, dated 9/28/94, regarding Building Demolition Project of 6710 Mill Street, recommending the concrete block chimney not be removed.

Town Attorney Reilly: I was notified that Mr. Dzierzanowski of 6710 Mill Street, filed papers seeking a Preliminary Injunction and a Temporary Restraining Order which would prevent the Town from awarding a contract to complete the demolition work. At this point 90% of the demolition is done. I sent a letter to Mr. Dzierzanowski's lawyer, John Nichols, stating the Town will postpone the award of the demolition contract until after October 12, 1994 provided all work listed in demolition specifications be completed by 4:00 P.M. on October 12, 1994. As per the recommendation of the Town Engineer the requirement of the removal of the concrete block chimney has been deleted from the specifications. Mr. Dzierzanowski has agreed.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers, on the recommendation of Town Attorney Reilly, to postpone the awarding of the contract for the Demolition/Cleanup of the Fire Damaged Structure at 6710 Mill Street until October 12, 1994 at 4:00 P.M. In the event the demolition is not completed on this date, and after an inspection by the Town Engineer, the Town will negotiate and consider a contract with Maplewood Construction Corp. for the remaining demolition work.

five (5) Ayes Carried

At 7:50 P.M. a Public Hearing was held regarding a request for a Special Use Permit to install a propane filling station at 8344 Boston State Road. Supervisor Kennedy read the legal notice. Notification was sent to 30 neighboring property owners, including an Assessor's map and application. A letter was read from the Boston Planning Board recommending approval with the stipulation that there be security lighting on the premises.

LEGAL NOTICE
TOWN OF BOSTON
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston, Erie County, New York, will hold a Public Hearing at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on Wednesday, October 5, 1994 at 7:45 P.M., Eastern Daylight Savings Time, to consider the application of Boston Pool and Barbecue Supply, Inc. for a Special Use Permit to install a Propane Filling Station at 8344 Boston State Road.

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

Dated: September 16, 1994
Published: September 22, 1994

BY ORDER OF
THE TOWN BOARD
DAVID J. SHENK,
TOWN CLERK

9-22

Supervisor Kennedy convened the Public Hearing.

James Ball, 8355 Boston State Road: I live directly across the street from 8344 Boston State Road. I have been a resident and homeowner in Boston for twenty years and I enjoy living here very much. There have been a few changes in this town in the past twenty years including the ROBO gas station. Since the ROBO station opened there have been many car accidents and near misses on the road in front of this station. There was also a car fire at the ROBO station this summer. Now, a propane filling station is being considered to be opened directly across the street from the ROBO. Adding to the hazard is propane cylinders being transported in cars to and from this location. Propane tank trucks making deliveries and a one thousand gallon storage tank. While gathering signatures on a petition against this, I spoke to some of my neighbors. One recently was passing through the mid-west and he said all over the Des Moines television there was a story of a one thousand gallon tank similar to the one proposed to be installed. It leaked and nobody knows how or why. The propane leaked into a building next door, a building being renovated. It exploded and killed two people and seriously injured two more. Another neighbor told me of a propane delivery truck the other night that turned into Tony's Pizzeria. The driver was frantically running around the truck.

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 5, 1994 — 7:30 P.M.

Public Hearing (Cont.):

James Ball (Cont.): The truck was making funny noises. The lady of the house said it sounds like it is going to blow up. The driver said it is. Shortly thereafter the sound stopped. It was a faulty safety valve on the truck. Even when precautions are taken, accidents happen. Whether it is from faulty safety devices or human error. It is my belief that a propane filling station should not be installed in such a populated area. I would like to present to the Boston Town Board a petition from the Boston Residents stating we are strongly opposed to the granting of a "Special Use Permit" to install a propane filling station at 8344 Boston State Road for the following reasons:

01) safety hazard (directly across from existing gas station)
02) area of residential homes
03) families with small children nearby
03) numerous school bus routes
04) additional traffic flow in an already congested area

The petition was signed by 170 local people who feel the same way I do.

Mr. Ball presented the petition to Town Clerk Shenk.

Rosemarie Ball, 8355 Boston State Road: I have been a homeowner in Boston for over twenty years. In taking the petition around to my neighbors I was overwhelmed with the strong opposition to this propane filling station. I expected to have more people not willing to sign the petition but found just the opposite to be true. The vast majority of people welcomed the opportunity to voice their opposition by signing the petition. We explained it as clearly as possible to the people so there would be no misunderstanding as to what we were asking them to sign. Most of the people knew of Mr. Antonelli's request for a Special Use Permit but thought it was a dead issue because he withdrew his application from 8381 Boston State Road. When we told them he then applied for 8344 Boston State Road they were not only surprised, but quite upset. The overwhelming majority of people we spoke with which even includes some customers of Mr. Antonelli's do not want this filling station in their neighborhood. You will notice that on the petition we have signatures from all of the residents within the immediate area of the proposed site, including Mr. John Lozorick who lives right next to the proposed station. The immediate area includes approximately eight families with small children. This area I was told is a more commercial area than the original requested site. As you can see it is still quite residential. I would be more than glad to have Mr. Antonelli's business in my neighborhood minus the propane tank. Please do not grant this Special Use Permit. Thank you.

Joyce Corlett, 6474 Omphalius Road: I believe the Ball's are correct. The Town has changed over the last twenty years but what I have noticed is that businesses keep leaving Town and no business is coming in. I would like to applaud Mr. Antonelli for trying to keep his business in Boston. To everyone who is concerned about the safety of the propane tank, I ask that they look in their own back yard and more than likely they have barbecue grills with propane tanks that they should have the same concerns over and then maybe not have them any longer. Thank you.

Ronald Hoffman, 7956 Boston State Road: I didn't prepare anything because I didn't know I was supposed to. I live on the Boston Colden Road. I've been out here for about ten years, rebuilding. My son has a place and I have two other places I'm rebuilding. I have a propane grill. Every time I wanted to get it filled I had to drive all the way over to Hamburg or down into Springville and as other people have noted, a lot of businesses have been leaving Boston.

REGULAR BOARD MEETING
OCTOBER 5, 1994

TOWN HALL
7:30 P.M.

Public Hearing (Cont.):

Ronald Hoffman (Cont.): Propane is not any more dangerous than the gas station that is right across the street from where Mr. Antonelli wants to put his place. If we keep making things difficult for people who want to start businesses in our Town, the new extension of Rice Road is going to finish us right off. I think with proper precautions, which the New York State inspectors put forth, a propane tank isn't any worse than a guy who is heating his house with a propane tank. There are many people around here that do, or has his grill with a propane tank, or has gasoline cans in his garage for all his equipment. It is just a matter of personal caution rather than a person who is trying to start a nice business to make it convenient for the residents of our Town.

Jay Broadway, Boston Chamber of Commerce President: I have a letter to be presented to the Town Board and be admitted into the record. It is addressed to the Town Board of Boston regarding the Boston Pool and Barbecue Supply Special Use Permit request.

After reading his letter supporting the granting of this special use permit he then presented it to Town Clerk Shenk.

Florence Wendling, 8358 Boston State Road: My property directly bounds the back yard of the proposed site. I am opposed to the formation of a propane tank. I would welcome his business as Pool and Supply but I do not wish to see the propane tank be installed for the reasons that were stated by the previous speakers. The hazards, the dangers, and the children in the town. Thank you.

Kay Falkides, Boston Hills Homes and Estates, Business Owner in the Town of Boston: I am a member of the Chamber of Commerce and a member of a committee within the Chamber called the Economic Development Committee. I would like to urge the Town Board to support local business. I have been attending the Board meetings and I know that Councilman Flowers is the liaison and a Hazardous Materials Specialist and he has said that he doesn't consider it to be a potential danger in the town if it is properly handled. I urge the Town Board to issue this Special Use Permit to Mr. Antonelli.

Victor Antonelli, Boston Pool & Barbecue Supply, Inc.: At the meeting a month ago when we originally proposed the one site, we kind of left here feeling that we were personally attacked. It wasn't a question of business, it was for a lack of a better phrase, I was the anti-Christ coming to destroy the Town when I've had this business for three years. This wasn't my purpose. We felt very much personally attacked. Also what came into that was that we were concerned about everyone's opinion. In looking for a new business site, as many of you know, there is not an awful lot of commercial space that's available. Good commercial space that you can utilize. So you are limited. Most of the strip through the center of Boston here is zoned C-1. Which is for commercial use. In trying to find a spot, the initial site we had last time did have some flaws with it but it was available and it was economically feasible which is why we tried to move to that location. With the overwhelming protest we understood people's concerns about it and that was addressed. The letter when the request for a permit was withdrawn which was given to the Town Board at the meeting two weeks ago stated, "that while in compliance with the appropriate zoning and within the rules of the Boston Code the application for Special Use Permit at 8381 Boston State Road by Boston Pool and Barbecue Supply Inc. for a propane supply tank is withdrawn on the basis of aesthetic concern and limited space for business operations expressed by certain citizens in the immediate vicinity of this property.

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 5, 1994 — 7:30 P.M.

Public Hearing (Cont.):

Victor Antonelli (Cont.): All citizen concerns for the safety in the tank proximity is understood. However, it should be realized that the tank size and volume could be placed on anyone's property as an energy alternative to natural gas and or electricity without any restrictions or permits required by vote or regardless of citizen or neighbor protest. Mainly the tank I am currently using to fill propane cylinders for many of the gas grills in town could be an alternate heating source in anyone's back yard and you couldn't say a thing about it. You could not stop it from being there. Because I use this as a transfer station to fill up your cylinders is why we are going through this permit process. It should be known that many of the concerns on the last petition, we took that into consideration. We have lived in this community eighteen years. We are a part of this community. It almost seems with this overwhelming number of signatures that you begin to wonder, is it actually genuine concerns or is it simply championing a cause? If you have genuine concerns I'd really love to hear it. Since the meeting a month ago no one has stopped n the store and said "look I have a problem with what you are talking about, can you inform me about this stuff?" None. So I am beginning to wonder, are the complaints really that valid? Considering the safety aspects, Mr. Ball brought up a situation in the midwest. I really don't know sir what their laws are regarding the tanks, the inspection of them, the legal aspects of installation. I have no idea whatsoever. I know in New York State what the federal laws are and we have to be in compliance with. Tim Mann is here from Irish Propane and he can cover any aspect of that. We have had no instances whatsoever at the filling site where I'm at. Nothing. When was the last time that any of you heard of a filling station like I have, this tank, exploding or causing any kinds of problems? I can't recall. Tim Mann couldn't recall. I don't believe anyone else can. So lets compare apples against apples. Everyone is very concerned about what happened in Buffalo a few years back with a very fatal explosion. It was extremely unfortunate but that explosion occurred not because of propane but because of carelessness and ignorance. An illegal tank was inside a building that it did not belong in. It fell from a forklift truck releasing the gas. There was a wood stove burning on the bottom floor. No one did a thing, they called the fire company ten or fifteen minutes later by the time the gas seeped to the bottom. All that had to be done to prevent that was to put the fire out downstairs. The tank did not belong in the building. It had nothing to do with a pumping station. (Mr. Antonelli, holding up a tank) What I've got here is a tank that many of you would be familiar with. This tank does not belong in this building. The only reason I brought it in, if you will notice the white sticker on the handel, this tank has never had propane gas in it. If it did, there would be no way it would be in this building now. This is what caused the problem in Buffalo. Not filling tanks that you use on your grill. This is what is illegal. Having this indoors. The way that scenario occurred in Buffalo, once again, it was an illegal tank, did not have this protective rim on it, the valve sheared off which released the gas. According to federal regulations the tank has got to have the rim in order to get filled. This is posted right in my place of business. It is right on the fence where I fill the tanks from. If the tanks do not comply with this I cannot fill them. I will not fill them. So these are the regulations that you go through and you take care. If it was five hundred gallons of gasoline in that same situation, it would have caused the same problem and the same result. So don't substitute ignorance and neglect for using common sense and being aware of the dangers of using certain products. All of us drive vehicles and gasoline vehicles are explosive too when they are not properly used. On the previous petition the reasons that were given was, number one, safety hazard.

REGULAR BOARD MEETING TOWN HALL
OCTOBER 5, 1994 7:30 P.M.

Public Hearing (Cont.):

Victor Antonelli (Cont.): Councilman Mark Flowers has gone through and explained that this particular installation is safe. This is the man's field of expertise. He has explained that. With this scenario that I've showed you, the safety aspects are addressed. I am covered by Federal law and by State Law. Unless you know how to operate a tank you cannot get a license. It has every safety precaution imaginable on that tank. Once again, I am a resident. I've been here for eighteen years. I am not going to bring something into this community that is going to injure anyone. I am trying to build a business not destroy the community. I think the safety aspect has been pretty much covered. If you have any questions concerning this I will gladly discuss it with you but bear in mind that the gasoline causing situation was not the same scenario that we are talking about and no one could say in the room where they remember a tank blowing up. It was at a gas station. The area of residential homes, yes. The application before there were a number of homes around it, because I went through the petition and I tried to locate where the homes were that were objecting to. There were a number right behind it in the immediate area and the people were opposed to it. So at considerable expense and time we looked for an alternate site. The alternate site that we're at is across from the gasoline station, from the fire company, from the old town garage. Next door to it is the old TNT battery factory. It is a corn field behind. So in terms of being in an area of residential homes, no it's not. It is kind of in the middle of the business district in the center of Patchin. In terms of site pollution, the way the tank is positioned behind the building, which I do plan on changing the color, you will have to slow down, intentionally look over and try and see it, then you might catch a glimpse of it.

Walter Filkorn, 6466 Patchin Road: Will I see it from my back yard? If you put your tank there I will see it directly. My back yard goes right to the back side of the old TNT site.

Mr. Antonelli: This is a commercial area. You have been living next to businesses. Whether it is my business or any other business that goes in you will be living next to a business. I don't think this is any more hazardous than in the other location. The numerous school busses on Boston State Road, school busses are going to travel that way whether or not my business is in that location. Additional traffic, any business is going to create some additional traffic. That is why the zoning is commercial. There are businesses there. The last set of petitions that I have here, I counted the exact number of homes that were through the area, who signed in the negative that they didn't want it, who did not sign at all. The negative signatures represented about 33% of the total homes in the area. That's about how many actually signed the petition. There were some other names from different areas. I don't think they are too germane to this business application at this spot. Talking about hazards too, there are some residents/businesses, vehicles being repaired etc, going on that are not according to zoning. I don't really care, if someone is trying to stretch a buck and make a living, that's fine. I do take a little offence when you say it's ok for you to run an illegal business but it's not ok for me to run a legal business. I think that especially working on cars and things like this you might want to let the fire company know if there is any gasoline in service. Especially after the fire that occurred this spring on Chestnut Ridge Road. Anything that is in my store is filed with the fire department. They know exactly, so that should be taken into consideration. This new site was approved by the Planning Board. We went through it very thoroughly. They had no objections to it. The business is endorsed by the Chamber of Commerce which Jay Broadway brought and I am very grateful for. I worked on building this business along with my wife for three years.

Public Hearing (Cont.):

Victor Antonelli (Cont.): It took a lot of our savings and time. Virtually everything that was made has been reinvested to try and build the inventory to try and keep this business alive. Propane gas is a critical part of my business. I deal in recreation fun products, summer business things, it's a very critical aspect. We really feel we've addressed the citizens complaints from before. We've gone to considerable length to try and find a more acceptable site. We feel this site is much better, it is in the middle of the business hub. There are plenty of other businesses around. I am really asking the Town Board to please honor this permit application.

Ralph Gibson, 8683 Maplelawn: Worst case scenario, if there was an accident, what would be the resulting area of devastation if there was an explosion?

Victor Antonelli: If there were to be an explosion, number one, as I said before the gas is dangerous when it is contained which is why this should not be in the building. Only when it is contained. The tank that is outside is with a fence around it. If it were to leak, yes it would explode. That is why we do not enclose it. We don't put any protective structure around the tank. That's when gas can become dangerous, when it's enclosed. So the odds of an explosion occurring at that tank and taking anything out, don't exist. That's not what would happen. The scenario that Mr. Ball read off from Iowa, as I say, I don't know what the regulations are or any of the circumstances around it. That tank could have been enclosed, it could have been in a building. There are a number of things that could have happened which I am not aware of. According to Federal and New York State Law, I cannot do that. Nor would I want to do that. This cylinder full of gas in this building is ten times more dangerous than what I have sitting there outside. I have people walk in the store all the time asking me to fill their tanks. They better keep them outside because they don't belong in the building.

James Kosinski, 5535 George Drive: What kind of liability insurance would you be required to carry in the event there would be an accident?

Victor Antonelli: There is a minimum insurance requirement of one million dollars.

Mrs. Ball: You said the worst case scenario was none. The gentleman asked a question and you never answered it. What is the devastation area if this tank exploded?

Tim Mann, Irish Propane: What you are asking is a hypothetical question. When you talk about a leak in the tank what you have is the gas dissipating into the atmosphere. Obviously it would just go off. If there was a fire around the tank itself, if the building started on fire, there is a safety relief on the top of the tank that when the tank reaches a certain pressure inside, that safety relief is designed to go off to relive that pressure. Let's say the fire were to encase the tank and actually get underneath the tank. All it would take is a 1-1/2 fire line to cool that tank down and shut down the safety relief valve. So that tank isn't designed to build up pressure and explode. The tank is designed to build pressure and then relive the pressure into the atmosphere. It is also designed to be cooled by a 1-1/2" fire hose which would be applied to the top of the tank.

Mrs. Ball: This happens if nobody is around, right?

Tim Mann: Yes it does. Nothing has to be manually done. It is all mechanically done.

Public Hearing (Cont.):

Mrs. Ball: Then why is the liability so high?

Tim Mann: That is mandated by our umbreila policy. That I couldn't tell you. When you look at a million dollar policy on a business like that you are only talking about something, depending on the company, of between about nine hundred and thirteen hundred dollars a year. It's really not that much.

Victor Antonelli: The way the legal environment is today, people sue at the drop of a hat.

Tim Mann: We have been in this business for thirty-five years as far as supplying and putting up pump stations. We have never had an incident of a fire or any type of explosion. In 1984, New York State has taken NFPA58 as their regulations. We have to comply with their regulations as do the townships. If the town had any requests for special things that they wanted to impose on putting one of these pump stations in, they had to do it in 1984. A situation like this can't be determined in an emotional type atmosphere, it has to be looked at as to how are we putting this installation in? Are we doing it to the regulations? Are we doing it in the proper zoning. As I stated in the letter, we exceed NFPA58. All of the installations that are in, in the Buffalo area, exceed NFPA58. Also something to consider, by 1996 the townships themselves will have to look at alternate fuels. Right now we are the leading alternate fuel. Natural gas is coming up but it is very expensive. By 1996-1998 you could have propane tanks in the back of your municipal buildings. That is something you will have to consider.

Supervisor Kennedy: When the second part of this building was constructed there was a gas crunch so we had a 250 gallon propane tank sitting outside the doorway as an alternate source of fuel. We had a switch that switched our boiler over to propane or natural gas. There wasn't natural gas available to the extent that it is today. That tank was there for eight years before it was removed.

Tim Mann: Now we are looking at the motor vehicle end of this. You are going to see these pump stations, not only in the form that Mr. Antonelli is trying to get his in, but also in the vertical position. They are going to be put in gas stations. Right now we are servicing quite a few customers from Canada. Canada actually gives you money to convert your vehicle over to propane. Our government is now changing over. California is leading the field. They run more cars on propane then anybody in the United States right now. It is gradually going to move it's way this way. This isn't something that is going to go away. You are going to see more and more of these refilling stations. Not only for refilling twenty pound cylinders, but also for fueling vehicles. Any questions as far as the safety aspects, when we see that there is an explosion out in the field as it is put, and normally that is hyped, normally it is not an explosion, if you consider the safety of propane installations to something that is running through just about everybody's house, which is natural gas, you are going to find that our history is a lot better than natural gas right now. They have a lot more problems in the field with old pipe lines, they have a lot of problems in the field with their installations. We are hearing that they are having explosions, leaks and situations like that. It is just the nature of flammable gas. Thank you.

Marian Antonelli: I am Victor's wife and I just want to let it be known to everyone too that this is a major issue for Victor and I. We have put basically all of our savings into this and we have heavily researched this before we took this project on. I am just asking if there are some questions and concerns, that you consider them carefully and honestly.

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Public Hearing (Cont.):

Marian Antonelli, (Cont.): We have heard what everyone has said but we also want you to get some perspective in terms of how we are looking at this. If this does not work, that is the end of our business. We'll have to start from scratch. We have put everything in this and I just wanted to let you know that and thank you for all that you've done.

Mrs. Ball: I just want to know why they are moving from their original site to down here?

Victor Antonelli: That is a legitimate question. This new building has an option to purchase the building. It has more floor space that I can work with in terms of possibly sub dividing some of it to defray some of the overhead costs. The site I am in right now, the building leaves some things to be desired in terms of the overall maintenance of it. The monthly rent is a fairly significant amount of money for a small business like this that basically runs for six months of the year. We can continue in this new site and build and have something down the road is what it is. That is the purpose of the move. The area that I am in right now is actually far more populated in terms of people being around then this new site. The move is economical. We are just about tapped and we have to make some changes.

Councilman Wohlhueter: What is the timetable on your lease agreement to rent the building? Do we have time till the next meeting to consider and to look at the petitions that have been presented and also take into consideration all the comments and information that has been taken tonight. I would like to look at the information that has been presented and make a decision at the next Town Board meeting. If that is possible I do not know what your timetable is in the month of October.

Victor Antonelli: My lease was officially over at the end of September. So I have just been kind of pushing in that site for another week to get those utility bills. Effectively as of tomorrow I will have to start moving my business out of that location.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to close the Public Hearing at 8:31 P.M.

five (5) Ayes — Carried

Supervisor Kennedy: In deference to Mr. Antonelli I had asked the Board to review the site in question, that they go down and personally observe the site so that they were familiar with it and that they had the opportunity then to question Mr. Antonelli if they had any questions concerning installation as to where it was going to be located on the premises or to what degree I think most of the arguments both for and against the site that have been presented here tonight are very similar to those that have been presented at the last Town Board Meeting. I don't know whether the signatures are the same but I would say there was approximately the same number of signatures presented and the Board certainly had an opportunity to review those signatures. In fairness to Mr. Antonelli we should be prepared to make a decision one way or the other on his applications here this evening. This would be my consensus unless someone has an objections to that.

Councilman Flowers: I have been a Hazard Materials Specialist registered in New York State for the last two years. After the last Public Hearing we had for the Special Use Permit for Victor Antonelli, I had some reservations because of the people.

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Public Hearing (Cont.):

Councilman Flowers, (Cont.): They came out and said "we don't want it here, we don't want it because it is unsafe and everything else". Having been to the propane schools and having gone to the insurance shows that they put on, I know in my own mind and my own heart that propane is a very safe fuel when it is used properly. I was going to a Hazard Materials meeting, the building is on Jeffery Drive in Blasdell. My shortest route is to go down South Park Avenue, cut across Bayview, pickup Jeffery Drive. I looked over on Bayview Road at the Frontier Central School's garage area, and lo and behold , I never noticed this before, ever in all the times that I drove past there, lo and behold there is four (4) one thousand gallon propane tanks within one thousand feet of the school building. Now, if the Frontier Central School District can say this is a very safe fuel to use, we are going to have it outside, we are not going to contain it, we are going to follow NFPA58, and they are putting it next to people whose children , we all love children, we all know the children are our future, you are talking about four thousand gallons within a thousand feet of the school. I think that really cemented it for me.

A motion was made by Councilman Flowers and seconded by Councilman Davenport to grant Victor Antonelli a Special Use Permit for the installation of a one thousand gallon propane storage tank at 8344 Boston State Road.

Councilman Flowers	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Davenport	Voting Aye
Councilman Walter	Voting Nay
Supervisor Kennedy	Voting Aye

four (4) Ayes one (1) Nays Carried

Councilman Flowers: I will be setting up a show and a class with Irish Propane, the three fire companies and the first aid squad. I will be doing this in the near future and I will be contacting Mr. Tim Mann so that everybody in the emergency response business in the Town of Boston will put all their fears to rest.

Councilman Davenport: For fifteen summers I slept within two or three feet of a tank at the summer cottage of my mother-in-law. It was always properly cared for and it was a long time ago so the safety valves have improved since then. I think the fears are unfounded. I had my children in that cottage and I had my family there for years and we never had any problem and no one else in the whole community did either.

Councilman Walter: I was working the seventh precinct when the incident occurred on South Division Street. Enough said.

Supervisor Kennedy: As I mentioned there was a 250 gallon tank that sat right here beside the building and I was in this building every day for the eight years that it sat there when it was filled. If it would have exploded it certainly would have taken everyone in the building with it. I think it is as safe a fuel as gasoline if it is closely monitored and done properly. I think in this case the rules and regulations of the State of New York are such that it is a safe fuel. As was pointed out by the representative of Irish Propane, there are many more extended uses of propane. When I worked at the Ford Plant right adjacent to the plant was a large propane tank and I mean large. It was probably ten times as large as Mr. Antonelli's advocating the installation of. It was used to fuel all the Ford trucks and the bugs. Had that exploded I am sure that the twenty-five hundred to three thousand people that worked in that plant would have gone up with the propane.

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Public Hearing (Cont.):

Supervisor Kennedy (Cont.): If it is handled properly, if it has the correct monitoring, I am sure it is a safe a fuel as the gas station across the street. There was a gasoline station located on that premises, right beside where Mr. Antonelli is advocating installation of this propane tank, that existed for many years. I would guess that there is still a buried gas tank on that particular property from the time that it was ...

Town resident in audience: It's gone now. They dug them out.

Supervisor Kennedy: At the time former Councilman Wittmeyer owned the Valley View there was gas that migrated in and you could smell it in the Valley View. That's what causes the problems. I was also President of the Church Council at Good Shepherd and we had gas that leaked downstairs from regular natural gas and blew out all the windows in the church. Fortunately there was enough windows in the church to alleviate the pressure or it probably would have blew the roof off. That was natural gas escaping from a boiler so any fuel that you use is certainly is dangerous and has to be monitored and taken care of properly. I am sure Mr. Antonelli intends to do such and I am sure our Building Code Enforcement will make certain it is done properly and any problems that occur we will certainly take care of them as expeditiously as possible.

At 8:39 P.M. a Public Hearing was held for the rezoning of Properties at 9000 Boston State Road. Town Clerk Shenk read the legal notice. Notification was sent to 25 neighboring property owners, including an Assessor's map and letter of intent. The "Commercial Zoning Application Pending" sign was placed on the properties.

