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SPECIAL BOARD MEETING — TOWN HALL
DECEMBER 29, 1994 — 5:30 P.M.

Referred to Dog Control Officer Waszak a letter from Norman Pfeffer of 7681 Boston State Road complaining of a Dog Nuisance.

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport, at the recommendation of Code Enforcement Officer Santonocito, to issue a Temporary Certificate of Occupancy to Mark McAllister at 5312 Keller Road.

four (4) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilmán Walter, at the recommendation of Code Enforcement Officer Santonocito, to grant an Extension to a Temporary Certificate of Occupancy to Richard B. Bankert and Sandra J. Yokota at 4786 Enser Road until February 1, 1995.

four (4) Ayes — Carried

Received and filed a Certificate of Completing Code Enforcement Training class General Building Construction 43-0210 for Code Enforcement Officer Santonocito.

Received and filed a letter from Robert Keel, 6417 Kevinton Place and Frank Dubisz, 6453 Kevinton Place regarding the proposed Group Home at 6408 Kevinton Place.

Councilman Flowers noted their request to be the Liaison for the Town and commented that is not the policy of West Seneca Developmental.

A motion was made Councilman Flowers and seconded by Councilman Davenport to accept the site of 6408 Kevinton Place for a Group Home for the Developmentally Disabled from the West Seneca Developmental Center and notify accordingly.

four (4) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Walter to authorize the Highway Department to pick up Christmas Trees.

four (4) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to adjourn the meeting at 5:58 P.M..

David J. Shenk
DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
JANUARY 4, 1995 — 7:30 P.M.

See Correction Page 312

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

Absent: Supervisor Richard L. Kennedy.

Reverend Richard Siemann opened the meeting with a prayer.
A motion was made by Councilman Flowers and seconded by Councilman Walter to adopt the minutes of the December 29, 1994 Special Board Meeting.

four (4) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport to accept the Town Clerk's Monthly Report for December 1994.

four (4) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter that the General Fund and Special District Bills on Abstract #1, dated January 4, 1995 in the amount of $105,471.31 be paid.

four (4) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport that the Highway Bills on Abstract #1, dated January 4, 1995 in the amount of $31,767.71 be paid.

four (4) Ayes — Carried

Received and filed NYS DOT letter of reply and Notice of Order requesting reduced speed limits on Chestnut Ridge Road, Boston State Road and 11 area speed limits in the Town of Boston.

Councilman Walter commented that he will submit another request to have all of Boston State Road, through Boston, set at a forty (40) miles per hour speed limit.

A motion was made by Councilman Flowers and seconded by Councilman Walter to grant the Boston Democratic Club use of the Boston Town Park Property and the Community Room on April 15, 1995 for the 34th Annual Boston Easter Egg Hunt. A fifty ($50) dollar deposit has been received.

four (4) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport to appoint Karen A. Ellis to the position of Deputy Town Clerk and Deputy Registrar of Vital Statistics, term to expire December 31, 1995.

four (4) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Davenport to appoint Brian Downey to the position of Town Prosecutor, term to expire December 31, 1995.

four (4) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter to appoint David W. Wilson to the position of Deputy Town Attorney, term to expire December 31, 1995.

four (4) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
JANUARY 4, 1995 — 7:30 P.M.

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to appoint Richard Waszak to the position of Part-time Dog Control Officer, term to expire December 31, 1995.
four (4) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Davenport to appoint Michael Brown to the position of Deputy Dog Control Officer, term to expire December 31, 1995.

four (4) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter to appoint Jo Ann Santonocito to the position of Code Enforcement Officer, term to expire December 31, 1995.

four (4) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter to appoint Joyce Rote to the position of secretary to the Planning Board, Zoning Board of Appeals, and the Conservation Council, term to expire December 31, 1995.

four (4) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport to appoint Paul Sawicki to the position of Part-time Deputy Code Enforcement Officer, term to expire December 31, 1995.

four (4) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport to appoint Paul O'Brien to the position of Court Officer, term to expire December 31, 1995.

four (4) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter to appoint Marilyn Clesse to the position of Part-Time Recreation Director, term to expire December 31, 1995.

four (4) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to appoint Margaret Seider to the position of Part-time Cleaner Town Hall, term to expire December 31, 1995.

four (4) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter to appoint Leo Jensen to the position of Part-time Laborer Town Hall, term to expire December 31, 1995.

four (4) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter to appoint Susan Boswell to the position of Nurse to the Seniors, term to expire December 31, 1995.

four (4) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport to appoint Dolores Seufert, Senior Citizen Group Leader and in Dolores Seufert's absence Ruth Garrison will take charge, term to expire December 31, 1995.

four (4) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
JANUARY 4, 1995 — 7:30 P.M.

A motion was made by Councilman Flowers and seconded by Councilman Davenport to appoint James J. Jehle to the position of Town Historian, term to expire December 31, 1995.

four (4) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport to appoint Helen Gross to the position of Bingo Inspector, term to expire December 31, 1995.

four (4) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Walter to appoint Wayne Kreitzbender to the position of Highway Working Crew Chief, term to expire December 31, 1995.

four (4) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter to appoint Joyce Carr to the position of Marriage Officer, no salary, term to expire December 31, 1995.

four (4) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Walter to appoint the following Boston Fire Company Fire Police, term to expire December 31, 1995:

James Cunningham, Edward Dzierzanowski, David Emerling, Charles Pettit, Eugene Ruchalski, Leroy Pfarner, Norman Seguin, Robert Weber, Dennis Krammer, Robert Zwack, Richard Emerling, Dennis Emerling.

four (4) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Davenport to appoint the following Patchin Fire Company Fire Police, term to expire December 31, 1995:

Duane Brock, Mark Brock, Dick Chambers, Norm Gagne, William Ferguson, Grover Grinsell, Bob Pfluger, Alan Horschel, Pat Kennedy, Jim Pluta, Vince Cimato, Rochelle Wendling.

four (4) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Walter to appoint the following North Boston Fire Company Fire Police, term to expire December 31, 1995:

Rodney Carr, Sean Crotty, Joseph Gern, Donald O'Bryant, Robert Karcher, Thomas Kyle, Kenneth Manista, Louise Manista, Joseph Santonocito, Randy Seufert.

four (4) Ayes — Carried

New Appointments sworn in by Town Clerk David J. Shenk.

Appointment of the Town Board Liaisons by Supervisor Kennedy for the year 1995 as follows:

Councilman Wohlhueter	Solid Waste & Refuse, Planning Board, Insurance, Cable T.V.
Councilman Flowers	Fire Companies, Haz/Mat, Investment Advisory Committee, Emergency Squad

REGULAR BOARD MEETING — TOWN HALL
JANUARY 4, 1995 — 7:30 P.M.

Councilman Walter	Traffic Safety and Roadways, Street Lighting, South Boston Playground, Drainage
Councilman Davenport	Capitol Improvement, Senior Citizens, Recreation and Youth Services, Creative Playground

Supervisor Kennedy made the following Committee Appointments for 1995:

TRAFFIC SAFETY AND ROADWAYS COMMITTEE

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

INSURANCE COMMITTEE

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

CREATIVE PLAYGROUND COMMITTEE

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

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

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	

SOLID WASTE AND REFUSE COMMITTEE

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

CAPITAL IMPROVEMENTS

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

INSPECTION COMMITTEE

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

REGULAR BOARD MEETING
JANUARY 4, 1995

TOWN HALL
7:30 P.M.

CABLE TV COMMITTEE

Don Wohlhueter-Chairman
Town Attorney Reilly
Supervisor Kennedy

DRAINAGE COMMITTEE

Peter Walter - Chairman
Wayne Kreitzbender
Eugene Ruchalski
Michael Kobiolka

A motion was made by Councilman Flowers and seconded by Councilman Walter to designate the North Boston Branch of the Evans National Bank for Supervisor, Town Clerk, Town Justice's, and Tax Collector's official bank.

four (4) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Walter to schedule dates and times for Regular Monthly Meetings and Agenda Review 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.

four (4) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport to designate the Springville Journal and the Hamburg Sun of H&K Publications as the Official Co-Newspapers for the Town of Boston.

four (4) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Davenport to establish the following Salary Schedule for 1995:

Supervisor	Richard L. Kennedy	$10,800.00	
Deputy Supervisor	Lucille Genzel	1,500.00	
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 Justices	Joyce Thurber	17,500.00	
Town Clerk	David J. Shenk	29,100.00	
Deputy Town Clerk	Karen A. Ellis	16,000.00	
Clerk Typist	Wendy Kummer	8.50	hr.
Clerk Supervisor/Secty.	Lucille Genzel	8.50	hr.
Highway Superintendent	Eugene Ruchalski	35,850.00	
Assessor	William Kleis, Jr.	21,625.00	
Town Attorney	Michael Reilly	18,500.00	
Town Prosecutor	Brian Downey	7,000.00	
Deputy Town Attorney	David Wilson	4,300.00	
Bookkeeper/Assessor Clk	Jean Kleis	21,200.00	
Dog Control Officer	Richard Waszak	6,500.00	
Deputy Dog Control	Michael Brown	2,800.00	

REGULAR BOARD MEETING — TOWN HALL
JANUARY 4, 1995 — 7:30 P.M.

Code Enforcement Officer	Jo Ann Santonocito	9,000.00	
Sect. Pln. & Zn. Board	Joyce Rote	8.50	hr.
Deputy Code Enfor. Off.	Paul Sawicki	4,100.00	
Court Officer	Paul O'Brien	3,045.00	
Recreation Director	Marilyn Clesse	6,400.00	
Cleaner	Margaret Seider	6.50	hr.
Laborer- Town Hall	Leo Jensen	7.25	hr.
Nurse-Seniors	Susan Boswell	20.00	Meeting
Grp. Leaders Sr. Citizen	Dolores Seufert	25.00	Meeting
	Ruth Garrison		
Town Historian	James J. Jehle	650.00	
Bingo Inspector	Helen Gross	28.00	Insp.
		40.00	d/Bingo
Registrar of Vital Stat.	David J. Shenk	1.00	yr.

Election Inspectors - PER DAY

Registration	50.00
Primary Day	85.00
Chairman	15.00
Election Day	85.00
School	18.00

HIGHWAY DEPARTMENT

Working Crew Chief	14.05 hr.
M.E.O.'s	13.15
Truck Drivers	7.50 - 10.25
M.E.O. Trainees	10.25/13.00
Laborers	5.00 - 7.50

four (4) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to set the payment of salaries for 1995 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.

four (4) 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.

four (4) Ayes — Carried

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

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

four (4) 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.

four (4) Ayes Carried

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

four (4) Ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to Schedule the Annual Audit Meeting for January 18, 1995.

four (4) Ayes Carried

four (4) Ayes Carried

RESOLUTION 1995 - 1 PROCUREMENT POLICY

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

four (4) Ayes Carried

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

four (4) Ayes Carried

A motion was made by Councilman Flowers and seconded by Councilman Walter to appoint TVGA as Town Engineer with Charles Pettit as a liaison between the Town of Boston and the firm for $1,600, term to expire December 31, 1995 and to authorize Supervisor Kennedy to sign contracts.

four (4) Ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to appoint Richard Brox as Town Planner, for $1,800, term to expire December 31, 1995.

four (4) Ayes Carried

A motion was made by Councilman Walter and seconded by Councilman Wohlhueter to set March 27, 1995 at 1:00 PM for the bid opening for bus transportation.

four (4) Carried

TOWN OF BOSTON

TOWN OF BOSTON

RESOLUTION 1995-01

PROCUREMENT POLICY

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 January 1995 at 7:30 P.M. Eastern Standard Time, there were:

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

Councilman Flowers presented the following resolution and moved its adoption:

WHEREAS, the Town of Boston wishes to adopt the following procurement policies and procedures:

NOW THEREFORE:

BE IT RESOLVED, the Town of Boston does hereby adopt the following procurement policies and procedures for 1995:

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

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

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

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

TOWN OF BOSTON

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

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

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

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

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

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

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

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

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

Supervisor Kennedy	Voting ABSENT
Councilman Wohlhueter	Voting AYE
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 — TOWN HALL
JANUARY 4, 1995 — 7:30 P.M.

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.

four (4) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter 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 / month
Town Prosecutor P/T	8	
Councilman	8	
Deputy Supervisor	2	
Code Enforcement	15	
Deputy Code Enforcement	7	
Assessor	20	
Town Attorney	15	
Court Officer	5	
Deputy Town Attorney	7	
Recreation Director	15	

four (4) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter to assign the following work days to be reported by New York State Retirement purposes for elected and appointed Town Personnel as full time based on a seven (7) hour work day for New York State Retirement purposes:

Town Clerk
Superintendent of Highways
Bookkeeper to Supervisor
Clerk to Town Justices
Deputy Town Clerk

four (4) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter to adopt the Public Improvement Specifications.

four (4) Ayes — Carried

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

Supervisor	$ 25.00
Town Clerk	300.00
Town Justice's	100.00
Highway Superintendent	25.00
Recreation Director	300.00

four (4) — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport to set the following 1995 Holidays for the Town of Boston as part of a contract or arrangement we have with the Highway Department and Clerical workers:

January 2, 1995 - New Year's Day, January 16, 1995 - Martin Luther King, Jr. (Day Observed), February 20, 1995 - Patriot's Day, April 14, 1995 - Good Friday, May 29, 1995 - Memorial Day (Day Observed), July 4, 1995 - Independence Day (Day Observed), September 4, 1995 - Labor Day, October 9, 1995 - Columbus Day (Day Observed), November 07, 1995 - Election Day,

REGULAR BOARD MEETING TOWN HALL
JANUARY 4, 1995 7:30 P.M.

November 10, 1995 - Veteran's Day, November 23, 1995 - Thanksgiving Day, December 22, 1995 - 1/2 Christmas Eve, December 25, 1995 - Christmas Day, December 29, 1995 - 1/2 New Year's Eve.

four (4) Ayes Carried

RESOLUTION 1995 - 2 1994 AMBULANCE SERIAL BONDS

RESOLUTION 1995 - 3 1994 AMBULANCE BOND ANTICIPATION NOTE

Town Attorney Reilly commented that in addition to those resolutions there were two other documents that have been prepared. One will be submitted to the Deputy Supervisor and is entitled "The Arbitrage and Use of Proceed Certificate" dated January 4, 1995 and an Opinion Letter from the Town Attorney indicating that the transaction meets constitutional mustard.

SUPERVISOR REPORT

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

A motion was made by Councilman Walter and seconded by Councilman Flowers, on the recommendation of Code Enforcement Officer Santonocito, to grant a Special Permit allowing a temporary office trailer to All Flow Company, 8321 Boston State Road, for a period of one year, beginning January 4, 1995.

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 December 1994.

four (4) Ayes Carried

RESOLUTION 1995 - 4 DELINQUENT NOTICE FEE

Town Clerk Shenk noted that he will be on vacation January 17, 1995 through January 20, 1995.

TOWN ATTORNEY REPORT

Town Attorney Reilly reported that on December 28, 1994 the Town of Boston executed a proposed agreement with John Szalay regarding the drainage ditch on the Szalay property on Rollin Drive. On December 30, 1994 the ditch was opened and should alleviate some of the drainage problems. The agreement indicates that John Szalay will give the Town a permanent easement and in the future he wants to relocate the southern most part of that ditch. The Town has indicated it will do the relocation for him. If a culvert pipe is to be put in, the Town will install it and Mr. Szalay will be responsible for all costs of purchasing it.

Regarding the Assessment case of the Tennessee Gas Company, they are going to provide the Town of Boston with a proposed settlement of this case.

There have been ongoing negotiations with the property owner on Lower Crestwood Circle regarding the tank site for a water tank to serve the southern portion of Boston. An appraisal has been ordered and contact has been made with the property owner's attorney. Either a resolution will be reached or the Town may choose to go through Eminent Domain to construct the water tank.

TOWN OF BOSTON
NEW YORK

R E S O L U T I O N

NUMBER 1995 - 2

SERIAL BOND RESOLUTION DATED JANUARY 4, 1995

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 January, 1995 at 7:30 o'clock in the evening Eastern 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 Walter 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. The Town of Boston hereby authorizes the purchase of a new 1994 ambulance for the Boston Emergency Squad Inc. This purchase involves the acquisition of a new 1994 Marque Type III ambulance to provide general ambulance service and first aid to persons within the boundaries of the Town of Boston.

SECTION 2. That the maximum estimated cost of such specific object or purpose is $79,750.00 and the plan for financing therefor is as follows:

a) By the issuance of $45,000.00 serial bonds of the Town of Boston, hereby authorized to be issued pursuant to the Local Finance Law; and

b) By the use of $34,750.00 from the Town of Boston Ambulance District.

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 acquisition of an ambulance pursuant to Local Finance Law § 11.00 subsection 27-a.

SECTION 4. That the Town of Boston, Erie County, New York, issue its serial bonds in the amount of $45,000.00 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 $45,000.00 and shall mature in numerical order in annual installments in the years and in the total amounts as follows: $9,000.00 - January 5, 1996, $9,000.00 - January 6, 1997, $9,000.00 - January 5, 1998, $9,000.00 - January 5, 1999, $9,000.00 - January 5, 2000, 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 seven and one half (7 1/2)percent 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____	**Absent**_____ Signature
Councilman Wohlhueter	Voting aye	Don A. Wohlhueter Signature
Councilman Flowers	Voting aye	Signature
Councilman Davenport	Voting aye	Josephine L. Davenport Signature
Councilman Walter	Voting aye	Peter A. Walter Signature

AYES: Four (4) NOES: None (0) ABSENT: One (1)

David J. Shenk

David J. Shenk- Town Clerk
Town of Boston

TOWN OF BOSTON
NEW YORK

R E S O L U T I O N

NUMBER 1995 - 2

SERIAL BOND RESOLUTION DATED JANUARY 4, 1995

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 January, 1995 at 7:30 o'clock in the evening Eastern 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 Walter 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. The Town of Boston hereby authorizes the purchase of a new 1994 ambulance for the Boston Emergency Squad Inc. This purchase involves the acquisition of a new 1994 Marque Type III ambulance to provide general ambulance service and first aid to persons within the boundaries of the Town of Boston.

SECTION 2. That the maximum estimated cost of such specific object or purpose is $79,750.00 and the plan for financing therefor is as follows:

a) By the issuance of $45,000.00 serial bonds of the Town of Boston, hereby authorized to be issued pursuant to the Local Finance Law; and

b) By the use of $34,750.00 from the Town of Boston Ambulance District.