A letter was read from the Boston Planning Board recommending approval with the stipulation that a green space buffer be on the south side and east side of the property. A letter was read from Joseph Terrizzi, Attorney at Law, stating that he has no objection to the re-zoning proposal.

Supervisor Kennedy convened the Public Hearing.

PUBLIC NOTICE
TOWN OF BOSTON

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Boston, Erie County, State of New York, will hold a public hearing on the 5th day of October, 1994 at 8:00 P.M. Eastern Daylight Saving Time at the Boston Town Hall, 8500 Boston State Road, Boston, New York, to rezone the following described properties. Parcel #1 is currently zoned Local Retail Business District (C-1). Parcel #2 is currently zoned General Residence-Restricted Business District (R-C). This petition is proposing to change the current zoning of Parcel #1 & Parcel #2 to General Commercial District (C-2) under the Zoning Law of the Town of Boston (Local Law #6-1990 as amended), said properties being described as follows:

PARCEL #1

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Boston, County of Erie and State of New York, being part of Lot No. 3, 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 Hamburg-Boston Road at the southeast corner of lands conveyed to Loren J. Bowers and Dorothy A. his wife by deed recorded in the Erie County Clerk's Office in Liber 6966 of Deeds at page 151; thence westerly along the south line of lands conveyed to said Loren J. Bowers and his wife 815 feet more or less to the easterly bank of the Eighteen Mile Creek; thence southeasterly along the easterly bank of Eighteen Mile Creek to the south line of lands conveyed to Pearl Emerling by deed recorded in the Erie County Clerk's Office in Liber 6653 of Deeds at page 593; thence easterly along the south line of lands conveyed to said Pearl Emerling 592.3 feet to the center line of Hamburg-Boston Road; thence northwesterly along the center line of Hamburg-Boston Road 598.47 feet to the place of beginning. Subject to easements and rights of way of record.

PARCEL #2

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. 3, Township 8, Range 7 of the Holland Land Company's Survey, described as follows:

BEGINNING at a point in the center line of Boston State Road (also known as Hamburg-Springville Road), said center line also being the east line of said Lot No. 3, a distance of six hundred fifty-nine (659) feet north of the south line of the north one-half (1/2) of said Lot No. 3; thence northerly along the center line of said Boston State Road sixty and forty hundredths (60.40) feet to its intersection with the south line of lands conveyed to Asa Carey by deed recorded in the Erie County Clerk's Office in Liber 13 of Deeds page 89; thence westerly along the south line of said Carey's lands three hundred ninety-eight and sixty-seven hundredths (398.67) feet to a point; thence southerly parallel with the said Boston State Road, one hundred five and forty hundredths (105.40) feet to a point; thence easterly and parallel with the south line of said Carey's lands, three hundred fifty (350) feet to a point fifty (50) feet west of the west line of said Boston State Road as measured along said parallel line; thence northeasterly sixty-three and eighty-four hundredths (63.84) feet to a point in the west line of said Boston State Road sixty and forty hundredths (60.40) feet south of the south line of said Carey's land as measured along said west line; thence easterly and parallel with the south line of said Carey's lands thirty-three and sixty-seven hundredths (33.67) feet to the said center line of said Boston State Road and point or place of beginning.

AT THIS HEARING, at the time above noted, all interested parties will be heard for or against said petition.

Dated: September 16, 1994
Published: September 22, 1994

BY ORDER OF THE TOWN BOARD
DAVID J. SHENK,
TOWN CLERK

9-22

Loren Bowers, 8964 State Road: My property is adjacent to Roy Emerling's and when the maps were changed mine should have been C-2 which is now C-1. Mine should be changed on the same basis.

Supervisor Kennedy: Let me clarify this. First of all, I think some of those were intentionally zoned C-1 and this particular property didn't make available the C-2 zoning

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Public Hearing (Cont.):

Supervisor Kennedy, (Cont.): which includes auto dealerships. One of the reasons why that wasn't zoned, I would take into consideration, is there is two differences between local business district C-1 and C-2. One of the principal differences is that it allows for warehouses and also it allows in the C-2 district, it allows for trucking terminals. Some of those were zoned C-1 intentionally so that they wouldn't be inclusive of all the things that are allowable under the C-2 zoning. However, Mr. Emerling is putting forth the argument that's included in C-2 zoning that new or used motor vehicles sales and services which he does, I didn't know that is what you were doing down there. I am saying that is the reason because that is the reason for these exclusions when the zoning group got together and those maps were all presented for everybody in attendance here this evening. In three separate hearings of which I am sure Mr. Emerling was at one of those hearings, Carl was or Roy, those maps were presented for everybody's viewing. There was a lot of publicity about those hearings so that everybody would have an opportunity to see what the zoning was on those maps. I agree with the statement that has been made here tonight that, that one property that was zoned B-1, that was owned by Mr. Crotty originally and was sub-divided and there was a green buffer space. We have a letter here, dated 10/2/85, from Carl where he said, "At the time of the hearing before the Planning Board, the suggestion was made that my rezoning application might be modified so that the most southerly twenty-five feet of the lot be retained in it's present zoning category of RRB". This is when we went from RRB to B-1. "I have no objection to this modification of the zoning petition and accordingly I am amending my petition to rezone to Business B-1 only the most northerly one hundred ten and forty (110.40) feet of the property leaving a buffer of existing zoning along the southerly twenty-five (25) feet of the lot". That is what was done when it was zoned previously from RRB to B-1.

John Witka, 9046 Boston State Road: I own the property right next to Mr. Emerling, which I bought about five years ago. At which time this property (I live on the Crotty property) since I've been living there has also been residential. I bought the house thinking this property was residential. I have three lines that run through the middle of his property. There is a water line, a gas line and there is a sewer line which I have had to dig up and repair already. Now he wants to put a parking lot on top and put cement covers on and all this expensive stuff which I can't afford to fix if I have to dig this up and replace this line. The parking lot, he has already got it in there and there is no twenty-five (25) foot buffer zone. His parking lot comes within twelve (12) feet of my property. I'd be willing to work with him. He mentioned something about moving a line off of that property so that it is out of the way but I never heard nothing more from him. If he wants to go and put all this in there I am not going to be able to pay to have it fixed if something goes wrong with it. I have had to dig it up three times in the past five years already.

Councilman Flowers: Which line are you digging up now?

John Witka: The sewer line.

Supervisor Kennedy: This is on your property, the sewer line?

John Witka: No, it runs through this Crotty property that he wants to change. I have an easement.

Supervisor Kennedy: Oh I see, you have an easement for the sewer line running through the Crotty property. I didn't understand. I was wondering why you were digging on someone else's property.

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Public Hearing (Cont.):

John Witka: He used to put his snow over there and every so often the guy would pile snow on the pipes and he wouldn't be able to see them and he would knock them off. That's the reason we had to dig them up and fix them so often. If something happens now I am not going to be able to spend that much money to put in a new parking lot and stuff over the top of it if I have got to fix it.

Supervisor Kennedy: What are the provisions of your easement? Does it just give you access to it?

John Witka: Access and it says "Should reserve the right to improve said parcel of that Crotty portion we are talking about, provided rights granted to the party of the second part do not restrict said improvements". They are not supposed to be restricting my access to the sewer lines.

Councilman Flowers: I know that there is stone down there and I don't know if this is going to be a stone parking lot or if this is going to be a paved parking lot.

John Witka: Sewer Authority says it's illegal to have that stone parking lot there already.

Councilman Flowers: We don't have any notification from Erie County Sewer District No.3.

John Witka: They said they met with Emerling and he plans on changing it and putting cement down and little cast iron covers like they put in gas stations over the gas fill pipes. The pipes stick up like the microphone. I am assuming he wants to cut it off level with the ground, put cement around it and put like a man hole cover for access which is ok for him but not if I've got to go in there and fix it. I won't be able to put this all back in. That's a lot of money. The Sewer Authority said they are not going to bother him about having stone around the pipes because he told them he was going to cut them off and have it level with the ground which is ok with them.

Supervisor Kennedy: What are these, vent pipes you're talking about on the sewer?

John Witka: Every one hundred (100) feet there is a riser so there is three of them in the parking lot now. Unless he makes it bigger then there will be four or five of them in there.

Supervisor Kennedy: They have to be above grade level if they are vent caps.

John Witka: That is what they told me when I put them in. They have to stick up at least three (3) feet and there had to be grass around them.

Supervisor Kennedy: Well they don't have to be three (3) feet, they have to be above grade level to prevent migration of surface water into the sewer. They certainly don't have to be up three (3) feet.

John Witka: They said they like three feet so they can see it in the winter time if there is snow out in the fields.

Supervisor Kennedy: Maybe that is what they would like but having sat on the Erie County Sewer District Board of Managers I don't think it is a requirement that they extend that far up in the air.

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Public Hearing (Cont.):

John Witka: Even if he does pave that over and just makes them level and they go with that and they park cars in there, if my sewer plugs up Saturday afternoon, I don't want to be sitting there until Monday evening when I would come home and have them move a car so I can clean the sewer out so I can use the bathroom. Two or three days to go without a sewer to shower or use the bathroom is quite a while. All I want is just the access to the sewer like I am supposed to have in the deed.

Supervisor Kennedy: We don't have the maps that show where the sewer is located or where the easements on that sewer so we are at a loss as to what you are actually speaking of unless we had personal knowledge of it and I don't.

John Witka: Are they supposed to be on this map? When he applies for the rezoning are they supposed to show that?

Supervisor Kennedy: I don't think they are. I don't think that is a requirement. You just have to show what the parcel is that you are talking about and the legal description of the property. I don't think it requires that you plot the utilities on there.

John Witka: That was my only concern. I just want to be able to use my bathroom.

Raymond Dziedzic, Attorney: Mr. Supervisor, Honorable Members of the Council, Mrs. Ellis, Mr. Shenk, Mr. Ruchalski, and Mr. Reilly: My name is Raymond Dziedzic and I am an attorney for Matthew and Karen Winslow who reside at 9060 Boston State Road. The property legally contiguous to Mr. Witka's thereby making it very close proximity to the property now being sought to be rezoned. In the first instance I would inquire of this meeting of this Board that this is a meeting of record so that in the event we need to take or make transcript of what is transpiring tonight for the sake of Appeal or Order to Show Cause that we may have that transcript.

Supervisor Kennedy: All of our Public Hearings are verbatim so it will be in the transcript or the minutes from the meeting.

Raymond Dziedzic: And with that Mr. Kennedy we would register our most vigorous objection to any action taken on this application at this meeting. I've been able to discover in the short while I am involved is that the Town now is faced with a very classic problem of retroactive rezoning at the expense of the immediately affected property owners. What we have here is more than the side set requirement infringing upon Mr. Witka's easement. We are also seeing a physical encroachment that will raise noise problems, night time light problems, odor traveling problems, and migrating water problems. None of which seem to have been addressed by any panel that may have reviewed this matter at any earlier date. I listened with great interest to remarks made of a Planning Board letter of September 13th, yet in the communication sent to Mr. Winslow which he passed along to me under cover of Mr. Shenk's notice of September 23rd, no such letter was included. I believe that is a patently unfair way for this matter to be presented to all the affected property owners.

Supervisor Kennedy: Let me just interrupt you for a moment. I am not aware of when Mr.Shenk sent those letters out but the Planning Board may have met after he sent the letters out and made their recommendations later.

Raymond Dziedzic: Well Mr. Kennedy I will be happy to present to the Board a copy of the envelope addressed to Mr. Winslow dated September 23rd on Town Hall stationary.

Public Hearing (Cont.):

Supervisor Kennedy: And that was after the Planning Board meeting you say?

Raymond Dziedzic: That's right.

Supervisor Kennedy: Well I wasn't aware of that. Go ahead. Continue.

Raymond Dziedzic: You also referenced a letter from Mr. Terrizzi but you don't specify a date but clearly read into the record that he has no opposition. I recognize Mr. Terrizzi as a well respected member of the Erie County Bar but at this same time I have no understanding as to why Mr. Terrizzi's letter carries any weight before this Board.

Supervisor Kennedy: He has an opportunity to speak as well as anyone else.

Councilman Flowers: Mr. Terrizzi's letter is dated September 26, 1994.

Raymond Dziedzic: And again even though it may be sent after the notice provided by Town Clerk it certainly was not provided even after the fact to the affected property owners so that we could adequately prepare for this meeting. And I bring that up, this adequate preparation, because unlike most people who proclaim the long residence that they've had here in the Town of Boston, the Winslow's are brand new neighbors. They've moved here only as of July 15th and they have expressed their great shock, their great surprise after moving in, but for two and a half months that something of this magnitude is about to be voted on so that their property will be affected and it will be negatively affected. It will arise to the issue of a taking. Eminent domain. One, that should not be worked on them so that they suffer an economic hardship. Now in addition to that, there was reference to a letter written by a Carl Emerling as you read to the gathering here. I have no idea when that letter was written and why that letter was not made available for these affected property owners.

Supervisor Kennedy: That letter was written sometime ago, it had to be a long time before your client purchased the building evidently because this one was when it was originally rezoned from it's previous zoning of RRB to B-1 and there was a portion of it set aside or reserved as green space of twenty-five feet between the driveway that services the immediate neighbor of Mr. Emerling and the dealership. We only had one zoning of the business in this community up until the adoption of the new zoning law.

Raymond Dziedzic: In 1990.

Supervisor Kennedy: So that whole property there where the existing dealership exists was B-1 and when they applied for rezoning of this property that they purchased from the Crotty's there was a section that was surveyed off and they also asked for that to be included as B-1 and the provisions that I read into the record was a change in the original application from their submission for a B-1 zoning on that property.

Raymond Dziedzic: But in the same sense, Mr. Kennedy, the letter read at this meeting is obviously being relied upon by this public Board as a matter of public record and as such it should be made available to the affected property owners. To act otherwise would be contrary to the good natured spirit of a municipal organization such as the Hamburg Town Board.

Councilman Flowers: Well we are in Boston, not Hamburg.

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Public Hearing (Cont.):

Raymond Dziedzic: Excuse me, I stand corrected, we are in Boston.

Councilman Flowers: No problem. By the way, Mr. Emerling's letter, Mr. Carl Emerling's letter that was read here was written October 3rd, 1985.

Raymond Dziedzic: Then make it a part of the public record so it can be examined by the affected property owners. That is what we do when we have public open government as we do in the Town of Boston, throughout New York State and the United States.

Supervisor Kennedy: I would just call your attention that if there is concerns that arise during this Public Hearing, which there have been, and there is items that have to be looked into, which there certainly are, when the other person spoke, the Town Board normally doesn't take action the same night as the Public Hearing. They take that opportunity to take into account what's been voiced at that Public Hearing and then make that known, in your case to you, if you represent these people, and to give us an opportunity to look at these items ourselves.

Raymond Dziedzic: Well I believe it takes more than merely looking at items ourselves with a drive-by. There was an issue raised as to the nature of an extended parking lot with mere gravel covering it so that it creates problems with a sewer line. And then the question was asked, "Well we never heard anything from the Erie County Sewer Authority on this." Mr. Flowers I would respectfully suggest that it is the job of the Town Building Code Enforcement Officer to see the properties are in compliance. Set back, side set, and the way in which they are developed. There had to be an application for that gravel to be placed in that position so that it could then be placed. For it to happen otherwise just defies logic and the function of government.

Councilman Flowers: As I understand it, Mr. Emerling thought he had the proper zoning to put in the additional parking lot that he had there. Upon review, our Code Enforcement Officer did alert him that he was not zoned properly and that he would have to come back here and do this. That's why we are here tonight for this Public Hearing.

Raymond Dziedzic: And in addition to which all of that improvement whether it is a pertinent or if it is a merely engross, was allowed to remain there without any action by the Zone, Code Enforcement Officers. And I find that to be a just tad outside the spirit of the zoning code that the Town enacted back in 1990.

Councilman Flowers: I must say this. I don't know where you are accustomed to practicing the law.

Raymond Dziedzic: Property law here in Erie County.

Councilman Flowers: Fine. That's fine. We have been a small town, a small community. Most of us know each other. Now, a mistake was made. The Code Enforcement Officer said, " stop". What are we going to do? Go in here and say "hey, take it all out"?

Raymond Dziedzic: Yes, that's what they do. You've seen that happen right on the lake front in the city of Buffalo where an entrepreneur put up a building that didn't meet code requirements. That's what you do.

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Public Hearing (Cont.):

Kathleen Witka: I have called the Code Enforcement Officer many times to tell her that he is continuing with this parking lot when he was not supposed to be and she said, " Oh he can't do that." And she'd hang up and we'd call back and she didn't want nothing to say to us anymore.

Raymond Dziedzic: Well if I may continue because I want to establish some points for the record in the event that we need to take that order to show cause and bring in article 78, which we are prepared to do. And we say that in all candor so that everyone is put on notice-that we are looking for specific compliance with the Town master plan, the Town code, and to the satisfaction to all the affected property owners. The classic question here goes towards three points. You have a beautiful town, a town that this Board and the former Board went to great lengths to protect. Even to the point of putting a moratorium on trailers, a moratorium on multiple dwellings, and other building. All we ask is that this Board follow the same rules to protect, one, the aesthetic quality of this beautiful Town of Boston, two, the architectural integrity of all the surrounding areas and three, the geographic continuity of your beautiful rural setting. That can be accomplished if a proper plan is made by those seeking this variance, this switch in zoning and that's not been presented. There is a bare map that doesn't even show the appurtenant utilities that are affected. My client complains bitterly that after recent heavy rains, runoff water crossed the Witka property onto his property and created a temporary pond. Never existed before. And that's because there is bad grading in that area. I would suggest that this property can be prepared with proper landscaping, and proper planting of shrubs. It's an ordinary way in which to approach this problem. Now I slipped earlier and I referred to Hamburg because I do a great amount of work in Hamburg and that's what Hamburg, your immediately western neighbor, requires of anyone who goes in with a project of this type. Proper set back, proper aesthetics, proper architecture and proper concern for geographic continuity. On behalf of the Emerling's I will say I appreciate their candor in this letter where they say that although they are zoned as C-1 or RC, they nonetheless went forward with C-2. I mean if that's not notice to the Board that there is a violation then I don't know what would be. It seems appropriate here, that instead of going forward with a vote on this particular application, that more time be given to it and a more specific plan come to be developed. No matter who the business is, in the Town of Hamburg by way of comparison, West Herr Ford has to comply with the building zoning at their location. The little local used car dealer has to comply. We see none of that here and we do not believe that it puts this Board into position to act on this matter tonight. It's going take more time, more study, more planning and more convincing of the affected neighbors. If the Board should take and vote on it at this moment or at any time in the very near future we would only be forced to believe that it was as a result of an arbitrary and capricious set of circumstances. Thank you.

Carl Emerling: I have a question to ask you sir.

Raymond Dziedzic: I am not here to answer questions I am here to voice concerns.

Maurice Emerling: I would like to mention pertaining to how we got into this problem. Roy, the son, called your building inspector two weeks prior to what we did and she looked things up according to the instructions and she is here tonight to explain what she did say.

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Public Hearing (Cont.):

Code Enforcement Officer Santonocito: When he first called me I thought his whole dealership was zoned C-1 and then when I went back in and it was brought to my attention that it was zoned RC, residential commercial, that's when we saw the parking lot. He put stone on the property and there is no problem there. He just can't park a new or used vehicle without it being zoned C-2.

Supervisor Kennedy: That's correct. As far as the zoning laws in the Town of Boston are concerned you can have a driveway or a turn-around or anything right up to the property line. There is no set back requirements on a driveway or a parking area. If it were going to be used for commercial use, the parking of vehicles for sale in the Emerling dealership then it would certainly have to be correctly rezoned. I think that is why they are here this evening. As I mentioned before, this property in question, meaning the property that was formally the Crotty property, was zoned B-1 prior to the zoning hearings. The same as the property where the Emerling dealership is currently, is zoned B-1 under the previous zoning. When the zoning maps were prepared I would have to say that there was an error made, but it was made, and it was zoned RC, that whole parcel where it was just supposed to be RC, the thirty foot or twenty-five foot buffer zone, or whatever it is there. And the rest of it should have been zoned B-1 under when our commercial C-1 under the new zoning regulations. I sat on that zoning group as well as some of the other members of the Board and while I guess none of the members of the Board are here now that sat on that group but there were other members of the group that sat on the Board as well as some members of the Planning Board. Mr. Emerling has asked that, once again, that property that was zoned B-1, be zoned instead of B-1, C-2. So that is a change in the zoning but because there were two provisions for zoning that weren't previously available under the prior zoning, there was only B-1 that covered all business. Now there is a C-1 and a C-2 zoning. Some of the concerns that have been brought up here tonight I would like to look into and I'm sure the rest of the Board would also. I want to look into this business of the easements and where the utilities are located if it's going to impact this particular individual if that is resurfaced or is going to have access to get to his sewer lines or whatever he has a problem with there. Some of the other items that have been brought up I would expect the Board would want to look into also. It is not unusual for us to adjourn the hearing and to reserve our decision until the next board meeting which gives everyone adequate time to review these things. Certainly to address some of the concerns that have been brought forth by their attorney here this evening.

Maurice Emerling: Am I correct to say that Roy went over to ask about changing the utilities previous to finding out how all this came about? He and another gentleman, the gentleman who installed the original sewer, Roy, and that gentleman went over and talked with him. He stopped over previous to this and asked if we could at our expense, change the utilities over on to his property.

Supervisor Kennedy: You mean to take them off your property altogether?

Maurice Emerling: Yes, yes. And that would be at our expense.

Supervisor Kennedy: What was the response to that?

Kathleen Witka: The response was that Roy would get back to us to see if we had made a decision on it and he never came back and we never said.

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Public Hearing (Cont.):

John Witka: A week later they started putting a parking lot in.

Maurice Emerling: You still didn't say one way or another when Roy asked you.

Kathleen Witka: He said he was going to get back to us on it.

Supervisor Kennedy: Let's have an opportunity to talk with the people involved.

Maurice Emerling: Another thing, the town received a letter from Richard Brox. Do you want to read it? I have it here.

Supervisor Kennedy: I must have missed it when we were reading all the other letters. This is addressed to Mr. Boltz, who is the Planning Board Chairman, dated September 11, 1994: Dear Mr. Boltz: This is a rezoning request from RC and C-1 to the C-2 district. Dear Mr. Boltz: I have reviewed the data concerning the above request and find the following: While the master plan does not differentiate between types of commercial, this parcel is in the commercial district. The zoning text indicates that a car dealership would require a Special Use Permit under 12371B4 but the restrictions are so stringent that an auto dealer couldn't meet them. The Use is permitted under C-2 1237882. We all know that the dealership has been in existence for many years at this location. It is my opinion that the committee working on the new zoning map placed the dealership in C-1 in error. Being in the wrong district may place undue hardship on a successful business should expansion or site changes become necessary. I recommend that the Board look favorably on this request. Yours truly, Richard Brox. I would suppose that these people aren't really as much concerned with the original parcel of Emerling Chevrolet which was B-1 as they are the Crotty property that was zoned later. I think that's what they are talking mostly about is this small section. Isn't that correct? At least that's my understanding. If anyone has anything else they would like to bring to the attention of the Public Hearing before we close it.

Raymond Dziedzic: Mr. Kennedy, I don't think we're concerned about a small property. I think what we're concerned about is the equity and fairness question so that if this business is going to be allowed to expand towards the affected property owners, that the affected property owners don't bear the heavy burden of having their property devalued by some bald parking lot up against it. There's ways to do it and hopefully they will be able to find it.

Supervisor Kennedy: We can always zone contingent with special conditions and we have done that in many instances in the past as I brought to your attention by reading in the letter formally. I do truly believe there should be the twenty-five (25) foot buffer zone that was originally established under the zoning when it was considered for B-1. That is just my opinion though, I am only one of this Board. But that's certainly is my opinion. That twenty-five (25) foot buffer zone should remain because that was the intent when the Board originally zoned the property B-1. Whether it is now changed to C-1 or C-2 or whether it's not changed at all, the twenty-five (25) foot buffer was supposed to remain. That's my opinion.

Carl Emerling: Number one, I am not an attorney. And I did have some questions that I would have liked to have asked. Couldn't get an answer. In 1985 we had a contract contingent on rezoning, let's call it the Crotty property.

Supervisor Kennedy: That's what I am using for purposes of discussion.

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Public Hearing (Cont.):

Carl Emerling: We all agree on what we are talking about.

Raymond Dziedzic: No. We want the whole picture to be clear. You are talking about three parcels. One that was zoned...

Carl Emerling: Should I say , should I not address you because you wouldn't address me? Go ahead.

Raymond Dziedzic: I am making you aware...

Supervisor Kennedy: Carl you address the Board. You are speaking now. You address the Board. If you want to refer to it as the Crotty property in it's entirety, I know which property you are speaking of. If you use new property owners I may not know, so use it in that respect so the Board understands.

Carl Emerling: In 1985 we had a contingent contract on purchase of property if we could get it rezoned. We went I'm sure around and around maybe like we may be doing tonight. Hopefully we don't have to go further than tonight. We purchased this property agreeing to this twenty-five foot (25) buffer to protect the property owners and it was agreeable at that time. Things happened since then. We have not changed ownership, we have not changed potential uses for this property. Zoning, and I guess it was a matter of record, was changed after this time. Are we to be penalized because this happened, that we cannot use this? I think we're trying to accommodate the neighboring owners. We have to do business in this town and we are proud to do business in this town. We appreciate all the business that we do in this town and they certainly support us. We feel that at that point in time we had the potential for our expansion and that no one in the town, I think Dad may have some other wordage on it, would, since we had this set up, why should we have to change anything or apply for anything different then what we had approved from the Town? That took us awhile to do, it wasn't an easy thing. We compromised at that time and we are just looking to continue what was agreed. Was it nine years ago already that we really don't see a problem of us having to redo this again. As I mentioned earlier, it was an error that it was changed so why are we the ones, let's say suffering, and having to even go through this and even to that extent we have applied for rezoning that we shouldn't of even had to apply for since it was rezoned properly when we purchased the property. It was contingent, the sale was contingent on that purchase. We would not have purchased the property if we could not get it rezoned. We got it rezoned and we purchased it. We also feel that our fee for rezoning, if it should be reversed, we would like to donate that to the Boston Emergency Squad because we felt it shouldn't have been paid in the first place. I think my Dad is more on this then I am. He may have a few more things that need to be brought up and I feel in trying to do it tonight, let's move on to another hearing, we did this nine years ago. Why do we need to do it now?

Matthew Winslow, 9060 Boston State Road: Can I say something? I am new to this town. I moved here from the country. I lived in New York City for several years, I am used to the city, I grew up in the country. When I moved here, and Mr. Emerling I am not blaming you, I bought this property from the Kellners who I am sure you are familiar with. I blame partly them, for not telling me this was going to happen. If this is going back nine years as you say, it is quite a long time. My problem I have is I've a young family, a piece of property I bought, a piece of property not because of the cost but because of the country part of it. I don't want to see that changed. If you put a parking lot next to my piece of property, all that leaves me is a dirt driveway who is my neighbors.

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Public Hearing (Cont.):

Matthew Winslow, (Cont.): I own the same business you own. I am sure you've heard of my name. I own Winslow's Service in Hamburg. I deal with you people at certain times of the year. I don't want to cause problems but on the other hand you don't live where your dealership is. I live right there. I owned a piece of property in Hamburg. I recently closed that piece of property because the neighbors around it said it was not a nice piece of property. Right now that piece of property is up for sale. Whatever is done with it, is what's done with it. If it was up to me it would be torn down and made into an apartment. I am not saying that is what should happen to that piece of property. I can't see a parking lot coming that close regardless if there is a buffer zone or not. You don't use what you've now. I can see it, I live there. I've only been there a month and a half. I don't see that you're using what you have and regardless whether the town made a mistake when it was rezoned or not, is not your problem and I agree with that but I am not going to stand and let a parking lot come up against my piece of property whether they're new cars or old cars or whatever, used cars. From what I understand they were supposed to be for the used car part of the company. I am asking, I don't know.

Maurice Emerling: They're all part of the company.

Matthew Winslow: Another problem I have if it is zoned C-2, what's to stop a building from being put up there? Not now, say if you sell the property? Anybody could do it.

Carl Emerling: That was approved nine years ago.

Matthew Winslow: I wasn't here nine years ago. That is why my attorney is here. I wasn't here two months ago. This is why I brought my attorney because I'm scared because I have a young family and I'll be damned if I am going to let someone put a parking lot next to my house.

Maurice Emerling: That was in the making.

Matthew Winslow: I understand that but now if I can stop it, I'll stop it if I can. I am not saying you're wrong, I am just saying, understand my aspect. I live right next door, that's all I am saying. I don't want to see a parking lot next to my house. They're already using one but it is one hundred and fifty (150) feet away which I can deal with. If they put bright lights up in that parking lot which you would. Correct? I've got them in my lot.

Maurice Emerling: Probably.

Matthew Winslow: I have them in my lot. Luckily I am not around where neighbors live. I have one neighbor and she is pretty understanding about it.

Carl Emerling: Nine years ago it was approved and now we are going back again. It's as simple as that.

Matthew Winslow: That's where I am coming at. It's not your fault. If nine years ago it was approved, why was it not put on the map?

Maurice Emerling: That's not our problem.

Matthew Winslow: Right, it's not your problem. That's what I am saying.

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Public Hearing (Cont.):

Maurice Emerling: That was brought on by the Planning Board and the gentleman that encouraged the Planning Board one way or the other pertaining to this type of subject. He is the one who found it and figured that the usage was in error. I think in fact that that's where it was in 1990 when it was rezoned. When it came down the basis of this. Not rezoned, but put on the map. I've got the reading of the meaning of C-1 and C-2. I have it here and that spells it out. In 1990 when they changed the zoning that is the time that it should have been C-2.

Matthew Winslow: All I can say is if that was not done and I wasn't here nine years ago and it's was up to me I don't want to see it happen now. That's really all I have to say. Thank you.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to close the Public Hearing at 9:27 P.M.

five (5) Ayes Carried

Supervisor Kennedy: Let's review this from the very beginning so that everybody understands it. There was a Zoning Board commission set up to review the zoning and to zone different parcels within the community. There was a large zoning map made up that was on display here. Either you or your brother was here at one of those public hearings and had an opportunity to review that map and determine what his particular zoning was on that map. If there was an error made in that map, which there evidently was on the one piece of property, I would have been interested enough to look to see how my property was zoned. So you can blame the Town if you wish to blame the Town, that's fine. It probably isn't the only error that the Town will ever make and being a member of that Board I'll admit that the Town did make an error in not zoning the Crotty property which was B-1 before C-1. But there was no error in zoning the property C-1. It was zoned C-1 intentionally by the Zoning Board for the purpose that they didn't feel that it was appropriate to have things down there like a truck terminal. You have pre-existing rights as a dealership and if anyone purchases that property for a dealership and it's kept in effect within a year's time, it continues on as a dealership forever and ever. Grandfathering rights. In other words, if the property is sold it still remains a dealership as long as there is not a year of uninterrupted use of the property. I think some of the things that have been brought up here tonight, I don't concur with but I do think that there is something that I wasn't aware of dealing with an easement with utilities because I didn't know there was such an easement for utilities going under that property and the problems that might incur if there is a structure or anything built over that easements. That's something to be concerned with. Because if it is zoned C-1 and there are no restrictions then you could build within ten feet of the lot line then you could actually build over the utilities that presently exist. So I would say yes I would like to review the maps of where the utilities are located. As a member of the Erie County Sewer District Board of Managers, I want to look at that. It has nothing to do with an attorney but I'm certainly not ready to make a decision tonight. The rest of the Board can make their own decisions.

After Supervisor Kennedy's review there was a lengthy discussion and a decision was made to table the application.

A motion was made Councilman Wohlhueter and seconded by Councilman Walter to table the Emerling rezoning application until the October 19, 1994 Town Board meeting.

five (5) Ayes Carried

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 5, 1994 — 7:30 P.M.

Supervisor Kennedy noted the 1995 Budget for Boston presents additional problems due to heavy damage from the late summer rainstorm. Shero Road restoration required a transfer of $55,000 from the unexpended balance. An additional $5,000 must be appropriated from the unexpended balance to repair culverts, shoulders and ditches. Additional expenditures were expended from the already severely strained Town Highway budget. This has appreciably reduced the total unexpended balance which is normally used to maintain stable tax rates in Boston. $100,000 was transferred from unexpended balance for the Community Room addition to provide additional space for a growing senior population. Due to these unforseen expenditures, the 1995 budget includes a $.03 per thousand increase in the General Fund to help replenish some of these monies to the unexpended balance and allow us to continue stable tax rates. The Highway budget includes a $.06 per thousand increase due to the increased cost of salt, one additional employee and a raise for Highway personnel. An increase in taxes of $.05 per thousand only raises approximately $10,000 in revenue.

The 1995 Preliminary Budget and Summary of the 1995 Budget was read by Supervisor Kennedy.

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to schedule a Public Hearing on November 2, 1994, at 8:00 P.M. for the 1995 Preliminary Budget.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter that the 1995 General Fund Preliminary Budget be approved as follows:

Appropriations	1,005,860.00
Less Estimated Revenue	545,575.00
Less Unexpended Balance	280,000.00
Amount to be Raised by Taxes	180,285.00

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers that the 1995 Highway Fund Preliminary Budget be approved as follows:

Appropriations	743,970.00
Less Estimated Revenue	287,000.00
Less Unexpended Balance	20,000.00
Amount to be Raised by Taxes	436,970.00

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy that the 1995 Fire Protection Preliminary Budget be approved as follows:

Appropriations	469,695.00
Less Estimated Revenue	
Less Unexpended Balance	6,500.00
Amount to be Raised by Taxes	463,195.00

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers that the 1995 Light District Preliminary Budget be approved as follows:

Appropriations	19,010.00
Less Estimated Revenue	10.00
Less Unexpended Balance	
Amount to be Raised by Taxes	19,000.00

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
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A motion was made by Councilman Flowers and seconded by Supervisor Kennedy that the 1995 Ambulance Preliminary Budget be approved as follows:

Appropriations	76,015.00
Less Estimated Revenue	
Less Unexpended Balance	10,000.00
Amount to be Raised by Taxes	66,015.00

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy that the 1995 Refuse and Garbage Preliminary Budget be approved as follows:

Appropriations	512,458.00
Less Estimated Revenue	193.00
Less Unexpended Balance	5,254.00
Amount to be Raised by Taxes	507,011.00

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers that the 1995 Sewer District #2 Preliminary Budget be approved as follows:

Appropriations	1,211.00
Less Estimated Revenue	
Less Unexpended Balance	
Amount to be Raised by Taxes	1,211.00

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers that the 1995 Water District #1 Preliminary Budget be approved as follows:

Appropriations	107,015.00
Less Estimated Revenue	15.00
Less Unexpended Balance	75,500.00
Amount to be Raised by Taxes	31,500.00

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Walter that the 1995 Water District #2 Preliminary Budget be approved as follows:

Appropriations	103,794.00
Less Estimated Revenue	
Less Unexpended Balance	62,000.00
Amount to be Raised by Taxes	41,794.00

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter, on the recommendation of Highway Superintendent Ruchalski, to create two (2) truck driver positions.

five (5) Ayes — Carried

A motion was made by Councilman Flower and seconded by Councilman Davenport to authorize Supervisor Kennedy to sign a Pole Attachment Agreement with NYSEG and NYNEX for the Chamber of Commerce Christmas Decorating Project, contingent on review by the Town Attorney prior to signing.

five (5) Ayes — Carried

REGULAR BOARD MEETING
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TOWN HALL
7:30 P.M.

SUPERVISOR REPORT

A) Supervisor's Monthly Financial Report for September 1994 received and on file in the Town Clerk's Office.

Supervisor Kennedy noted the contract for the Boston Cross Roads has been awarded to Accadia Construction and all respective property owners were notified and informed that construction plans are available in the Town Hall Planning Board Room. A pre-construction meeting at the Boston Town Hall is scheduled October 11, 1994 7:00 P.M. Representatives of the Erie County Dept. of Public Works will be present to answer questions and present and overview of the Boston Cross Roads construction project. Notification was received indicating project was bid and awarded by the Legislature in the amount of $1,424,156.25 to Accadia Construction. Work will run between Cole Road and Boston State Road. There will be a Public Hearing and representatives from the County will be here.

There will be a Grand Opening for the Senior Addition on October 7, 1994 at 1:00 P.M. Senator Volker, Assemblyman Pordum, and Erie County Officials have been invited.

TOWN CLERK REPORT

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to accept the monthly Registrar of Vital Statistics Report for September 1994.

five (5) Ayes — Carried

Town Clerk Shenk noted that School Taxes are due on October 17, 1994 and the Town Clerk Office will be open additional hours on October 14, 1994 until 8:00 P.M., October 15, 1994 from 9:00 A.M. - 3:00 P.M., and October 17, 1994 until 9:00 P.M..

TOWN ATTORNEY REPORT

Town Attorney Reilly: Regarding the Reiter Easement on Burr Road, the attorney for Mrs. Reiter has agreed to drop the request for indemnification by the Town.
A question was asked in March regarding a purported twenty-five foot right-away which continued past the end of Hillside Drive. A letter was sent to Mr. Robert Ovitt who raised the question, stating there is no right-of-way that continues beyond the end of the existing Hillside Drive. A copy is in the Town Clerk's Office. The Town has pursued an agreement with John Szalay to clean out a drainage ditch which has a bearing on the drainage in the Rollin Drive area. I requested a copy of the survey and deed in August 31, 1994 and have not yet received the documents to work with. We are at a loss because the equipment will be ready to do the work next week.

Regarding the Rucker Lumber property, there was a new eight inch (8") water line installed within the last several months. There was an agreement to enter into an easement and we're in the process of getting the attachments. The next thing would be to execute that. Pursuant to that, the Town has agreed to a payment of $500.00 to Rucker Lumber for the granted easement.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to approve the payment of $500.00 to Rucker Lumber, 9184 Boston State Road, for the easement granted for the installation of a water line.

five (5) — Carried

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 5, 1994 — 7:30 P.M.

COUNCILMAN REPORT

Councilman Flowers commended Supervisor Kennedy for the 1995 budget.

Councilman Wohlhueter noted 1995 is the last year of our contract with BFI and garbage rates per unit will remain the same. We will begin negotiations in late spring for a new contract for 1996.

Councilman Walter commented ditch cleaning begins Monday and completed in two weeks. Lower East Hill will be completed soon.

Councilman Davenport also commended Supervisor Kennedy on the 1995 budget.

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer monthly report for September 1994, on file in the Town Clerk's Office.

Received and filed notification that a Temporary C. O. B-93-96 will expire on October 6, 1994, for Palmer Building Concepts, on 5535 George Drive. Code Enforcement Officer Santonocito noted that a final inspection was done 9/23/94 and a C. O. was issued.

Received and filed notification that a Temporary C. O. issued 7/15/94 has expired for Brian Henry, 6199 Tillen Road. Code Enforcement Officer Santonocito noted that a final inspection was done 10/05/94 and a Certificate of Occupancy was issued.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to grant an extension until October 31, 1994, of Building Permit B-93-56 to James Dion, 6676 Holiday Drive.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to grant a two month extension on Building Permit B-93-90 to Craig Kruszka, 5576 Meadow Drive.

five (5) Ayes — Carried

Received and filed NYS Department of State, Code Enforcement Training Certificate of completion of the Inspection of Existing Structures in the Standardized Code Enforcement Training Program for Code Enforcement Officer Jo Ann Santonocito.

DEPUTY CODE ENFORCEMENT OFFICER REPORT

A) Deputy Code Enforcement Officer's monthly report for September 1994, on file in the Town Clerk's Office.

DOG CONTROL OFFICER REPORT

A) Dog control Officer monthly report for September 1994, received and file in the Town Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's report for September 1994 received and on file in the Town Clerk's Office.

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to adjourn the meeting at 10:35 P.M..

David J. Shenk

David J. Shenk, Town Clerk

REGULAR BOARD MEETING
OCTOBER 19, 1994

TOWN HALL
7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman Josephine M. Davenport, Councilman Peter A. Walter, Supervisor Richard L. Kennedy, Town Attorney Michael E. Reilly, and Highway Superintendent Eugene E. Ruchalski.

Reverend Richard Phillips opened the meeting with a prayer.

A motion was made by Councilman Flowers and seconded by Councilman Walter to accept the corrections and adoption of the minutes of the October 5, 1994 regular monthly meeting.

five (4) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport that the General Fund and Special District Bills on Abstract #10A, dated October 19, 1994 in the amount of $67,387.91 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Supervisor Kennedy that the Highway Fund Bills on Abstract #10A, dated October 19, 1994 in the amount of $6,673.82 be paid.

five (5) Ayes — Carried

Received and filed an invitation to a Ribbon Cutting Ceremony for the opening of the Rice Hill Road Interchange Access Road on October 20, 1994.

Received and filed a letter from Assemblyman Pordum to Governor Cuomo requesting additional emergency funding due to the flood of August 27, 1994.

Received and filed notification from NYS Board of Real Property Services of a new State aid program for towns and cities that decide to make their property tax and assessment systems more efficient.

Received and filed a letter from Erie County Department of Environment and Planning presenting the new Local Government Pollution Prevention Initiative.

Received and filed from Erie County Department of Environment and Planning the Needs Assessment and Preliminary Transition Plan Recommendation report for compliance with the Americans with Disabilities Act.

Received and filed U.S. Department of Agriculture, Soil Conservation Service, reply on the Town of Boston Federal Emergency Assistance Request.

Received and filed the Erie County Sheriff's Office Monthly Report for the month of September 1994.

REQUESTS FROM THE FLOOR

Daniel Viapiano, 7315 Hickory Drive: I was wondering if there was any way there could be a leaf pick-up? I have a problem with people burning leaves. I have had a six day stretch of leaf burning. It doesn't stop. We have a three month old baby and our neighbors have a three month old baby. It is in our home and it makes it very difficult to get through the evening. You can't go outside.

REGULAR BOARD MEETING TOWN HALL
OCTOBER 19, 1994 7:30 P.M.

REQUESTS FROM THE FLOOR (Cont.)

Supervisor Kennedy: I would say that with the total cost and the Highway budget being in the condition it is now there is absolutely no way we could even consider a leaf pick-up this year. In the past we haven't had leaf pick-ups in the Town of Boston. I can understand where you are coming from, it is very offensive to have leaves burning. Being a semi rural community, it is going to be very difficult to prevent people from burning leaves. If it does cause offensive odors you can call the DEC and they will monitor. They do allow burning in a second class town. Especially if the population is under a certain number and this town is under that number. I understand leaves smolder and they do create a lot of smoke and a lot of stench. There are ways they can be burned without creating much of a problem if you burn when they are dry.

Councilman Flowers: We just went through a DEC burning permit with Mill street because of neighbor complaints. We couldn't do anything and the DEC couldn't do anything to prevent him from burning the fire debris down there. We are in a bind here. We are a big enough town yet we are a small enough town that we fit in between the cracks.

At 7:50 P.M. a Public Hearing was held regarding the use of Federal Community Development Funds in the Town of Boston. Town Clerk Shenk read the legal notice.

LEGAL NOTICE
NOTICE OF PUBLIC HEARING
NOTICE TO THE CITIZENS OF THE TOWN OF BOSTON

A Public Hearing will be held on October 19, 1994 at 7:50 P.M. Eastern Standard Time at the Boston Town Hall, 8500 Boston State Road, Boston, New York regarding the use of Federal Community Development Funds in the Town of Boston.

The Town of Boston is eligible for a Federal Community Development Grant under Title I of the Housing and Community Development Act of 1974, as amended.

The purpose of the hearing is to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects 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 the Town of Boston's selection of potential projects to be submitted for possible funding 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. The meeting room is wheelchair accessible. Those needing special arrangements should call the Town of Boston at (716)-941-6113 by September 14, 1994.

DATED: September 27, 1994
PUBLISHED: October 6, 1994
BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK

Supervisor Kennedy convened the Public Hearing.

Supervisor Kennedy: We received a letter from the Rural Transit Service. That is a service that provides transportation for people who fall within a certain framework of monies. This is one of the projects that we put in for in the past. Ms. Zanolli, director for the program, is in Boston on Tuesdays mornings to review applicants that can use the van. This van has been used extensively by a number of people and it qualifies under the guidelines that have been established for a Community Development Block Grant.

We have talked with the Erie County Administrator of the program about the possibility of applying for Block Grant Funding for damage that was incurred by certain individuals during the flood. There would be income guidelines to be eligible for these funds but the guidelines have been extended so there would be some people that would qualify. We have a Grants Person coming out tomorrow so if it's the consensus of the Board to utilize that project, we could give it first priority and the second one either the funding for the Rural Transit Service or for the ADA Compliance. In other words, certain monies that are going to be needed to bring the parks and all the public facilities into compliance with ADA requirements. That seems to be one of the items they are responsive to qualifying under the Community Development Block Grant process. Does anyone have any suggestions to the Board of what might be included in our application for Community Development Block Grant money?

Unfortunately that's usually what happens, there is really not much response from the public, principally because they don't know the guidelines under which you can ask for funds.

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 19, 1994 — 7:30 P.M.

Public Hearing (Cont.):

Supervisor Kennedy (Cont.): The Town of Boston doesn't qualify in it's entirety. There are some towns within Erie County that are qualified for Block Grant programs anywhere within the Municipality, unfortunately the income guidelines that were determined under the last census for the Town of Boston showed that our average income was high enough that no sections of the town earmarked automatically eligible for Community Development Block Grant monies. If you do projects for senior citizens they are automatically eligible. If you do a project such as this for those that are handicapped or physically impaired I think they will be automatically eligible. Certainly the funding for the van is because it is based on income is also one that is available under Community Development Block Grants.

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to close the Public Hearing at 7:56 P.M.

five (5) Ayes — Carried

RESOLUTION - 1994-21 COMMUNITY BLOCK GRANT

REQUESTS FROM THE FLOOR (CONT.)

James Kosinski, 5535 George Drive: A month ago, I outlined a concern by residents at the end of George Drive. We are wondering if we are going to get this cul-d-sac paved? If we can't get it paved this season we should at least get it stoned so that the water runs off in the proper direction. The second issue, at the end of Allen Drive, since the storm of August 27, 1994, none of the debris has been cleaned up. The only culvert on that road is plugged up with rocks. At the end of Allen Street there is a sixty foot wide turn-a-round of which thirty feet is on private property. That turn-a-round has been continuously back filled to a level grade and diverting water to my property. I went to the County Clerk's office and got maps of everyone's property and I am going to share them with people. If there is anymore damage to my property because of some of these items that I brought out and now it's on record that's why I am speaking out in public, I'm concerned. The last issue that needs to be addressed is, what are the plans of the Town in reference to the drainage, the sheet water that comes off of Allen Street on to my property? I haven't heard anything in two months and neither have my attorneys.

Supervisor Kennedy: The Town Highway Department provided a preliminary plan of how the drainage should be taken care of. I asked the Town Engineer to come out next week to meet with you and explain the way the drainage normally flowed in that particular area. Mr. Palmer, the builder, indicated that he received permission from myself and the Highway Superintendent to divert most of that water between your property line and the last house on George Drive. That was never the way the water flowed on Allen. It went right down the end of Allen Drive, through your property and down to the expressway or DOT property. I want the Town Engineer to come out with myself, the Highway Superintendent, and Councilman Walter, and we will go through this with you. Mr. Palmer made those alterations contrary to the plans submitted. After the last Town Board meeting we went through the plans submitted by Mr. Palmer and they didn't indicate any of this green space that you refer to. The original consensus was that we were going to take a sixty foot radius for that turn-a-round. I think it was negotiated down to where we were able to take fifty feet. We have maps on file here. We will be up to your property and show you step by step.

James Kosinski: I am also wondering if there is some way of educating the townspeople in a bulletin or the Sun actually what the rules are governing open fires and who to notify?

TOWN OF BOSTON

RESOLUTION 1994 - 21

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 October, 1994 at 7:30 P.M.

PRESENT:

Richard L. Kennedy	Supervisor
Don A. Wohlhueter	Councilman
Mark W. Flowers	Councilman
Josephine M. Davenport	Councilman
Peter A. Walter	Councilman

Supervisor Kennedy presented the following resolution and moved its adoption;

WHEREAS; The result of a Public Hearing which was held at the Boston Town Hall on October 19th, 1994 relating to suggestions by the public for projects to be submitted for funding during 1995.

BE IT RESOLVED; that the Town Board of the Town of Boston submit the following projects to be considered for funding by the Erie County Community Block Grant Program for the year 1995.

1st Priority - Funding to assist victims of the August 27th flood.

2nd Priority - Implementing ADA requirements in our Public Buildings and Parks.

3nd Priority - Rural Transit Service

BE IT FURTHER RESOLVED; that the Town Board of the Town of Boston authorize the Town Supervisor to sign, submit and execute any contracts relating to the described priority projects upon their approval by the Erie Community Block Grant Program,

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

Supervisor Kennedy	**Voting Aye**
Councilman Wohlhueter	**Voting Aye**
Councilman Flowers	**Voting Aye**
Councilman Davenport	**Voting Aye**
Councilman Walter	**Voting Aye**

AYES: (5) **NOES:** (0) **ABSENT:** (0)

David J. Shenk

David J. Shenk, Town Clerk

REGULAR BOARD MEETING
OCTOBER 19, 1994

TOWN HALL
7:30 P.M.

REQUESTS FROM THE FLOOR (CONT.)

Supervisor Kennedy: We don't have anything in our zoning ordinances that bans the burning of leaves. The DEC allows burning and open fires that are supervised and have a source of water nearby. You aren't allowed to burn tires and debris. It would be extremely expensive to pickup leaves in the Town of Boston so residents would have to be prepared to pay the cost if we did.

Councilman Flowers: Even if you contract out to pick-up leaves they can't go into a landfill, they would have to go to a composting station and that is very expensive.

Councilman Wohlhueter: The composting problem is going to become very big in the next few years. Right now our contract doesn't allow for pick-up of leaves and composting. In the very near future composting will be a big issue and it is going to have to be addressed by all municipalities. We have had meetings with BFI and it is going to be mandatory.

At 8:15 P.M. a Public Hearing was held regarding Local Law Number 2 of the year 1994, entitled Town Property, codified in Chapter 114 of the Boston Town Code, providing for the prohibition of certain activities on Town Property.

Supervisor Kennedy read the legal notice and the proposed Town Law.

Supervisor Kennedy convened the Public Hearing.

LEGAL NOTICE
TOWN OF BOSTON
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that there has been presented to the Town Board of the Town of Boston, Erie County, New York, on September 21, 1994, a copy of Local Law Number 2 of the year 1994, entitled Town Property, codified in Chapter 114 of the Boston Town Code, providing for the prohibition of certain activities on Town Property.

NOTICE IS HEREBY 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, October 19, 1994 at 8:15 P.M., Eastern Daylight Savings Time, at which time all interested persons will be heard.

Dated: September 30, 1994
Published: October 6, 1994

BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK
10-6

Supervisor Kennedy: We constructed a pond for the purpose of fishing and handicap fishing. There were children swimming and it is not supervised. We would rather there was no swimming on Town property especially those ponds that weren't constructed specifically as a swimming facility but rather as a stocking pond for fishing. We also have prohibition here on game hunting which would prohibit people from hunting deer. There are some deer down by the pond in the immediate area of the woods near the creek and we don't wish to have hunting take place when we have a trail system with people in the park area. The last activity is skateboarding because we have had problems with that in the past.

Matthew Winslow, 9060 Boston State Road: Is there a problem with skateboarding or roller blading in a park?

Supervisor Kennedy: If we had a place for them to skateboard there wouldn't be a problem but the only place we have is the parking lot.

Matthew Winslow: There is nothing paved?

Supervisor Kennedy: The roadway around the Town Hall and the facility that is paved underneath the Lions shelter but that is often used for other public activities and shouldn't be used for skateboarding. If we had a paved trail system in the Town I'd say yes, let them skateboard on the trail.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to close the Public Hearing at 8:21 P.M.

five (5) Ayes Carried

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 19, 1994 — 7:30 P.M.

A motion was made by Councilman Walter and seconded by Councilman Davenport to adopt Local Law No. 2 of the year 1994.

Five (5) Ayes — Carried

Supervisor Kennedy: The application for rezoning at 9000 Boston State Road was tabled from the October 5, 1994 Town Board meeting to give the Board an opportunity to review the property in question and to address some of the comments and concerns of the immediate property owners. Predominate was the maintenance of the twenty five (25) foot area set aside to remain as a green space and concern for a sewer line located under the area that was going to be utilized as a parking facility. These issues have been addressed to my satisfaction and I am willing to listen to comments from both sides before the Board makes a motion regarding the rezoning application.