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 acquisition of an ambulance pursuant to Local Finance Law § 11.00 subsection 27-a.

SECTION 4. That the Town of Boston, Erie County, New York, issue its serial bonds in the amount of $45,000.00 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 $45,000.00 and shall mature in numerical order in annual installments in the years and in the total amounts as follows: $9,000.00 - January 5, 1996, $9,000.00 - January 6, 1997, $9,000.00 - January 5, 1998, $9,000.00 - January 5, 1999, $9,000.00 - January 5, 2000, 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 seven and one half (7 1/2)percent 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____	**Absent**_____ Signature
Councilman Wohlhueter	Voting aye	Signature
Councilman Flowers	Voting aye	Signature
Councilman Davenport	Voting aye	Signature
Councilman Walter	Voting aye	Signature

AYES: Four (4) NOES: None (0) ABSENT: One (1)

David J. Shenk- Town Clerk
Town of Boston

ARBITRAGE AND USE OF PROCEEDS CERTIFICATE
DATED JANUARY 4, 1995

I, Lucille C. Genzel,Deputy 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 $45,000.00 Bond Anticipation Note for the Purchase of a new 1994 Marque Type III Ambulance (the **NOTE**) of the Town dated January 4, 1995 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 **PURCHASE**) pursuant to a Resolution of the Town Board entitled Serial Bond Resolution Dated January 4, 1995.

6. No Bond Anticipation Notes have been heretofore issued in anticipation of the sale of Serial Bonds authorized to be issued for the **PURCHASE** 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 of the **PURCHASE** and the amount of such commitment(s) with respect to the **PURCHASE** 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 **PURCHASE** or $100,000.00.

8. The **PURCHASE** has been completed, or, if the **PURCHASE** 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 **PURCHASE** has not been completed, acquisition of the **PURCHASE** will proceed or is proceeding with due diligence to completion.

9. The total proceeds of sale of all the Bond Anticipation Notes to date **PURCHASE** does not exceed the total cost of the **PURCHASE.**

10. The **PURCHASE** 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 funds, will be expended within 13 months of the date of deposit in such funds, 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 1/2 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 profit;
(iii) the **TOWN** may terminate the contract (without penalty) at the end of any 3 year period;
(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 purpose 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 the Internal Revenue as an insurer 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, am 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, 1.03-14 and 1.03.15 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 4th day January 1995.

[SEAL]

Lucille C. Genzel

LUCILLE C. GENZEL - DEPUTY SUPERVISOR

MICHAEL E. REILLY

ATTORNEY AT LAW

1038 ABBOTT ROAD
BUFFALO, NEW YORK 14220-2496
(716) 823-3936

FAX (716) 823-3245

January 5, 1994

EVANS NATIONAL BANK
14-16 NORTH MAIN STREET
ANGOLA, NEW YORK 14006

RE: TOWN OF BOSTON.
$45,000.00 Bond
Anticipation Note for
Purchase of an Ambulance

Dear Sir or Madam:

I have examined the validity of a $45,000.00 Bond Anticipation Note of the Town of Boston, located in the County of Erie and State of New York purchased by the Evans National Bank of Angola, more particularly described as follows:

$45,000.00 dated January 4, 1995 bearing interest at the rate of 4.75 % per annum payable at maturity, maturing January 5, 1996. I have examined the Serial Bond Resolution dated January 4, 1995, the Bond Anticipation Note Resolution dated January 4, 1995, the minutes of Boston Town Board meeting held on January 4, 1995 which duly authorized the above-mentioned Resolution, the Arbitrage Certificate dated January 4, 1995 and other Proofs, authorizing and relating to the issuance of said note.

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 of said issuer, all the taxable real property within which is subject to the levy of ad valorem taxes to pay said note and interest thereon, without limitation as to rate or amount.

Very truly yours,

Michael E. Reilly

MICHAEL E. REILLY

MER/er

cc: Lucille C. Genzel
Boston Town Board

TOWN OF BOSTON
NEW YORK

R E S O L U T I O N

NUMBER 1995 - 3

BOND ANTICIPATION NOTE RESOLUTION DATED JANUARY 4, 1995 FOR THE ISSUANCE AND SALE OF A BOND ANTICIPATION NOTE OF THE TOWN OF BOSTON, NEW YORK IN ANTICIPATION OF THE SALE OF $45,000.00 SERIAL BONDS FOR THE TOWN OF BOSTON TO PURCHASE AN AMBULANCE.

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 January, 1995 at 7:30 o'clock in the evening Eastern 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 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. For the purpose of financing the purchase of a new 1994 Marque Type III ambulance, in accordance with proceedings heretofore taken by the Town Board of the Town of Boston, are hereby authorized to be issued a $45,000.00 Bond Anticipation Note of said town.

SECTION 2. Specific reference is hereby made to a Resolution entitled "Resolution Number 1995-2, Serial Bond Resolution Dated January 4, 1995", 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 $45,000.00, and such bonds shall be Serial bonds.

SECTION 4. The amount of the Bond Anticipation Note to be issued is $45,000.00. Such Note shall be dated January 5, 1995 and shall be numbered "No. 1", and shall mature January 5, 1996, bearing interest at the rate not exceeding seven and one-half (7.5)percent 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 accrued interest; and when said Note shall have been duly executed and sold, the same shall be delivered to the purchaser upon payment of the purchase price to the supervisor and the receipt of the Supervisor shall be a full acquittance to said purchaser who shall not be obliged to see to the application of the purchase money.

SECTION 9. This resolution shall take effect immediately.

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

Supervisor Kennedy	Voting	_____	**Absent**_____ Signature
Councilman Wohlhueter	Voting	aye	Don C. Wohlhueter Signature
Councilman Flowers	Voting	aye	Signature
Councilman Davenport	Voting	aye	Josephine Davenport Signature
Councilman Walter	Voting	aye	Peter A Walter Signature

AYES: Four (4) NOES: None(0) ABSENT: One (1)

David J. Shenk

David J. Shenk- Town Clerk
Town of Boston

TOWN OF BOSTON

TOWN OF BOSTON

RESOLUTION 1995-4

DELINQUENT NOTICE FEE

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 January 1995 at 7:30 P.M. Eastern Standard Time, there were:

Present:

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

Councilman Flowers presented the following resolution and moved its adoption:

WHEREAS, the Town of Boston wishes to set a fee for the cost of mailing Delinquent Tax Notices, and

WHEREAS, in the past the Town has charged a $1.00 fee and wishes to continue.

NOW THEREFORE:

BE IT RESOLVED, pursuant to section 987 (1) of the Real Property Tax Law, that the Town of Boston is hereby authorized to impose a $1.00 Service Charge to cover the expense of mailing out a notice of Delinquency to Taxpayers

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

Supervisor Kennedy	Voting ABSENT
Councilman Wohlhueter	Voting AYE
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 — TOWN HALL
JANUARY 4, 1995 — 7:30 P.M.

COUNCILMAN REPORT

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport to grant the Boston Fire Company use of the South Boston Park for the Annual Family Picnic on July 16, 1995 from 9:00 A.M. to 9:00 P.M. Alcoholic beverages will be served and a certificate of insurance will be provided.

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

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

Councilman Flowers reported that he attended the Disaster Coordinators meeting at the Erie County Fire Academy and the theme was flood and flooding. Informational pamphlets on flooding are in the Town Clerk's Office.

Regarding the proposed West Seneca Developmental Services Office Group Home at 6408 Kevinton Place, the Neighborhood Advisory Committee wished to have the Town Board reverse it's decision and accept the Group Home on Kevinton Place. A letter was written to the director of the West Seneca Developmental Service Office informing him of this decision. A letter will be sent to the residents and is on file in the Town Clerk's Office.

Councilman Walter noted that he will submit another letter requesting a forty (40) mile speed limit through the Town on Boston State Road.

Councilman Walter attended a debriefing session regarding the recent fatal accident on Back Creek Road and it was agreed that it was an accident. He will check with New York State Gas and Electric Co. on the possibility of having the entire town illuminated. Naturally it will be an increase in taxes so the people can decide after studying the figures.

DEPUTY CODE ENFORCEMENT OFFICER REPORT

A) Deputy Code enforcement Officer monthly report for December 1994 was received and on file in the Clerk's Office.

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officer monthly report for December 1994 was received and on file in the Clerk's Office.

TOWN ENGINEER REPORT

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

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

David J. Shenk
DAVID J. SHENK, TOWN CLERK

REGULAR BOARD AND ANNUAL AUDIT MEETING — TOWN HALL
JANUARY 18, 1995 — 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 adopt the minutes of the January 4, 1994 regular monthly meeting:

Correction to Motion - page 8:
A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to direct Town Clerk Shenk to send letters to refuse collectors of annual payment of fees.

Changed to:

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

Correction: Supervisor Kennedy to Councilman Flowers.

Correction to Salary Schedule - Page 6:

Highway Department

Truck Drivers	from	$10.25	to	$7.50 to $10.25
Laborers	from	$ 7.50	to	$5.00 to 7.50

Correction to Senior Citizen Committee - Page 4:
Delete: Ruth Garrison
Add : Irv Overhoff

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 #1A, dated January 18, 1994 in the amount of $125,065.48 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport that the Highway Bills on Abstract #1A, dated January 18, 1994 in the amount of $23,197.34 be paid.

five (5) Ayes — Carried

Received and filed Certification from Erie County Board of Elections - Local Proposition No. 1 - 1994: Town Clerk Term of Office was passed.

Received and filed a letter of appreciation from the official Town of Boston newspaper, "The Sun".

Received and filed notification of a Grant Award to the Boston Conservation Advisory Council from the National Tree Trust.

The Town Board congratulated Lisa Rood on her pursuit of the Grant money for the Conservation Advisory Council in the amount of $5,000.

Received and filed a letter from Erie County Sheriff Higgins regarding the "COPS AHEAD" grant program.

Received and filed the Erie County Sheriff's Office Monthly Activity Report for December 1994.

TOWN OF BOSTON

PROCLAMATION

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 18th day of January, 1995 at 7:30 PM. 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

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

WHEREAS, the Town of Boston is honored to have a young man from Troop 400, who on January 14, 1995, at a Court of Honor was awarded the rank of Eagle Scout, and

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

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

WHEREAS, this accomplishment is not only a credit to him, but also to his leaders, his mother and father and other members of Troop 400 who assisted him and encouraged him in this endeavor, and

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

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

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

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

AYES: FIVE (5) NOES: ZERO (0) ABSENT: ZERO (0)

Karen A. Ellis, Deputy Town Clerk

REGULAR BOARD AND ANNUAL AUDIT MEETING — TOWN HALL
JANUARY 18, 1995 — 7:30 P.M.

Received and filed the Solid Waste/Recyclable Materials Quarterly Report from BFI Waste Systems.

Received and filed a letter of appreciation from West Seneca Developmental Services Office for the acceptance of the proposed Community Residence at 6408 Kevinton Place.

Received and filed copies of County and State permits for Boston Hills Homes and Estates manufactured housing communities.

Town Attorney Reilly commended his nephew, Gregory T. Shanks for achieving the status of Eagle Scout and noted he is a life long residence of Boston. Gregory is a graduate of Hamburg High School. He studied for a year in Russia and currently is a freshman at the University of Rochester.

The Town Board congratulated Gregory T. Shanks for achieving the rank of Eagle Scout.

PROCLAMATION - GREGORY T. SHANKS - EAGLE SCOUT

A motion was made by Councilman Flowers and seconded by Councilman Davenport to grant use of the Community Room and Town Hall Kitchen, July 15, 1995 to the North Boston School District #4 Reunion for a dinner. Alcoholic drinks will be served. A fifty dollar ($50.00) deposit was received.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to grant use of the Lions Shelter to the Hamburg High School Class of 1940 for their 55th Year Reunion Picnic on August 5, 1995. No Alcohol will be served. A fifty dollar ($50.00) deposit was received.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter to authorize Supervisor Kennedy to sign a Summer Youth Employment Worksite Agreement from the Erie County Human Resource Corporation.

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 Chris Emerling as a recreation attendant for the Friday Night Recreation Program at an hourly rate of $5.50, term to expire May 31, 1995.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter to appoint Joseph Wells as a Boston Fire Police for the Boston Fire Company, term to expire 12/31/95.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to approve and sign the Agreement for the Expenditure of Highway Monies.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to accept the Town Clerk's Annual Report and the Registrar of Vital Statistics Annual Report for 1994.

five (5) Ayes — Carried

REGULAR BOARD AND ANNUAL AUDIT MEETING — TOWN HALL
JANUARY 18, 1995 — 7:30 P.M.

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy to accept Town Justice Tills's Annual Report for 1994.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter to accept Town Justice Maxwell's Annual Report for 1994.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport to grant Assessor William Kleis and Assessment Clerk Jean Kleis permission to attend a seminar on Real Property Systems, January 23 1995.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to accept the correction of the Transfer of Appropiations from the December 29, 1994 Minutes as follows:

Transfers of Appropriations:

From:	1220.4	Supervisor, Cont	5,500	
To:	1220.4	Supervisor, Cont		5,600
Total From:			29,300	
To:				29,400
From:	1220.1	Supervisor, Per Serv	2,000	
To:	1220.1	Supervisor, Per Serv		2,100
Total From:			29,300	
To:				29,400

five (5) Ayes — Carried

SUPERVISOR REPORT

A motion was made by Councilman Walter and seconded by Councilman Davenport, on the recommendation of the Boston Emergency Squad, to sell the radio equipment from the old ambulance for $1.00 to the Patchin Volunteer Fire Company, to be mounted in Patchin vehicle No. 7, heavy rescue equipment.

five (5) Ayes — Carried

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Ruchalski announced that the Highway Department is still picking up Christmas trees.

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy, on the recommendation of Highway Superintendent Ruchalski, to appoint Laborer Brian Wendling to the position of Truck Driver, effective immediately, at a rate of $8.64 per hour.

five (5) Ayes — Carried

TOWN ATTORNEY REPORT

Regarding the agreement with Marilyn Will on the extension of the water line on Pfarner Road, amendments were drafted addressing the cost of overruns on the bid for the project and as to when money would be payable to the water district. The agreement will be sent out for execution within the next few days.

REGULAR BOARD AND ANNUAL AUDIT MEETING — TOWN HALL
JANUARY 18, 1995 — 7:30 P.M.

TOWN ATTORNEY REPORT (CONT.)

On the matter of the drainage ditch on the John Szalay property on Rollin Drive, notification was sent to the Deputy Highway Superintendent of Erie County on 1/5/95, that the Proceeding under the Highway Law which the Town of Boston had commenced on October 21, 1994 was discontinued. The Proceeding was to obtain approval to clean the drainage ditch, which was successfully accomplished on December 30, 1994.

On January 19, 1995 a meeting will be held with a representative from the Erie County Water Authority, Boston Town Officials, Town Attorney Reilly and the attorney representing the property owner, regarding the Lower Crestwood Circle site for a water tank. Hopefully an agreement will be reached on the purchase of the parcel the Town of Boston needs to construct a water tank and proceed with the project.

COUNCILMAN REPORT

Councilman Wohlhueter welcomed Supervisor Kennedy back from his recent hospitalization and thanked Deputy Supervisor Genzel for doing a good job in his absence.

Councilman Davenport attended a meeting with members of Mayor Masiello's administration in charge of the Buffalo Sister City program. Buffalo has five Sister Cities and suggested the Town of Boston become a little Sister City, adopting a small town outside of a city Buffalo has. A city in Poland was suggested because it is a developing country and business men are encouraged to relocate. Supervisor Kennedy was requested to write to the Mayor of this city suggesting a partnership with the Town of Boston. The Town of Boston will join Sister Cities International which provides grant money.

CODE ENFORCEMENT OFFICER REPORT

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

A motion was made by Councilman Flowers and seconded by Councilman Walter to grant Code Enforcement Officer Santonocito permission to purchase a computer at a cost of $1,955.00.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter, on the recommendation of Code Enforcement Officer Santonocito, to grant a two month extension until 3/1/95, on the Temporary Certificate of Occupancy to Richard Young, 9351 Zimmerman Road.

five (5) Ayes — Carried

PLANNING BOARD REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to re-appoint Paul A. Jusko to the Boston Planning Board, term to expire 2/1/02.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport to adjourn meeting at 8:12 P.M..

Karen A. Ellis

KAREN A. ELLIS, DEPUTY TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
FEBRUARY 1, 1995 — 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 Wohlhueter and seconded by Councilman Davenport to adopt the minutes of the January 18, 1995 Regular and Annual Audit 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 #2, dated February 1, 1995 in the amount of $18,251.55 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport that the Highway Bills on Abstract #2, dated February 1, 1995 in the amount of $19,625.02 be paid.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to accept the Town Clerk's monthly report for January 1995.

five (5) Ayes — Carried

five (5) Ayes — Carried

Received and filed notification from Erie County Legislator Frederick Marshall that the Surplus Food distribution for eligible Boston residents will be February 16, 1995.

Received and filed a request from the Town of Orchard Park for information on any planned development that would increase the number of children in the Orchard Park School district.

Supervisor Kennedy will contact the Planning Board and notify the Town of Orchard Park of any planned development increasing the number of children in the Orchard Park School district.

Referred to Councilman Walter a request from Erie County Division of Highways for clarification on Speed Restriction Orders.

Referred to Councilman Walter an approval from NYS DOT for requested speed limit on a portion of Boston State Road.

Received and filed a response from Congressman Quinn regarding the Erosion Control/Hillcroft Bridge Project.

Received and filed a Table of Maintenance responsibilities from NYS DOT on the Rice Hill Road Interchange/Access Road Project.

Received and filed a NYS DEC Permit - Riprap in Irish Gulf at Wildwood Drive.

Herb Klein, Chairman of the Christmas Lighting Committee thanked the Town Board for their support with the purchase and installation of twelve (12) holiday decorations for the Town. Mr. Klein gave a financial report and thanked members of the Christmas Lighting Committee. A fund drive will be held and the goal is $5,000 to aid in the purchase of twenty-two (22) decorations in phase two of the project.

TOWN OF BOSTON

RESOLUTION 1995-5

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 of New York, Inc.

2321 Kenmore Avenue, P.O. Box 571

Kenmore, New York 14217 (716) 693-5185

2. Applicant shall collect and dispose of municipal solid waste and recyclable materials in the following manner:

A) INSTITUTIONAL customers

i. Manner of Collection:

Recyclables - Co-mingled 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

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 2/1/95.