Raymond Dziedzic, Attorney for Matthew and Karen Winslow requested Supervisor Kennedy to expand on the remark that the Board has addressed these concerns.

Supervisor Kennedy: I have spoken with the applicants in regard to the twenty-five (25) foot green space area and they have no problem maintaining the green space area set aside under the previous B-1 zoning to be utilized as a buffer. It was brought to my attention by the Code Enforcement Officer that there was a requirement that greenery be planted to shield the R-C zoning from the requested C-2 zoning. We examined photos taken of the immediate area and we can see that there has been shrubs and trees planted along the property line. We spoke with Mr. Emerling regarding the sewer line and he was trying to come to an agreement with Mr. Witka to install the sewer line on Mr. Witka's property eliminating the possibility of problems with surface water and or stones migrating into the sewer through the vent caps. Relocating the sewer line could be a condition of the zoning.

Raymond Dziedzic questioned whether there was an investigation undertaken by members of this Board or members of the Planning Board that would add to the moving on this question for this evening and each Board member replied in the affirmative.

Supervisor Kennedy: There is also concern on the twenty-five (25) foot green space and we looked into that and there is almost forty (40) feet between the property line and where Mr. Emerling has excavated. The green space now provided is wider than the twenty-five (25) foot required under the previous B-1 zoning.

Supervisor Kennedy shows Matthew Winslow the map and pictures.

John Witka, 9046 Boston State Road: I have talked to Mr. Emerling and he talked of moving the sewer lines onto my property which would be about six feet from Matthew Winslow's house. Mr. Winslow said he has a problem with that. I haven't had time to check on any regulations. I talked with my lawyer who said if we move the sewer line we will need another easement for the water line that runs through the property.

Supervisor Kennedy: You can just leave the easement that is in existence and delete the sewer line from it. Water and gas lines have very little problems. Mr. Emerling said if, when they excavate the sewer line, and your water line is directly on a step trench or something, the water line could be moved at the same time. Depending on what the Board decides tonight we can zone with conditions. Which ever way you decide to go in your house is your responsibility and if Mr. Emerling willing to run the sewer line from that point to the road, I think he is helping you out.

REGULAR BOARD MEETING TOWN HALL
OCTOBER 19, 1994 7:30 P.M.

Kathleen Witka, 9046 Boston State Road: I spoke with our attorney and he advised me to notify the Board that there has been no agreement and until there has been a written document stating exactly what is going to happen and satisfy our needs then we will not be able to come to an agreement on this.

Matthew Winslow: I don't have a problem with the zoning part of it myself. What about the odor? I have a five month old baby. Not only can you put a truck stop in C-2, you can do anything you want. The lights, the noise from trucks. It's a possibility.

Raymond Dziedzic: I reviewed the file on this matter and found it to be thin. There is no application to the matter before the Board for consideration tonight. I looked to see if there were notices for meetings, hearings or other Town scheduled activities with the Planning Board or Zoning Board and there are none. There was never issued adequate from the appropriate Town Board or Committee to consider this matter in detail. Proper procedure demands at the initial application state some type of Planning Board Hearing, some type of Zoning Board Hearing before submission to the Town Board for it's consideration. If this matter of moving sewer lines is to be properly considered it would be beyond the scope of authority even under Home Rule Laws of New York State for this Board to pass conditional zoning without first obtaining the proper authorization from the Erie County Sewer District. Mr. Kennedy on two occasions, October 5, and October 19 has disclosed at this Public Hearing that he sits as a member of that same Erie County Sewer District. I believe that is a candid declaration of a conflict of interest that should disqualify him from voting on this matter. He must abstain. We checked with the Sewer Board and the Health Department and we find as Mr. Kennedy said in some remarks that may not have been recorded, "They cannot come within ten feet of Mr. Winslow's line because of the health problem and the encroachment problem." Mr. Winslow did reiterate his concerns about various forms of pollution. A twenty-five (25) foot green space is totally inadequate. It sounds as if each of the Board members viewed with their eyes this property to determine that twenty-five (25) feet may be allowed. To prevent the type of pollution that Mr. Winslow expressed concerns over requires Berming. That is the standard practice in NYS municipalities. I submit from the Town File, for this Board's consideration, the New York State Short Environmental Assessment form, signed by both Carl and Roy Emerling, dated July 29, 1994, which ordinarily contains two pages, one page where five of twelve answers are said to be non applicable. I believe that any action by this Board on this matter tonight, without adequate planning, the absence of drawn plans, the absence of site maps, the absence of paved locations, the absence of parking spots and accessibility is premature. The better approach would be to refer it back to the Planning Board so that if the zoning goes through, it goes through properly, without this Board incurring additional expense for this Town trying to defend against actions taken tonight that are arbitrary and capricious. All my clients ask is this short continuance and have this matter properly explored and examined.

Supervisor Kennedy reaffirms from the Town Clerk for the record that this matter was referred to the Town Planning Board for their recommendation and was reviewed by the Planning Board and sent to the Town Board.

Supervisor Kennedy: I think I can defend my action and that it can be upheld in the courts if I vote for the zoning on the basis of the investigations and research I have made in this matter and the way it has properly been conducted through this Board and the Planning Board. I have no concerns if you take us to court. I feel it would be upheld.

Raymond Dziedzic: On September 16, 1985 a letter signed by Herbert H. Klein, Chairman of the Planning Board allowed for a full thirty (30) day review on this same property. On October 15, 1984 a follow-up letter signed by Herbert H. Klein, Chairman of the Planning Board, was sent forward. Here we have fourteen days and I believe that the fourteen days being imposed at this moment does violate past practice precedence of this Board.

Supervisor Kennedy: If we had a Public Hearing and we addressed the concerns of the Public Hearing, it is the prerogative of this Board to act on it whenever they feel they have had adequate information and are prepared to act on it.

Town Attorney Reilly: I am not sure, other than stopping the rezoning, anything that could be done differently. Your request seems to be basically, to start the process at the beginning. I am not sure what would be gained.

Raymond Dziedzic: I am not asking for the process to be reconstructed. All I am asking for is that the process to be followed.

Town Attorney Reilly: I believe letters were sent to neighbors in the area. I saw a sign on the property indicating that there was a Commercial Rezoning Application. There has been a Public Hearing. I don't think that anybody's rights have been trampled on or the procedure has been done improperly.

Raymond Dziedzic: The process involves application to a Planning Board and hopefully application to the Zoning Board.

Supervisor Kennedy: We refer these to the Planning Board and they examine them and they make a recommendation to the Town Board. That procedure was gone through. They had no objections to the C-2 zoning. Mr. Witka and Mr. Winslow had an opportunity at that time to pursue it with the Planning Board before a recommendation was made to the Town Board. The proper procedures were gone through.

Councilman Flowers read the letter of recommendation from the Planning Board dated September 19, 1994.

Supervisor Kennedy: The Planning Board had a review, discussed it in depth, and submitted it to the Town Board for our review. We went through the process of a Public Hearing. We have heard your comments. If you have anything additional to present before the Board that hasn't been presented, I am willing to listen.

Raymond Dziedzic: The Supervisor made a remark that the Witka's and the Winslow's could have participated in the Planning Board decision making process or at least attend those meetings. There was no notice published or mailed. There is no information in this file that the Planning Board notified anybody of that particular action.

Supervisor Kennedy: In our legislative process we don't require that the Town Clerk notify people of a pending application for rezoning. These people were in to see me prior to a Planning Board meeting and they certainly knew that a rezoning application was pending.

Councilman Flowers asked Code Enforcement Officer Santonocito if she has an application with plans attached for this particular piece and she replied that only the survey and deed for the piece to be rezoned is required.

Maurice Emerling: I think the map showed where the parking lot was.

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 19, 1994 — 7:30 P.M.

Code Enforcement Officer Santonocito: My list is in my office but from recollection I would say that the only thing required for rezoning is a survey, the deed to the property, the short form SEQR, the letter of intent and the fee.

A motion was made by Councilman Flowers and seconded by Councilman Davenport to allow the Emerling Chevrolet property and the Crotty property to be rezoned C-2 with the following conditions:

1) an agreement with John and Kathleen Witka, 9046 Boston State Road, for the removal, placement and relocation of the sewer to their property at Emerling's expense.
2) twenty-five (25) foot buffer for green space with evergreens planted on the Emerling south and west property lines forming a buffer between the Witka and Winslow property which comply with all regulations of the present zoning under Town Code 123-120.

Councilman Walter asked Mr. Witka if this meets with his approval. Supervisor Kennedy asked Mr. Witka if there is something else that he would like incorporated into the motion to protect his interest. Mr. Witka replied that he doesn't feel he can do anything about it.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy to authorize Supervisor Kennedy to enter into a contract with J. O'Connell & Associates, Grants Consultants for the 1994-1995 year.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to change the Agenda Review Meeting to Tuesday, November 1, 1994 at 7:30 P.M..

five (5) Ayes — Carried

The following bids were received, opened and publicly read aloud on October 18, 1994, at 11:00 A.M. for the Fuel Storage and Distribution System in the Highway Garage:

Marshall Tank Co. Inc.	$ 47,500.00
D.J. Preston, Inc.	$ 66,950.00
Elmwood Tank & Piping Corp.	$115,883.00
Engineer's Estimate	45,000.00

A motion was made by Supervisor Kennedy and seconded by Councilman Walter, on the recommendation of TVGA Engineering, Surveying, P.C., to award the contract for the Fuel Storage and Distribution System in the Highway Garage to Marshall Tank Co., Inc. for $47,500.00.

five (5) Ayes — Carried

Received and filed a letter and resume from Fred J. Leydecker III, D.D.S., requesting appointment to the Planning Board.

Received and filed a letter and resume from Hilda Hartman requesting an appointment to the Planning Board.

Councilman Flowers directed Town Clerk Shenk to schedule interviews for the five applicants to the Planning Board on November 1, 1994 beginning at 6:00 P.M.

Received and filed a letter and resume from JoAnne Bonsack requesting an appointment to the Conservation Advisory Council.

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 19, 1994 — 7:30 P.M.

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to appoint Mary Alice Tock to the Conservation Advisory Council, term to expire 3/1/95.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport to authorize Supervisor Kennedy to execute the Zoning Referral Agreement with Erie County.

five (5) Ayes — Carried

TOWN CLERK REPORT

Town Clerk Shenk read a letter from the Erie County Board of Elections stating that Local Proposition No. 1 will not appear on the ballot for the November 8, 1994 election.

Town Attorney Reilly read an Order from Honorable Thomas Flaherty, annulling the determination of the Erie County Board of Elections and directing Local Law No. 1 for the year 1994 for the Town of Boston be reformulated and placed on the November 8, 1994 Ballot.

HIGHWAY SUPERINTENDENT REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers, on the recommendation of Highway Superintendent Ruchalski, to put Erie County on notice that the Town Board wishes the County Highway Department to take back the following roads from the Town of Boston for the purpose of plowing and sanding: North Boston Road from Heinrich Road to the Town line, Zenner Road from Feddick to the Town line and Boston Cross Road from Boston Colden Road to Boston State Road.

five (5) Ayes — Carried

TOWN ATTORNEY REPORT

Town Attorney Reilly noted the easement for the Rucker Lumber property for the waterline is complete and sent for signature.

Regarding the Dzierzanowski property at 6710 Mill Street, the Town Engineer conducted an inspection on 10/12/94 and reported one remaining item needs to be completed as far as demolishing the structure and removing the debris from the property. There is an outstanding action in Supreme Court which is anticipated to be discontinued pursuant to completion of the work.

Regarding the drainage ditch which serves the south side of Rollin Drive running across property owned by John Szalay, there is an attempt to work out an agreement whereas Mr. Szalay would give the Town an easement to clean the ditch and the Town would relocate the ditch if needed in the future. There has not been progress in this agreement and it's been reported that Mr. Szalay has reservations. Town Attorney Reilly informed the Town Board and Mr. Szalay's attorney that there is a section of the New York State Highway Law which allows a Town to clean a drainage ditch without an easement.

A motion was made by Councilman Walter and seconded by Councilman Davenport to proceed under section 147 of the Highway Law which enables the Town of Boston to go on the Szalay property and open a drainage ditch.

Councilman Flowers	Voting Nay
Councilman Wohlhueter	Voting Aye
Councilman Davenport	Voting Aye
Councilman Walter	Voting Aye
Supervisor Kennedy	Voting Aye

four (4) Ayes — One (1) Nay — Carried

TOWN OF BOSTON

RESOLUTION 1994 - 22

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 October, 1994 at 7:30 p.m., there were

PRESENT:	Richard L. Kennedy	Supervisor
	Don A. Wohlhueter	Councilman
	Mark W. Flowers	Councilman
	Peter A. Walter	Councilman
	Josephine M. Davenport	Councilman

Supervisor Kennedy presented the following Resolution and moved its adoption; motion was seconded by Councilman Wohlhueter and unanimously approved.

WHEREAS, EDITH SCHRAMM took an active role in the AMVETS organization, serving as the first President of the Ladies Auxiliary of AMVETS Post 219, and was further elected in this capacity six times, and

WHEREAS, Edith was Secretary of the New York State AMVETS Auxiliary, a Past President of the New York State AMVETS Auxiliary, a National Committee Chairperson of the AMVETS Auxiliary, as well as Americanism Chairperson of the New York State Auxiliary, and

WHEREAS, she was the Co-Chairperson of Erie County AMVETS Pearl Harbor Committee, and

WHEREAS, she was actively involved in the Burn Treatment Center at the Buffalo Veterans' Administration Hospital, and

WHEREAS, Mrs. Schramm received many awards for her volunteer work, and was very active in local community service and activities, including serving as the Parade Director of the Bicentennial celebration in the Town of Boston in 1976, and

WHEREAS, EDITH SCHRAMM's death on October 13, 1994 removes from our midst a devoted member of our town whose contributions will be sorely missed by all whose lives she touched.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Boston extends their deepest sympathy to the members of her family, which includes her husband, Edward, eight children, nineteen grandchildren and seven great-grandchildren, and

BE IT FURTHER RESOLVED, that the Boston Town Board adjourn this meeting in memory of EDITH SCHRAMM for her generous contributions and devoted service to her town, to her state, and to her country.

David J. Shenk

David J. Shenk, Town Clerk

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 19, 1994 — 7:30 P.M.

COUNCILMAN REPORT

Councilman Flowers sent a letter and scheduled meetings for the residents of Tricia Lane, Kevinton and Boston State Road to meet with the Director of the West Seneca Developmental Center who have made a purchase offer on 6408 Kevinton Place for a possible Group Home site.

NYSEG will remove three lamps and move them to provide street lighting on the Rice Road Interceptor soon.

Local Law No.1 for Erie County, funding for Haz-Mat teams has been sponsored by Erie County Legislator Raymond Dusza and he is looking for Bi-partician support to fund the Haz-Mat teams. This is not a new tax, it means that the people who produce, transfer, transport and store hazardous materials will now be responsible for same instead of a cost to taxpayers. We would appreciate support for Local Law No. 1 by calling your County Legislature.

Councilman Walter noted that drainage problems on Colonial, Zimmerman, Pinehurst, Hillcroft, Meadowbrook, Liebler Road, Greenbriar, and Kevinton have been cleaned up. We are still working on Old Orchard. Superintendent Ruchalski and his crew is complemented for a great job.

Councilman Davenport noted the Senior Citizen Grand Opening of the Community Room was well attended and a successful event.

CODE ENFORCEMENT REPORT

A motion was made by Councilman Flower and seconded by Supervisor Kennedy to grant the Boston Fire Company, Inc. a Temporary Certificate of Occupancy.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter to grant David G. Unger of 5934 Rice Hill Road a Temporary Certificate of Occupancy.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flower to authorize Code Enforcement Officer Santonocito to attend the Department of State Training course No. 42-0231 on October 31 through November 3, 1994. All appropriate expenses to be paid.

five (5) Ayes — Carried

RESOLUTION - 1994-22 EDITH SCHRAMM

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to adjourn the meeting at 9:56 P.M..

David J. Shenk

David J. Shenk, Town Clerk

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 2, 1994 — 7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman Josephine M. Davenport, Councilman Peter A. Walter, Supervisor Richard L. Kennedy, Town Attorney Michael E. Reilly, and Highway Superintendent Eugene E. Ruchalski.

A motion was made by Councilman Flowers and seconded by Councilman Walter to accept the corrections and adoption of the minutes of the October 19, 1994 regular monthly meeting.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy that the General Fund and Special District Bills on Abstract #11, dated November 2, 1994 in the amount of $31,630.74 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Walter that the Highway Bills on Abstract #11, dated November 2, 1994 in the amount of $21,256.82 be paid.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by to Councilman Davenport to accept the Town Clerk's monthly report for October 1994.

five (5) Ayes — Carried

Received and filed notification from the Town of Concord that they will no longer do ice control and snow removal on Emerling Road from Brown Hill Road to Wagner Road, and on Trevett Road from Springville-Boston Road to Brown Hill Road, effective November 1, 1994.

Received and filed tentative Equalization rate of 84.55 for 1994 from the State of NY State Board of Equalization & Assessment.

Supervisor Kennedy commented our Equalization rate was favorable and our decrease was less than most of the surrounding towns.

Received and filed notification from Legislature Marshall of the annual recertification of eligibility and Surplus Food Distribution to eligible Boston residents on November 17, 1994 at 9:00 P.M..

Referred to Town Attorney Reilly Notice of Claim from James Lewien & Robyn Lewien vs the Town of Boston, County of Erie and the Erie County Sewer Authority.

Received and filed three maps and an evaluation from TVGA Engineering, Surveying, P.C. regarding the Allen/George Drives Drainage Problem: The Allen Drive flows should be rerouted through the woods towards the 219 Expressway (sketch No.2); or pipe the Allen Drive Flow northerly across George Drive as shown on Sketch No.3. The developer should be made to stand the expense of either solution since he altered the original pattern to suit his development's needs.

Received and filed a letter to Supervisor Kennedy from attorneys for James Kosinski and Michael Franco of 5535 George Drive and a copy of a letter from John Whitney, District Conservationist with the US Dept of Agriculture dated October 26, 1994 regarding Drainage problems at 5535 George Drive.

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 2, 1994 — 7:30 P.M.

Public Hearing (Cont.)

A motion was made by Councilman Flowers and seconded by Councilman Walter to continue the Supervisor's salary of $21,400, of which he takes $10,800. The Councilman will receive $5,800 apiece. The Town Clerk will receive $29,100, the Town Justices, $9,500 apiece and the Superintendent of Highways will receive $35,850.

Supervisor Kennedy: Are there any discussions? In the preparation of this particular budget it not only affects elected officials but also appointed officials. I have some real problems with the way some of these salaries were arrived at. I applaud the Democratic effort to decrease the budget because I think it is an laudable effort on their part and I am going to offer some resolutions of my own. What I am concerned with is some of the salary increases they haven't allowed for with the full time people. I speak specifically of the bookkeeper because I know what this Town paid for a CPA or a Public Accountant prior to Mrs. Kleis's service to the community. She doesn't receive any raise under this budget and I am certain if she reaches retirement age and elects to retire we are going to have a very difficult time replacing her with anyone of the same competence in taking care of all the reports that I have to render to the IRS, taking care of the payrolls, setting up all the accounts that I am responsible for. It certainly is going to have to be someone who has the responsibility and the trust of the Supervisor to do so. If she were to retire at the age of sixty-five (which she reaches in this particular year) we would have a very difficult time of replacing her with someone in excess of $2,000 more than what she is presently receives. I don't like the way it was discriminated against some persons and that is my problem with your proposal. I presented the preliminary budget at a public meeting with the Board back in August and I asked the Board if they had any comments and they didn't have any input. That went on for another month and we adopted a preliminary budget that was presented in October. Still nothing from the Board. No input, no comments. Last night we had a three hour meeting where we interviewed candidates who wished to be appointed to the Planning Board. At the ninth hour at nine o'clock I was presented with all these changes. Three members of the Board arrived at these decisions and salaries with no input from the other two of us. I think this is the type of thing that disappoints people in the community, in the nation, and I am disappointed with it. I don't think it was done properly. I think it was discriminatory in decisions for certain persons to receive raises and certain others not to. There was a motion made and certainly you have the authority to do what you please with the budget.

James Kosinski, 5535 George Drive: Is there any thought given to provisions in the budget about rebuilding up the emergency fund which was wiped out?

Supervisor Kennedy: There is a certain amount of the contingency that has been spent this year. A good bit of unexpended balance. We appropriated $100,000 of unexpended balance to the construction and renovation and the completion of the senior citizens room downstairs. We also spent an additional $55,000 to $57,000 out of expended balance for the repairs we had to do on Shero Road when it was washed out during the flood. We will probably spend another $40,000 on renovations on the gasoline tanks that have to conform to the EPA and the DEC regulations that were provided for in the budget. If that $200,000 is taken out of unexpended balance, it certainly makes a big difference because that is $200,000 that won't be invested and $10,000 is lost in interest.

Lisa Rood, 8798 Zimmerman Road: Couldn't you consider giving your "across the board raises" and those that choose to, like yourself, donate back to the community?

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 2, 1994 — 7:30 P.M.

Public Hearing (Cont.)

Supervisor Kennedy: I am going to have something to say about that in my statement. It's a possibility.

Councilman Walter: We proposed prior to election day last year that we would hold the line on spending. We proposed a freeze on wages. If we turned around and accepted a raise or gave raises to people indiscriminately we would be breaking our promise to the people of this town. Now we made those promises and we are going to stick by them. The only people who received a raise were the full time employees who we felt had to support their family and a couple of the part-time employees who are paid a mere pittance for the work they do. These are the people that received the raises. Nobody else got a raise. That is why I am going to second the motion. I am going to keep my promise.

Councilman Davenport: I agree with Councilman Walter.

Councilman Flowers: This is very difficult for me to do. I do not like this myself. If we paid every individual in this town what they deserved and what they are worth, we would be broke.
We have the responsibility to live up to the promises that we made to the taxpayers and the voters and we are going to stick by it. That is why we did what we did here.

Supervisor Kennedy: Call the roll.

Councilman Flowers	Voting Aye
Councilman Wohlhueter	Voting Nay
Councilman Davenport	Voting Aye
Councilman Walter	Voting Aye
Supervisor Kennedy	Voting Nay

three (3) Ayes two (2) Nays Carried

Supervisor Kennedy: In response to my colleagues proposal to reduce wages of some elected and appointed officials by discrimination, I can fully understand the public's perception of government ruled exclusively by politics with no regard in what is in the best interest of the Town.

On August 25th, I met with members of this Board to listen to their input on my proposed fiscal plan for 1995. They had no input.

On October 5th, my preliminary budget was submitted for the Town's review and also for the review of the Town Board. The only comments by the Board members were commendations by both Councilman Flowers and Councilman Davenport.

Now all of a sudden on the night before the Town Board meeting at 9:00 P.M., they submit to me a list of how they feel the people in this government should be compensated. This was developed by 3 of the Board members without any input from either Councilman Wohlhueter or myself.

I applaud their efforts to reduce town expenditures but I fear what consequences this town may experience. We need qualified people to administer a financial plan in excess of $3,000,000 and the salaries I proposed are anything but excessive. If the Councilman feel they don't merit a raise, they can donate the excess back to the community like the Supervisor does.

Since you have elected to promote a bare bones budget, I will join you in this endeavor although I do not believe it is in the best interests of this community and in the future I am confident this will bear out my concerns.

There are three motions which I will introduce to be voted on separately by the members of the Board.

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 2, 1994 — 7:30 P.M.

James Kosinski, 5535 George Drive requested a solution to the drainage problems on his property and questioned the removal of a sewer/grate and the hazard thus created by an uncovered receiver. He presented the Town Board with photos to substantiate his concerns.

Supervisor Kennedy directed Town Attorney Reilly to send a letter to Mr. Palmer, the Developer, informing him that he has a responsibility to rectify the drainage problems in the Allen/George Drive area.

At 8:04 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, 1995. Supervisor Kennedy read the legal notice.

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, 1995 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 8:00 P.M. Eastern Standard Time, on the 2nd day of November 1994 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 elected town officers are hereby as follows:

Supervisor	$10,500.00
Councilman	6,090,000
Councilman	6,090,000
Councilman	6,090,000
Councilman	6,090,000
Town Clerk	29,100.00
Town Justice	9,975.00
Town Justice	9,975.00
Superintendent of Highways	35,850.00

Dated: October 13, 1994
Published: October 20, 1994
BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK
10-20

Supervisor Kennedy convened the Public Hearing.

James Carr, 7231 Boston State Road: The Town Clerk's salary, how much of an increase is that in dollars?

Supervisor Kennedy: I think it is a 5% increase or in that general area. From $27,700 to 29,100 is $1,400.

James Carr: Does this salary include benefits?

Supervisor Kennedy: No it doesn't.

James Carr: What is the medical benefit cost of that?

Supervisor Kennedy: I believe Mr. Shenk is a single subscriber so it is probably in the neighborhood of a $2,000.

James Carr: So Mr. Shenk has been getting $2,000 more per year than the previous Town Clerk? Now you are giving him another raise.

Supervisor Kennedy: I had contemplated a raise for all the elected officials this year. It was my contention that compared with other people in the general area, comparing towns of a comparable size, that our framework of salaries was either lower or among the lowest and consequently I felt it was justifiable to present these particular salaries. We are going to have some comments in that regard I understand yet this evening.

James Carr: You don't understand what I am saying. You already gave him a $2,000 raise at the time he took over. Now you are giving him another $1,500. It is costing the taxpayer $2,000 more than the previous Town Clerk.

Supervisor Kennedy: That is one of the things I made mention of when I drafted and compared these salaries with other communities. I think people should compare apples to apples and oranges to oranges. In the Town of Concord, even though their salaries are comparable for Councilman, they also receive medical benefits. Medical benefits are a very substantial portion of the budget so fringe benefits are something that has to be considered. It is all paid out by the town. If I am going to pay a part-time employee $4,300 for a family benefit it might be as much or more than his salary. There are also towns that do the same with the Supervisor salary.

REGULAR BOARD MEETING
NOVEMBER 2, 1994

TOWN HALL
7:30 P.M.

Public Hearing (Cont.):

Supervisor Kennedy (Cont.): There is an additional stipend that is offered as the Budget Officer so when you see the Supervisor's salary and it doesn't include the stipend for the fiscal officer, that makes an appreciable difference. This is the way it was always done in the Town of Concord in the past. The Supervisor's salary was comparable to ours but then you have an additional $2,500 as the Budget Officer. When it comes to salary schedules, I thought these were fair and equitable. We have a responsibility of putting people in office and appointed people who can manage a $3,000,000 budget.

Jim Carr: You are saying three years service is worth this salary?

Supervisor Kennedy: It just happened that way Jim and I understand where you are coming from. I can't recall what benefits the previous Town Clerk had, maybe she didn't have any.

Jim Carr: She was covered under my insurance.

Supervisor Kennedy: As an elected official she didn't come under the same heading as appointed employees. In an effort to save money, the town, under my suggestion, had a provision for appointed employees that if someone in the family, husband or wife, had benefits, and they waived the town from providing benefits, we gave them a stipend that was considerable less than what we would have paid for their benefits so it was to the town's advantage. We do that for appointed employees.

Councilman Flowers: I will again complement the Supervisor on his fiscal budget as I have in the past. He does a marvelous job. My colleagues have campaigned on a platform being fiscally responsible. We proposed the following: Supervisor, $20,400, of which he takes $10,800.

Supervisor Kennedy: Is it the same salary he had previously?

Councilman Flowers: Yes.

Supervisor Kennedy: There is no increase in the Supervisor' salary then? The Supervisor is allowed to take a little more money this year but he is still donating back the remainder to the town.

Councilman Flowers: Yes. The four Councilman's salary will remain the same at $5,800. The Town Clerk will receive a 5% raise to $29,100. The two Town Justices will remain the same at $9,500 and the Superintendent of Highways will get 5% to $35,850.

Nancy Stetter, 5502 James Drive: Why does the raise for the Councilman say $6,090?

Councilman Flowers: We have proposed no raise for the Councilman.

Nancy Stetter: So you are getting $5,800?

Councilman Flowers: We haven't voted on this yet. It is a proposal. With the additional savings we have through no salary increases for certain elected and appointed officials, we were able to adjust the 1995 budget to a zero increase in the General Fund. Instead of going from $.77 a thousand to $.80 a thousand, we will remain at $.77 a thousand. We will reallocate $3,200 into independent audit. That's what I'm proposing here tonight.

Supervisor Kennedy: Is that in the form of a motion?

REGULAR BOARD MEETING TOWN HALL
NOVEMBER 2, 1994 7:30 P.M.

Public Hearing (Cont.)

Supervisor Kennedy (Cont.):
1st Motion: Since my colleagues have chosen to have elected representatives remain at the same salary that they received in last year's budget and under their proposal all but the Highway Superintendent and the Town Clerk would not receive raises , I would like to move that all elected officials salaries remain frozen at the 1994 levels. This will result in a savings of $1,725 for Highway Superintendent and $1,400 for Town Clerk. Total reduction $3,125.

2nd Motion: Since my colleagues would like a truly austere budget, I would like to make the motion that Town reimbursement for the Association of Towns Meeting in New York City be totally eliminated from the Town Budget and that the only seminars reimbursed by the Town will be those required for training such as those needed for Code Enforcement and Assessor's training required by law. Savings $3,500 to $4,000.

3rd Motion: Continuing in the same vein in implementing a truly bare bones austere fiscal plan for 1995, I am making the motion that an additional $5,000 be cut from the contingency appropriation from $20,000 to $15,000 and that all department heads meet with the Supervisor on a quarterly basis to make certain they are not exceeding budgeted appropriations. Savings, $5,000.

If these three motions are carried combined with the salary schedule that's been offered here by my colleagues, the total reduction of the General Fund will total $18,625. This will effectively reduce the Town tax rate from the preliminary budget of $.80 per thousand to $.72 per thousand which is a $.05 reduction from the 1994 budget of $.77 per thousand in the General Fund. I have those appropriations computed here with the factoring method that we need. It would be an appropriation of $987,235 in appropriation. The estimated revenues would be $545,575. The unexpended balance would be $280,000. The amount to be raised by taxes would be $161,660, which is $.72 per thousand. It is probably not what I would like to do but in view of what has been done it is something I think we should consider and it would be truly an austere budget. So for the first motion:

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter that all elected officials salaries remain frozen at the 1994 level. Total reduction $3,125.

Councilman Flowers: You come at this tonight fifteen minutes before...

Supervisor Kennedy: I came at it the way you came at it with me. I am saying it is not fair to cut people's salaries indiscriminately.

Councilman Flowers: I need time to think about this.

Supervisor Kennedy: Do what you please, the motion is on the table.

Councilman Walter: While Councilman Flowers is thinking I will make a couple of comments. Freezing wages was freezing our own wages, not everybody's wages. We are going a little bit off the deep end on this whole thing. We are trying to hold the line on spending. We are not being vindictive about anything. We are trying to be truthful with the people and if this is the repercussions that we get from trying to be good to the people, I don't think it's really nice to anybody here.

Supervisor Kennedy: Do you think it was nice to spring it on me at 9:00 last night?

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 2, 1994 — 7:30 P.M.

Public Hearing (Cont.)

Councilman Walter: We didn't spring it on you. Everybody knew we were going to hold the line.

Supervisor Kennedy: What is fair for one is fair for another. I don't think he (Superintendent Ruchalski) is any more deserving of a raise than some of the people that I had in there for a raise. Now if you do then you vote yes. You have that prerogative. I am talking about people that are full time employees like my bookkeeper who was excluded entirely. I am telling you right now Pete Walter, God help you if she retires because that man (Town Clerk Shenk) has relied on her since he came into office. He is going to have a lot of trouble when she leaves. So do what you please, the motion is on the floor.

Councilman Walter: Like I said, it is really not nice to be vindictive. We didn't come in with decisions, we came in with proposals.

Supervisor Kennedy: I am not being vindictive. The proposals I made are certainly bonafide proposals. If they are not bonafide proposals you can vote against them. They are certainly cost saving.

Councilman Walter: You spoke for a half hour and no one interrupted you. Now we came up with these proposals like Councilman Flowers said, it wasn't fun. It would be great to give everyone a two thousand dollar raise. We are trying to hold the line. That's what we are trying to do and that is what I want to do. That is why when it comes to me I am going to vote against that motion. I am going to give the people that are full time employees (my opinion) the full time employees who support families and everything else, they are the ones who deserve a raise. The others do deserve a raise too, yes but I don't feel as though the money should be spent at this time.

Supervisor Kennedy: Let me ask you this. Are you going to follow through with an eight percent raise for the Highway Personnel which is proposed?

Councilman Walter: We are not voting on that right now.

Supervisor Kennedy: The Highway budget is all part of the same budget.

Councilman Walter: We are not voting on it at the present time. This is the General Fund.

Councilman Flowers: Based on what I've seen from the schedule from 1992, 1993 and 1994, the Town Clerk had 0%, 0.7%, and 0% raise, I am going to vote no.

Councilman Flowers	Voting Nay
Councilman Wohlhueter	Voting Aye
Councilman Davenport	Voting Nay
Councilman Walter	Voting Nay
Supervisor Kennedy	Voting Aye

two (2) Ayes — three (3) Nays — Denied

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter that Town reimbursement for the Association of Towns Meeting in New York City be totally eliminated in the Town Budget and that the only seminars funded by this Board will be those required under training for Code Enforcement and the Assessor's training because it is necessitated by Town Law.

REGULAR BOARD MEETING
NOVEMBER 2, 1994

TOWN HALL
7:30 P.M.

Public Hearing (Cont.)

Councilman Flowers	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Davenport	Voting Aye
Councilman Walter	Voting Aye
Supervisor Kennedy	Voting Aye

Five (5) Ayes — Carried

Supervisor Kennedy: Continuing in the same vein, in implementing a truly bare bones austere fiscal plan for 1995:

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to cut $5,000 from the contingency appropriation from $20,000 to $15,000 and that all Department Heads be required to meet with the Supervisor on a quarterly basis to make certain they are not exceeding budgeted appropriations. Savings, $5000.

Councilman Flowers: What are the repercussions of dropping $5,000 from the contingency budget?

Supervisor Kennedy: It means we have a very frugal budget. Nobody better go over their appropriations while I am the fiscal officer. I don't care who it is. We would have a remaining $15,000 for an emergency.

Councilman Flowers	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Davenport	Voting Aye
Councilman Walter	Voting Aye
Supervisor Kennedy	Voting Aye

Five (5) Ayes — Carried

Supervisor Kennedy: I am certain that the Town Board doesn't have the numbers prepared to vote on tonight because they have to be correct. When we do this summary across the line everything has to be right. When we appropriate how much estimated revenue, how much unexpended balance and how much is to be raised by taxes, it has to be absolutely correct. In view of the changes that have been made here this evening I will have to review that with the bookkeeper because there is a factor we have to divide this in after we make the subtractions on the motions that were approved and the motions you disapproved and the motions of cutting the salaries that were approved here this evening. According to Town Law 109(3) , and I would ask the Town Attorney if I am correct, states that if the Board fails to adopt a final budget by November 20, 1994 the preliminary budget shall make up the Town Budget for the year. We have a regular scheduled Town Board meeting on November 16, 1994 at which time we can approve the budget as it was changed here this evening, rather than tonight because I don't think you're ready with these figures and I am certainly not ready.

Town Attorney Reilly: I couldn't comment on that section of the Town Law having never read it and not having it here this evening.

Supervisor Kennedy: Would you like to look at it? This isn't the actual law but it is the next best thing to it. It is the summary of the Town law given to all Town officials.

Town Attorney Reilly: I would say your interpretation is correct. It states right here that the Board can adopt the budget by resolution before November 20, 1994.

Supervisor Kennedy: Are there any other comments from the public regarding this budget? Any other suggestions made that we could decrease it even further?

REGULAR BOARD MEETING
NOVEMBER 2, 1994

TOWN HALL
7:30 P.M.

Public Hearing (Cont.)

Lisa Rood: I am just curious why the bookkeeper was passed over. I don't know if being a women or whether they don't feel she has a family yet the Town Clerk who is a man who has no family. I don't understand it.

Supervisor Kennedy: I don't understand it either. I don't understand the discrimination they used in a lot of salaries Lisa and that is why I voted no. It wasn't because I was objecting to them reducing amounts. I think we should have been consulted, sat down together as five members of the Board and came up with what we felt was in the best interest of the people rather than it be dictated by three majority members of the Board.

Lisa Rood: I am wondering if one of them could explain it to us though. How they arrived at that.

Councilman Flowers: Certainly. That was proposed under the preliminary 1995 budget and in the past three years the Town Clerk has received 0%, 0.7%, and 0% while everyone else got raises.

James Carr: He received $2,000 a year.

Councilman Flowers: He got health care. Whether Joyce took it or not, I can't help there.

James Carr: He was taking $2,000 from the taxpayers every year he took office. That was part of his salary.

Councilman Flowers: For health care, Certainly.

Lisa Rood: You gave people a raise that had to support a family or were full time.

Councilman Flowers: Is he full time?

Lisa Rood: Yes. Is the bookkeeper?

Supervisor Kennedy: Whoever becomes Supervisor is going to find out this is full time too even though the pay isn't there.

Councilman Flowers: There is no doubt about that.

Councilman Walter: The Councilman are doing a pretty good full time job too and we are going to continue to.

Supervisor Kennedy: I hope so.

Councilman Walter: There was no time. What would we have done? We would have got together and had a meeting anyway to discuss, and they were not discriminatory, they were proposals, that's all they were, mere proposals, and it was brought forth so that we could, at a meeting, go one way or the other. It was not a walk in here and these were not demands. They were recommendations and proposals. Last night it was a meeting where it could have been discussed. Whether it was the night before or a month before is immaterial. We listed the salaries that were in the proposed budget and we listed the salaries that we thought would be sufficient and we were going to discuss it. Well the Supervisor chose not to discuss anything and he left the meeting.

Supervisor Kennedy: Because the Supervisor offered some comments and he was shot down. It was pretty much in order that you had already made your decisions.

Councilman Walter: Not shot down. It was not a decision. These are all proposals. They are still not voted on.

REGULAR BOARD MEETING
NOVEMBER 2, 1994

TOWN HALL
7:30 P.M.

Public Hearing (Cont.)

Lisa Rood: Why wasn't the other Councilman brought into this when the other three Councilman were discussing it?

Councilman Walter: We weren't brought into the budget when it was drawn up. We were asked for no input.

Supervisor Kennedy: It is up to the Supervisor to draw it up and you were brought into the room the same day I presented it.

Councilman Walter: That is right and we heard it and it took us awhile to go over it.

Supervisor Kennedy: It took us a month until we did the preliminary and you had a whole month to contact someone.

Councilman Walter: We did and we got together with counter proposals.

Ian Hill, 49 Central Avenue: I am confused. You said you want to give your bookkeeper a raise. Why don't you make a motion to give her a raise?

Supervisor Kennedy: Her salary doesn't come up until January 1st but in order to draft the budget and include those amounts in each category of the budget we have to have some idea of what those appointment salaries are going to be. Under the heading of the Town Justice there is a Court Clerk in there. Her salary was cut $1,000 last year. They restored $400 of it and they called that a raise this year. I don't really call that a raise either for the amount of time that she spends and the case load that she has in the Court Clerk's office. I don't think it was a correct salary. If I don't have an idea of what the appointed people are going to make when those appointments and those salaries are designated on January 1st at the organizational meeting, they wouldn't be incorporated in the budget. So I do present a tentative salary schedule for all the employees both appointed and elected so they can be incorporated into the fiscal plan when it's presented otherwise we'd be shooting in the dark.

Ormus Davenport, 4957 Appletree Road: Can they be added somehow in January if they are desired.

Supervisor Kennedy: It's going to be hard to add with this budget I'll tell you that. It's going to be hard to add anything.

Councilman Wohlhueter: If we don't adopt the budget until November 16, 1994 we can meet before then.

Ormus Davenport: That budget that they are proposing, come January, if everyone decides it should be, where could it come out of? Contingency? Can it come out of where?

Supervisor Kennedy: It is not going to come out of Contingency because it is going to become very difficult for any money to be taken out of there. All the respective appointed salaries are going to have to remain. Either some are going to have to be adjusted but the final figure is going to have to be what they have on this piece of paper because that is what they passed tonight.

Lucille Genzel, Deputy Supervisor: It was mentioned that the Town Clerk didn't get a raise last year. Who did? If I recall I don't think anyone did. Elected or appointed did not get raises last year.

REGULAR BOARD MEETING
NOVEMBER 2, 1994

TOWN HALL
7:30 P.M.

Public Hearing (Cont.)

Supervisor Kennedy: Yes, who else got a raise last year? No elected or appointed officials got anything that is why I certainly felt they merited a raise this year. A 5% raise is only 2 1/2 % and the inflationary factor was in excess of that. So in essence they didn't get a raise anyway.

Councilman Flowers: It is not a 2 1/2 % retro active raise. It is a 5% up-front raise. It is not 2 1/2% and 2 1/2%. If you wanted to give a 2 1/2% raise last year you should have given a 2 1/2% raise last year and a 2 1/2% raise this year. Not 5% and say well look, I'm giving you 2% for last year. It is not retroactive for last year.

Supervisor Kennedy: I recall you suggesting, after talking with the Highway employees, that instead of giving them an 8% raise, we give them 5% retroactive based on their salary last year, which is unconscionable, and give them a 5% raise this year.

Councilman Flowers: You have your numbers wrong.

Supervisor Kennedy: That's what you said.

Councilman Flowers: No I did not. I said 4% retroactive under their 1993 salary and a 6% raise.

Supervisor Kennedy: You wanted to give retroactive pay.

Councilman Flowers: That is correct. I did say that.

Supervisor Kennedy: Ok. That would have set a precedent that I have never seen in town government.

Councilman Davenport: I would like to suggest, Mr. Kennedy, that maybe there could be a meeting as Councilman Wohlhueter suggested. If we could meet some day this week and adjust the Bookkeeper's salary if you feel that strongly about it.

Supervisor Kennedy: I feel strongly about more than just the Bookkeeper. She is very dear to me because I work directly with her every day. I feel very strongly about some of the others that were cut. Principally my Deputy Supervisor. I am not even taking the full salary. I am taking about two dollars and hour salary and if I wanted to give her a few hundred dollars raise that was denied by these people then I feel they are short changing the community. We have taken all kinds of work out of the Town Clerk's office and taken it down to my office. I speak specifically about developing this whole agenda. I speak about the calls that are taken now out of that office that used to be there. I talk about typing that used to be there. I could go on and on but it would just be perceived by you people as being political.

Councilman Flowers: That is the way you wanted it. You wanted to develop the agenda. You wanted to run the meeting. You wanted to do all of this. You wanted to do this and we allowed you to do it.

Supervisor Kennedy: If I wanted to be in charge of the agenda I could give him the work load. The problem is I don't get the minutes half of the time from one meeting to the day before the next meeting. I never had service like that before out of the Clerk's office in the past.

Councilman Davenport: Let's see if we can set up something during the week and hash over some of these sore points. Ok? I think it could be worked out.

Councilman Flowers: We could have done that last night when everybody had cooler heads than this.

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 2, 1994 — 7:30 P.M.

Public Hearing (Cont.)

Supervisor Kennedy: Yes, after we had a three hour meeting when we started at six o'clock.

Councilman Davenport: When do you want to meet?

Supervisor Kennedy: What are you going to do now? We've offered motions here and we've cut the budget in excess of $16,000. How are you going to come up with the money to restore those cuts that you've already cut?

Councilman Flowers: We have $3,250 put into Independent Audit.

Councilman Walter: Somebody could withdraw the motions and we will compensate with a meeting and we'll make recommendations and get together and address this in an adult manner.

Supervisor Kennedy: I have always been willing to meet with you people. You people have excluded us.

Councilman Davenport: I would like to say that I did complement Supervisor Kennedy on putting together the budget because it did take a lot of work and I recognize that.

Supervisor Kennedy: We will meet Thursday night.

Ormus Davenport: Have a good meeting on Thursday night.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to close the Public Hearing at 8:49 P.M.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to table the final adoption of the 1995 Budget until the Town Board Meeting of November 16, 1994.

five (5) Ayes — Carried

Received and filed a letter from James Boguslawski of 4905 Winterway Lane rejecting a water tank location proposal from the Town of Boston.

Supervisor Kennedy directed Town Attorney Reilly to draft a letter to Mr. Boguslawski stating the Town will proceed with provisions of Eminent Domain to acquire the necessary small portion of land that is needed, in addition to the right-a-way that we now own, to acquire the land. The water tank has to be located on the East Hill at that particular elevation, midpoint of the Town in order to serve the water district. The Town is willing to negotiate with Mr. Boguslawski but the Town absolutely has to have that land.

Councilman Flowers offered to speak to Mr. Boguslawski before sending the letter and report the outcome to Supervisor Kennedy.

REQUESTS FROM THE FLOOR

James Kosinski, 5535 George Drive: The drainage problem on the George Drive cul-d-sac engineering: As the rains came down this morning all the water is now coming off the roadway and running down the brand new landscaping of my arborvitaes that I spent $5,000 on. Being that is Town water and that it was not there before, the builder Mr. Palmer suggests someone notify the Town Highway Superintendent to consider putting in a receiver at that point. Could someone check out this recommendation?

Supervisor Kennedy: I will ask the Town Highway Superintendent and the Town Engineer to look into this matter.

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 2, 1994 — 7:30 P.M.

A motion was made by Councilman Flower and seconded by Supervisor Kennedy to grant Cold Spring Construction Company an extension of a current permit until June 1, 1995 for construction trailers on the premises of 9382 West Tillen Road.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Flowers to authorize Supervisor Kennedy to release the check for payment of Invoice No. 878 to Nussbaumer & Clarke, Inc. for $1,175.40 for a Subdivision Review of Emerling Subdivision, NCI File No. 92-101/71.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter on the recommendation of Recreation Director Clesse to appoint the following to work the Friday Night Recreation Program from November 4, 1994 through June 30, 1995:

		Wage ($/HR)
Tracie Durphy	Supervisor	7.50
Jackie Russell	Assistant Supervisor	6.50
Doris Pilato	Arts & Crafts Supervisor	6.50
Audrey Frank	Recreation Attendant	5.50
Jessica Kobiolka	Recreation Attendant	5.50
Angela Poppenberg	Recreation Attendant	5.50

five (5) Ayes — Carried

SUPERVISOR REPORT

A) Supervisor's Monthly Financial Report for October 1994 received and on file in the Town Clerk's Office.

Received and filed a letter from Nancy Fleckenstein, 7865 Eddy Road requesting municipal water.

Received notification from State Comptroller McCall that they have compiled rules and regulations relating to a benefit plan for the Emergency Squad similar to the Fireman's benefit plan. It is being administered as a defined contribution plan rather than a defined benefit plan administrated by the State Comptroller.

TOWN CLERK REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to accept the monthly Registrar of Vital Statistics Report for October 1994.

five (5) Ayes — Carried

TOWN ATTORNEY REPORT

The Burr Road easement for the Town of Boston was filed on October 26, 1994 in Liber 10,878, page 7,017, which will enable Town Highway trucks and Town refuse carriers to turn around on that property.

A letter was sent to Town Clerk Shenk on November 1, 1994 stating that TVGA Engineering determined all items in the demolition specifications for the Dzierzanowski property at 6710 Mill Street had been performed. Pursuant to Chapter 47 of the Boston Town Code a Notice of Unsafe Building had been filed in the Erie County Clerk's Office on July 15, 1994. A Notice to Vacate the Demolition Notice was filed in the Erie County Clerk's Office on November 1, 1994.

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 2, 1994 — 7:30 P.M.

TOWN ATTORNEY REPORT (CONT.)

A Notice of Claim from James Lewien & Robyn Lewien vs the Town of Boston, County of Erie and the Erie County Sewer Authority for property damages, personal injuries, emotional distress, suffering generally sustained by them on account of the injuries and damages sustained by then due to the flood of August 27, 1994. It is not a lawsuit at this point but a notice to the Town that a lawsuit is possible and the Town will take the appropriate action to investigate the claim and prepare to defend.

The Town is interested in obtaining a fifty foot right-a-way on Tanglewood Drive. Two property owners on the south side of the road are interested in selling a portion of their land. Pursuant to that the parcels will be surveyed and appraised and an attempt will be made to reach a purchase agreement.

On October 21, 1994 a letter was sent to the Erie County Highway Department requesting the Town be given permission pursuant to section 147 of the NYS Town Highway law to clean out the drainage ditch on the Szalay property. The Town is waiting for authorization and the Town Engineer has been requested to review the drainage in that area. It is the opinion of Mr. Szalay's attorney that the drainage on the south side of Rollin does not go across his property into the stream but goes in a northerly direction.

COUNCILMAN REPORT

Councilman Flowers reported that NYSEG has moved the three street lights on West Tillen Road at no cost to the Town.

There was a meeting on October 27, 1994 with residents of Tricia, Boston State, Kevinton Drive and representatives of the West Seneca Developmental Center about the proposed group home at the corner of Kevinton and Boston State Road. The Town will receive a letter giving forty days notification to either accept or reject the proposal. If rejected the Town must give three other properties for review. A written Determination of suitability will be supplied or if the properties are unsuitable the process will start over.

Councilman Davenport noted a girl in our community wishes to have contact with a sister city in Boston, England. Information has been received by Mr. Zimmerman to aid in beginning the project.

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer monthly report for October 1994, on file in the Town Clerk's Office.

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter, on the recommendation of Code Enforcement Officer Santonocito, to grant Edward Landsman of 8096 Cole a sixty (60) day extension on Building Permit B-93-86.

five (5) Ayes — Carried

DEPUTY CODE ENFORCEMENT OFFICER REPORT

A) Deputy Code Enforcement Officer's monthly report for October 1994, on file in the Town Clerk's Office.

DOG CONTROL OFFICER REPORT

A) Dog control Officer monthly report for October 1994, received and file in the Town Clerk's Office.

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 2, 1994 — 7:30 P.M.

TOWN ENGINEER REPORT

A) Town Engineer's report for October 1994 received and on file in the Town Clerk's Office.

PLANNING BOARD REPORT

Received and filed notification from the Boston Planning Board that there will be no meeting on Election Day, November 8, 1994 and the next one will be held November 22, 1994.

Tabled to the November 16, 1994 meeting, the recommendation of the Boston Planning Board, to amend Chapter 57 of the town code book to require a drainage plan for any structure over 251 sq. feet using the Town of Hamburg's plan as a guide. It is further requested the fee schedule be adjusted to compensate for the increase cost of our Town Engineer for review.

A motion was made by Councilman Flowers and seconded by Councilman Walter to appoint to the Boston Planning Board, Fred J. Leydecker, III, D.D.S., term to expire 2/1/01

five (5) Ayes — Carried

Councilman Flowers directed Town Clerk Shenk to send letters thanking the four other people who applied and state that they will be considered for any future openings on the Town Boards as they become available.

A motion was made by Councilman Walter and seconded by Councilman Davenport to adjourn the meeting at 9:22 P.M..

David J. Shenk
David J. Shenk, Town Clerk

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 16, 1994 — 7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman Josephine M. Davenport, Councilman Peter A. Walter, Supervisor Richard L. Kennedy, Town Attorney Michael E. Reilly, and Highway Superintendent Eugene E. Ruchalski.

Reverend Richard Siemann opened the meeting with a prayer.

A motion was made by Councilman Flowers and seconded by Councilman Walter to accept the corrections and adoption of the minutes of the November 2, 1994 regular monthly meeting.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport that the General Fund and Special District Bills on Abstract #11A, dated November 16, 1994 in the amount of $61,117.98 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy that the Highway Bills on Abstract #11A, dated November 16, 1994 in the amount of $4,537.00 be paid.

five (5) Ayes — Carried

Received and filed notification from Erie County Division of Highways that Erie County will be responsible for the snow plowing of Zenner Road, North Boston Road, Rice Hill Road and Boston State Road from Zimmerman Road to Boston-Colden Road.

Received and filed notification from West Seneca Developmental Disabilities Office on the establishment of a Community Residential Facility at 6408 Kevinton, Boston.

A motion was made by Councilman Flowers and seconded by Councilman Davenport to reject the location at 6408 Kevinton, Boston, chosen by the West Seneca Developmental Disabilities Office for the establishment of a Community Residential Facility and exercise option #2 under the statute 41.34 of the NYS Mental Hygiene Law to offer three (3) alternate sites for consideration.

five (5) Ayes — Carried

Councilman Flowers will send notification to the West Seneca Developmental Disabilities Office of the Boston Town Board decision regarding the establishment of a Community Residential Facility at 6408 Kevinton, Boston.

Received and filed notice of a Town of Concord Zoning Board Public Hearing for 10021 Trevett Road.