David J. Clerk

Town Clerk

BFI of New York, Inc.

(type-in Company Name)

By: David Barbuzzi

Title: Treasurer Date: 12/29/94

BFI CERTIFICATE OF INSURANCE

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

INSURED
Browning Ferris Industries of NY, Inc.
District #122
P.O. 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.

CO. LTR.	TYPE OF INSURANCE	POLICY NUMBER	POLICY DATE EFF.	POLICY DATE EXP.	Limits of Liability in Thousands (000's)		
A	GENERAL LIABILITY X COMMERCIAL GENERAL LIABILITY CLAIMS MADE X OCCUR X OWNER'S & CONTRACTOR'S PROT.	RMGL 319-7085 TX RMGL 319-7086 ALL OTHER	5/1/94	5/1/95	GENERAL AGGREGATE PRODUCTS-COMP/OP AGG. PERSONAL & ADV. INJURY EACH OCCURRENCE FIRE DAMAGE (Any one fire) MED. EXPENSE (Any one person)	$ $ $ $ $ $	 2,500 2,500 2,500 50 5
N/A	AUTOMOBILE LIABILITY X ANY AUTO X ALL OWNED AUTOS X SCHEDULED AUTOS X HIRED AUTOS X NON-OWNED AUTOS GARAGE LIABILITY	STATE APPROVED SELF INSURER	5/1/94	5/1/95	COMBINED SINGLE LIMIT BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE	$ $ $ $	5,000
B	EXCESS LIABILITY UMBRELLA FORM X OTHER THAN UMBRELLA FORM	CLM 308-9566	5/1/94	5/1/95	EACH OCCURRENCE AGGREGATE	$ $	7,500 7,500
N/A	WORKER'S COMPENSATION AND EMPLOYERS' LIABILITY	STATE APPROVED SELF INSURER	5/1/94	5/1/95	STATUTORY LIMITS EACH ACCIDENT DISEASE-POLICY LIMIT DISEASE-EACH EMPLOYEE	 $ $ $	 2,500 2,500 2,500
OTHER							

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS
Solide Waste Collection & Disposal/Recycling

DATE ISSUED 12/28/94

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.

Michael B Dennis
AUTHORIZED REPRESENTATIVE

Certificate Holder (White) District File (Yellow) Houston Risk Mgmt (Pink & Gold) C95

ACORD. CERTIFICATE OF INSURANCE

DATE (MM/DD/YY) 4/26/95

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	RMGL1211065-TX	5/01/95	5/01/96	GENERAL AGGREGATE	$
	X COMMERCIAL GENERAL LIABILITY	RMGL1211064-All Other States			PRODUCTS - COMP/OP AGG	$ 2500000
	CLAIMS MADE X OCCUR				PERSONAL & ADV INJURY	$ 2500000
	OWNER'S & CONTRACTOR'S PROT				EACH OCCURRENCE	$ 2500000
					FIRE DAMAGE (Any one fire)	$ 50000
					MED EXP (Any one person)	$ 5000
B	AUTOMOBILE LIABILITY	Self Insured	5/01/95	5/01/96		
	X ANY AUTO				COMBINED SINGLE LIMIT	$ 5000000
	ALL OWNED AUTOS				BODILY INJURY (Per person)	$
	SCHEDULED AUTOS					
	HIRED AUTOS				BODILY INJURY (Per accident)	$
	NON OWNED AUTOS					
					PROPERTY DAMAGE	$
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT	$
	ANY AUTO				OTHER THAN AUTO ONLY	
					EACH ACCIDENT	$
					AGGREGATE	$
A	EXCESS LIABILITY	CLM3089766	5/01/95	5/01/96	EACH OCCURRENCE	$ 7500000
	X UMBRELLA FORM				AGGREGATE	$ 7500000
	OTHER THAN UMBRELLA FORM					$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	SELF INSURED	5/01/95	5/01/96	X STATUTORY LIMITS	
					EACH ACCIDENT	$ 2500000
	THE PROPRIETOR PARTNERS EXECUTIVE OFFICERS ARE: X/NCL				DISEASE - POLICY LIMIT	$ 2500000
	EXCL				DISEASE - EACH EMPLOYEE	$ 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

Sedgwick

Sedgwick James of Georgia, Inc.
500 Atlanta Financial Center, South Tower, 3333 Peachtree Road, NE, Atlanta, Georgia 30326-1043
Telephone (404) 237-8444, Telex 804403, Facsimile (404) 262-1683

April 26, 1995

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 1211064	All Other States
General Liability #	RMGL 1211065	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 1995-6

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. 16 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 2/1/95.

David J. Hoey

Town Clerk

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

By: [signature]

Title: PRESIDENT Date: 1/17/95

ACORD. CERTIFICATE OF INSURANCE

CSR MI — ISSUE DATE (MM/DD/YY) 07/19/94

KAPI-06

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

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

COMPANIES AFFORDING COVERAGE

COMPANY LETTER A — First Central Insurance Co.

COMPANY LETTER B — Colonia Insurance Company

COMPANY LETTER C — State Insurance Fund

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	TO BE DETERMINED	07/01/94	07/01/95	PRODUCTS-COMP/OP AGG.	$ 2,000,000
	CLAIMS MADE X OCCUR.				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
	ANY AUTO	TO BE DETERMINED	07/01/94	07/01/95		
	ALL OWNED AUTOS				BODILY INJURY (Per person)	$
A	X SCHEDULED AUTOS					
	X HIRED AUTOS				BODILY INJURY (Per accident)	$
	X NON OWNED AUTOS					
	GARAGE LIABILITY				PROPERTY DAMAGE	$
	EXCESS LIABILITY				EACH OCCURRENCE	$ 1,000,000
B	X UMBRELLA FORM	TO BE DETERMINED	07/01/94	07/01/95	AGGREGATE	$ 1,000,000
	OTHER THAN UMBRELLA FORM					
C	WORKER'S COMPENSATION AND EMPLOYERS' LIABILITY	10845634	07/01/94	07/01/95	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

Certificate to follow from the State Insurance Fund

CERTIFICATE 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

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TOWN OF BOSTON

RESOLUTION 1995-7

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.

10860 Olean Road

Chaffee, New York 14030-9799

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 2/1/95.

David J. Hanks
Town Clerk

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

By: John Noce
John Noce

Title: Administrative Mgr. Date: 1/31/95

ACORD. CERTIFICATE OF INSURANCE

CSR MR CIDR-01 | ISSUE DATE (MM/DD/YY) 01/03/95

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	United States Fire Ins. Co.
COMPANY LETTER	B	North River Ins.
COMPANY LETTER	C	State Insurance Fund
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	5030690652	01/01/95	01/01/96	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					
B	X ANY AUTO	1336064274	01/01/95	01/01/96	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					
C	WORKER'S COMPENSATION AND EMPLOYERS' LIABILITY	10739985	01/01/95	01/01/96	X STATUTORY LIMITS	
		State Fund Cert To Follow			EACH ACCIDENT	$ 100,000
					DISEASE—POLICY LIMIT	$ 500,000
					DISEASE—EACH EMPLOYEE	$ 100,000
	OTHER					

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

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 10 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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REGULAR BOARD MEETING — TOWN HALL
FEBRUARY 1, 1995 — 7:30 P.M.

The Town Board thanked Mr. Klein for his effort in this project.

RESOLUTION 1995-5 REFUSE LICENSE FOR BFI OF NEW YORK, INC.

RESOLUTION 1995-6 REFUSE LICENSE FOR MAPLE CITY DISPOSAL SERVICE, INC.

RESOLUTION 1995-7 REFUSE LICENSE FOR C.I.D. REFUSE SERVICE, INC.

A motion was made by Councilman Flowers and seconded by Councilman Walter to approve the Correction of Transfers of Appropriations from the 12/29/94 Town Board Meeting:

Appropriation of Estimated Revenue:

FIRE PROTECTION DISTRICT
Estimated Revenue, Interest and Earnings (2401) 1500.00

Appropriations, Fire Protection (3410.4) 1500.00

Transfer of Appropriations:

From:
Change Records Manage Cont 1460.4
From: - 300.00
To: -1300.00

From: Assessor, Cont, 1355.4 3000.00

To:
Engineer, Cont, 1440.4 4000.00

five (5) Ayes Carried

A motion was made by Councilman Flowers and seconded by Councilman Davenport to authorize Supervisor Kennedy to enter into a contract for $3,835.00 to Kirst Construction Inc. for the installation of seven light pole foundations.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to refer to the East Hill Advisory Committee, an application from John Tronolone for a Building Permit for a single family dwelling on Chestnut Ridge Road.

five (5) Ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to re-appoint Mary Alice Tock, Joseph Terrizzi, and Nancy Stetter to the Conservation Advisory Committee, term to expire 3/1/98.

five (5) Ayes Carried

Received and filed the 1995 Outreach Program Schedule from Congressman Jack Quinn.

SUPERVISOR REPORT

A) Supervisor Monthly Financial Report for January 1995 was received and on file in the Clerk's Office.

Supervisor Kennedy gave a report on the Water District #3 extension from Orchard Park. Upon an agreement with the Town of Orchard Park on the district boundaries the project will proceed for Water District #3. The Erie County Water Authority will help fund part of the project if it benefits more than one municipality. Therefore the Town of Boston is also in communication with the

REGULAR BOARD MEETING — TOWN HALL
FEBRUARY 1, 1995 — 7:30 P.M.

SUPERVISOR REPORT (CONT.)

Town of Colden to jointly apply for help from the Erie County Water Authority. This will be reviewed by the Capital Improvement Committee in the near future.

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 1995.

five (5) Ayes — Carried

Town Clerk Shenk thanked Deputy Town Clerk Ellis who was in charge of the Town Clerk's Office during his vacation.

TOWN ATTORNEY REPORT

Town Attorney Reilly noted there is an executed agreement for extending the water line to the Will residence on Pfarner Road and we will be proceeding with the project.

The Tennessee Pipeline Assessment case vs. the Town of Boston was adjourned from January 31, 1995 and has yet to be rescheduled.

COUNCILMEN REPORT

Councilman Flowers attended a meeting with the property owner on whose property the Town of Boston wishes to site a water storage tank for the purpose of additional storage, pressure and volume for the Boston valley.

Town Attorney Reilly noted that an agreement has not been reached with the property owners of the proposed site location for the water tank.

Councilman Flowers attended a meeting of the Fire Fighters Service Award Investment Committee and the program is doing well. The funds have been well invested.

A motion was made by Councilman Flowers and seconded by Councilman Davenport to appoint Victor Antonelli, Joyce Corlett, Glenn Orser and Janet Orser to the East Hill Advisory Committee.

five (5) Ayes — Carried

Councilman Wohlhueter noted the Town of Boston Solid Waste contract with BFI is up this year and he is obtaining copies of solid waste contracts from other towns for review.

Supervisor Kennedy requested Councilman Wohlhueter to schedule a tire drop off for early spring.

Councilman Walter will continue to work on the request for a forty (40) mile an hour speed zone for the entire Boston State Road within the Town.

Reports on the four-way stop sign at Eckhardt Road have not been received. Councilman Walter requested another sign on Eckhardt Road near East Lane and will talk with DOT Representative Robert Russell, about having areas around the Boston Valley Elementary School reduced to a forty (40) mile per hour speed limit.

Councilman Davenport reported on the Friday Night Recreation Program. An outline was sent to parents and guardians requesting their cooperation during the program such as procedures for picking up the children.

REGULAR BOARD MEETING
FEBRUARY 1, 1995

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.)

Councilman Davenport thanked Recreation Director Clesse for her successful effort to secure Grant monies from the Directors of Erie County Arts Council in Buffalo and Erie County. $300.00 was added to the previous award for a total grant of $1,050. The monies will be used to fund the Summer Series of Concerts in the Park and the art programs during the Recreation program.

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer's Monthly Report for January 1995 received and on file in the Town Clerk's office.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to grant permission to the Code Enforcement Officer to attend an In-Service Training Course regarding the NYS Energy Code on March 7, 1995, with all appropriate fees to be paid.

five (5) Ayes — Carried

DEPUTY CODE ENFORCEMENT OFFICER REPORT

A) Deputy Code Enforcement Officer's Monthly Report for January 1995 received and filed in the Town Clerk's Office.

PLANNING BOARD REPORT

Received and filed notification that the new officers for 1995 are: William Boltz-Chairman, Paul Jusko-Vice-Chairman, and Damian Wiktor-Secretary.

TOWN ENGINEER REPORT

A) Town Engineer's Monthly Report for January 1995, received and on file in the Town Clerk's office.

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

David J. Shenk
DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
FEBRUARY 15, 1995 — 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 Walter to adopt the minutes of the February 1, 1995 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 #2A, dated February 15, 1995 in the amount of $73,221.42 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Wohlhueter that the Highway Bills on Abstract #2A, dated February 15, 1995 in the amount of $20,950.77 be paid.

five (5) Ayes — Carried

Received and filed notification of liquor license renewal from CAMC Inc. d/b/a/ Valley View Inn, 8326 Boston State Road.

Received and filed notification from Erie County Legislator Marshall of the Home Energy Assistance Program (HEAP) to be held at the Boston Town Hall February 28, 1995.

Received and filed notification from NYS Emergency Management Office of a Flood Preparedness Seminar on February 28, 1995.

Received and filed the 1994 Boston Planning Board Annual Report.

Received and filed clarification from NYS DOT regarding area speed limits in the Town of Boston.

Received and filed a request to complete a Water and Sewer Survey from NYS Associations of Towns.

Received and filed the new Final NYS Equalization Rate of 84.55.

Received and filed Erie County Sheriff's Office Monthly Activity Report for January 1995.

RESOLUTION 1995 - 8 UTILITY WORK AGREEMENT - HERMAN HILL ROAD

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to appoint David G. Unger to the Conservation Advisory Council, term 3/1/95 to 3/1/96.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter to accept the Tax Collector Final Report for the 1994 Town and County Taxes.

five (5) Ayes — Carried

TOWN OF BOSTON

TOWN OF BOSTON

RESOLUTION 1995-8

UTILITY WORK AGREEMENT - HERMAN HILL ROAD

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 15th day of February 1995 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 New York State Department of Transportation intends to relocate service crossings on Herman Hill Road in the Town of Boston.

NOW THEREFORE:

BE IT RESOLVED, the Boston Town Board does hereby approve and authorize Supervisor Kennedy to excute a Preliminary Utility Work Agreement by and between the Town of Boston and the New York State Department of Transportation relative to the following utility adjustments at no expense to the Town, in connection with Project Identification No. 5131-18 / Herman Hill Road, being done by the Department of Transportation.

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
FEBRUARY 15, 1995 — 7:30 P.M.

A motion was made by Councilman Davenport and seconded by Councilman Walter, on the recommendation of Recreation Director Clesse, to appoint Gerald Lindsey as Recreation/Sports Director, annual salary of $1,100 and Irene Odden as Summer Recreation Supervisor, annual salary of $2,500, both terms effective immediately and expire 12/31/95.

five (5) Ayes — Carried

SUPERVISOR REPORT

Supervisor Kennedy reported that the Boston Town Board met the Town of Colden in an effort to prompt the Colden Town Board to join the Town of Boston in the formation of a water district on the East Hill. The Erie County Water Authority would then be asked to participate in the construction of the water tank and pump station. It would have been beneficial to both the Town of Boston and the Town of Colden. Unfortunately, the Town of Colden is not interested in this project. The Town of Boston will have to form a smaller water district that can be afforded by the people on the East Hill. A proposal for a recommendation for a smaller district and a cost analysis will be presented to the Capital Improvements Committee on February 20, 1995, so we can proceed as soon as possible.

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to accept the Supervisor's 1994 Annual Report.

five (5) Ayes — Carried

TOWN CLERK REPORT

Town Clerk Shenk reported that 1995 Town and County tax bills went down and were mailed today. The Town Clerk's office will be open Saturdays, February 18th, February 25th, March 4th, and March 11th from 9 A.M. to 3 P.M. for the collection of taxes.

TOWN ATTORNEY REPORT

Town Attorney Reilly noted that the Town of Boston has been actively engaged in an attempt to obtain a parcel of property on the East Hill for the purpose of locating a water tank which would increase water pressure in the southern portion of town. On January 30, 1995 the property owner replied he was not willing to reach an agreement with the Town. The Eminent Domain procedure was begun and written notice of the Town's offer was sent to the property owner. A deadline for February 10, 1995 was set to either accept the proposal or be off the table. The deadline was extended to February 13, 1995 and on February 14, 1995 an agreement was reached for the purchase of the property. A written contract is expected within the next several days.

COUNCILMAN REPORT

Councilman Flowers was informed by Enforcement Officer Santonocito of an alarming number of chimney fires in the Town of Boston during the last few weeks. Councilman Flowers requested the North Boston Fire Company put a sign out and the Press write articles reminding people to clean their chimneys.

The Boston Emergency Squad new ambulance will be in service on February 17, 1995. The Emergency Squad has been directed to the NYS Comptroller for information on their Service Award Program.

The Chamber of Commerce Citizen of the Year Dinner will be May 6, 1995 at the Boston Fire Company. The Chamber of Commerce will advertize for names of citizens worthy of the award.

REGULAR BOARD MEETING — TOWN HALL
FEBRUARY 15, 1995 — 7:30 P.M.

COUNCILMAN REPORT (CONT.)

Councilman Flowers: The East Hill Water Review Committee met on the Tronolone application for a Building Permit on Chestnut Ridge Road. A survey will be done on February 18, 1995 and a written report will be ready for the next Town Board meeting.

Councilman Wohlhueter was informed by a representative from BFI that milk and juice cartons are now acceptable in recycle bins. This will be advertized in Town Pennysavers. A date will be set for the Town Board and Solid Waste Committee members to attend a meeting at the BFI Tonawanda Recycling Center. There will be a tire drop-off this spring.

Councilman Walter received communication from the DOT stating that existing traffic devices near Boston Valley School are within the guidelines established in the NYS Manual of Uniform Traffic Control Devices. The speed limit will not be reduced but flashing beacons can be installed and activated during school hours. The cost and installation will be researched.

A motion was made by Councilman Walter and seconded by Councilman Flowers authorizing Councilman Walter to interview Mr. John Politowski for the temporary position of Court Officer during a sick leave of Court Officer Paul O'Brien. Upon recommendation of Councilman Walter, Town Clerk Shenk will poll Town Board for appointment approval, pay rate will be the same.

five (5) Ayes — Carried

Councilman Davenport reported the Recreation Programs are doing well. Softball registration was held February 11, 1995 and will be held February 18th, 25th, 1995. March 4th and 18th, 1995 will be registration for both softball and baseball.

Senior Citizen Group Leader, Dolores Seufert, will contact the senior citizens when a Department of Senior Services Representative comes to Boston to speak about the Nutrition Program. On February 17, 1995 there is a Senior meeting, tour of the Buffalo News and dinner at the Hilton Hotel.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to grant Councilman Davenport permission to attend the Erie County Water Authority Seminar in Canandaigua New York, March 9, 1995, all appropriate expenses to be paid.

five (5) Ayes — Carried

Supervisor Kennedy noted that a letter was sent to a sister city in Poland based on information supplied by Councilman Davenport on the Sister City Program. A reply is expected.

Herb Klein reported that flyers are being delivered to Pennysaver boxes throughout town asking for a donation to the Christmas Lighting Fund. The goal is to raise $5,000. The decoration company is offering a "buy two, get one free" offer.
The Boston Chamber of Commerce has approved a donation of $500. Letters were sent to area businesses. February 28, 1995 is the last day to place an order for this sale. The Christmas Lighting Committee will meet February 20, 1995.

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to adjourn the meeting at 8:17 P.M..

David J. Shenk
DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
MARCH 1, 1995 — 7:30 P.M.

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

Absent: Councilman Don A. Wohlhueter.

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 adopt the minutes of the February 15, 1995 regular monthly meeting.

four (4) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Flowers that the General Fund and Special District Bills on Abstract #3, dated March 1, 1995 in the amount of $19,127.25 be paid.

four (4) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers that the Highway Bills on Abstract 3, dated March 1, 1995 in the amount of $22,541.28 be paid.

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 February 1995.

four (4) Ayes — Carried

Received and filed notification of a Public Hearing of a proposed amendment to the Erie County Sanitary Code on March 28, 1995.

Received and filed a request for photos of the Town of Boston for "A Day in the Life of Boston" from the Springville Journal.

Received and filed a copy of 1995 Certificate of Registration from NYS Division of Housing and Community Renewal for the Boston Hills Homes & Estates.

Referred to the Planning Board and the Zoning Board of Appeals an executed copy of the Zoning Referral Agreement from Erie County Department of Environment and Planning.

A motion was made by Councilman Flowers and seconded by Councilman Walter to approve the Correction to Abstract 2A, dated 2/15/95 as follows:

Voucher #112 - Coyne Textile Services
From: 128.26
To: 228.46

Total General Fund:
From: 28,432.10
To: 28,532.30

Total Abstract:
From: 73,221.42
To: 73,321.62

four (4) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
MARCH 1, 1995 — 7:30 P.M.

A motion was made by Councilman Walter and seconded by Councilman Davenport to appoint John Politowski as a Court Officer on a temporary basis, with the same rate of pay as the current appointment, effective 3/6/95.

four (4) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flower to grant Assessor Kleis permission to attend an Assessors Seminar on March 30, 1995, all appropriate expenses to be paid.

four (4) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Davenport to authorize Supervisor Kennedy to contract with Certified Public Accounts, Fox & Company for an Audit of Federal Monies received by the Town of Boston, fee not to exceed $1,400.

four (4) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Davenport to grant use of the Lions Shelter and the older tables and chairs from the Community Room at the discretion of the Maintenance Man, for the Town of Boston Girls Softball League for a picnic on July 22, 1995.

four (4) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to grant use of the Lions Shelter and public restrooms to the Boston Welcome Wagon on May 20, 1995 for a plant sale.

four (4) Ayes — Carried

Referred to Town Attorney Reilly a letter from Donald and Alice Kohl of 6734 Mill Street requesting information on any legal actions by the Town of Boston regarding 6710 Mill Street.

SUPERVISOR REPORT

A) Supervisor's Monthly Financial Report for February 1995 received and on file in the Town Clerk's Office.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to appropriate $2,500 from the Supervisor's salary to the Christmas Lighting Fund.

four (4) Ayes — Carried

TOWN CLERK REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to accept the Town Clerk's Vital Statistics Report for February 1995.

four (4) Ayes — Carried

Town Clerk Shenk noted that Town and County taxes are due March 15, 1995. The Town Clerk's office will be open evening hours Monday March 13th and Tuesday March 14th until 8:00 P.M. and Wednesday, March 15th until 7:00 P.M. due to the Town Board meeting.

REGULAR BOARD MEETING — TOWN HALL
MARCH 1, 1995 — 7:30 P.M.

HIGHWAY SUPERINTENDENT REPORT

Superintendent Ruchalski noted that the Emergency Squad new ambulance is now in service and the old 1980 ambulance would work well for the Highway Department as a utility truck as well as a pickup for the surplus food program.

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy to move the 1980 Chevrolet Ambulance to the Highway Department for use as a utility truck with no cost involved.

four (4) Ayes — Carried

TOWN ATTORNEY REPORT

Town Attorney Reilly reported that we have a written agreement for the purchase of the property for the tank site on lower Crestwood Circle.

A question has arisen as to the width of the right-a-way on Tanglewood Drive. The tax map shows it as 33 feet wide and a neighbor's survey and an old sub-division map shows it to be 24.75 feet wide. The Town needs a minimum width of approximately 50 feet. A survey has been ordered to determine the actual width of the road. The next step will attempt to obtain additional width to bring the right-a-way to standard.

The Tennessee Gas vs. the Town of Boston assessment lawsuit has been assigned to Judge Howe and scheduled for March 22, 1995.

Regarding Water Improvement District #1: NYS Audit Control has requested the Town withdraw an application made in 1991 for East Hill residents. The Town will be making a new application for a new district as regulations in the interim have changed, a new area will be served and cost figures will be revised.

Kostas Construction was the low bidder for the General Construction contract on the Community Room Expansion Project and withdrew their bid before the contract could be awarded. The Town Board opted to assert their rights under the bid bond. After discussions with the attorneys for the construction and bonding companies, the Town's position is that, it is due the penalty amount of $10,700 on the bid bond. A lawsuit was commenced and filed in the Erie County Clerk's office on February 17, 1995.

COUNCILMAN REPORT

Councilman Flowers noted that the Southtowns Hazmat Team thanks the Town of Boston for prompt payment of it's 1995 assessment.

After receiving a letter from TVGA Engineering and upon reviewing information collected by door to door polling, the East Hill Water Review Committee recommends the Code Enforcement Officer issue a building permit to Mr. John J. Tronolone for a single family residence at 7410 Chestnut Ridge Road.

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy to issue a building permit to Mr. John J. Tronolone for a single family residence at 7410 Chestnut Ridge Road.

four (4) Ayes — Carried

Councilman Flowers requested the Town Clerk write thank you letters to Mr. Sam Ware, Mr. Glen Orser, and Mr. Victor Antonelli of the East Hill Water Review Committee.

REGULAR BOARD MEETING
MARCH 1, 1995

TOWN HALL
7:30 P.M.

RESOLUTION 1995 -9 MAURICE EMERLING - 50TH YEAR IN THE TOWN OF BOSTON

Councilman Flowers congratulated Maurice and Pearl Emerling.

Supervisor Kennedy noted that he, Councilmen Davenport and Wohlhueter, Town Attorney Reilly and Town Clerk Shenk examined the recycling facilities of BFI. The Town of Boston was commended for their recycling efforts and was far ahead of many communities by recycling an average of ten pounds per household.
Councilman Davenport thanked our dedicated ski chaperons, Betty and Gary Vara, Sally Marks, Kathy Grech, Coleen Potter, Paul Rosiek, Amy Boswell and Julie Pavlovik.

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer monthly report for February 1995, 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 1995, received and on file in the Town Clerk's Office.

DOG CONTROL OFFICER REPORT

A) Dog control Officer monthly report for February 1995, received and file in the Town Clerk's Office.

A motion was made by Councilman Walter and seconded by Councilman Flower to adjourn the meeting at 8:24 P.M..

David J. Shenk

David J. Shenk, Town Clerk

TOWN OF BOSTON

TOWN OF BOSTON

RESOLUTION 1995-9

MAURICE EMERLING - 50TH YEAR IN TOWN OF BOSTON

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 1st day of March 1995 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 Town of Boston recognizes that Maurice Emerling has reached the half century mark in his outstanding service to the Boston Community. Mr. Emerling received his first Chevrolet dealership in 1944 and operated out of his father's Massey-Ferguson dealership on Trevett Road. In 1971 the dealership moved to it's current location at 9000 Boston State Road and has grown from one employee to fifty. Today, Mr. Emerling remains as president of the company and is a member of the Boston Chamber of Commerce Economic Development Committee.

NOW THEREFORE:

BE IT RESOLVED, the Boston Town Board does hereby honor Maurice Emerling for his 50th year as a viable and distinguished resident of the Town of Boston. We thank him for his many years of service to this community.

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

Supervisor Kennedy	Voting AYE
Councilman Wohlhueter	Voting ABSENT
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

TOWN OF BOSTON

PROCLAMATION

COMMUNITY BANKING WEEK - MARCH 20-26, 1995

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 states. 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 $24 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, 1995**, 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, 1995 as **COMMUNITY BANKING WEEK** in the Town of Boston.

Lucille C. Genzel

Lucille C. Genzel, Deputy Supervisor

REGULAR BOARD MEETING — TOWN HALL
MARCH 15, 1995 — 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 Town Attorney Michael E. Reilly.

Absent: Supervisor Richard L. Kennedy 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 adopt the minutes of the March 1, 1995 regular monthly meeting.

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 #3A, dated March 15, 1995 in the amount of $58,417.55 be paid.

four (4) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport that the Highway Bills on Abstract #3A, dated March 15, 1995 in the amount of $8,881.08 be paid.

four (4) Ayes — Carried

Received and filed the 1993 Maintenance Aid Certification for the Town of Boston from NYS Office of Real Property Services, COD 14.55%.

Deputy Supervisor Genzel and Councilman Flowers commended Assessor Kleis on his fine job of assessment which resulted in the Town of Boston eligibility for $6,914 in state aid.

Received and filed NYS Budget Proposals from Assemblyman Pordum.

Received and filed the Erie County Sheriff's Office Monthly Report for February 1995.

PROCLAMATION - COMMUNITY BANKING WEEK MARCH 20-26, 1995

Received and filed Manufactured Housing Association information from John P. Falkides, Boston Hills Homes and Estates.

Received and filed Eden Town Board Resolutions on the CHIPS Program and NYS Revenue Sharing.

Councilman Flowers commented that he is in support of both Resolutions of the Town of Eden.

A motion was made by Councilman Flowers and seconded by Councilman Walter to direct the Town Clerk to send a letter to the Town of Eden, Governor Pataki, Senator Volker and Assemblyman Pordum, stating that we support the Town of Eden Resolutions on the CHIPS Program and NYS Revenue Sharing.

four (4) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter to appoint the following members of the Boston Fire Company to serve as back up fire police as needed, term to expire 12/31/95:

Michael Norton — Debra Theil — Nelson Theil
Daniel Rychlik — James Dzierzanowski

four (4) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
MARCH 15, 1995 — 7:30 P.M.

A motion was made by Councilman Flowers and seconded by Councilman Davenport to postpone until 4/5/95 the appointment to the Zoning Board of Appeals, term to expire April 1, 2000.

four (4) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Flowers, on the recommendation of Parks Department Supervisor Pfarner, to appoint William Dzierzanowski, to the position of Parks Department Laborer, hourly rate of $5.75.

four (4) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to grant use of the Boston Lions shelter to the Patchin Fire Company on July 30, 1995 for a party and chicken barbecue. Alcoholic beverages 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 Boston Lions shelter and the baseball diamonds to the Boston Youth Baseball Association on August 12, 1995 for the annual baseball picnic and All Star Games.

four (4) Ayes — Carried

Referred the applications for soil removal of Martin & Mildred Logel of 7784 Boston State Road, Roy Emerling of 7957 Boston State Road, and Joseph Simmeth of 8010 Boston State Road to Code Enforcement Santonocito to schedule an inspection.

four (4) Ayes — Carried

TOWN CLERK REPORT

Town Clerk Shenk noted the 1995 Town and County tax collection went smoothly and gave a special thanks to Deputy Town Clerk Karen Ellis and Clerk Typist Wendy Kummer.

TOWN ATTORNEY REPORT

Town Attorney Reilly noted a letter was received from Donald & Alice Kohl regarding the Dzierzanowski property at 6710 Mill Street. In response to their request, a letter was sent on 3/10/95 indicating past and current legal actions the Town has taken. The Kohl letter will be taken as a complaint and the Code Enforcement Officer will be directed to make an inspection of 6710 Mill Street and submit a report to the Town Board.

On 3/2/95 a letter was received from Attorney Brian Attea regarding a baseball injury to Andrew Smith during the summer of 1994. Information was forwarded to the Town insurance carrier.

The Town of Boston received a letter from the State Comptroller regarding an application the Town made for approval on a water improvement district. This was originally filed on 12/18/91 and being out of date, new cost figures are needed for approval.

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport to withdraw the Town of Boston application to the State Comptroller for the proposed Water Improvement District #1 filed on 12/18/91, file #91-85, provided new application is given a priority commensurate with the initial application.

four (4) Ayes — Carried

REGULAR BOARD MEETING TOWN HALL
MARCH 15, 1995 7:30 P.M.

TOWN ATTORNEY REPORT (CONT.):

Town Attorney Reilly noted the Town of Boston will be making a new application for a new water improvement district in the same area of the East hill. This will hopefully be larger than the original application and every effort will be made to get a priority based on our willingness to withdraw the previous application.

Regarding the Kostas Bid Bond for the construction of the Community Room; pursuant to active negotiations with the Kostas attorney, the time for Kostas and the Bonding Company to answer our summons and complaint has been extended to March 31, 1995.

Town Attorney Reilly attended a meeting of the Municipal Law Committee on March 7, 1995. The issue of Group Homes and the Town of Boston experience where the Town Board rejected the proposed site and the neighbors approved the site was discussed. No other Town Attorney reported a positive community reaction to a Group Home. Town Attorney Reilly noted that this says something about the positive attitude of the people in Boston.

COUNCILMAN REPORT

Councilman Flowers attended a Board of Directors meeting for the Southtowns Hazmat Team. There will be drastic cuts in the budget for the Southtowns Hazmat Team. Full coverage has been guaranteed and assured but non operative items in the organization will be scaled back.

At the request of a Colden resident, Councilman Flowers and Councilman Walter attended the Colden Town Board Meeting on March 9, 1995 regarding the formation of a water district with the Towns of Colden and Boston. The Colden Town Board entered into an agreement with an engineering company to update their study and we are awaiting this report.

Councilman Flowers attended the Chamber of Commerce Board of Directors Meeting for the Citizen of the Year Award. Nominations are now being accepted. The Citizen of the Year will be honored at a dinner on May 6, 1995 at the Boston Fire Company.

Councilman Walter noted he was pleased with the outcome of the Colden Town Board meeting of March 9, 1995 on the issue of the formation of a water district with the Towns of Colden and Boston. The Town of Boston will benefit from this joint effort.

Councilman Walter will check on the issue of street lights in the Hillcroft, Colonial Drive, and Back Creek area.

There has been a request for a speed reduction on Zenner Road from 55 miles per hour to 35 miles per hour. Zenner Road is extremely hazardous and a speed reduction is necessary until it is repaired.

A motion was made by Councilman Walter and seconded by Councilman Wohlhueter to grant permission to Councilman Walter to direct the Town Clerk to send a letter to the NYS DOT requesting a reduction in the speed limit on Zenner Road.

four (4) Ayes Carried

A motion was made by Councilman Davenport and seconded by Councilman Wohlhueter to grant Recreation Director Clesse permission to attend a NYS Recreation conference in Long Island from 4/23 to 4/26/95 at a cost of $125.00 for the conference.

four (4) Ayes Carried

REGULAR BOARD MEETING
MARCH 15, 1995

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.):

Councilman Davenport attended the Erie County Water Authority Seminar in Canandaigua on March 9, 1995. Water disease has increased in the past ten years. The Safe Water Drinking Act began in 1974 and has been amended since 1988 and a present act is attempting to bring it up to date. Civil and criminal penalties exist for Town Officials who do not adhere to safety measures regarding water.

TOWN ENGINEER REPORT

A) Town Engineer's report for February 1995 received and on file in the Town Clerk's Office

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport to adjourn the meeting at 8:11 P.M..

David J. Shenk
DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
APRIL 5, 1995 — 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 Councilman Flowers and seconded by Councilman Wohlhueter to adopt the minutes of the March 15, 1995 regular monthly meeting.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter that the General Fund and Special District Bills on Abstract #4, dated April 5, 1995 in the amount of $47,218.37 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy that the Highway Bills on Abstract 4, dated April 5, 1995 in the amount of $8,544.61 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 March 1995.

five (5) Ayes — Carried

Referred to the Conservation Advisory Council a request for participation on "Recycling and Earth Day" from Erie County Environmental Management Council.

Councilman Wohlhueter noted there will be a tire drop-off on April 29, 1995 from 9:00 A.M. to 2:00 P.M. behind the Town Hall. There is a limit of two automobile tires per person and information flyers will be distributed.

Received and filed Town of Wales Resolutions: Full Restoration of Consolidated Highway Improvement Program (CHIPS) and Revenue Sharing for Local Government.

Received and filed notification from National Fuel of a Pipeline Testing Program.

Received and filed notification from Erie County Water Authority of the Town of Boston cost for replacement of the Back Creek/Hillcroft water main.

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter to authorize Supervisor Kennedy to pay the bill of $6,415.10 or a negotiated balance due to the Erie County Water Authority for a waterline replacement at Back Creek and Hillcroft Roads.

five (5) Ayes — Carried

Tabled for review, a request from Boston Hills Homes and Estates for revision to the Town of Boston Mobile Home Court Law.

Received and filed notification from Adelphia Cable of a rate adjustment.

Councilman Wohlhueter will invite Mr. Palmisano, Adelphia Cable General Manager of Administration, to the Agenda Review meeting on May 1, 1995 to discuss and explain the rate adjustment.

REGULAR BOARD MEETING — TOWN HALL
APRIL 5, 1995 — 7:30 P.M.