Received and filed Erie County Sheriff's Department Monthly Report for October 1994.

Received and filed notification from the NYS Department of Conservation of a change in SEQR Notices Publications.

Received a letter from John P. Falkides, Boston Hills Homes & Estates, enclosing articles sent to all residents in manufactured housing communities in Boston on Election day eve urging them to get out and vote.

Supervisor Kennedy applauded the effort of John and Kay Falkides, Boston Hills Homes and Estates, in their effort to encourage voter participation relative to Election Day and Voter Registration in the Town of Boston.

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 16, 1994 — 7:30 P.M.

Referred to Town Attorney Reilly a Notice of Claim against the Town of Boston from Joseph P. Doyka, 7767 Zimmerman Road [illegible] sustained as a result of the flood of August 27, 1994.

Tabled a reply from Philip Munger, S9399 Boston State Road to Code Enforcement Officer Santonocito's request to apply for a Building Permit Application and correct electrical deficiencies noted by the NY Board of Fire Underwriters, until the Town Board has met with the Code Enforcement Officer on this issue.

A motion was made by Councilman Flowers and seconded by Councilman Walter to accept the following Transfer of Appropriations of the General Fund:

FROM:				
1220.4	Supervisor, Cont	2,400		
1320.4	Indep Audit, Cont	6,000		
1990.4	Contingent Acct	3,000		
6772.4	Prog Aging, Cont	1,000		
7110.1	Parks, Pers Serv	10,000		
7110.2	Parks, Equip	2,000		
7310.1	Recreation, Per Serv	13,000		
8010.4	Zoning, Cont	500		
8020.4	Planning, Cont	500		
8810.1	Cemeteries, Per Serv	900		
8810.4	Cemeteries, Cont	200		
9010.8	State Retire	24,500		
9040.8	Work Comp	6,500		
9060.8	Hosp/Med Insur	900		
			71,500	
TO:				
1010.1	Town Board, Per Serv	40		
1110.1	Town Justice, Per Serv	1,000		
1220.1	Supervisor, Per Serv	2,000		
1220.2	Supervisor, Equip	400		
1920.4	Mun Assn Dues	100		
1940.4	Purchase Land		1,710	
1950.4	Tx/Assess, Town Prop	5		
1989.4	Unclassified	40		
3510.1	Control Dogs, Per Serv	550		
3620.1	Safety Inspec, Per Serv	100		
5182.4	Street Lighting	6,000		
5680.4	Storm Damage	42,330		
7110.4	Parks, Cont	2,000		
7270.4	Band Concerts	1,225		
7310.4	Recreation, Cont	13,000		
8010.1	Zoning, Per Serv	500		
8020.1	Planning, Per Serv	500		
			71,500	

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport authorizing the Town Engineer to prepare proper Bid Specifications for the extension of the water line on Back Creek Road to the Will Residence on Mill Street, as per the Engineer's estimate. The cost of the engineering is to be borne by Water District #2. This authorization is contingent on a signed agreement by the Wills' and approved by the Town Attorney stating the total cost of the extension is to be borne by the Wills'.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter, on the recommendation of Recreation Director Clesse, to appoint Kathleen Rooney as Arts and Crafts Supervisor for the Friday Night Recreation Program at a rate of $4.55 per hour, term to expire June 30, 1995.

five (5) Ayes — Carried

TOWN BUDGET

FOR 1995

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 1995 budget of the TOWN OF BOSTON as adopted by the Town Board on the 16th day of November, 1994.

Signed, David J. Shenk
Town Clerk

Dated 11/22/94

SUMMARY OF TOWN OF BOSTON BUDGET - 1995

	APP/OTH USES	-EST REVENUE	-UNEXP BAL	RSD BY TAX
A GENERAL	992,385.00	545,575.00	275,000.00	171,810.00
D HIGHWAY	743,970.00	287,000.00	20,000.00	436,970.00
SF FIRE PROTEC	469,695.00	0.00	6,500.00	463,195.00
SL LIGHT	19,010.00	10.00	0.00	19,000.00
SM AMBULANCE	76,015.00	0.00	10,000.00	66,015.00
SR REFUSE & GARB	515,188.00	193.00	5,282.00	509,713.00
SS SEWER #2	1,211.00	0.00	0.00	1,211.00
SW WATER #1	107,015.00	15.00	75,500.00	31,500.00
SW WATER #2	103,906.00	0.00	62,000.00	41,906.00
TOTALS	3,028,395.00	832,793.00	154,282.00	1,741,320.00
				1,741,320.00

GENERAL GOVERNMENT SUPPORT - 1995 BUDGET

	CODE	ACT 93	94 BUDGET	PRE 95	ADOPT 95
TOWN BOARD					
Pers Serv	1,010.1	23,200	23,200	24,360	23,200
Contractual	1,010.4	397	3,000	3,000	160
Total		23,597	26,200	27,360	23,360
JUSTICE					
Pers Serv	1,110.1	44,313	45,475	46,955	45,405
Equipment	1,110.2	4,611	1,500	1,600	1,600
Contractual	1,110.4	3,215	4,800	5,000	5,000
Total		52,139	51,775	53,555	52,005
SUPERVISOR					
Pers Serv	1,220.1	33,551	51,400	39,110	38,535
Equipment	1,220.2	1,022	500	3,000	3,000
Contractual	1,220.4	14,178	10,500	17,900	17,900
Total		48,751	62,400	60,010	59,435
IND AUDIT					
Contractual	1,320.4	8,200	6,000	7,000	9,000
Total		8,200	6,000	7,000	9,000
ASSESSOR					
Pers Serv	1,355.1	30,725	31,225	32,140	31,065
Equipment	1,355.2	0	1,000	800	800
Contractual	1,355.4	2,496	5,500	5,000	5,000
Total		33,221	37,725	37,940	36,865
FISCAL AGENTS FEE					
Contractual	1,380.4	406	0	500	500
Total		406	0	500	500
TOWN CLERK					
Pers Serv	1,410.1	44,382	44,950	51,000	51,000
Equipment	1,410.2	0	500	800	800
Contractual	1,410.4	2,584	3,500	3,700	3,700
Total		46,966	48,950	55,500	55,500
ATTORNEY					
Pers Serv	1,420.1	32,800	32,800	35,075	32,800
Contractual	1,420.4	1,334	3,700	3,525	3,525
Total		34,134	36,500	38,600	36,325
ENGINEER					
Contractual	1,440.4	10,485	12,000	12,000	12,000
Total		10,485	12,000	12,000	12,000
ELECTIONS					
Pers Serv	1,450.1	5,025	5,905	5,710	5,710
Contractual	1,450.4	1,379	2,295	1,500	1,500
Total		6,404	8,200	7,210	7,210
REC MANAGE					
Pers Serv	1,460.1	0	1,000	1,000	1,000
Equipment	1,460.2	674	3,000	1,500	1,500
Contractual	1,460.4	0	2,000	2,000	2,000
Total		674	6,000	4,500	4,500

GENERAL GOVERNMENT SUPPORT - 1995 BUDGET

BUILDINGS					
Pers Serv	1,620.1	7,131	8,000	8,600	8,600
Equipment	1,620.2	480	10,000	10,000	10,000
Contractual	1,620.4	43,401	44,000	44,300	44,300
Total		51,012	62,000	62,900	62,900
CENT GARAGE					
Equipment	1,640.2	0	0	0	0
Contractual	1,640.4	683	1,500	1,200	1,200
Total		683	1,500	1,200	1,200
CENT COMMUN					
Equipment	1,650.2	0	0	0	0
Contractual	1,650.4	0	500	400	400
Total		0	500	400	400
CENT PR & MAIL					
Contractual	1,670.4	12,647	17,000	17,500	17,500
Total		12,647	17,000	17,500	17,500
SPECIAL ITEMS					
Unalloc Insur	1,910.4	57,945	70,000	67,000	67,000
Munic Assn Dues	1,920.4	1,183	1,400	1,500	1,500
Judge & Claims	1,930.4	1,275	30	200	200
Purchase/Land	1,940.4	5,320	0	3,000	3,000
Tx&Asses Tn Prop	1,950.4	2,506	2,600	2,900	2,900
Unclassified	1,989.4	0	0	100	100
Contingent Acct	1,990.4	0	20,000	20,000	15,000
Total		68,229	94,030	94,700	89,700
TOTAL GEN GOVT SUPPORT		397,548	470,780	480,875	468,400

PUBLIC SAFETY - 1995 BUDGET

	CODE	ACT 93	94 BUDGET	PRE 95	ADOPT 95
POL & CONSTABLES					
Pers Serv	3,120.1	2,900	0	0	0
Contractual	3,120.4	600	600	600	600
Total		3,500	600	600	600
TRAFFIC CONTROL					
Contractual	3,310.4	3,090	3,000	3,300	3,300
Total		3,090	3,000	3,300	3,300
CONTROL OF DOGS					
Pers Serv	3,510.1	7,300	8,250	9,250	9,250
Equipment	3,510.2	450	1,000	500	500
Contractual	3,510.4	2,972	5,400	5,575	5,575
Total		10,722	14,650	15,325	15,325
SAFETY INSPEC					
Pers Serv	3,620.1	12,390	12,300	13,700	13,700
Equipment	3,620.2	0	0	2,300	2,300
Contractual	3,620.4	43	1,000	1,700	1,700
Total		12,433	13,300	17,700	17,700
TOTAL PUBLIC SAFETY		29,745	31,550	36,925	36,925

HEALTH - 1995 BUDGET

	CODE	ACT 93	94 BUDGET	PRE 95	ADOPT 95
REG VIT STATS					
Contractual	4,020.4	0	25	25	25
Total		0	25	25	25
		0	0	0	0
		0	0	0	0
TOTAL HEALTH		0	25	25	25

TRANSPORTATION - 1995 BUDGET

	CODE	ACT 93	94 BUDGET	PRE 95	ADOPT 95
SUPT HIGHWAYS					
Pers Serv	5,010.1	36,025	36,025	37,950	37,950
Contractual	5,010.4	1,619	2,500	2,100	2,100
Total		37,644	38,525	40,050	40,050
GARAGE					
Equipment	5,132.2	0	0	0	0
Contractual	5,132.4	16,335	18,500	18,500	18,500
Total		16,335	18,500	18,500	18,500
STREET LIGHTING					
Contractual	5,182.4	26,638	28,000	28,000	28,000
Total		26,638	28,000	28,000	28,000
TOTAL TRANSPORTATION		80,617	85,025	86,550	86,550

ECONOMIC ASSISTANCE & OPPORTUNITY - 1995 BUDGET

	CODE	ACT 93	94 BUDGET	PRE 95	ADOPT 95
PUBLICITY					
Contractual	6,410.4	953	1,000	1,000	1,000
Total		953	1,000	1,000	1,000
PROG FOR AGING					
Contractual	6,772.4	1,009	2,500	2,500	2,500
Total		1,009	2,500	2,500	2,500
TOTAL ECONOMIC ASSISTANCE & OPPORT		1,962	3,500	3,500	3,500

CULTURE & RECREATION - 1995 BUDGET

	CODE	ACT 93	94 BUDGET	PRE 1995	ADOPT 95
PARKS					
Per Serv	7,110.1	31,307	40,000	38,000	38,000
Equipment	7,110.2	12,220	6,000	6,000	6,000
Contractual	7,110.4	17,680	9,000	13,000	13,000
Total		61,207	55,000	57,000	57,000
PLAY & REC CENTERS					
Per Serv	7,140.1	4,478	5,000	6,000	6,000
Contractual	7,140.4	1,571	6,000	5,000	5,000
Total		6,049	11,000	11,000	11,000
BAND CONCERTS					
Contractual	7,270.4	1,700	1,600	2,800	2,800
Total		1,700	1,600	2,800	2,800
YOUTH PROGRAM					
Pers Serv	7,310.1	41,776	53,000	40,000	40,000
Contractual	7,310.4	46,874	35,000	60,000	60,000
Total		88,650	88,000	100,000	100,000
HISTORIAN					
Equipment	7,510.2	1,200	1,200	1,200	1,200
Contractual	7,510.4	855	850	900	900
Total		2,055	2,050	2,100	2,100
HISTORICAL PROPERTY					
Contractual	7,520.4	3,819	3,900	4,000	4,000
Total		3,819	3,900	4,000	4,000
CELEBRATIONS					
Contractual	7,550.4	1,327	1,000	1,000	1,000
Total		1,327	1,000	1,000	1,000
ADULT RECREATION					
Contractual	7,620.4	6,070	6,000	6,000	6,000
Total		6,070	6,000	6,000	6,000
OTH CULT/REC					
Contractual	7,989.4	0	0	1,000	1,000
Total		0	0	1,000	1,000
TOTAL CULTURE - RECREATION		170,877	168,550	184,900	184,900

HOME & COMMUNITY SERVICE - 1995 BUDGET

	CODE	ACT 93	94 BUDGET	PRE 1995	ADOPT 95
ZONING					
Pers Serv	8,010.1	750	600	600	600
Contractual	8,010.4	414	1,800	2,000	2,000
Total		1,164	2,400	2,600	2,600
PLANNING					
Pers Serv	8,020.1	2,042	2,000	6,200	6,200
Contractual	8,020.4	293	10,500	6,000	6,000
Total		2,335	12,500	12,200	12,200
DRAINAGE					
Pers Serv	8,540.1	0	0	0	0
Contractual	8,540.4	0	0	1,000	1,000
Total		0	0	1,000	1,000
CONSERVATION					
Pers Serv	8,710.1	293	700	500	500
Contractual	8,710.4	217	1,200	1,200	1,200
Total		510	1,900	1,700	1,700
CEMETERY					
Pers Serv	8,810.1	0	900	800	800
Contractual	8,810.4	0	200	200	200
Total		0	1,100	1,000	1,000
HOME/COM SER					
Pers Serv	8,989.1	0	0	0	0
Equipment	8,989.2	0	0	0	0
Contractual	8,989.4	10,326	8,800	9,500	9,500
Total		10,326	8,800	9,500	9,500
TOTAL HOME & COMMUNITY SERVICES		14,335	26,700	28,000	28,000

UNDISTRIBUTED - 1995 BUDGET

	CODE	ACT 93	94 BUDGET	PRE 1995	ADOPT 95
UNDISTRIBUTED					
EMPLOYEE BENEFITS					
State Retirement	9,010.8	718	25,000	18,000	18,000
Social Security	9,030.8	27,595	29,000	32,000	32,000
Workmens Comp	9,040.8	7,817	12,000	12,500	12,500
Unemploy Insur	9,050.8	300	1,000	1,000	1,000
Disability Insur	9,055.8	346	500	500	500
Hosp & Med Insur	9,060.8	18,339	20,000	25,000	25,000
Total		55,115	87,500	89,000	89,000
DEBT SERVICE					
PRINCIPAL					
Serial Bonds	9,710.6	30,000	30,000	30,000	30,000
Bond Anticipation	9,730.6	0	20,000	48,000	48,000
Total		30,000	50,000	78,000	78,000
DEBT SERVICE					
INTEREST					
Serial Bonds	9,710.7	14,490	12,420	10,350	10,350
Bond Anticipation	9,730.7	0	3,186	7,735	7,735
Total		14,490	15,606	18,085	18,085
INTERFUND TRANSFER					
Risk Retention	9,901.9	4,400	0	0	0
Cap Proj Fund	9,950.9	15,213	0	0	0
Total		19,613	0	0	0
TOT UNDISTRIBUTED		119,218	153,106	185,085	185,085

TOTAL APPROPRIATIONS - 1995 BUDGET

	ACT 1993	1994 BUDGET	PRELIM 1995	ADOPT 1995
SUMMARY				
GEN GOVT	397,142	470,780	480,875	468,400
PUB SAFETY	29,745	31,550	36,925	36,925
HEALTH	0	25	25	25
TRANSPORTATION	80,617	82,025	86,550	85,550
EC ASSIS & OPPOR	1,962	3,500	3,500	3,500
CULTURE & REC	170,877	168,550	184,900	184,900
HOME & COMM SERV	14,335	26,700	28,000	28,000
UNDISTRIBUTED	119,624	153,106	185,085	185,085
TOT APPROPRIATIONS	814,302	936,236	1,005,860 *	992,385

*TRANSFER TO PAGE 2

GENERAL FUND ESTIMATED REVENUES - 1995 BUDGET

	CODE	ACT 93	94 BUDGET	PRE 1995	ADOPT 95
OTHER TAX ITEMS					
Int/Pen R/Prop Tax	A1090	10,981	6,000	6,000	6,000
Non Prop Tax, Co	A1120	363,136	275,000	280,000	280,000
Franchises	A1170	35,377	19,000	25,000	25,000
DEPARTMENTAL INCOME					
Clerk Fees	A1255	2,871	800	1,000	1,000
Dog Control Fees	A1550	490	275	275	275
Park & Rec Charges	A2001	21,785	25,000	30,000	30,000
Zoning Fees	A2110	900	800	800	800
Plan Bd Fees	A2115	0	0	0	0
Van Donations	A2139	1,026	0	0	0
USE MONEY/PROPERTY					
Interest & Earnings	A2401	14,027	10,000	10,000	10,000
Rent R/Prop	A2410	28,372	27,300	27,300	27,300
Commissions	A2450	63	0	0	0
LICENSES/PERMITS					
Games of Chance	A2530	569	0	0	0
Bingo Licenses	A2540	1,256	1,000	1,000	1,000
Dog Licenses	A2544	3,831	3,800	3,800	3,800
Licenses, Other	A2545	3,193	1,400	1,600	1,600
Building Permits	A2555	5,651	3,800	3,800	3,800
Permits, Other	A2590	420	0	0	0
FINES & FORFEITURES					
Fines/Forfeit Bail	A2610	70,214	75,000	70,000	70,000
COMPENSA FOR LOSS					
Sale of Property	A2660	0	0	0	0
Sale of Equipment	A2665	4,100	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	274	0	0	0
Gifts/Donations	A2705	0	0	0	0
Miscellaneous	A2770	930	125	0	0
TOTAL EST REV FROM LOCAL SOURCES		570,066	449,300	460,575	460,575

GEN FUND EST REVENUE - 1995 - PAGE 2

	CODE	ACT 93	94 BUDGET	PRE 1995	ADOPT 95
STATE AID					
Per Capita	A3001	34,793	5,000	15,000	15,000
Mortgage Tax	A3005	131,447	60,000	70,000	70,000
Record Management	A3060	1,467	0	0	0
Rec for Aging	A3801	224	0	0	0
Youth Programs	A3820	5,337	0	0	0
Cultural Grant	A3897	872	0	0	0
Other	A3089	7,000	0	0	0
TOT EST REV FROM STATE AID		181,140	65,000	85,000	85,000

REVENUE SUMMARY

TOT EST REV FROM LOCAL SOURCES	570,066	449,300	460,575	460,575
TOT EST REV FROM STATE AID	181,140	65,000	85,000	85,000
TOT EST REVENUES	751,206	514,300	545,575	545,575

ESTIMATED UNEXPENDED BALANCE

EST GENERAL FUND UNEXPENDED BALANCE (Transfer Total "Adopted" to Page 2)	210,000	249,000	280,000	275,000

HIGHWAY FUND - APPROPRIATIONS - 1995 BUDGET - PG 1

	CODE	ACT 93	94 BUDGET	PRE 1995	ADOPT 95
GEN REPAIRS					
Pers Serv	5,110.1	113,288	103,000	113,000	113,000
Contractual	5,110.4	78,746	85,000	87,000	87,000
Total		192,034	188,000	200,000	200,000
IMPROVEMTS					
Cap Outlay	5,112.2	29,970	30,000	30,000	30,000
Total		29,970	30,000	30,000	30,000
MACHINERY					
Pers Serv	5,130.1	0	0	0	0
Equipment	5,130.2	88,004	30,000	30,000	30,000
Contractual	5,130.4	93,509	90,000	95,000	95,000
Total		181,513	120,000	125,000	125,000
MISC/BR/WDS					
Pers Serv	5,140.1	0	0	0	0
Contractual	5,140.4	0	0	500	500
Total		0	0	500	500
SNOW REMOV					
Pers Serv	5,142.1	80,609	72,000	75,000	75,000
Contractual	5,142.4	51,317	45,000	47,000	47,000
Total		131,926	117,000	122,000	122,000
SER/OTH GVT					
Pers Serv	5,148.1	80,609	72,000	75,000	75,000
Contractual	5,148.4	54,542	45,000	47,000	47,000
Total		135,151	117,000	122,000	122,000
EMPLOY BEN					
State Retire	9,010.8	669	22,000	23,200	23,200
Soc Security	9,030.8	20,773	20,000	22,000	22,000
Workers Comp	9,040.8	29,403	29,500	29,500	29,500
Unemploy Ins	9,050.8	0	1,000	1,000	1,000
Disability	9,055.8	346	500	500	500
Hosp/Med Ins	9,060.8	34,760	38,400	40,400	40,400
Total		85,951	111,400	116,600	116,600
TOT P. 1		756,545	683,400	716,100	716,100

HIGHWAY FUND - APPROPRIATIONS - 1995 BUDGET - PG 2

	CODE	ACT 93	94 BUDGET	PRE 1995	ADOPT 95
DEBT SERV					
Ser Bonds	9,710.6	0	0	0	0
BAN's	9,730.6	21,000	35,000	25,000	25,000
Total		21,000	35,000	25,000	25,000
INTEREST					
Ser Bonds	9,710.7	0	0	0	0
BAN's	9,730.7	2,862	3,315	2,870	2,870
Total		2,862	3,315	2,870	2,870
INT TRANS TO:					
Cap Proj	9,950.9	4,397	0	0	0
Total		4,397	0	0	0
BUDGETARY PROVISION OTH/USES					
TOT APPROP &OTH USES					
Page 1		756,545	683,400	716,100	716,100
Page 2		28,259	38,315	27,870	27,870
Trans to Page TB-2		784,804	721,715	743,970	743,970

HIGHWAY FUND - ESTIMATED REVENUE - 1995 BUDGET

	CODE	ACT 93	94 BUDGET	PRE 1995	ADOPT 95
LOCAL SOURCES					
Lieu/Tax	1,081	949	0	0	0
Non Prop Tax Dist/County	1,120	155,000	174,500	174,500	174,500
Ser/Oth Govts	2,300	76,695	65,000	70,000	70,000
Int & Earn	2,401	3,711	5,000	3,000	3,000
Sale/Equip	2,665	56,000	0	0	0
Intfund Rev	2,801	10,779	8,800	9,500	9,500
Misc(Specify)	2,770	0	0	0	0
STATE AID Consolidated Highway	3,501	38,043	30,000	30,000	30,000
FEDERAL AID (Specify)	4,500	0	0	0	0
INTER TRANSF	5,031	0		0	0
TOT EST REV		341,177	283,300	287,000	287,000
UNEXPEND BAL		19,100	20,000	20,000	20,000

Transfer Est Rev and Unexp Bal to TB-2

FIRE PROTEC DIST - APPROPRIATIONS - 1995 BUDGET

	CODE	ACT 93	94 BUDGET	PRE 1995	ADOPT 95
FIRE PROTEC					
Judg/Claims	1,930.4	238	0	126	126
Contracts	3,410.4	431,588	441,929	449,569	449,569
Comp Insur	9,040.8	17,448	20,000	20,000	20,000
Total		449,274	461,929	469,695	469,695
Tot Approp (Trans Adopt to Page 1)		449,274	461,929	469,695	469,695
			ESTIMATED REVENUE		
Int & Earn	2,401	2,509	0	0	0
Refund Pr Yr	2,701		0	0	0
Total		2,509	0	0	0
			UNEPENDED BALANCE		
Est Fire Pr Dist Unexpd Balance		0	6,000	6,500	6,500
Transfer total Adopt to page 2					

LIGHT DISTRICT - APPROPRIATIONS - 1995 BUDGET

	CODE	ACT 93	94 BUDGET	PRE 1995	ADOPT 95
LIGHT DIST					
Judge/Claims	1,930.4	0	0	10	10
Street light					
Contractual	5,182.4	19,313	19,000	19,000	19,000
Total		19,313	19,000	19,010	19,010
Tot Approp (Trans Adopt to Page 2)					
ESTIMATED REVENUES					
Int & Earn	2,401	471	0	10	10
Tot Est Rev		471	0	10	10
(Trans Adopt to Page 2)					
UNEXPENDED BALANCE					
Est Light Unexp Bal		500	500	0	0

AMBULANCE DISTRICT - APPROPRIATIONS - 1995 BUDGET

	CODE	ACT 93	94 BUDGET	PRE 1995	ADOPT 95
AMBULANCE					
Judg/Claims	1,930	46	0	15	15
Ambulance, Eq	4,540	0	10,000	8,000	8,000
Ambulance, C.	4,540	41,647	48,515	49,500	49,500
Total		41,693	58,515	57,515	57,515
DEBT SERV					
Principal					
Ser Bonds	9,710	0	0	0	0
BAN's	9,730	10,000	0	15,000	15,000
Total		10,000	0	15,000	15,000
INTEREST					
Ser Bonds	9,710	0	0	0	0
BAN's	9,730	500	0	3,500	3,500
Total		500	0	3,500	3,500
Budgetary Prov for Oth Uses	962	0	0	0	0
Total Approp (Transfer Adopted to Page 2)		52,193	58,515	76,015	76,015
		ESTIMATED REVENUE			
Int & Earn	2,401	220	0	0	0
Total Revenue		220	0	0	0
(Trans adopt To Page 2)					
		UNEXPENDED BALANCE			
Est Unexp Bal (Transfer tot to Page 2)		1,550	0	10,000	10,000

REFUSE & GARBAGE - APPROPRIATIONS - 1995 BUDGET

	CODE	ACT 93	94 BUDGET	PRE 1995	ADOPT 95
REFUSE/GARB					
Judge/Claims	1,930.4	360	0	193	193
Pers Serv	8,160.1	0	0	0	0
Contractual	8,160.4	460,525	505,440	512,265	514,995
Total		460,885	505,440	512,458	515,188

ESTIMATED REVENUE

Ref/Gar Chgs	2,130	4,934	0	0	0
Int & Earn	2,401	7,421	0	193	193
Total		12,355	0	193	193

UNEXPENDED BALANCE

Est Refuse & Garb Dist Unexp Bal	360	5,184	5,254	5,282

(Trans Adopt Totals to Page 2)

SEWER DIST #2 - APPROPRIATIONS - 1995 BUDGET

	CODE	ACT 93	94 BUDGET	PRE 1995	ADOPT 95
Treat/Disp					
Judge/Claims	1,930.4	0	0	0	0
Pers Serv	8,120.1	0	0	0	0
Equipment	8,120.2	0	0	0	0
Contractual	8,120.4	1,252	1,211	1,211	1,211
Total		1,252	1,211	1,211	1,211

ESTIMATED REVENUE

Int & Earn	2,401	129	0	0	0
Total		129	0	0	0

UNEXPENDED BALANCE

Est Sewer Dist Unexp Balance	0	0	0	0

(Transfer Tot to Page 2)

WATER DISTRICT #1 - APPROPRIATIONS - 1995 BUDGET

	CODE	ACT 93	94 BUDGET	PRE 1995	ADOPT 95
Trans/Dist					
Judge/Claims	1,930.4	20	0	15	15
Pers Serv	8,340.1	0	0	0	0
Equipment	8,340.2	13,405	89,000	93,000	93,000
Contractual	8,340.4	12,649		14,000	14,000
Total		26,074	89,000	107,015	107,015
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)		26,074	89,000	107,015	107,015
		ESTIMATED REVENUE			
Spec Assess	1,030	0	0	0	0
Int & Earn	2,401	2,539	0	15	15
Total		2,539	0	15	15
		UNEXPENDED BALANCE			
Est Unexp Bal (Transfer tot to Page 1)		54,025	70,000	75,500	75,500

WATER DISTRICT #2 - APPROPRIATIONS - 1995 BUDGET

	CODE	ACT 93	94 BUDGET	PRE 1995	ADOPT 95
Trans/Dist					
Judge/Claims	1,930.4	0	0	0	0
Pers Serv	8,340.1	0	0	0	0
Equipment	8,340.2	0	97,592	99,294	99,406
Contractual	8,340.4	4,298	3,500	4,500	4,500
Total		4,298	101,092	103,794	103,906
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		4,298	101,092	103,794	103,906
			ESTIMATED REVENUE		
Int & Earn	2,401	2,498	0	0	0
Total		2,498	0	0	0
			UNEXPENDED BALANCE		
Est Unexp Bal (Transfer tot to page 2)		48,230	60,000	62,000	62,000

SCHEDULE OF SALARIES OF ELECTED TOWN OFFICIALS

(ARTICLE 8 OF THE TOWN LAWS)

OFFICER	SALARY
SUPERVISOR	10,800
COUNCILMAN	5,800
COUNCILMAN	5,800
COUNCILMAN	5,800
COUNCILMAN	5,800
TOWN CLERK	29,100
TOWN JUSTICE	9,500
TOWN JUSTICE	9,500
TOWN JUSTICE	9,500
SUPERINTENDENT OF HIGHWAYS	35,850

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 16, 1994 — 7:30 P.M.

Supervisor Kennedy noted that at a meeting on November 10, 1994 the Town Board agreed on the appointed salaries and the reduction of the General Fund tax by one cent to $.76 per thousand. The balance of the monies saved by the motions adopted at the November 2, 1994 Town Board Meeting will be returned to the unexpended balance which acts as the tax stabilization fund of the Town.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers that the 1995 General Fund Budget be approved as follows:

Appropriations	992,385.00
Less Estimated Revenue	545,575.00
Less Unexpended Balance	275,000.00
Amount to be Raised by Taxes	171,810.00

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Walter that the 1995 Highway Fund Budget be approved as follows:

Appropriations	743,970.00
Less Estimated Revenue	287,000.00
Less Unexpended Balance	20,000.00
Amount to be Raised by Taxes	436,970.00

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport that the 1995 Fire Protection Budget be approved as follows:

Appropriations	469,695.00
Less Estimated Revenue	0.00
Less Unexpended Balance	6,500.00
Amount to be Raised by Taxes	463,195.00

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy that the 1995 Light District Budget be approved as follows:

Appropriations	19,010.00
Less Estimated Revenue	10.00
Less Unexpended Balance	0.00
Amount to be Raised by Taxes	19,000.00

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Walter that the 1995 Ambulance Budget be approved as follows:

Appropriations	76,015.00
Less Estimated Revenue	0.00
Less Unexpended Balance	10,000.00
Amount to be Raised by Taxes	66,015.00

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter that the 1995 Refuse and Garbage Budget be approved as follows:

Appropriations	514,798.00
Less Estimated Revenue	193.00
Less Unexpended Balance	5,278.00
Amount to be Raised by Taxes	509,327.00

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 16, 1994 — 7:30 P.M.

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport that the 1995 Sewer District #2 Budget be approved as follows:

Appropriations	1,211.00
Less Estimated Revenue	0.00
Less Unexpended Balance	0.00
Amount to be Raised by Taxes	1,211.00

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy that the 1995 Water District #1 Budget be approved as follows:

Appropriations	107,015.00
Less Estimated Revenue	15.00
Less Unexpended Balance	75,500.00
Amount to be Raised by Taxes	31,500.00

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport that the 1995 Water District #2 Budget be approved as follows:

Appropriations	103,906.00
Less Estimated Revenue	0.00
Less Unexpended Balance	62,000.00
Amount to be Raised by Taxes	41,906.00

five (5) Ayes — Carried

Totals:

Appropriations	3,028,005.00
Less Estimated Revenue	832,793.00
Less Unexpended Balance	454,278.00
Amount to be Raised by Taxes	1,740,934.00

Councilman Flowers apologized to Supervisor Kennedy and Councilman Wohlhueter for not giving them more time and opportunity to review the counter proposals submitted by both himself and his colleagues. Councilman Flowers noted that this budget was drafted by all the Board Members and believed to addresses all of the general government concerns as well as adding money to the depleted unexpended balance account.

Supervisor Kennedy commented that he is happy the Board could come to an agreement on the budget and although there are salary disagreements, he applauds the effort of the Board.

SUPERVISOR REPORT

Supervisor Kennedy and Superintendent Ruchalski attended a meeting with the DEC, the Army Corp. of Engineers, and Erie County on the Hillcroft Bridge Project. The Bid will go forward as projected sometime in July 1995.

On November 15, 1994, Supervisor Kennedy attended a round table discussion at the State Police Barracks in Batavia. All the counties serviced in this division of the NYS Police were represented. More troopers were requested to cover the Holland and Boston areas.

Received and filed a letter from NYS DOT regarding the proposed use and occupancy of the NYS Right-of-Way of the Southern Expressway in the vicinity of Johns Terrace for use as a turnaround for plows. A detailed plan showing grading and drainage is requested for further review by the NYS DOT Maintenance Section.

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 16, 1994 — 7:30 P.M.

SUPERVISOR REPORT (CONT.)

A motion was made by Councilman Walter and seconded by Councilman Davenport to authorize Supervisor Kennedy, after assurance from the NYS DOT Senior Right-a-way agent that Boston is allowed use of the NYS Right-of-Way, to negotiate a price and review plans with the Town Engineer.

five (5) Ayes — Carried

Received and filed an Approval Permit (Ref: 9466) from the Erie County Department of Health regarding the Waterline Relocation on Boston Cross Road from Boston State Road to Cole Road.

Received and filed an Approval of Completed Works for Public Water Supply Improvement (Ref: 9466) from the Erie County Department of Health regarding the Waterline Relocation on Boston Cross Road from Boston State Road to Cole Road.

TOWN ATTORNEY REPORT

On October 25, 1994 a Notice of Claim filed by James & Robyn Lewien of Boston Cross Road was sent to Municipal Insurance Consultants, carrier for the Town of Boston. An investigation is being conducted on this claim.

A proposed easement was sent Alfred Rettig, President of Rucker Lumber, and a reply was received requesting changes to the proposal. Mr. Rettig indicated he was interested in seeking a long term solution to the problem of erosion where the water line crosses the creek in the rear of his property. The Town will study possible solutions to stabilize the creek bank and prevent the occurrence of future problems.

The Town of Boston has attempted to secure an easement on property adjacent to Rollin Drive and owned by John Szalay. Failing to reach an agreement, the Town is proceeding under section 147 of NYS Highway law, which enables a Town to clean a ditch adjacent to a highway. Having Town approval from the November 2, 1994 Town Board Meeting, approval was sought from the County Highway Superintendent. A site inspection was done by David Comerford, Erie County Deputy-Commissioner of Highways, on November 14, 1994. Three members of the Boston Town Board, Highway Superintendent Ruchalski, John Szalay and his attorney were also present. Mr. Szalay contends the drainage ditch should not be used to drain the south side of Rollin Drive. The Town contends that historically it has been used to drain the south side of Rollin Drive and should be cleaned out to aid area residents experiencing water drainage problems. If the Town and Mr. Szalay cannot reach an agreement, the County Highway Superintendent will decide and the Town will act accordingly. Should the County give approval in this process, it has requested to be indemnified for personal injury or property damage when and if the Town goes on the property to clean or reroute the ditch.

A motion was made by Supervisor Kennedy and seconded by Councilman Walter for the Town of Boston to indemnify the County of Erie for any personal injury or property damage incurred in cleaning out or relocating a drainage ditch located on property owned by John Szalay and located adjacent to Rollin Drive in the Town of Boston.

five (5) Ayes — Carried

COUNCILMAN REPORT

Councilman Flowers announced that the Christmas Concert sponsored by the Boston Chamber of Commerce will be held on December 6, 1994, at the Boston Elementary School at 7:30 P.M.

REGULAR BOARD MEETING
NOVEMBER 16, 1994

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.)

Councilman Flowers announced that the Chamber of Commerce Christmas decorations will be displayed December 2nd or 3rd and there will be a Christmas Fund Drive to purchase additional decorations for the Future. Herb Klein is to be commended for diligent work in putting together the Christmas Decoration Committee and bringing the Christmas Spirit to the Valley.

Councilman Wohlhueter announced that the Surplus Food Distribution is set for November 17, 1994 at 9:00 A.M. at the Boston Town Hall.

Councilman Davenport noted the Friday Night Recreation Program began November 4, 1994 and runs from 6:00 P.M. to 8:30 P.M. for the young children and 8:00 P.M. to 10:30 P.M. for the older group. The second session has openings.

Tara Lowry of 6861 Boston Cross Road would like the Town of Boston to become involved with the Sister Cities International (SCI) program. This is a non-profit membership association in the United States dedicated to providing support and services to U.S. cities, countries and states to advance their "sister" programs.

Tara Lowry addressed the Town Board Members and gave a history of the organization.

Councilman Davenport offered to research the feasibility of Boston joining the Sister Cities International program.

CODE ENFORCEMENT OFFICER REPORT

Received a NYS Code Enforcement Training Certificate for Low Rise Residential Construction 42-0231 for Code Enforcement Officer Santonocito.

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers, on the recommendation of Code Enforcement Officer Santonocito, to grant a second Building Permit for the construction of a inground spa to Mr. & Mrs. Jack Klass of 5818 Woodlee Court.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy, on the recommendation of Code Enforcement Officer Santonocito, to grant a Building Permit for a second accessory building to Robert Krull of 8222 Boston State Road.

five (5) Ayes — Carried

ZONING BOARD OF APPEALS

Received and filed notification from the Zoning Board of Appeals of the election of Paul Morrison-Taylor as Vice Chairman.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to adjourn the meeting at 8:40 P.M..

David J. Shenk

David J. Shenk, Town Clerk

REGULAR BOARD MEETING — TOWN HALL
DECEMBER 7, 1994 — 7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman Josephine M. Davenport, Councilman Peter A. Walter, Supervisor Richard L. Kennedy, and Town Attorney Michael E. Reilly.

Absent: Highway Superintendent Eugene E. Ruchalski.

Thomas Kasprzyk from St. John the Baptist Roman Catholic Church opened the meeting with a prayer.

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter to accept the corrections and adoption of the minutes of the November 16, 1994 regular monthly meeting.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Davenport that the General Fund and Special District Bills on Abstract #12, dated December 7, 1994 in the amount of $15,792.15 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Wohlhueter that the Highway Bills on Abstract #12, dated December 7, 1994 in the amount of $6,734.03 be paid.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to accept the Town Clerk's monthly report for November 1994.

five (5) Ayes — Carried

Received and filed notification from Adelphia Cable of the FCC Regulatory User Fees passed to subscribers.

Received and filed notification from North Boston Liquors, Inc. of a renewal application for a liquor license to do business at 7170 Boston State Road.

Received and filed a letter from Jessie Jenson, secretary for the Thundering Hoofbeats 4-H Club of Boston, thanking the Town of Boston for their support and the use of the facilities for the bake goods sale.

Supervisor Kennedy commented that the NYS DOT will be contacting the 4-H Club members regarding their request for a 4-H Club Welcome sign on Route 391.

Referred to Councilman Flowers notification from NYSEG of the Live-Line Demonstration Program for 1995.

Received and filed a letter from Congressman Quinn regarding the Erosion Control Study along Eighteen Mile Creek at the Hillcroft Bridge.

Supervisor Kennedy commented that the Hillcroft Bridge Project will not be funded by the Army Corps of Engineers and that he wrote to both our Congressmen and Senators informing them that the Town of Boston will be going forward with the project and will continue to pursue a request for funding.

Received and filed a Report of a Change in the Share of County Full Value from the NYS Division of Equalization and Assessment.

REGULAR BOARD MEETING — TOWN HALL
DECEMBER 7, 1994 — 7:30 P.M.

Supervisor Kennedy noted that the Town of Boston Equalization rate is favorable in comparison with towns in the County and that the change in the share of our total County full value would go down $1.12 which is a plus for Boston.

Referred to Councilman Walter a reply from Erie County Division of Highways for a request for " All Way Stop" signs at Eckhardt and Taylor Roads.

Councilman Walter noted that the Erie County Division of Highways reported that no accidents occurred at this location when there have been numerous accidents, all of which must file a MV104A form. Councilman Walter will follow up on this.

REQUESTS FROM THE FLOOR

Robert Keel, 6417 Kevinton Place: In regard to the November 24th letter I received, as a resident on Kevinton, about the establishment of a community residential facility: I am curious to know if there has been any further communication since this letter has been mailed. I am not here as an official representative of that group tonight. The fact that we got an official letter and the fact that the Town Board took action on it, was a huge surprise to us. When we left the meeting we had here, we were under the clear impression that somebody would let us know if and when official action started the forty day clock ticking. All that happened is that we got this letter announcing the Town's rejection of the site. We were still in the process of sitting down and looking at this, trying to figure out a sensible arrangement to recommend to the State, when we got this letter.

Supervisor Kennedy: What does that letter say?

Robert Keel: It was two letters. One is a copy of Councilman Flowers letter that came to us. It says, " I am sending you this letter to keep you informed about the current proposed Group Home." There is also a copy of a letter to the West Seneca Developmental Disabilities Service Office that says essentially the same thing. There is also a copy of the Town Board Minutes showing that the vote was unanimous.

Supervisor Kennedy: It was my understanding that there was a certain amount of opposition at that time from the parties involved and Councilman Flowers recommendation was such, as was included in that letter, and the Board took action in that regard.

Councilman Flowers: Robert, if you remember, at the meeting we had with Bruce Korotkin of the West Seneca Developmental Disabilities Services Office, he agreed not to send the forty day notice letter for two weeks after the meeting, which he did. He gave us an additional two weeks. At the meeting the residents said we would like the Town to reject this particular property for this use. There has been no additional correspondence. I gave Frank Dubisz, a Kevinton resident, copies of a letter from Bruce Korotkin, program administrator, stating that if a community residence is no longer needed, it will be subject to a public sale by NY State. Also included was a survey and a plot plan on the property and an information booklet.

Robert Keel: Our recollection is that West Seneca Developmental was going to think about it and we fully expected to know and be involved before things got this far. We didn't expect an official letter and the forty day clock ticking and official Town Board action without us knowing anything else until after the fact. We haven't even decided if that is our wishes or not.

REGULAR BOARD MEETING TOWN HALL
DECEMBER 7, 1994 7:30 P.M.

REQUESTS FROM THE FLOOR (CONT.):

Councilman Flowers: As of October 20, 1994, a purchase offer was already made on that property and at that time the wishes of the residents were to reject that site. I went on what was given to me by the people that attended the meeting. If the wishes of the people in the area have changed, someone should have notified me.

Robert Keel: Can I request, that if there is further communication, if there are further proposals or options to be discussed, please close the communication loop with us before the Town Board takes the next action?

Supervisor Kennedy: I think that is appropriate and I can understand your concern. You will be notified if anything takes place.

Councilman Flowers: No one has come to me and said " we want this site."

Robert Keel: It sounds like the case is closed. No one has come back because, before we did anything, we found out the case had already been debated, decided and voted on. The unfortunate thing about the miscommunication was that we left that meeting with the clear realization that the West Seneca Developmental Agency was willing to listen to improvements that would make the property better suited to the area. Now we may have closed the door to negotiations and communication.

Councilman Flowers: Nothing like that has happened. Should your neighborhood advisory committee decide that property is what they want, you will still have the full shot at sitting down and asking for improvements. No lines of communication have been severed because of the response the Town provided.

Robert Keel: My request is to let us know if and when there is any communications because I think there is progress to be made.

Councilman Flowers: I most certainly will do everything in my power to make sure that everyone is notified when we receive future communications from the West Seneca Developmental Services Office. Should any resident have a question or need more information, they should feel free to contact me.

A motion was made by Councilman Flowers and seconded by Councilman Davenport to approve the correction of the 1995 Town of Boston Budget as follows:

Refuse & Garbage District

From:	2639 units	to	2641 units	@ 193.00
Refuse Budget	from	514,798.00	to	515,188.00
Total Budget	From	3,028,006.00	to	3,028,395.00

Total Amt to be raised by tax from 1,740,934.00 to 1,741,320.00

five (5) Ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter to approve the correction of the General and Highway Fund, Abstract #11A, dated November 16, 1994, as follows: GENERAL FUND

Voucher #961 - Delco Drain & Septic Service

From:	49.00	to	196.00

Total General Fund

From:	8,030.06	to	8,177.06

Total Abstract

From:	61,177.98	to	61,324.98

REGULAR BOARD MEETING
DECEMBER 7, 1994

TOWN HALL
7:30 P.M.

HIGHWAY FUND

Voucher #421 - North Star Pipe & Tank Co.
From: 362.00 to 362.80
Total Abstract
From: 4,537.00 to 4,537.80

five (5) Ayes Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter, on the recommendation of Recreation Director Marilyn Clesse, to appoint Jeffery Ehnes as Recreation Attendant for the Friday Night Recreation Program at a rate of $5.50 per hour, effective immediately through 5/30/95.

five (5) Ayes Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport to accept with regret, the resignation of Barbara Dodge from the Conservation Advisory Council, effective November 4, 1994 and direct Town Clerk Shenk to send a letter of recognition.

five (5) Ayes Carried

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter to schedule the Public Hearing for the contracts for the Emergency Squad at 8:00 P.M. and the Public Hearing for the Historical Society at 8:05 P.M. on December 21, 1994.

five (5) Ayes Carried

A motion was made by Councilman Flowers and seconded by Councilman Walter to schedule the end of the year Town Board Meeting for December 30, 1994 at 9:00 a.m. The Agenda Review Meeting will be on January 3, 1995 at 7:00 p.m.

five (5) Ayes Carried

A motion was made by Councilman Flowers and seconded by Councilman Davenport to authorize Supervisor Kennedy, and in his absence Deputy Supervisor Genzel, to sign an agreement for the Extension of Water District NO. 2 between the Town of Boston and Marilyn A. Will of 6630 Pfarner Road.

five (5) Ayes Carried

RESOLUTION 1994-24 TOWN HALL AND LIONS SHELTER POLICY

Supervisor Kennedy and Councilman Flowers thanked Town Clerk Shenk for all his work on this new policy.

Supervisor Kennedy addressed the tabled issue of a Building Permit requirement for Philip Munger, S9399 Boston State Road. After concurring with Code Enforcement Officer Santonocito, it has been deemed that no Building Permit is required because the NY Board of Fire Underwriters did a survey outlining electrical deficiencies in the event renovations are to be done. Supervisor Kennedy will send a letter to Mr. Munger informing him that no Building Permit is required at this time.

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy, on the recommendation of Highway Superintendent Ruchalski, to take back the Boston Cross Roads, of 1.2 lane miles, effective immediately, for the 1994-95 snow plowing season.

five (5) Ayes Carried

TOWN OF BOSTON

TOWN OF BOSTON

RESOLUTION 1994-24

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 7th day of December 1994 at 7:30 P.M. Eastern Standard Time, there were:

Present:	Richard L. Kennedy	Supervisor
	Mark W. Flowers	Councilman
	Don A. Wohlhueter	Councilman
	Josephine M. Davenport	Councilman
	Peter A. Walter	Councilman

Councilman Flowers presented the following resolution and moved its adoption:

WHEREAS, the Town of Boston has duly established a Town Hall and Lions Shelter Policy for the Town of Boston, and

WHEREAS, the Town of Boston is interested in having the Town Hall and Lions Shelter facilities available to Town residents, and

NOW THEREFORE:

BE IT RESOLVED, that Town Hall Policy and Lions Shelter Policy shall be as follows:

TOWN HALL POLICY

Planning Board Room / Court Room / Community Room-Kitchen

1) Approval granted by Town Clerk.
2) No alcoholic beverages allowed without Town Board approval.
3) No key will be provided during hours Town Hall is open.
4) Release of Town Hall Key requires signature and 48 hour return.
5) Deposit required for use of kitchen is $50.00.
6) Deposit refunded only after satisfactory inspection following event or forfeited if not restored within 24 hour period.
7) First Priority - Town Government Groups.

LIONS SHELTER

1) No scheduling prior to January 1st of event year.
2) Letter of request and approval by the Town Board.
3) Certificate of Insurance required if alcoholic beverages served.
   A) The Town of Boston must be listed as additional insured.
   B) A minimum limit of $ 500,000 Liability Insurance.
4) Bathroom & Water keys available for Emergency Squad/Parks Bldg.
5) Release of keys require signature and 48 hour return.
6) Deposit required $50.00.
7) Deposit refunded only after satisfactory inspection following event or forfeited if not restored within 24 hour period.
8) First Priority - Town of Boston Groups.

BE IT RESOLVED, that violations of this policy will be handled in the following manner:

PENALTY STRUCTURE

1) 1st violation - written warning
2) 2nd violation - one year denial of use

TOWN OF BOSTON

BE IT RESOLVED, that a check-list shall be posted in appropriate areas as a reminder to clean rooms after use.

BE IT RESOLVED, that the Town of Boston shall stock the Community Room and Bathroom at the Parks Building with the appropriate materials to clean rooms.

BE IT FURTHER RESOLVED, that this policy shall take effect January 1, 1995.

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

Supervisor Kennedy	Voting AYE
Councilman Wohlhueter	Voting AYE
Councilman Flowers	Voting AYE
Councilman Davenport	Voting AYE
Councilman Walter	Voting AYE

AYES: FIVE (5) NOES: NONE (0) ABSENT: NONE (0)

David J. Shenk

DAVID J. SHENK, TOWN CLERK

TOWN OF BOSTON

TOWN OF BOSTON

RESOLUTION 1994-23

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 7th day of December 1994 at 7:30 P.M. Eastern Standard Time, there were:

Present:	Richard L. Kennedy	Supervisor
	Mark W. Flowers	Councilman
	Don A. Wohlhueter	Councilman
	Josephine M. Davenport	Councilman
	Peter A. Walter	Councilman

Supervisor Kennedy presented the following resolution and moved its adoption:

WHEREAS, the Town of Boston wishes to make a Road Map of the Town of Boston available to members of the public, and

WHEREAS, the current price of Town Road Maps is $.50. Due to increasing prices the Town Board feels these prices should be raised.

NOW THEREFORE:

BE IT RESOLVED, that Town Road Maps of the Town of Boston shall be available for sale to members of the general public at a price of $1.00. This price change shall take effect January 1, 1995

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

Supervisor Kennedy	Voting AYE
Councilman Wohlhueter	Voting AYE
Councilman Flowers	Voting AYE
Councilman Davenport	Voting AYE
Councilman Walter	Voting AYE

AYES: FIVE (5) NOES: NONE (0) ABSENT: NONE (0)

David J. Shenk

DAVID J. SHENK, TOWN CLERK

TOWN OF BOSTON

TOWN OF BOSTON

RESOLUTION 1994-25

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 7th day of December 1994 at 7:30 P.M. Eastern Standard Time, there were:

Present:	Richard L. Kennedy	Supervisor
	Mark W. Flowers	Councilman
	Don A. Wohlhueter	Councilman
	Josephine M. Davenport	Councilman
	Peter A. Walter	Councilman

Councilman Davenport presented the following resolution and moved its adoption:

WHEREAS, the Town of Boston wishes to increase the cost of duplicate tax receipt requests from $.25 to $2.00 a copy with a return a self stamped addressed envelope. Duplicate tax receipt requests for Town of Boston property owners will remain free.

WHEREAS, Due to increasing prices the Town Board feels these prices should be raised.

NOW THEREFORE:

BE IT RESOLVED, that duplicate tax receipt requests from the Town of Boston to members of the general public shall be made at a charge of $2.00 per copy with a return self stamped addressed envelope. Tax receipt requests for Town of Boston property owners will remain free. This price change shall take effect January 1, 1995.

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

Supervisor Kennedy	Voting AYE
Councilman Wohlhueter	Voting AYE
Councilman Flowers	Voting AYE
Councilman Davenport	Voting AYE
Councilman Walter	Voting AYE

AYES: FIVE (5) NOES: NONE (0) ABSENT: NONE (0)

David J. Shenk

DAVID J. SHENK TOWN CLERK

REGULAR BOARD MEETING
DECEMBER 7, 1994

TOWN HALL
7:30 P.M.

RESOLUTION 1994-23 - TOWN MAP FEE

SUPERVISOR REPORT

A) Supervisor's Monthly Financial Report for November 1994 received and on file in the Town Clerk's Office.

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy, on the recommendation of Highway Superintendent Ruchalski, to authorize Highway Superintendent Ruchalski to purchase, (1) new 1995 John Deere 544G for a total cost of $9,000 with a trade of a 1993 John Deere 544G with 472 hours. This must be ordered by 12/30/94.

five (5) Ayes — Carried

TOWN CLERK REPORT

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport to accept the monthly Registrar of Vital Statistics Report for November 1994.

five (5) Ayes — Carried

RESOLUTION 1994-25 INCREASE IN TAX RECEIPTS CHARGE

TOWN ATTORNEY REPORT

Town Attorney Reilly noted that the easement for the waterline on the Rucker Lumber property will be executed once final changes are made.