A motion was made by Councilman Walter and seconded by Councilman Flowers to approve the correction of Abstract #3A, March 15, 1995 as follows:

Voucher #196 - Voting Machine Service Ctr
From: 208.56 To: 208.26

Voucher #202 - NYS Elec & Gas Corp
From: 630.43 To: 680.43

Total General Fund: From 16,709.45 To 16,759.15
Total Abstract: From 58,417.55 To 58,467.25

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Walter to grant permission to the Buffalo and Erie County Bicycling Club and the United States Cycling Federation to hold the "Ted Smith Memorial Bicycling Race" in Boston on July 8, 1995. The clubs are responsible for contacting all appropriate emergency services.

five (5) Ayes — Carried

Councilman Flowers will contact Larry Reade, Race Organizer, and confirm Town approval.

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport to grant the AMVETS-Boston Post #219, $400.00 and the VFW Post 2556, $250.00, to offset expenses for the Memorial Day celebrations, Monday, May 29, 1995.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to appoint Reed Garver to the Zoning Board of Appeals, term to expire 4/1/00

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Walter, on the recommendation of Lee Pfarner, Parks Department, to appoint David Wells to the position of Parks Department Seasonal Laborer at a rate of $5.25 per hr., term mid-April through September.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Supervisor Kennedy, on the recommendation of the Inspection Committee, to grant a Soil Removal Permit to Mr.& Mrs. Logel, 7784 Boston State Road, Joseph Simmeth, 8010 Boston State Road and Roy L. Emerling, 7957 Boston State Road. The Emerling Permit is contingent upon proper preventive measures to be taken to stop soil erosion.

five (5) Ayes — Carried

Supervisor Kennedy requested Code Enforcement Officer Santonocito follow up on the Emerling permit to insure the preventive measures are taken to stop soil erosion.

A motion was made by Councilman Flowers and seconded by Councilman Davenport, on the recommendation of Supervisor Kennedy, to authorize Supervisor Kennedy to sign a contract for a purchase from BAR-CHEL, of a 1995 John Deere Mower 670 4-Wheel Drive at a cost of $250.00 and a trade-in of a 1993 670 4-Wheel Drive Mower.

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
APRIL 5, 1995 — 7:30 P.M.

The following Bus Transportation Bids were received and opened on March 27, 1995 at 1:00 P.M.:

	Route 1	Route 2	Ski Bus
Laidlaw	$116.95	$116.95	$122.50
Niagara Scenic	$125.00	$125.00	$140.00

A motion was made by Councilman Davenport and seconded by Councilman Walter, on the recommendation of Recreation Director Clesse, to award the Bus Transportation Contract to Laidlaw Transit, Inc. for $116.95 for Routes 1 and 2 and $122.50 for the ski program.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to grant a Public Improvement Permit to Michael Byrne, John's Terrace, at his expense and contingent upon a final inspection by the Town Engineer and the Sewer District.

five (5) Ayes — Carried

Tabled for review, a request from the Planning Board, for a change in the Zoning Ordinances to restrict commercial zoning, C-1 and C-2, to commercial use only, removing any reference to permitted uses in residential zones and Residential R-1 restricted to single family homes, removing all other permitted uses.

Town Attorney Reilly noted it would be appropriate for the Board to refrain from taking any action before studying this proposal and obtaining more input from the Planning Board.

Councilman Wohlhueter will invite the Planning Board to an Agenda Review to discuss the request to change the Zoning Ordinances.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport, on the recommendation of the Planning Board, to approve the Site Plan Review of Larry Ovitt, Boston Valley Collision, 5805 Herman Hill Road.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to grant permission to St. John the Baptist Church for a banner advertising a lawn fete across Route 391, on August 1 thru August 28, 1995, contingent on approval from the Erie County Highway Department.

five (5) Ayes — Carried

Supervisor Kennedy will present the banner request from St. John the Baptist Church to the Erie County Highway Department and notify the Church of any procedures involved for a permit.

Tabled until further notice from Code Enforcement Officer Santonocito, a request for an extension to Building Permit #B-94-6, from Lester Wolecki, 6762 Liebler Road.

Mill Street Water Line Extension at the request of Marilyn A. Will, 6630 Mill Street: Town Attorney Reilly noted the water main in Water District No.2 will be extended to serve one additional parcel of property which will become annexed into Water District No.2. A map, plan and report have been prepared by TVGA Engineering and is on file in the Town Clerk's office and for public inspection. Adoption of a Resolution to set the Public Hearing on the extension of the Water District is required. The adoption of a Resolution to approve the extension is subject to a Permissive Referendum.

REGULAR BOARD MEETING — TOWN HALL
APRIL 5, 1995 — 7:30 P.M.

RESOLUTION 1995-10 IN THE MATTER OF THE ESTABLISHMENT OF THE MILL STREET EXTENSION OF WATER DISTRICT NO.2 IN THE TOWN OF BOSTON, ERIE COUNTY, NEW YORK

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter that the Town Board designate itself as the lead agency with respect to the Map, Plan and Report which has been filed for the Mill Street Extension for Water District No.2.

five (5) Ayes — Carried

RESOLUTION 1995-11 NEGATIVE DECLARATION FOR THE MILL STREET *EXTENSION OF WATER DISTRICT NO.2 SEQR CLASSIFICATION - "UNLISTED"*

SUPERVISOR REPORT

A) Supervisor's Monthly Financial Report for March 1995 received and on file in the Town Clerk's Office.

PROCLAMATION - APRIL 17TH - 21ST, 1995 SAFETY WEEK

TOWN CLERK REPORT

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter to accept the Registrar of Vital Statistics Monthly Report for March 1995.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to accept the Tax Collector's Monthly Report for March 1995.

five (5) Ayes — Carried

Town Clerk Shenk read a letter from a Town resident thanking him for personal attention in rectifying a mistake in the payment of his taxes and noting that it is great living in a small town where people care.

A motion was by made by Councilman Walter and seconded by Supervisor Kennedy to appoint Vincent Cimato as a Patchin Fire Policeman, term to expire 12/31/95.

five (5) Ayes — Carried

HIGHWAY SUPERINTENDENT

Highway Superintendent Ruchalski noted the gasoline tank and pump are installed and operative and are being utilized by the Highway Department, State Police and Rescue Squad. The old tank has been removed from the front of the Rescue Squad Building and the old tank in front of the police barracks will be removed in May. Blacktop needs to be done in front of the Rescue Squad but is done in front of the Highway Building.

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter to authorize the Highway Department to pick-up brush.

five (5) Ayes — Carried

Highway Superintendent Ruchalski commented that brush pick-up has been extended to include pick-ups the first and third Mondays in April, May, June, August, September and October.

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NEW YORK

R E S O L U T I O N

NUMBER 1995 - 10

IN THE MATTER OF THE ESTABLISHMENT
OF THE
MILL STREET EXTENSION
OF WATER DISTRICT No. 2
IN THE
TOWN OF BOSTON, ERIE COUNTY, NEW YORK

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 5th day of April, 1995 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, a Map, Plan and Report has been prepared by TVGA Engineering for the extension of Water District No.2 in the area of Backcreek Road and Mill Street in the Town of Boston, to be bounded and described as herein set forth and identified as Exhibit "A" which is annexed hereto and made a part hereof, and

WHEREAS, said improvements consist of the installation of approximately eight hundred (800) linear feet of eight (8) inch diameter pipe together with the necessary valves, hydrants, and other appurtenances for service to all existing homes in the proposed extension, and

WHEREAS, the maximum cost of the installation of said improvements is $43,000.00, and

WHEREAS, the property owner residing within the extension of the District, Marilyn A. Will, has agreed to be responsible for all costs associated with the installation of the new water main and related appurtenances as set forth in an Agreement executed by Marilyn A. Will on January 24, 1995, which Agreement has been filed with the Town Board of the Town of Boston. Water District No. 2

TOWN OF BOSTON

will be responsible for all costs associated with the preparation of the engineering work, inspection and preparation of bid specifications for the new water main and related appurtenances, and

WHEREAS, the Map, Plan and Report for the extension are on file in the Boston Town Clerk's Office and are available for public inspection, it is hereby

ORDERED, that a Public Hearing be held at a meeting of the Town Board in the said Town of Boston in the Town Hall thereof, 8500 Boston State Road, Boston, New York on the 3rd day of May, 1995, at 8:00 pm o'clock in the evening of said date, to consider said Water District Extension and to hear all persons interested in the subject matter thereof, concerning the same and for such other action on the part of said Town Board with relation to said Water District Extension as may be required by law or proper, and it is further

ORDERED, that the Town Clerk publish a copy of this Resolution in the official newspaper of the Town of Boston as required by law.

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

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

AYES: Five (5) **NOES: Zero (0)** **ABSENT: Zero (0)**

David J. Shenk

DAVID J. SHENK - TOWN CLERK

TOWN OF BOSTON

EXHIBIT "A"

Being all that tract or parcel of land situate in the Town of Boston, County of Erie, State of New York and being part of Lot No. 10, Township 8, Range 7 of the Holland Land Company's Survey and further bounded and described as follows:

Beginning at a point on the centerline of Pfarner Road (66' wide) at its intersection with a line drawn parallel with and one hundred and no tenths feet (100.0') easterly as measured at 90° to the west line of lands conveyed to John E. Owen by deed recorded in the Erie County Clerk's Office in Liber 2173 of Deeds, Page 264; thence southerly parallel with and one hundred and no tenths feet (100.0') easterly as measured at 90° to said west line of lands conveyed by last mentioned deed, distance of eight hundred twenty-nine and sixteen hundredths feet (829.16') to a point; thence South 62°56'59" East, a distance of three and nine hundredths feet (3.09') to a point; thence South 62°52'43" East a distance of one hundred eighty-one and sixteen hundredths feet (181.16') to a point; thence northeasterly along the center line of a gully the following six (6) courses and distances: thence (1) northeasterly two hundred sixteen feet (216') to a point; thence (2) northeasterly at an interior angle of 168°24', ninety-six and fifty hundredths feet (96.50') to a point; thence (3) northeasterly at an interior angle of 162°35', one hundred eleven and fifty hundredths feet (111.50') to a point; thence (4) northeasterly at an interior angle of 164°10', one hundred sixty-three feet (163') to a point; thence (5) northeasterly at an interior angle of 153°38', one hundred twenty-one feet (121') to a point; thence (6) northeasterly at an exterior angle of 161°05', two hundred sixty-five and thirty-four hundredths feet (265.34') to a point; thence north 71° west, a distance of one hundred three and seventy-six hundredths feet (103.76') to a point; thence north 17-1/2° west, a distance of three hundred thirty-seven and ninety-two hundredths feet (337.92') to a point; thence north 3° west, a distance of ninety-four and thirty-eight hundredths feet (94.38') to a point; thence north, a distance of ten and fifty-six hundredths feet (10.56') to a point in the centerline of Pfarner Road, said point being at the northeast corner of said lands conveyed to John E. Owen; thence southwesterly along the centerline of Pfarner Road, a distance of four hundred ninety and thirteen hundredths feet (490.13') to a point; thence southwesterly along the centerline of Pfarner Road, a distance of one hundred seventy-five and thirteen hundredths feet (175.13') to the point of beginning and containing 12.3 acres more or less.

Excepting therefrom that portion of lands acquired by the New York State Department of Transportation for Rice Hill Road, Interchange Access Road as shown on Map No. 19, Parcel 23.

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R E S O L U T I O N

NUMBER 1995 - 11

NEGATIVE DECLARATION
FOR THE
MILL STREET EXTENSION
OF
WATER DISTRICT NO. 2

SEQR CLASSIFICATION - "UNLISTED"

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 5th day of April, 1995 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 Boston Town Board, as the lead agency, has duly considered whether the Mill Street Extension of Water District No. 2, specifically, the installation of eight hundred (800) feet of eight (8) inch water main within existing road right of ways, will have an adverse environmental impact, and

WHEREAS, this analysis has been conducted in conjunction with the information enumerated in Part I of the EAF as well as the potential environmental effects listed in Part II of the EAF and said EAF being hereby incorporated by reference into this determination of significance and after due deliberations,

NOW THEREFORE:

TOWN OF BOSTON

BE IT RESOLVED, that the Boston Town Board, as lead agency, hereby finds that the Mill Street Extension of Water District No. 2 will not have any significant adverse environmental impacts.

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 (5) **NOES: Zero (0)** **ABSENT: Zero (0)**

David J. Shenk

DAVID J. SHENK - TOWN CLERK

TOWN OF BOSTON

PROCLAMATION

SAFETY WEEK - APRIL 17-21, 1995

TO THE PEOPLE OF THE TOWN OF BOSTON

WHEREAS, in 1935, a group of safety minded individuals in Western New York joined together to discuss the importance of safety education to both workers and management; and

WHEREAS, after several meetings, these safety crusaders organized the Western New York Safety Conference; and

WHEREAS, It was their aim to supply information, techniques and basic administrative assistance to front line supervision through an annual conference and exhibit in an effort to reduce the number of injuries in plants; and

WHEREAS, the safety group conducted their first conference and exhibit in the spring of 1936 and are continuing to hold conferences and exhibits annually; and

WHEREAS, the Western New York Safety Conference, Inc. is an independent, non-profit organization dedicated to the conservation of human lives and the safety and health of the individual through the prevention of accidents and occupation diseases; and

WHEREAS, the Annual Safety Conference and Trades Exhibit will be held at the Buffalo Hilton on April 19 & 20, 1995.

NOW, THEREFORE, I, RICHARD L. KENNEDY, SUPERVISOR of the Town of Boston, do hereby proclaim the period of April 17 - 21, 1995 as

"SAFETY WEEK IN BOSTON"

in the County of Erie and urge all citizens to support the conference's many safety objectives during these special days and throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the Town of Boston to be affixed at the Town Hall this fifth day of April in the year of our Lord one thousand nine hundred and ninety-five.

Richard L. Kennedy
Supervisor - Town of Boston

REGULAR BOARD MEETING TOWN HALL
APRIL 5, 1995 7:30 P.M.

TOWN ATTORNEY REPORT

Town Attorney Reilly noted the Town currently has an agreement for payment in lieu of taxes with People, Inc.. This agreement will expire this year and is being renegotiated for a new five year term with the same terms as the current agreement.

Re: Tennessee Gas vs. the Town of Boston: A statement was received as to how they compute their assessment and after review by the assessor an appropriate response will be made.

Re: Water Improvement No.1: A letter was sent withdrawing an application we made in 1991. NYS Audit and Control returned the application on March 30, 1995, indicating it had been withdrawn.

Re: TVGA Engineering has determined the width of the Tanglewood Drive right-a-way to be 24.75 feet. As fifty feet is the minimum for a modern road, an attempt will be made to obtain the additional width from the property owners.

There is a tentative agreement in the lawsuit initiated against Kostas Construction and the Bond Company regarding the bid bond amount.

COUNCILMAN REPORT

Councilman Flowers noted the 34th Annual Easter Egg Hunt is April 15, 1995 at 1:00 P.M. for children 12 years and younger.

Councilman Walter reported that there have been several complaints about Boston Cross Road. Completion is expected in early July.

Speed limits should all be posted by the end of April.

Councilman Davenport noted the Friday Night Recreation Program is going well.

At the request of a resident a sign was erected on Eckhardt Road showing a right hand turn into East Lane.

A motion was made by Councilman Flowers and seconded by Councilman Walter to grant permission to Councilman Davenport to attend a 2nd Annual Southern Tier West Local Government Conference Workshop in Houghton, New York, May 18, 1995 at a cost of $20.00 plus mileage.

five (5) Ayes Carried

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer monthly report for March 1995, received and on file in the Town Clerk's Office.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to approve a Temporary Certificate of Occupancy for George's Hotdog Stand, 5808 Herman Hill Road, Building Permit B-94-100.

five (5) Ayes Carried

DEPUTY CODE ENFORCEMENT OFFICER REPORT

A) Deputy Code Enforcement Officer's monthly report for March 1995, received and on file in the Town Clerk's Office.

REGULAR BOARD MEETING
APRIL 5, 1995

TOWN HALL
7:30 P.M.

DOG CONTROL OFFICER REPORT

A) Dog control Officer monthly report for March 1995, received and file in the Town Clerk's Office.

Councilman Flowers noted the Dog Warden requested a definition of a dog kennel so legislation could be generated for a kennel license. There is a loose agreement that five adult dogs require a kennel license. NYS Agricultural and Markets does not have a kennel definition.

Supervisor Kennedy previously requested Town Clerk Shenk request legislation from General Codes after many inquiries as to how many dogs are allowable in one home. Information was received from Pennsylvania, Springville and Hamburg. This information is being reviewed and will be reported to the Board.

Town Attorney Reilly responded that a review of the State Law states there is no limitation on the number of dogs one may have. It is a matter left to local law. After review of the Town Code no limitation was found.

TOWN ENGINEER REPORT

A) Town Engineer's report for March 1995 received and on file in the Town Clerk's Office.

PLANNING BOARD REPORT

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter to adjourn the meeting at 9:03 P.M..

David J. Shenk

David J. Shenk, Town Clerk

REGULAR BOARD MEETING — TOWN HALL
APRIL 19, 1995 — 7:30 P.M.

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

Absent : Councilman Don A. Wohlhueter and Highway Superintendent Eugene E. Ruchalski.

Reverend Richard Phillips opened the meeting with a prayer.

A motion was made Councilman Flowers and seconded by Councilman Walter to adopt the minutes of the April 5, 1995 regular monthly meeting.

four (4) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport that the General Fund and Special District Bills on Abstract #4A, dated April 19, 1995 in the amount of $48,824.90 be paid.

four (4) Ayes — Carried

A motion was made by Councilman Flowers seconded by Supervisor Kennedy that the Highway Bills on Abstract 4A, dated April 19, 1995 in the amount of $12,817.62 be paid.

four (4) Ayes — Carried

Referred to Councilman Flowers a request for a Disaster Plan Update from Erie County Department of Emergency Services.

Referred to Councilman Walter a letter from Scott Burroughs, 6887 Pin Oak Dr., regarding a reduction in the speed limit on Back Creek Road.

Received and filed notification from Erie County Department of Public Works of the closure of a portion of Boston-Colden Road from April 17, 1995 to April 21, 1995.

Councilman Flowers noted the Boston Emergency Squad will respond to emergency calls in the Colden Area affected by the road closure from April 17 to April 21, 1995.

Received and filed Town of Evans Resolutions: Full Restoration of Consolidated Highway Improvement Program (CHIPS) and Revenue Sharing for Local Government.

Received and filed a letter from Schmidt Heating & Cooling, Mel Schmidt commending the Boston Highway Department.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to direct Town Clerk Shenk to send written confirmation to NY Public Interest Research Group Fund, Inc. (NYPIRG) granting permission to conduct a door-to-door outreach in the Boston Community between May 2, and August 31, 1995 on the condition that names of employees are provided and identification tags are worn by solicitors.

four (4) Ayes — Carried

Received and filed Cable TV Franchise Fee payment in the amount of $17,930.04 for 7/1/94-12/31/94, from Adelphia Cable.

Received and filed Erie County Sheriff's Monthly Activity Report for March 1995.

Received and filed notification from Erie County Personnel Dept. of a Public Hearing on May 2, 1995 at 3:00 P.M. for Civil Service Amendments.

REGULAR BOARD MEETING — TOWN HALL
APRIL 19, 1995 — 7:30 P.M.

Lisa Rood, Conservation Council Member, extended an open invitation to an Earth Day celebration on April 29, 1995 at 9:00 A.M. behind the Highway Garage. There will be 300 trees to plant from the National Tree Trust Grant and shovels are requested.

A motion was made by Councilman Flowers and seconded by Councilman Walter to approve the correction of Abstract #4, April 5, 1995 as follows:

Voucher #273 & 272 From A7140.4 to A7130.4

Voucher #270 - Delete Duplication of Voucher # 266
Voucher #235 - Sentry Business Products
A1410.4 From 18.89 to 20.92
A8020.4 From 8.49 to 10.49

Total General Fund: From 16,589.84 to 16,148.84
Total Abstract : From 47,218.84 to 46,776.83

four (4) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport to approve the Transfer of Appropriations as follows:

Ambulance District

From:	4540.2	Ambulance Equip	8,000.00	
	4540.4	Ambulance Cont	8,250.00	
	9730.6	BAN, Principal	15,000.00	
	9730.7	BAN, Interest	3,500.00	34,750.00
To:	9950.9	Transfer to Cap Proj Fund		34,750.00

four (4) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Flowers, on the recommendation of Recreation Director Clesse, to re-appoint the following to the Summer Recreation Program effective 4/20/95 through 8/31/95:

NAME	JOB TITLE	SALARY ($/hr)
James Cole	Recreation Attendant	4.80
Rebecca M. Dubisz	Recreation Attendant	4.65
Christopher Emerling	Recreation Attendant	4.50
David M. Jones	Recreation Attendant	4.65
Brett Kaczmarski	Recreation Attendant	4.50
Jessica Kobiolka	Recreation Attendant	4.50
Eric Krajewski	Recreation Attendant	4.65
Margaret C. Mead	Assistant Site Supervisor	6.35
Michael Measer	Recreation Attendant	4.50
Doris Pilato	Arts & Crafts Supervisor	5.85
Kathleen Rooney	Arts & Crafts Supervisor	5.85
Jacquelyn M. Russell	Site Supervisor	7.10
Gregory Shanks	Rec/Att./Lifeguard	4.50/6.00
Karl Siebert	Recreation Attendant	4.50
Eric S. Steward	Rec/Att./Lifeguard	4.80/6.00
Jill Tibbetts	Recreation Attendant	4.50
Audrey Torno	Recreation Attendant	4.50
Melissa B. Wilson	Arts & Crafts Supervisor	5.85

four (4) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Walter to grant the Boston Lions Club use of the Lions Shelter and surrounding parking areas for the annual Octoberfest 7/24/95 through 7/29/95. Alcoholic beverages will be served and a Certificate of Insurance will be supplied.

four (4) Ayes — Carried

REGULAR BOARD MEETING TOWN HALL
APRIL 19, 1995 7:30 P.M.

A motion was made by Councilman Flowers and seconded by Councilman Walter to grant the Boston Emergency Squad use of the Lions Shelter on 5/13/95 for a annual picnic. No alcoholic beverages will be served.

four (4) Ayes Carried

Received and filed a letter from TVGA Engineering notifying of damage of the pavement on John's Terrace during the Michael Byrne Public Improvement Permit.

Supervisor Kennedy directed Town Clerk Shenk to request Highway Superintendent Ruchalski inspect the pavement on Johns Terrace for damage that may have occurred from the Byrne installation of a sanitary sewer and make a report to the Town Board.

Received and filed a letter from Code Enforcement Officer Santonocito regarding the request of Lester J. Wolecki , 6762 Liebler Road, for an extension of Building Permit B-94-6, tabled from the Regular Board Meeting of 4/5/95. The request was withdrawn and a new Building Permit will be issued.

SUPERVISOR REPORT

Supervisor Kennedy read a letter which will be sent to the West Hill Homeowners. A postcard will be enclosed allowing homeowners to vote for an extension of public water to areas of the west hill not currently served. Supervisor Kennedy noted that the cost of water is not anticipated to be any less in the future and based on past experience costs have doubled every ten years.

Supervisor Kennedy noted Town Board Members attended a meeting with the Erie County Water Authority on April 19, 1995 to discuss the proposed East Hill water extension and possible aid to both Boston and Colden Towns.

Councilman Flowers noted the Erie County Water Authority explained the charges on a bill which was questioned by the Town Board for the repair of a water line. The bill will be paid.

Supervisor Kennedy explained in depth the history and the current water situation in Boston.

TOWN CLERK REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to grant Town Clerk Shenk permission to attend the NYS Town Clerks Association Conference in Albany 4/23 through 4/26 1995, and payment of the registration fee and milage.

four (4) Ayes Carried

Town Clerk Shenk noted that he recently attended an Emergency Squad Meeting and a Baseball Meeting and explained the Town of Boston's insurance program as it applies to their organization. Both groups were pleased with the effort of the Town to meet their insurance needs.

TOWN ATTORNEY REPORT

Town Attorney Reilly noted there is a tentative settlement in the lawsuit between the Town of Boston, Fidelity and the Kostas Construction Company. To date a settlement agreement executed by the other parties has not been received. A letter has been sent requesting the settlement agreement and first payment.

REGULAR BOARD MEETING
APRIL 19, 1995

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT

Councilman Flowers commented that he found the Erie County Water Authority meeting very informative.

Councilman Flowers attended the Chamber of Commerce Meeting for the selection of the Citizen of the Year Award. The presentation of the award will be held on May 6, 1995 at the Boston Fire Company and the name of the recipient will be kept secret until then.

The Chairman of the "Ted Smith Memorial Bicycling Race" to be held in Boston on 7/8/95 has requested the assistance of the Fire Police from the local fire companies. Members of the Boston Emergency Squad and ambulance will be available for that day.

The tire drop off will be held on April 29, 1995 between the Lions Shelter and the Highway Garage.

Councilman Davenport thanked everyone who helped with the Easter Egg Hunt and noted the children all had a wonderful time.

The Recreation Program staff is welcomed back for another year with the assurance that they will do as good a job as last year.

Information was received on our " Sister City" and a full report will be made at the next Town Board Meeting.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to adjourn the meeting at 8:37 P.M. in memory of those who have lost their lives today during the explosion in Oklahoma City.

David J. Shenk

David J. Shenk, Town Clerk

REGULAR BOARD MEETING — TOWN HALL
MAY 3, 1995 — 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 Councilman Flowers and seconded by Councilman Davenport to adopt the minutes of the April 19, 1995 regular monthly meeting.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Walter that the General Fund and Special District Bills on Abstract #5, dated May 3, 1995 in the amount of $18,616.99 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Flowers that the Highway Bills on Abstract 5, dated May 3, 1995 in the amount of $12,215.56 be paid.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to accept the Town Clerk's monthly report for April 1995.

five (5) Ayes — Carried

Received and filed Town of Concord Resolutions in support of the CHIPS Program and Revenue Sharing Restoration.

Received and filed an acknowledgement of receipt from Governor Pataki of the Resolutions adopted by the Boston Town Board on March 8, 1995 regarding full restoration of the Chips Program and Revenue Sharing for Local Government.

Received and filed door to door canvass plans for the Citizens Campaign for the Environment.

Councilman Flowers directed Town Clerk Shenk to inform the Director of the Citizens Campaign for the Environment that permission to canvass Boston will be reserved until the Boston Town Board is supplied with dates for the Boston canvassing.

Received and filed a letter of appreciation from Debra Zanolli, Project Coordinator of the Rural Transit Service, to the Town Board Members, their employees and highway personnel who take care of the vans.

Received and filed a letter of complaint from Richard Shaw regarding a Boston Town Court license suspension and a reply from Judge Maxwell.

Received and filed notification from the NYS DEC of a denial of funding for the Salt Storage Facility Project.

Received and filed the 1995 Tentative Special Franchise Assessments from NYS Board of Real Property Services.

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter to approve the correction of Abstract #4A, April 19, 1995 as follows:

Voucher #311 - Concord Agway
From: 49.47 To: 49.97

REGULAR BOARD MEETING
MAY 3, 1995

TOWN HALL
7:30 P.M.

Voucher #309 - NYNEX
From: 42.61 To: 85.89

Total General Fund:
From 8,910.17 To 8,953.95
Total Abstract:
From 48,824.90 To 48,868.68

five (5) Ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to grant St. John the Baptist Church permission to use the South Boston Park for parking for a lawn fete on August 25, 1995 through August 27, 1995. The area approved for parking will be defined and posted by Highway Superintendent Ruchalski.

five (5) Ayes Carried

A motion was made by Councilman Flowers and seconded by Councilman Davenport to grant the Emergency Services permission to use the Town Park and Lions Shelter for a First Annual Demonstration Day on 6/4/95 from 11:00 A.M. to 5:00 P.M. A $50.00 deposit was received.

five (5) Ayes Carried

At 8:07 P.M. a Public Hearing was held for the purpose of hearing public comments on the extension of Town of Boston Water District #2 on Mill Street. Supervisor Kennedy read the legal notice and a Erie County Department of Health report.

Supervisor Kennedy convened the Public Hearing.

Supervisor Kennedy noted Marilyn A. Will, the property owner residing within the extension of the District, has agreed to be responsible for all costs associated with the installation of the new water main and related appurtenances. Water District #2 will be responsible for all costs associated with the preparation of the engineering work, inspection and preparation of bid specifications for the new water main and related appurtenances.

There were no comments.

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

five (5) Ayes Carried

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 3, 1995 at 8:00 P.M., Eastern Daylight Savings Time, at the time and place above noted, all interested persons will be heard for or against said extension of Town of Boston Water District #2 on Mill Street.

TOWN OF BOSTON
NEW YORK
RESOLUTION
NUMBER 1995 - 10
IN THE MATTER OF THE ESTABLISHMENT OF THE MILL STREET EXTENSION OF WATER DISTRICT No. 2 IN THE TOWN OF BOSTON, ERIE COUNTY, NEW YORK

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 5th day of April, 1995 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, a Map, Plan and Report has been prepared by TVGA Engineering for the extension of Water District No. 2 in the area of Backcreek Road and Mill Street in the Town of Boston, to be bounded and described as herein set forth and identified as Exhibit "A" which is annexed hereto and made a part hereof, and

WHEREAS, said improvements consist of the installation of approximately eight hundred (800) linear feet of eight (8) inch diameter pipe together with the necessary valves, hydrants, and other appurtenances for service to all existing homes in the proposed extension, and

WHEREAS, the maximum cost of the installation of said improvements is $43,000.00, and

WHEREAS, the property owner residing within the extension of the District, Marilyn A. Will, has agreed to be responsible for all costs associated with the installation of the new water main and related appurtenances as set forth in an Agreement executed by Marilyn A. Will on January 24, 1995, which Agreement has been filed with the Town Board of the Town of Boston. Water District No. 2 will be responsible for all costs associated with the preparation of the engineering work, inspection and preparation of bid specifications for the new water main and related appurtenances, and

WHEREAS, the Map, Plan and Report for the extension are on file in the Boston Town Clerk's Office and are available for public inspection, it is hereby

ORDERED, that a Public Hearing be held at a meeting of the Town Board in the said Town of Boston in the Town Hall thereof, 8500 Boston State Road, Boston, New York on the 3rd day of May, 1995, at 8:00 p.m. o'clock in the evening of said date, to consider said Water District Extension and to hear all persons interested in the subject matter thereof, concerning the same and for such other action on the part of said Town Board with relation to said Water District Extension as may be required by law or proper, and it is further

ORDERED, that the Town Clerk publish a copy of this Resolution in the official newspaper of the Town of Boston as required by law.

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

Supervisor Kennedy aye
Councilman Wohlhueter aye
Councilman Flowers aye
Councilman Davenport aye
Councilman Walter aye
AYES: FIVE (5)
NOES: Zero (0)
ABSENT: Zero (0)

DAVID J. SHENK -
TOWN CLERK

EXHIBIT "A"

Being all that tract or parcel of land situate in the Town of Boston, County of Erie, State of New York and being part of Lot No. 10, Township 8, Range 7 of the Holland Land Company's Survey and further bounded and described as follows:

Beginning at a point on the centerline of Pfarmer Road (66' wide) at its intersection with a line drawn parallel with and one hundred and no tenths feet (100.0') easterly as measured at 90° to the west line of lands conveyed to John E. Owen by deed recorded in the Erie County Clerk's Office in Liber 2173 of Deeds, Page 284; thence southerly parallel with and one hundred and no tenths feet (100.0') easterly as measured at 90° to said west line of lands conveyed by last mentioned deed, distance of eight hundred twenty-nine and sixteen hundredths feet (829.16') to a point; thence South 62°56'59" East, a distance of three and nine hundredths feet (3.09') to a point; thence South 63°52'43" East a distance of one hundred eighty-one and sixteen hundredths feet (181.16') to a point; thence northeasterly along the center line of a gully the following six (6) courses and distances: thence (1) northeasterly two hundred sixteen feet (216') to a point; thence (2) northeasterly at an interior angle of 168°24', ninety-six and fifty hundredths feet (96.50') to a point; thence (3) northeasterly at an interior angle of 162°35', one hundred eleven and fifty hundredths feet (111.50') to a point; thence (4) northeasterly at an interior angle of 164°10', one hundred sixty-three feet (163') to a point; thence (5) northeasterly at an interior angle of 153°38', one hundred twenty-one feet (121') to a point; thence (6) northeasterly at an exterior angle of 161°05', two hundred sixty-five and thirty-four hundredths feet (265.34') to a point; thence north 71° west, a distance of one hundred three and seventy-six hundredths feet (103.76') to a point; thence north 17-1/2° west, a distance of three hundred thirty-seven and ninety-two hundredths feet (337.92') to a point; thence north 3° west, a distance of ninety-four and thirty-eight hundredths feet (94.38') to a point; thence north, a distance of ten and fifty-six hundredths feet (10.56') to a point in the centerline of Pfarner Road, said point being at the northeast corner of said lands conveyed to John E. Owen; thence southwesterly along the centerline of Pfarner Road, a distance of four hundred ninety and thirteen hundredths feet (490.13') to a point; thence southwesterly along the centerline of Pfarner Road, a distance of one hundred seventy-five and thirteen hundredths feet (175.13') to the point of beginning and containing 12.3 acres more or less.

Excepting therefrom that portion of lands acquired by the New York State Department of Transportation for Rice Hill Road, Interchange Access Road as shown on Map No. 19, Parcel 23.

PLEASE TAKE FURTHER NOTICE, that the Town Board of Boston at its regular scheduled meeting April 18, 1995 the Boston Town Board, as lead agency, passed a Resolution that the Mill Street Extension of Water District No. 2 (SEQR Classification "Unlisted") will not have any significant adverse environmental impact.

Dated: APRIL 13, 1995
Published: APRIL 20, 1995

BY ORDER OF THE TOWN BOARD
DAVID J. SHENK

TOWN OF BOSTON

TOWN OF BOSTON
NEW YORK

R E S O L U T I O N

NUMBER 1995 - 12

IN THE MATTER OF THE ESTABLISHMENT
OF THE
MILL STREET EXTENSION
OF WATER DISTRICT NO. 2
IN THE
TOWN OF BOSTON, ERIE COUNTY, NEW YORK

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 3rd day of May, 1995 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, a Map, Plan and Report has been prepared by TVGA Engineering for the extension of Water District No.2 in the area of Backcreek Road and Mill Street in the Town of Boston, to be bounded and described as herein set forth and identified as Exhibit "A" which is annexed hereto and made a part hereof, and

WHEREAS, the property owner residing within the extension of the District, Marilyn A. Will, has agreed to be responsible for all costs associated with the installation of the new water main and related appurtenances as set forth in an Agreement executed by Marilyn A. Will on January 24, 1995, which Agreement has been filed with the Town Board of the Town of Boston, and Water District No. 2 will be responsible for all costs associated with the preparation of the engineering work, inspection and preparation of bid specifications for the new water main and related appurtenances, and

WHEREAS, the engineering firm of TVGA Engineering has prepared plans, specifications and cost estimates for the extension

of the water line to serve the annexed property, and

WHEREAS, the Town Board of the Town of Boston duly adopted an Order reciting the filing of the Map, Plan and Report, the improvements proposed, the boundaries of said extension to Water District No. 2, the maximum cost of the extension, the method of financing the extension, that the Map, Plan and Report are on file in the Town Clerk's office, and specifying May 3, 1995 at 8:00 o'clock pm. in the evening of said date in the Boston Town Hall as the place where said Board would hear all persons interested in the subject thereof and concerning the same, and

WHEREAS, a Public Hearing was held in the Town Hall of the Town of Boston, 8500 Boston State Road, on the 3rd day of May at 8:00 o'clock in the evening to consider the proposed District Extension and to hear all persons interested in the subject thereof and all persons interested were heard.

NOW THEREFORE BE IT RESOLVED,

That the Town of Boston herein determines by this Resolution:

1. That the Notice of Hearing was published and posted as required by law and is otherwise sufficient, and
2. That all of the property and property owners within the proposed extension are benefitted thereby, and
3. That all of the property owners benefitted are included within the limits of the proposed District Extension, and
4. That the extension of Water District No.2 is in the public interest, and

BE IT FURTHER RESOLVED, that the extension to Water District No.2 as proposed in the Map, Plan and Report be approved and constructed and service provided in accordance with this Resolution, and that such extension shall be designated and known as "Water District No.2 of the Town of Boston-Mill Street Extension No.1 and,

BE IT FURTHER RESOLVED, that the property as described in Exhibit "A" attached hereto and made it part hereof, be and the same is hereby annexed to Water District No. 2 of the Town of Boston under the name of and title "Water District No.2 of the Town of Boston-Mill Street Extension No.1", and

BE IT FURTHER RESOLVED, that the property owner residing within the extension of the District, Marilyn A. Will, is responsible for all costs associated with the installation of the new water main and related appurtenances as set forth in an Agreement executed by Marilyn A. Will on January 24, 1995, and

TOWN OF BOSTON

BE IT FURTHER RESOLVED, that Water District No.2 will be responsible for all costs associated with the preparation of the engineering work, inspection and preparation of bid specifications for the new water main and related apperteneances, and

BE IT FURTHER RESOLVED, that the annexation of the property, described on the attached Exhibit "A", be and the same is subject to Permissive Referendum as provided by law, and

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Boston shall within ten days after the adoption of this Resolution, file a Certified Copy thereof in the Erie County Clerk's Office, and shall also file Certified Copies thereof in duplicate, at the New York State Department of Audit and Control in Albany, New York.