A letter was sent to Town Clerk Shenk enclosing an original of Stipulation of Discontinuance for Dzierzanowski vs. Town of Boston, Index NO. 94-10928, filed in Erie County Clerk's Office on November 23, 1994. This terminates the special proceeding which Mr. Dzierzanowski had instituted against the Town of Boston.

On the matter of the Setera residence at 5565 Northside Drive, Supervisor Kennedy notified the party that the swimming pool needed to be winterized. Apparently this home is in foreclosure proceedings and there was concern about the swimming pool spilling over and causing damage to neighboring properties.

Regarding Lewien vs. Town of Boston et al, Claim NO. 506-518833, date of loss August 27, 1994, the insurance carrier, Great American Insurance Company, was contacted and they have retained the services of Frontier Claims Services to perform an investigation.

Town Attorney Reilly and Councilman Flowers made an inspection of the East Hill on November 25, 1994 to look for alternate site possibilities for a tank installation to increase water pressure in South Boston. Councilman Flowers is pursuing this search.
On the matter of the Szalay property drainage ditch on Rollin Drive, a number of letters have been received and a site inspection was done by most of the Town Board members. A letter was sent to Mr. Szalay's attorney on November 21, 1994 noting that the Town Board is attempting to reach an agreement. On November 29, 1994 a letter was received from Mr. Szalay's attorney and in a letter of November 30, 1994, further information was supplied as to what would occur in cleaning out the drainage ditch. At this point everyone is apparently in agreement and a request was made to Mr. Szalay's attorney to make contact prior to tonight's meeting so the Town can get an easement, clean out the drainage ditch and get the storm water flowing. There will be more to follow.

REGULAR BOARD MEETING — TOWN HALL
DECEMBER 7, 1994 — 7:30 P.M.

COUNCILMAN REPORT

Councilman Flowers discussed his meeting on November 25, 1994, with Town Attorney Reilly and the owner of the property where the Town has proposed to install a water tank. The East Hill resident made proposals and requested the Town pursue other avenues. Concluding that the proposed site for the tank is probably the best site, Councilman Flowers wishes to come to an agreement without instituting the Eminent Domain Law.

Joseph Wells attended the Southtowns Haz-Mat Board of Directors Meeting in Councilman Flowers place and was informed that the Town of Wales was interested in becoming a participant to the Southtowns Haz-mat team. Board of Director approval is required and at this time the Board of Directors voted not to take on additional territory. The Budget has been pared from $56,000 to $44,000. The bids have gone out for a State grant to purchase a new vehicle and one will be purchased for $17,000. There is money available in that grant for an addition to the Southtowns Building on Jeffery Drive in Blasdell. This will be used for training and office space.

Councilman Flowers noted that regarding the West Seneca Developmental Disabilities Service Office and the site at 6408 Kevinton Place, Bruce Korotkin, Program Administrator, has been very cooperative and outstanding.

Councilman Wohlhueter congratulated the Little Loop Football Team of Boston for winning the United States championship.

RESOLUTION 1994-26 CONGRATULATIONS BOSTON LITTLE LOOP FOOTBALL

RESOLUTION 1994-27 CONGRATULATIONS BOSTON CHEERLEADERS

Councilman Walter noted that he will follow up on the Eckhardt/ Taylor Roads request for a four-way stop sign.

Councilman Davenport noted that the second session of the Friday Night Recreation program needs more participants.

Regarding the Boston Sister City Project, Councilman Davenport is meeting with Mr. David Granville from the City Hall in Buffalo, who is in charge of the Commission of the Arts program.

The Christmas program at the Boston Valley School, sponsored by the Boston Chamber of Commerce was a success and Councilman Davenport wishes to commend the Boston Chamber of Commerce.

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer monthly report for November 1994, on file in the Town Clerk's Office.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to grant Code Enforcement Officer Santonocito permission to attend the NYS Department of State Training Course #43-0210, from 12/19/94 to 12/22/94 with all appropriate expenses to be paid.

five (5) Ayes — Carried

DEPUTY CODE ENFORCEMENT OFFICER REPORT

A) Deputy Code Enforcement Officer's monthly report for November 1994, on file in the Town Clerk's Office.

TOWN OF BOSTON

RESOLUTION NO. 26 - 1994

BOSTON PATRIOTS LITTLE LOOP VARSITY FOOTBALL TEAM

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 7th day of December, 1994 at 7:30 p.m., there were

PRESENT:	Richard L. Kennedy	Supervisor
	Don A. Wohlhueter	Councilman
	Mark W. Flowers	Councilman
	Peter A. Walter	Councilman
	Josephine M. Davenport	Councilman

Councilman Wohlhueter presented the following Resolution and moved its adoption; motion was seconded by Councilman Davenport and unanimously passed.

WHEREAS, the BOSTON PATRIOTS LITTLE LOOP VARSITY FOOTBALL TEAM had the high honor of being invited to the National Youth Football Championships held in Daytona Beach Florida on November 24-26, 1994, and

WHEREAS, the members of the team raised the monies for the cost of the trip by selling candy bars, raffle tickets and entertainment books, and

WHEREAS, having raised the funds necessary for the trip, they left by bus on November 22 for the trip to Daytona Beach, and

WHEREAS, Coaches Paul McCarthy, Terry McCarthy and Dennis Willis, together with Trip Manager Tina Frascella and chaperones, accompanied the team on their journey, and

WHEREAS, the BOSTON PATRIOTS LITTLE LOOP VARSITY FOOTBALL TEAM won both games in their division, beating the Linden-Boro Chargers of New Jersey 28-20 and the Toccoa Redskins of Georgia 27-7, and thereby were declared National Youth Football Champions in their division;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board, on behalf of the residents of the Town of Boston, extends their heartiest congratulations to the entire BOSTON PATRIOTS LITTLE LOOP VARSITY FOOTBALL TEAM, their Coaches, their Parents and their Families, and

BE IT FURTHER RESOLVED, the Town Board is very proud that the trophy denoting the Division Champions was awarded to the BOSTON PATRIOTS LITTLE LOOP VARSITY FOOTBALL TEAM and that the Town of Boston was represented so well by this fine group of young people. We commend you on your victory.

TOWN OF BOSTON, NEW YORK

David J. Shenk

David J. Shenk, Town Clerk

TOWN OF BOSTON

RESOLUTION NO. 27 - 1994

BOSTON PATRIOTS VARSITY CHEERLEADERS

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 7th day of December, 1994 at 7:30 p.m., there were

PRESENT:	Richard L. Kennedy	Supervisor
	Don A. Wohlhueter	Councilman
	Mark W. Flowers	Councilman
	Peter A. Walter	Councilman
	Josephine M. Davenport	Councilman

Councilman Wohlhueter presented the following Resolution and moved its adoption; motion was seconded by Councilman Davenport and unanimously passed.

WHEREAS, our BOSTON PATRIOTS VARSITY CHEERLEADERS, together with Head Coach Sue Kersten and Assistant Coaches Jennifer Kersten and Beth Travis, have ably supported and enthusiastically cheered for our Boston Patriots Varsity Football Team, both during season games in the Oatka League and in the National Youth Football Championship games in Daytona Beach, Florida, and

WHEREAS, the cheerleaders additionally represented the Town of Boston in competitions at the University of Buffalo Spirit Challenge, as well as at the Muscular Dystrophy Association fundraising competition at Memorial Auditorium and the National Youth Cheerleading Championships in the Super Senior Division in Daytona Beach, Florida, and

WHEREAS, the Boston Patriots Cheerleaders have been acclaimed by University of Buffalo and Buffalo State College coaches for their accomplishments in bringing honor to their community by furthering the spirit of good sportsmanship and skills in the sport of cheerleading, and

WHEREAS, the Boston Patriots Varsity Cheerleaders recently won a trophy from the Muscular Dystrophy Association for third place in the varsity division, while at the same time helping to raise over $10,000 for this worthy cause; this trophy being added to their collection, which includes the International Cheerleading Federation and the University of Buffalo awards;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Boston extends their congratulations to the BOSTON PATRIOTS VARSITY CHEERLEADERS for their role in the national victory of the Boston Patriots Little Loop Varsity Football Team, as well as receiving accolades for their accomplishments in competitions. Congratulations to all of you!

TOWN OF BOSTON, NEW YORK

David J. Shenk

David J. Shenk, Town Clerk

REGULAR BOARD MEETING
DECEMBER 7, 1994

TOWN HALL
7:30 P.M.

DOG CONTROL OFFICER REPORT

A) Dog control Officer monthly report for November 1994, received and file in the Town Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's report for November 1994 received and on file in the Town Clerk's Office.

A motion was made by Councilman Walter and seconded by Councilman Davenport to adjourn the meeting at 8:41 P.M..

David J. Shenk

David J. Shenk, Town Clerk

REGULAR BOARD MEETING — TOWN HALL
DECEMBER 21, 1994 — 7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman Josephine M. Davenport, Councilman Peter A. Walter, Deputy Supervisor Lucille Genzel and Deputy Town Attorney David W. Wilson.

Absent: Supervisor Richard L. Kennedy, Town Attorney Michael E. Reilly and Highway Superintendent Eugene E. Ruchalski.

Reverend Richard Gary Burdick opened the meeting with a prayer.

A motion was made by Councilman Flowers and seconded by Councilman Walter to accept the minutes of the December 07, 1994 Regular Board Meeting with the following correction,

deleted from page 1 in the second last paragraph:

" be going with the project and will"

four (4) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Davenport that the General Fund and Special District Bills on Abstract #12A dated December 21, 1994 in the amount of $50,166.63 be paid.

four (4) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Wohlhueter that the Highway Bills on Abstract #12A dated December 21, 1994 in the amount of $531.01 be paid.

four (4) Ayes — Carried

Received and filed notification from the Erie County Water Authority regarding the 8" Main Replacement located at Back Creek and Hillcroft Roads.

Received and filed a Town of West Seneca Resolution requesting the NYS Legislature provide a permanent annual appropriation to the State Emergency Assistance Program.

Councilman Flowers directed Town Clerk Shenk to send a letter to the Town of West Seneca thanking them for their support of the State Emergency Assistance Program.

Received and filed the Erie County Sheriff's Office Monthly Report for November 1994.

Received and filed NYS DEC Notice of Complete Application regarding the Irish Gulf, Wildwood Drive, Rip-Rap.

Received and filed a letter from John Falkides, Boston Hills Homes and Estates requesting an informal site visit by the Town Board regarding the proposed Manufactured Homes Development.

The Town Board noted that they will set a date for the site visit to the Boston Hills Homes and Estates as soon as possible.

REQUESTS FROM THE FLOOR

Peggy Cook, 6525 Fairlane Drive: I would like to speak tonight as a concerned citizen and taxpayer, as a member of the Boston Welcome Wagon, as a member of the Boston Valley PTA and most especially as a mother. In light of the tragedy that happened last night on Back Creek Road, several members of the PTA would like to know what we can do about having the speed limit lowered on Back Creek Road and also having more street lights on the road. I understand that it is not a Town road but we would like to come to you and at least find out where we can start and how to go about this.

TOWN OF BOSTON

TOWN OF BOSTON

RESOLUTION 1994 - 28

UNPAID WATER BILLS

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 December 1994 at 7:30 P.M. Eastern Standard Time, there were present:

Don A. Wohlhueter	Councilman
Mark W. Flowers	Councilman
Josephine M. Davenport	Councilman
Peter A. Walter	Councilman

absent:

Richard L. Kennedy	Supervisor

Councilman Wohlhueter 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 1995 Tax Rolls the following unpaid Water Bills:

SBL # 242.17-2-2	6607 Rice Road	$ 86.28
226.02-5-30	6157 Wildwood Drive	$ 212.51
241.08-1-10	8338 Boston State Rd	$1,623.64
258.10-2-26	7059 Boston Colden Rd	$ 53.50
258.10-1-19	6892 Boston Cross Rd	$ 160.93

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

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

AYES: (4) **NOES:** (0) **ABSENT:** (0)

David J. Shenk

DAVID J. SHENK, TOWN CLERK

TOWN OF BOSTON

RESOLUTION 1994 - 29

UNPAID GARBAGE BILLS

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 December 1994 at 7:30 P.M. Eastern Standard Time, there were present:

Don A. Wohlhueter	Councilman
Mark W. Flowers	Councilman
Josephine M. Davenport	Councilman
Peter A. Walter	Councilman

absent:

Richard L. Kennedy	Supervisor

Councilman Wohlhueter 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 1995 Tax Rolls the following unpaid Garbage Bills:

SBL #	212.00-1-11.3	7085 Chestnut Ridge	$ 212.30
	211.00-4-35	7509 Boston State Rd	$ 123.82

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

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

AYES: (4) NOES: (0) ABSENT: (0)

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING TOWN HALL
DECEMBER 21, 1994 7:30 P.M.

REQUESTS FROM THE FLOOR(CONT.):

Peggy Cook, (Cont.): Everyone realizes there is a public school and also a public playground that this town funded and we ask our children to please go to the playground, ride your bikes to get there, and then there are no shoulders and no sidewalks. It is just a terrible thing. It is such a tragic thing that happened last night and the next time it is going to be one of our kids. We would like to know if you can help us out. Where do we turn? How do we go about doing this?

Councilman Walter: I have made several requests to the DOT for a reduction in the speed limit on Back Creek Road. I couldn't even get a reduction in the speed limit around the school because there is not a cross walk and it is not supervised by crossing guards etc. If we were a town of 10,000 people we could reduce it ourselves. As a second class town, we cannot reduce it without permission from the DOT.

Peggy Cook: Do you think the PTA could get together and contact a legislator or congressman or someone who could help push this?

Councilman Walter: I will submit a letter to the DOT again, making another request and entering the fact that there was a severe accident last night. Give me a week to put this thing together and contact the right people.

Councilman Flowers: I can address the street lighting issue. I was on Back Creek Road with a representative from NYSEG and because the power poles are so far from the roadway, they don't have an arm long enough to reach out over the roadway. They would have to put in a new pole and string lines from the existing pole to this light standard. The town would pay $189 a year rental plus the street light and electricity. It would be very costly to illuminate that section of roadway.

A motion was made by Councilman Flowers and seconded by Councilman Walter to approve the correction of the General Fund, Abstract #10A, dated October 19, 1994, as follows:

Voucher #854 Service Office Supply
A1620.4 from: 8.14 to 53.13
A7140.4 from: 38.40 to 8.14
A8010.4 from: 48.00 to 38.40
A8020.4 from: 53.13 to 48.00
No change in totals.

four (4) Ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport to approve the correction of the General Fund, Abstract #12, dated December 7, 1994, as follows:

Voucher #992 Penflex, Inc.
A3410.4 from: 1,500.00 to SF3410.4 1,500.00
Total General Fund from: 10,915.68 to 9,415.68
Total Fire District from: .00 to 1,500.00

four (4) Ayes Carried

RESOLUTION 1994 - 28 UNPAID WATER BILLS

RESOLUTION 1994 - 29 UNPAID GARBAGE BILLS

A motion was made by Councilman Flowers and seconded by Councilman Davenport to approve Congressman Quinn's request for use of the Boston Town Hall for the Outreach Program on February 9, April 13, June 8, August 10, October 12, December 14, 1995 at 11:30 a.m. - 1:30 p.m.

four (4) Ayes Carried

REGULAR BOARD MEETING — TOWN HALL
DECEMBER 21, 1994 — 7:30 P.M.

Received and filed a reply from West Seneca Developmental Disabilities Services Office regarding the proposed Community Residence at 6408 Kevinton Place and the nine proposed alternate sites.

Received and filed a letter from Robert Keel, 6417 Kevinton Place and Frank Dubisz, 6453 Kevinton Place regarding the proposed Community Residence at 6408 Kevinton Place.

Councilman Flowers commented that he will contact Mr Keel and Mr. Dubisz and either have a meeting with the residents or have the neighborhood group make a decision and go from there.

Robert Keel, 6417 Kevinton Place: I realize the options are limited. I think we can fully expect, both the Town Board as well as the residents, to be able to expect and request the West Seneca Developmental Agency to work with us towards improvements along the lines as to what is said here. Several of these improvements were discussed at the October meeting and at that time they expressed a willingness along these lines. I realize we cannot make the acceptance conditional but I think we can word it adequately in faith and trust to the willingness and commitments they made at that time and get on with the business of resolving it.

Councilman Flowers: The West Seneca Developmental Disabilities Services Office are willing to bend over backwards to address any concerns that the neighborhood group has. Should the neighborhood group decide to have this home at 6408 Kevinton, I would reply to the West Seneca Office and schedule a meeting.

Robert Keel: I have one request. We did not know of the letter you read tonight so these letters are crossing paths in the mail. Councilman Flowers, if you could call the agency and find out the nature and the magnitude of their receptiveness towards the suggestions that are in our letter, it may help.

Councilman Flowers: I will talk to Bruce Korotkin of the West Seneca Service Office tomorrow, fax a copy of the letter to him and notify you.

At 8:06 P.M. a Public Hearing was held for the purpose of considering a contract with the Boston Emergency Squad, Inc. for furnishing the Ambulance Service in the amount of $19,700 per annum 1995.

Deputy Supervisor Genzel read the legal notice and convened the Public Hearing at which time there were no questions or comments.

A motion was made by Councilman Walter and seconded by Councilman Davenport to close the Public Hearing at 8:07 P.M.

four (4) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Walter to enter into a contract with the Boston Emergency Squad, Inc. for furnishing ambulance services in the amount of $19,700 per annum for the year 1995.

four (4) Ayes — Carried

PUBLIC NOTICE
TOWN OF BOSTON

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town Board of the Town of Boston, at the Boston Town Hall, 8500 Boston State Road, Boston, New York on December 21, 1994 at 8:00 P.M. Eastern Standard Time for the purpose of considering to enter into a contract with the Boston Emergency Squad, Inc. for the purpose of furnishing Ambulance Service in the amount of $19,700 per annum for the year 1995.

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 to enter into a contract with the Boston Historical Society, Inc. for the preservation of historical places and objects, in the amount of $4,000 per annum for the year 1995.

All persons interested in the matter shall be heard for or against at such time and place.

DATED: DECEMBER 1, 1994
PUBLISHED: DECEMBER 8, 1994
BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK
12-8

REGULAR BOARD MEETING — TOWN HALL
DECEMBER 21, 1994 — 7:30 P.M.

At 8:08 P.M. a Public Hearing was held for the purpose of considering and entering into a contract with the Boston Historical Society. Inc. for the preservation of historical records and objects, in the amount of $4,000 per annum for the year 1995. Deputy Supervisor Genzel read the Public Notice and convened the Public Hearing at which time there were no questions or comments.

A motion was made by Councilman Walter and seconded by Councilman Flowers to close the Public Hearing at 8:09 P.M.

four (4) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter to enter into a contract with the Boston Historical Society, Inc. for the preservation of historical records and objects; in the amount of $4,000 per annum for the year 1995.

four (4) Ayes — Carried

The following Bid results and recommendations were received from Municipal Insurance Consultants, Inc. for the Town's 1995 insurance:

Briceland - Great American	- $53,798
Lawley Service - Coregis	- $43,215
J.G Szalay	- No Quote
Matthews/Barlett/Dedecker	- No Quote

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter, on the recommendation of Municipal Insurance Consultants, to award the 1995 Town of Boston insurance contract to Lawley Service through Coregis Insurance Co, effective January 1, 1995 to December 31, 1995.

four (4) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to reschedule the End-of-Year Special Town Board Meeting from 12/30/94 at 9:00 A.M. to 12/29/94 at 5:30 P.M.

four (4) Ayes — Carried

TOWN ATTORNEY REPORT

Deputy Town Attorney Wilson reported that the easement for the Burr Road turn-a-round has been completed and filed. Notification was sent to BFI and the Boston Highway Department that the turn-a-round may now be used and to stay within the confines of the easement. The easement for the Rucker Lumber sewer line has been forwarded for signatures.

COUNCILMEN REPORT

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter to approve an extension to the Temporary Certificate of Occupancy of Patrick and Susan Hanley, 8080 Cole Road to March 15, 1995.

four (4) Ayes — Carried

Councilman Walter commented that he is attempting to resolve the absence of recorded accident reports on the Taylor/Eckhardt intersection in order to obtain a four way stop sign. He will also work on reducing the speed limit on Back Creek road.

The Town Board wished everyone a Merry Christmas and Happy New Year.

REGULAR BOARD MEETING
DECEMBER 21, 1994

TOWN HALL
7:30 P.M.

Deputy Supervisor Genzel presented the Boston Patriots Little Loop Varsity Football Team with a plaque displaying a Boston Resolution made in their honor for winning the National Youth Football Championships held in Daytona Beach, Florida, November 24 - November 26, 1994. A Proclamation was received from Erie County Executive Dennis Gorski and next November a day will be named "Boston Patriots Little Loop Day". Legislator Frederick Marshall sent a Resolution from the Erie County Legislature. NYS Assemblyman Francis Pordum and NYS Senator Dale Volker sent Certificates of Accomplishment to each player. NYS Senator Volker and Assemblyman Pordum are co-sponsoring a Resolution in Albany when Session resumes in January. US Congressman Jack Quinn has just been informed. Deputy Supervisor Genzel applauded the team and commented that they have made it on all levels and we are very proud of them.

Deputy Supervisor Genzel presented the Boston Patriots Varsity Cheerleaders with a Boston Resolution honoring their role in the National Victory of the Boston Patriots Little Loop Varsity Football Team as well as receiving accolades for their accomplishments in competition.

A motion was made by Councilman Walter and seconded by Councilman Wohlhueter to adjourn the meeting at 8:32 P.M. in honor of the Boston Patriots Little Loop Varsity Football Team and Cheerleaders.

David J. Shenk
DAVID J. SHENK, TOWN CLERK

SPECIAL BOARD MEETING — TOWN HALL
DECEMBER 29, 1994 — 5:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman Josephine M. Davenport, Councilman Peter A. Walter, Town Attorney Michael E. Reilly, and Deputy Supervisor Lucille Genzel.

Absent: Supervisor Richard L. Kennedy and Highway Superintendent Eugene E. Ruchalski.

A motion was made by Councilman Flowers and seconded by Councilman Walter to accept the correction and adoption of the minutes of the December 21, 1994 Regular Board Meeting.

four (4) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers that the General Fund and Special District Bills on Abstract #12B, dated December 29, 1994, in the amount of $8,702.70 be paid.

four (4) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Walter that the Highway Bills on Abstract #12B, dated December 29, 1994, in the amount of $2,294.19 be paid.

four (4) Ayes — Carried

Received and filed a letter from Congressman Jack Quinn Regarding the Hillcroft Bridge Project.

Received and filed a letter from Dr. Philip J. Cook, Erie County Water Authority notifying of Tariff Amendments.

A motion was made by Councilman Flowers and Seconded by Councilman Wohlhueter to approve the following correction to Abstract 12A dated 12/21/94.

Voucher # 1028 - Sears & Roebuck - 129.88
From 1620.4, Cont. To 1620.2, Equip.

four (4) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Wohlhueter that the following General Fund Transfer of Appropriations be made:

FROM:	A	1110.2	Justice, Equip	$ 1,500.00
		1220.4	Supervisor, Cont	5,500.00
		1420.1	Attorney, Per Serv	3,000.00
		1440.4	Engineer, Cont	6,000.00
		1450.1	Elections, Per Serv	1,000.00
		1460.2	Rec Manage, Equip	3,000.00
		1460.4	Rec Manage, Cont	300.00
		1620.2	Buildings, Equip	6,000.00
		1640.4	Cent Garage, Cont	1,000.00
		1670.4	Cent Print/Mail, Cont	1,000.00
		1910.4	Unalloc Insur	1,000.00
		TOTAL		29,300.00
TO:		1110.1	Justice, Per Serv	50.00
		1220.1	Supervisor, Per Serv	2,000.00
		1380.4	Fiscal Agent Fee, Cont	450.00
		1410.4	Town Clerk, Cont	200.00
		1460.1	Rec Manage, Per Serv	550.00
		1620.4	Buildings, Cont	4,000.00
		3120.4	Police, Cont	50.00
		5680.4	Transportation, Cont	14,200.00
		5132.4	Garage, Cont	3,000.00

SPECIAL BOARD MEETING — TOWN HALL
DECEMBER 29, 1994 — 5:30 P.M.

TO CONT:	7310.4	Youth Program, Cont	1,000.00
	7510.4	Historian, Cont	300.00
	7620.4	Adult Rec, Cont	500.00
	8989.4	Comm Serv, Cont	3,000.00
	TOTAL		29,300.00

four (4) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Davenport that the following Highway Transfer of Appropriations be made:

FROM:	D	5112.2	Capital Outlay, Cont	$ 64.00
		5130.2	Machinery, Equip	5,785.00
		9010.8	Retirement	21,573.00
		9050.8	Unemployment	1,000.00
	EXCESS REVENUE			
		1081	Lieu of Tax	925.00
		2300	Serv to Oth Govts	4,015.00
		2665	Sale of Equip	500.00
		2801	Interfund Revenue	2,625.00
		3501	State Aid	7,565.00
		TOTAL		44,052.00
TO:	D	5110.1	Gen Repairs, Per Serv	7,000.00
		5110.4	Gen Repairs, Cont	4,000.00
		5130.4	Machinery, Cont	13,000.00
		5142.1	Snow Removal, Per Serv	2,921.00
		5142.4	Snow Removal, Cont	3,000.00
		5148.1	Serv Oth Govts, Per Serv	2,921.00
		5148.4	Serv Oth Govts, Cont	5,000.00
		9030.8	Social Security	490.00
		9040.8	Comp Insurance	5,630.00
		9060.8	Hosp/Med Insurance	90.00
		TOTAL		44,052.00

four (4) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter that the following Special District Transfers or Appropriations of Excess Revenue of Fund Balance be made:

FIRE PROTECTION DISTRICT

Transfer of Appropriations

From:	SF	9040.8	Comp Insurance	7,200.00
To:	SF	3410.4	Fire Protection, Cont	7,200.00

LIGHT DISTRICT

Appropriation of Fund Balance

From:	Approp Fund Bal			2,500.00
To:	SL	5182.4	Street Lighting, Cont	2,500.00

WATER DISTRICT #1

Transfer of Appropriations

From:	SW1	8340.2	Trans/Dist, Equip	2,500.00
To:	SW1	8340.4	Trans/Dist, Cont	2,500.00

WATER DISTRICT #2

Transfer of Appropriations

From:	SW2	8340.2	Trans/Dist, Equip	3,000.00
To:	SW2	8340.4	Trans/Dist, Cont	3,000.00

four (4) Ayes — Carried