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 (5) **NOES: ZERO (0)** **ABSENT: ZERO (0)**

DAVID J. SHENK - TOWN CLERK

TOWN OF BOSTON

EXHIBIT "A"

Being all that tract or parcel of land situate in the Town of Boston, County of Erie, State of New York and being part of Lot No. 10, Township 8, Range 7 of the Holland Land Company's Survey and further bounded and described as follows:

Beginning at a point on the centerline of Pfarner Road (66' wide) at its intersection with a line drawn parallel with and one hundred and no tenths feet (100.0') easterly as measured at 90° to the west line of lands conveyed to John E. Owen by deed recorded in the Erie County Clerk's Office in Liber 2173 of Deeds, Page 264; thence southerly parallel with and one hundred and no tenths feet (100.0') easterly as measured at 90° to said west line of lands conveyed by last mentioned deed, distance of eight hundred twenty-nine and sixteen hundredths feet (829.16') to a point; thence South 62°56'59" East, a distance of three and nine hundredths feet (3.09') to a point; thence South 62°52'43" East a distance of one hundred eighty-one and sixteen hundredths feet (181.16') to a point; thence northeasterly along the center line of a gully the following six (6) courses and distances: thence (1) northeasterly two hundred sixteen feet (216') to a point; thence (2) northeasterly at an interior angle of 168°24', ninety-six and fifty hundredths feet (96.50') to a point; thence (3) northeasterly at an interior angle of 162°35', one hundred eleven and fifty hundredths feet (111.50') to a point; thence (4) northeasterly at an interior angle of 164°10', one hundred sixty-three feet (163') to a point; thence (5) northeasterly at an interior angle of 153°38', one hundred twenty-one feet (121') to a point; thence (6) northeasterly at an exterior angle of 161°05', two hundred sixty-five and thirty-four hundredths feet (265.34') to a point; thence north 71° west, a distance of one hundred three and seventy-six hundredths feet (103.76') to a point; thence north 17-1/2° west, a distance of three hundred thirty-seven and ninety-two hundredths feet (337.92') to a point; thence north 3° west, a distance of ninety-four and thirty-eight hundredths feet (94.38') to a point; thence north, a distance of ten and fifty-six hundredths feet (10.56') to a point in the centerline of Pfarner Road, said point being at the northeast corner of said lands conveyed to John E. Owen; thence southwesterly along the centerline of Pfarner Road, a distance of four hundred ninety and thirteen hundredths feet (490.13') to a point; thence southwesterly along the centerline of Pfarner Road, a distance of one hundred seventy-five and thirteen hundredths feet (175.13') to the point of beginning and containing 12.3 acres more or less.

Excepting therefrom that portion of lands acquired by the New York State Department of Transportation for Rice Hill Road, Interchange Access Road as shown on Map No. 19, Parcel 23.

REGULAR BOARD MEETING — TOWN HALL
MAY 3, 1995 — 7:30 P.M.

RESOLUTION 1995-12 IN THE MATTER OF THE ESTABLISHMENT OF THE MILL STREET EXTENSION OF WATER DISTRICT NO.2 IN THE TOWN OF BOSTON, ERIE COUNTY, NEW YORK

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to direct Town Clerk Shenk to advertize for bids to be received on June 1, 1995, at 11:00 A.M. for the water line extension, Back Creek Road and Mill Street.

five (5) Ayes — Carried

Received and filed a letter from John Spors to Mr. David Commerford, Deputy Commissioner, Erie County Department of Public Works, requesting removal of transformers installed by NYSEG.

Received and filed a letter from Mr. David Commerford, Deputy Commissioner, Erie County Department of Public Works, to NYSEG, requesting removal of transformers installed without a permit.

The following Bids were received, opened and read aloud on April 21, 1995, at 1:00 P.M. to correct the heating and air conditioning at the State Police Building:

Tri-Cooling and Heating	$ 8,166.00
Davis Refrigeration Co.	$11,980.00
Davis Refrigeration Co. Alternate bid	$14,355.00

A motion was made by Councilman Flowers and seconded by Councilman Davenport to authorize Supervisor Kennedy to enter into a contract with Tri-R Cooling and Heating for $8,166.00 to revise the air and heat system at the State Police Building.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport to authorize Supervisor Kennedy to enter into a contract for engineering services for the Waterline Extension of Shero Road, with TVGA Engineering for a lump sum amount of $3,850.00.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport to refer an application for the Creation of a Mobile Home Court District on Deanna Drive, from John and Katherine Falkides, to the Planning Board

five (5) Ayes — Carried

Supervisor Kennedy noted a Public Hearing will be scheduled at the next Regular Town Board Meeting on the application for the Creation of a Mobile Home Court District on Deanna Drive from John and Katherine Falkides.

SUPERVISOR REPORT

A) Supervisor's Monthly Financial Report for April 1995 received and on file in the Town Clerk's Office.

Supervisor Kennedy reported that approximately 200 letters were sent to residents regarding the West Hill Water Proposal. To date, half the responses were returned with 56 in favor and 38 opposed. A Grants person will be working on the paperwork in anticipation of a favorable response from the residents.

Reconstruction plans were received from the NYS DOT for route 277 from Boston State Road to Orchard Park town line. New gutters will be constructed on the highway coming down the hill and there will be green space and curbs at the intersections. The Town Engineer will review the plans and address drainage problems in the area.

REGULAR BOARD MEETING — TOWN HALL
MAY 3, 1995 — 7:30 P.M.

TOWN CLERK REPORT

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport to accept the Registrar of Vital Statistics Monthly Report for April 1995.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to accept the Tax Collector's Monthly Report for April 1995.

five (5) Ayes — Carried

Town Clerk Shenk reported the Erie County Department of Health will conduct a Free Rabies Clinic. Dates and locations are posted at the Town Hall and the media was requested to print the information.

Town Clerk Shenk announced he will be on military leave from 5/15/95 to 5/26/95.

A motion was made by Councilman Flowers and seconded by Councilman Davenport to grant Town Clerk Shenk permission to attend NYS Association of Records Management Officers Annual Conference in Rochester from 6/5/95 to 6/7/95 with reimbursement for mileage and registration fees.

five (5) Ayes — Carried

Town Clerk Shenk attended a softball meeting on April 29, 1995 and explained the Town of Boston insurance program including the Athletic Participants Insurance.

The Insurance Committee will be notified of an Insurance Committee meeting on May 11, 1995 at 1: 00 P.M. in the Planning Board Room.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Ruchalski commended the NYS Police on the investigation and arrest of the parties responsible for illegal dumping of building materials on Butternut Road.

The third phase of brush pick-up is in effect and will be completed soon. The sweeping of roads will begin May 4, 1995 and the patching of potholes will begin after the sweeping is completed.

TOWN ATTORNEY REPORT

Town Attorney Reilly noted the settlement agreement and check from the Kostas Construction lawsuit is expected but not yet received.

Supervisor Kennedy has requested a tax exemption for the water tank on lower Crestwood Circle from Erie County and the Orchard Park School District as the tank will be located outside the water district. Town Attorney Reilly and the Erie County Attorney are working to secure the exemption. Regarding the property which will be purchased to site the tank, an updated search and survey, and a proposed deed has been received. All documents have been sent out for title insurance. A closing will be set after all title issues are resolved.

The Code Enforcement Officer has reported 5565 Northside Drive is vacant and needs to be boarded up and secured. A letter has been sent to the bank attorney requesting attention to this matter.

The Town of Boston has an agreement for payment in lieu of taxes with People, Inc.. This agreement will expire this year and is being renegotiated. There is a question as to their State reimbursement and there are no indications as to the final resolution of this matter. There will be further reports.

REGULAR BOARD MEETING
MAY 3, 1995

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT

Councilman Flowers reported a meeting was scheduled with the three Fire Companies for May 17, 1995 to negotiate a contract for 1996.

On May 6, 1995 the Chamber of Commerce will be honoring Betty Seufert as the Citizen of the Year at the Boston Fire Company.

Councilman Flowers presented Supervisor Kennedy with a disc of information on the Disaster Plan.

Councilman Wohlhueter commented the tire drop-off on April 29, 1995 was successful and gave thanks to Leo Jensen and William Dzierzanowski of the Parks Department, Chris Bifaro of the Conservation Advisory Council, the Highway Department and Councilman Mark Flowers. It was noted some residents dropped off more than two tires each and tires were received from area businesses. The process should have been monitored more closely but the upside is many tires have been removed from town. Depending on the cost of this drop-off, another drop-off may be scheduled in the fall.

Councilman Walter spoke with high school student, Scott Burroughs, who is interested in the safety of the town. Councilman Walter commented that more young people should get involved.

A request to lower the speed limit on Zenner Road until construction is completed has been received by the County and forwarded to the State and action will be taken in the future.

There have been complaints that the 40 mile speed limit on Boston State Road is too slow. Councilman Walter noted that although you can't please everyone, this is a step in the right direction.

Councilman Davenport reported the Conservation Advisory Council Committee, under the direction of Lisa Rood, met on April 29, 1995 and planted 400 small trees into pots.

CODE ENFORCEMENT OFFICER

A) Code Enforcement Officer monthly report for April 1995, received and on file in the Town Clerk's Office.

Received and filed letters from Code Enforcement Officer Santonocito on properties determined to be dangerous and unsafe:

a) 9364 Boston State Road
b) 5565 Northside Drive
c) 8338 Boston State Road

DEPUTY CODE ENFORCEMENT OFFICER

A) Deputy Code Enforcement Officer's monthly report for April 1995, received and on file in the Town Clerk's Office.

DOG CONTROL OFFICER REPORT

A) Dog control Officer monthly report for April 1995, received and file in the Town Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's report for April 1995 received and on file in the Town Clerk's Office.

A motion was made by Councilman Walter and seconded by Councilman Wohlhueter to adjourn the meeting at 9:03 P.M..

David J. Shenk

David J. Shenk, Town Clerk

REGULAR BOARD MEETING — TOWN HALL
MAY 17, 1995 — 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 Flowers and seconded by Councilman Walter to adopt the minutes of the May 3, 1995 regular monthly meeting.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport that the General Fund and Special District Bills on Abstract #5A, dated May 17, 1995 in the amount of $52,942.59 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy that the Highway Bills on Abstract 5A, dated May 17, 1995 in the amount of $3,977.28 be paid.

five (5) Ayes — Carried

Received and filed Erie County Sheriff's Monthly Activity Report for April 1995.

Received and filed information relative to Records Management Grant Funds from NYS Education Department.

Referred to Councilman Walter a request from Arthur Meindl, 7189 Parkside Drive, to terminate the present turn-around provisions in the Creekside subdivision at the dead-end of Parkside Drive.

Referred to Councilman Walter a petition with twenty signatures from Wohlhueter Road residents, requesting a speed limit reduction from 55 MPH to 40 MPH on Wohlhueter Road.

Received a letter from Ralph and Phyllis Lockwood, 6239 Ward Road, requesting a Resolution be adopted to furnish Public Water from Orchard Park Water District 17 to their residence.

RESOLUTION 1995-13 OUT OF DISTRICT WATER SERVICE

Referred to the Conservation Advisory Council for review and recommendation, a request for the Town of Boston to hold and enforce a Testamentary Conservation Easement on 38 acres of woodland from Stephen Koscherak, PH.D., 7239 Abbott Rd., Hamburg, New York.

Town Attorney Reilly explained a Testamentary Conservation Easement is a device whereby a property owner secures an easement prohibiting future development of a parcel of property. Mr. Koscherak is requesting the Town of Boston agree to enforce the easement against future owners.

A motion was made by Councilman Flowers and seconded by Councilman Davenport to grant the Boston Youth Baseball Association use of the Lions Shelter and baseball diamonds on August 6, 1995 for the annual picnic and all star games, contingent upon no alcoholic beverages being served.

five (5) Ayes — Carried

TOWN OF BOSTON

1995 - 13

OUT OF DISTRICT WATER CUSTOMER

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 May, 1995 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 Flowers presented the following resolution and moved its adoption:

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

SBL ACCOUNT NUMBER	NAME	ADDRESS
211.00-3-16	Ralph & Phyllis Lockwood	6239 Ward Road

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

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

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

Seconded by **Councilman 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

Karen A. Ellis

Karen A. Ellis, Deputy Town Clerk

REGULAR BOARD MEETING — TOWN HALL
MAY 17, 1995 — 7:30 P.M.

A motion was made by Councilman Davenport and seconded by Councilman Wohlhueter to grant use of the Lions Shelter and Community Room (as an alternate rain site), to Recreation Director Clesse for the Summer Concert Series on Tuesdays July 11, 18, August 1, 8, 15, 22, and 29, 1995.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter, on the recommendation of, Recreation Supervisor Lindsey, to appoint the following Softball Officers, Coaches and Assistants for the 1995 Softball season:

President:	Galen Musselman
1st Vice President:	Robert Ehlers
2nd Vice President:	Martin White
Secretary:	Cindy Moran
Treasurer:	Kathy Fregelette

Coaches and Assistants:

Dianne Emerling	Leigh Emerling
Sharon Appenheimer	Kevin Hesse
Margaret Rosinski	Paul Ketzer
Molly Rosinski	Lou Matricardi
Jodi Jusiak	Tim Zeis
Michael Agliata	Marylou Zeis
Robert Ehlers	Galen Musselman
Henry Abramowski	Mary Partridge
James Salvazo	John Gleason
Susan Duffett	Tom Narbe
Wayne Krieger	Lisa Vasi
Ida White	Lisa Seider
Tina Hay	Steve Pawlik

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers, on the recommendation of Recreation Supervisor Lindsey, to appoint the following as Softball Umpires for the 1995 Softball season:

Matt Ahr	Allen Lock
Jennifer Burroughs	Erin Maghran
Nicole Clark	Beth Marschner
Kristen DeLotto	Heather Martin
Megan Dix	Amanda McQuillan
Mike Donahue	Melissa Nicholas
Kelly Donahue	Jennifer Ehlers
Andrea Odden	Patti Emerling
Julie Pavlovic	Robyn Werth
Troy Franklin	Courtney Philipps
Tim Frost	John Politowski
Renee Frydrych	Nancy Shantel
Dawn Keller	Laura Staples
Lorraine Lico	Daniel Trim
Kristina Lock	Tabitha Vaughan

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Walter, on the recommendation of Recreation Supervisor Lindsey, to appoint the following Baseball Officers, Coaches and Assistants for the 1995 season:

President:	Jim Frascella
1st Vice President:	Greg Burroughs
2nd Vice President:	Larry Steward
Secretary:	Jim May
Treasurer:	Kevin Elsaesser

REGULAR BOARD MEETING — TOWN HALL
MAY 17, 1995 — 7:30 P.M.

Baseball Coaches and Assistants:

Larry Steward	Roger Jackson
Mark Smith	Mike Ehlers
Ron Pachan	Jeff Wright
Tim Dinse	Carl Emerling
Jerry May	Dawn Sayler
Larry Phillips	Dave Fregellette
Jeff Sullivan	Jim Gastle
Pat Thompson	Dick Delotto
Robert Monczynski	Jim Davis
Chris Hogan	Pat Galvin
Vieden Zahariev	Dave Piazza
Greg Burroughs	Chuck Sienk
Kevin Elsaesser	John Marron
Roger Melius	Al Smolinski
Jim Dion	Mike Kobiolka
Gene Partridge	Rich Schencengost
Mark Warnke	Karen Wendling
Dan Woodrow	Ron Yormick
Glenn Wescott	Jim Niewczyk
Jim Nabozny	Bob Witt

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport, on the recommendation of Recreation Supervisor Lindsey, to appoint the following as Baseball Umpires for the 1995 baseball season:

Jerry Lindsey	Nick Cervoni
Nate Potter	Tom Frascella
Bill Frascella	Andy Smith
Jeff Dion	Kevin Dion
Matt Glowgowski	Eric Jerge
Andy Zemrac	Keith Steward
Eric Steward	Mike Pallotta
David Brinkerhoff	Dan Brinkerhoff

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Walter, to appoint David M. Jones as a seasonal laborer for the Parks Department at a rate of $5.25 per hour beginning 5/22/95.

five (5) Ayes — Carried

Received a request from John P. Falkides, Boston Hills Homes and Estates, for a revision to Section 70-10.G of the Town of Boston Mobile Home Court Law.

Councilman Flowers read a description from Town Attorney Reilly of the proposed Amendment to Allow an Attached Garage on a Mobile Home Space and an addendum stating this change would affect only mobile homes installed after 1/1/91.

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter to set a Public Hearing to Amend Section 70-10 (G)(4) of the Mobile Home Court Law for June 21, 1995 at 8:00 P.M.

five (5) Ayes — Carried

Supervisor Kennedy directed Town Clerk Shenk to publish the Local Law Draft and advertize a Public Hearing on June 21, 1995 at 8:00 P.M.

Supervisor Kennedy referred to Town Attorney Reilly a request from John P. Falkides, Boston Hills Homes and Estates, for the creation of a Mobile Home Court District.

TOWN OF BOSTON

TOWN OF BOSTON
NEW YORK

R E S O L U T I O N

NUMBER 1995 - 14

RE: PURCHASE OF REAL PROPERTY FROM JAMES M. BOGUSLAWSKI

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 May, 1995 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 which is sufficient to site the water tank and a turnaround, and

NOW THEREFORE:

BE IT RESOLVED, the Town of Boston purchase a parcel of real property which measures approximately 120' by 35' as is more fully described in the attached Exhibit "A", from James A. Boguslawski, for the sum of $8,000.00. The Town of Boston shall pay for the preparation of a search and survey of the property and pay attorney fees and 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.

Seconded by Councilman Davenport 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)

Karen A. Ellis

KAREN A. ELLIS, DEPUTY TOWN CLERK

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Boston, County of Erie and State of New York, being part of Lot No. 15, Township 8, Range 7 of the Holland Land Company Survey bounded and described as follows:

Beginning at the southeast corner of lands conveyed to James M. Boguslawski by deed recorded in the Erie County Clerk's Office in Liber 8267 of Deeds at Page 83; thence westerly along the south line of said lands conveyed to Boguslawski, a distance of 120 feet to a point; thence northerly at an angle of 90 degrees, a distance of 35 feet to a point; thence easterly parallel with said south line of Boguslawski at an angle of 90 degrees, a distance of 126.38 feet to a point, said point being on the east line of said lands conveyed to Boguslawski; thence southerly along said east line of Boguslawski a distance of 35.58 feet to the point or place of beginning.

REGULAR BOARD MEETING TOWN HALL
MAY 17, 1995 7:30 P.M.

Town Attorney Reilly noted additional documents regarding the rezoning application for the creation of a Mobile Home Court must be obtained before the Planning Board can give a recommendation and a Public Hearing date set.

Town Attorney Reilly informed John P. Falkides, Boston Hills Homes and Estates, that he will receive a letter from the Planning Board indicating what is needed for the application and that the sixty day period begins once the application is complete.

John P. Falkides, Boston Hills Homes and Estates, noted it was his understanding that the Planning Board has sixty days from May 1, 1995, the day the application was submitted, to respond and that more information was received with this application than on any other project the Town of Boston has undertaken.

SUPERVISOR REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to grant St. John the Baptist Church permission to utilize the parking areas surrounding the Lions Shelter and the Highway Garage for their Lawn Fete on August 25th through 27th, 1995.

five (5) Ayes Carried

Supervisor Kennedy noted that of the 190 letters sent to residents regarding the proposed water on the West Hill, 137 responded, 89 affirmative and 48 in opposition. When the necessary documents are completed a Grant application will be filed.

An appraisal was received on property needed for a pump station located on Boston State Road near Chestnut Ridge Road, and an equitable purchase price will be negotiated with the property owner.

HIGHWAY SUPERINTENDENT REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to grant Highway Superintendent Ruchalski permission to attend the Association of Towns 1995 Highway School at Ithaca College on June 4-7, 1995, registration fees and milage to be paid.

five (5) Ayes Carried

TOWN ATTORNEY REPORT

Town Attorney Reilly noted the Town of Boston is prepared to close on the purchase of the James M. Boguslawski, Lower Crestwood Circle property, for the location of the water tank.

RESOLUTION 1995-14 PURCHASE OF REAL PROPERTY FROM JAMES M. BOGUSLAWSKI

An appraisal will be ordered upon completion of a survey from TVGA Surveying, Inc. for the additional twenty-five feet of width for the Tanglewood Drive right-a-way. A purchase price will be negotiated with property owners on the south side of Tanglewood Dr.

A request was sent to the Bank Attorney for a vacant Northside Drive home, which is in foreclosure, to have the property boarded up and secured.

Code Enforcement Officer Santonocito noted that NYS Uniform Building Code requires a vacant building to be secured within sixty days of vacancy.

Supervisor Kennedy directed Town Attorney Reilly to inform the owners of the vacant Northside Drive home of the sixty day law and a summons will be issued if the property is not secured.

REGULAR BOARD MEETING — TOWN HALL
MAY 17, 1995 — 7:30 P.M.

COUNCILMAN REPORT

Councilman Flowers attended a preliminary meeting with the Fire Companies on May 16, 1995 regarding the renewal of their contract with the Town of Boston.

Councilman Flowers attended a joint meeting with the Town Board and Planning Board on May 15, 1995 regarding Pyramid Zoning. The Planning Board will refer recommendations to the Town Board.

The Annual Memorial Day Parade will be on May 29, 1995 at 2:00 P.M. beginning at Rucker Lumber and ending at the Boston Commons.

The Fire Company and First Aid Squad will sponsor a Demonstration Day, June 4, 1995, 11:00 A.M. to 4:00 P.M., at the Town Hall Park.

Councilman Wohlhueter attended a Solid Waste Meeting on May 11, 1995. The Town of Boston contract with BFI expires at the end of this year. Councilman Wohlhueter is in contact with other local municipalities and reviewing specifications. He will meet with Town Attorney Reilly to prepare bids and figures for the fall budget.

CODE ENFORCEMENT OFFICER REPORT

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter, on the recommendation of the Planning Board, to approve a site plan for a deck permit for Jerome Schunk, 7674A Boston State Road.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter, to approve a Temporary Certificate of Occupancy for David J. and Denise C. Dix of 6116 Thornwood Drive.

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

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

Received and filed NYS Basic Code Enforcement Training Certificate for Code Enforcement Officer Santonocito.

A motion was made by Councilman Davenport and seconded by Councilman Walter to grant Code Enforcement Officer Santonocito permission to attend NYS Training Course on May 23 & 24, 1995, with mileage expenses to be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport to adjourn the meeting at 8:29 P.M..

Karen A. Ellis
Deputy Town Clerk

REGULAR BOARD MEETING — TOWN HALL
JUNE 7, 1995 — 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.

Supervisor Kennedy noted Councilman Mark Flowers will be late.

A motion was made Councilman Wohlhueter and seconded by Councilman Walter to adopt the minutes of the May 17, 1995 regular monthly meeting.

four (4) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport that the General Fund and Special District Bills on Abstract #6, dated June 7, 1995 in the amount of $25,351.34 be paid.

four (4) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter that the Highway Bills on Abstract 6, dated June 7, 1995 in the amount of $8,508.79 be paid.

four (4) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport to accept the Town Clerk's monthly report for May 1995.

four (4) Ayes — Carried

Received and filed a Resolution by Erie County Legislators Olma & Swanick to provide for the Protection of Agriculture Lands.

Received and filed 1995-96 Special Franchise Assessment complaints from NYS Electric & Gas Corp. and National Fuel Gas Distribution Corp.

Referred to Councilman Walter correspondence from NYS DOT and Erie County Highway Department regarding a request from Ms. Sue F. Buyer for a traffic signal at Boston State and Boston-Colden Roads.

Councilman Flowers arrived at 7:40 P.M.

Received and filed Erie County Sheriff's Monthly Activity Report for May 1995.

REQUESTS FROM THE FLOOR

Ronald Yormick, 6405 Deanna Drive: I would like to know when the Public Hearing will be set for the creation of a Mobil Home Park District on Deanna Drive.

Supervisor Kennedy: The Public Hearing has not been scheduled yet. It should be scheduled at the June 21, 1995 Town Board Meeting and be held at the July Town Board Meeting.

Recreation Director Clesse congratulated the recipients of the Service to Youth Awards and noted their names will be added to the plaque displayed in the Boston Town Hall.

Remy Orffeo, former Boston Recreation Director, gave a history of the awards and presented the 1993 Service to Youth Award to Randy Burgwardt.

REGULAR BOARD MEETING — TOWN HALL
JUNE 7, 1995 — 7:30 P.M.

Councilman Flowers presented the 1994 Service to Youth Award to Michael McCloud and Michael Cudeck.

Councilman Flowers presented Certificates of Appreciation to members of the South Boston Park Committee.

The following bids were opened and read aloud on June 1, 1995 for the Waterline Extension on Back Creek and Mill Street:

Klarberg, Inc.	$26,579.00
Triple R Development	$26,984.45*
MPJ Contracting, Inc.	$27,854.50
Engineer Estimate	$26,200.00

*Denotes corrected figure.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers, on the recommendation of TVGA Engineering, Surveying, P.C., to award the Back Creek, Mill Street Waterline Extension installation project to Klarberg, Inc. in the amount of $26,579.00.

five (5) Ayes — Carried

Received a request from Sam Butera, 6233 Wildwood Drive, to correct an error in the official zoning map of Boston which does not show the entire parcel of 2.3 acres of vacant land at 7849 Boston State Road to be zoned commercial, as was granted at the September 19, 1990 Town Board Meeting.

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport, to schedule a Public Hearing for July 19, 1995 at 7:55 P.M. to rezone 7849 Boston State Rd. SBL# (226.02-6-2) from Residential Agricultural R-A to Local Retail Business District C-1.

five (5) Ayes — Carried

RESOLUTION 1995 - 15 STOP - DWI CONTRACT

A motion was made by Councilman Flowers and seconded by Councilman Walter to grant Churchill Child Center use of the Town Park, and in the event of rain, the Lions Shelter on June 8 and June 9, 1995 from 10:30 A.M. to 12:00 P.M. for graduation ceremonies.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport to approve the correction of Abstract 5A, May 17, 1995 as follows:

Refuse and Garbage District

Voucher #400 Integrated Tire	From	993.70	to	2,268.60
Total Abstract	From	52,942.49	to	54,217.49

Highway Fund

Voucher #214 Hanson International Trucks & Equipment	From	21.05	to	26.90
Total Abstract	From	3,977.28	to	3,983.13

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Davenport to authorize Supervisor Kennedy to sign a contract with Armor Fence Co. for Town Park fencing at a cost of $1,355.00.

five (5) Ayes — Carried

TOWN OF BOSTON

RESOLUTION 1995-15

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 June 1995 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, 1995 through December 31, 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

P R O C L A M A T I O N

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 June, 1995 at 7:30 p.m., there were present:

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

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

WHEREAS, the Town of Boston is honored to have a young man from Troop 525, who will receive at a ceremony on June 11, 1995, the rank of Eagle Scout, and

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

WHEREAS, one of the service projects completed by this Scout was the construction and placement of bird feeders and bird houses, along with the planting of fruit-bearing shrubs for an additional source of bird food; all of which will bring much viewing enjoyment and pleasure from the residents of People, Inc. in Boston, and

WHEREAS, his accomplishments are not only a credit to him, but also to his parents, his Scout leaders and other members of Troop 525 who assisted him and encouraged him in attaining this Eagle Scout rank, and

WHEREAS, the achievement of this goal reminds us all of the importance of scouting and its contribution to the youth of the Town of Boston.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Boston, on behalf of the residents of our community, offer heartiest congratulations to **BRETT T. WILLIAMS** on attaining the rank of **EAGLE SCOUT,** knowing that he will serve as a fine example to other young people to experience and attain the lofty principles of scouting.

This Resolution was seconded by Councilman Wohlhueter and duly put to a vote, as follows:

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

Ayes: 5 Carried

David J. Shenk

David J. Shenk, Town Clerk

REGULAR BOARD MEETING — TOWN HALL
JUNE 7, 1995 — 7:30 P.M.

A motion was made by Councilman Flowers and seconded by Councilman Walter to approve payment to Willkie Farr & Gallagher of $1,700 for Bond Council Services for the Proposed Water District No. 1 Improvements.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to approve a contract between the Town of Boston and the Boston Town Band for $1,200, to be appropriated from the Supervisor's Excess Salary.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Wohlhueter to approve the Appropriation of Excess Supervisor's Salary as follows:

$2,500	Previously appropriated for Christmas Lights
1,200	Request for Percussion instruments for Boston Band, as per contract with the Town.
900	Senior Citizen P.A. System - includes cost to tie into existing speakers; also used for Town celebrations.
5,000	Tennis/Basketball courts; Set Poles (Does not include electrical work or fixtures to be included in Parks budget).
$9,600	Total

$20,400 Salary budgeted for Supervisor
10,800 Salary appropriated for Supervisor
$9,600 Balance

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter to approve the Boston Town Board Summer Meeting dates as follows:

July	Agenda Review	July 17, 1995 at 7:00 P.M.
	Town Board	July 19, 1995 at 7:30 P.M.
August	Agenda Review	Aug. 14, 1995 at 7:00 P.M.
	Town Board	Aug. 16, 1995 at 7:30 P.M.

five (5) Ayes — Carried

PROCLAMATION - BRETT T. WILLIAMS - EAGLE SCOUT

A motion was made by Councilman Davenport and seconded by Councilman Walter, on the recommendation of Recreation Director Clesse, to appoint the following to the Boston Summer Recreation Staff from July 1, 1995 through August 13, 1995:

Amy Boswell	Recreation Attendant	$4.35
Christine Bubar	"	"
Troy Franklin	"	"
Gregory Kaczmarski	"	"
Jessica Keel	"	"
Coleen Klein	"	"
Steven Krieger	"	"
Jamie Kummer	"	"
John Moore	"	"
Juliann Pavlovic	"	"
Andrew Pfeiffer	"	"
Julie Remington	"	"
Margaret Rosinski	"	"
Amy Schutts	"	"
Keith Gannon	"	$4.50

REGULAR BOARD MEETING — TOWN HALL
JUNE 7, 1995 — 7:30 P.M.

(Appointments Continued:)

Molly Borowic	" Sub.	$4.35
Jennifer Burroughs	" Sub.	$4.35
Kristen Greenquist	Administrative Asst.	$7.00

(effective immediately through 12/31/95)

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport, on the recommendation of Town Clerk Shenk and the Insurance Committee, to award the contract for Town of Boston Insurance Consultant to Municipal Insurance Consultants, Inc. for $6,000 a year for three (3) years.

five (5) Ayes — Carried

SUPERVISOR REPORT

A) Supervisor's Monthly Financial Report for May 1995 received and on file in the Town Clerk's Office.

Supervisor Kennedy appointed Vincent Bonerb to the Capital Improvement Committee.

Supervisor Kennedy directed Town Clerk Shenk to send out the Annual Mobile Home Park License renewals.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to schedule the Annual Sprague Mobile Home Court Inspection for June 17, 1995 at 9:00 A. M. and the Boston Hills Homes and Estates inspection to follow.

five (5) Ayes — Carried

Supervisor Kennedy reported there is ongoing work being done by the County to improve the road structure in the Town of Boston. The Boston Colden and Back Creek roads are almost finished.

Supervisor Kennedy announced the Southtowns Haz Mat Team Quarterly Meeting and dedication of a new office building on June 17, 1995.

TOWN CLERK REPORT

A motion was made by Councilman Wohlhueter and seconded by Councilman Flower to accept the Registrar of Vital Statistics Monthly Report for May 1995.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to accept the Tax Collector's Monthly Report for May 1995.

five (5) Ayes — Carried

Town Clerk Shenk thanked Deputy Town Clerk Ellis for operating the Town Clerk's Office during his annual two week absence for military training.

TOWN ATTORNEY REPORT

Town Attorney Reilly noted the purchase of the property on Lower Crestwood Circle to site the water tank was closed on May 30, 1995.

Tennessee Gas is contesting their tax assessment in the Town of Boston. Their assessed value in the Town of Boston is $620,000. Tennessee Gas has claimed their assessment should be $403,000 and Town Attorney Reilly responded he has calculated their assessment at $703,000. There will be negotiations on this matter.

REGULAR BOARD MEETING TOWN HALL
JUNE 7, 1995 7:30 P.M.

TOWN ATTORNEY REPORT (CONT.)

On May 22, 1995, notification was sent to the bank attorney for 5565 Northside Drive requesting the house be boarded up and secured or a summons to Boston Town Court would be issued. Contact has been made with the local attorney and the Texas company responsible for the foreclosure proceedings. Conflicting reports state the building was secured and neighbors report continuing problems. This situation will be followed up and reported.

In a previous pilot agreement with People, Inc., the Town was paid $2,500 a year. Anticipating State cutbacks, they have indicated they do not have the funds to pay this amount this year. A continuation of a pilot agreement is being negotiated but clearly will be less than $2,500 per year.

A settlement has been reached in the Kostas Construction lawsuit. This was the result of the bid withdrawal after having been awarded the contract for the expansion of the Town Hall Community Room. The Town of Boston will receive $8,000 in installments to be paid during the next six months.

A complaint was received from New York Telephone on the 1995 Tentative Special Franchise Assessment.

COUNCILMAN REPORT

Councilman Flowers thanked the North Boston, Patchin and Boston Fire Companies, Boston Emergency Squad, Southtowns Haz Mat Team and NYS Police for their work and efforts for the First Annual Demonstration Day for Emergency Services in the Town of Boston on June 4, 1995.

Councilman Flowers thanked Supervisor Kennedy for appropriating funds from his excess salary to sponsor the Christmas Lighting Fund and instruments for the Boston Town Band.

Councilman Flowers met with members of Erie County Water Authority and is waiting for notification of their commitment for water on the East Hill.

Councilmen Flowers, Davenport and Walter met with Deputy County Executive Keane concerning the deplorable condition of County roads in the Town of Boston.

Councilman Walter noted that the request of Mr. Meindl regarding the use of his driveway as a turn-a-round at 7189 Parkside Drive is being addressed.

We have been assured by the Deputy County Executive that the request from residents of Wohlhueter Road for a reduction of the speed limit will be a reality in a short period of time.

A four way stop sign request on Eckhardt Road was denied due to no record of accidents. The list of accident reports supplied by the NYS Police was faxed to the County Executive with a request for a four way stop sign.

Councilman Davenport reported the Recreation Department has begun registration by mail this year for Summer Recreation. T-shirts will be worn by all children going on field trips so each child can be identified as a member of Boston Recreation.

Councilman Davenport reported the 2nd Annual Southern Tier West Local Government Conference at Houghton, New York on May 18, 1995, was interesting as well as informative.

REGULAR BOARD MEETING — TOWN HALL
JUNE 7, 1995 — 7:30 P.M.

CODE ENFORCEMENT OFFICER REPORT

Received and filed NYS Department of State Code Enforcement Training Certificate for Code Enforcement Officer Santonocito.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to grant permission to Code Enforcement Officer Santonocito to attend a NYS In-Service Training Seminar on June 14, 1995, milage to be paid.

five (5) Ayes — Carried

DOG CONTROL OFFICER REPORT

A) Dog control Officer monthly report for May 1995, received and file in the Town Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for May 1995 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 8:45 P.M..

David J. Shenk

David J. Shenk, Town Clerk

REGULAR BOARD MEETING — TOWN HALL
JUNE 21, 1995 — 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 Davenport to adopt the minutes of the June 7, 1995 regular monthly meeting.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Walter that the General Fund and Special District Bills on Abstract #6A, dated June 21, 1995 in the amount of $96,748.60 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Supervisor Kennedy that the Highway Bills on Abstract 6A, dated June 21, 1995 in the amount of $16,670.00 be paid.

five (5) Ayes — Carried

Received and filed Fox & Company Audit Report on the Senior Citizens Community Room Project.

Received and filed Hamburg Central School District Board of Education Certificate of Minutes authorizing the Receiver of School District Tax Collector(s) to accept partial payments of 1995-96 School Taxes.

Received and filed notification from Senator Volker that the Town of Boston will receive 1993-94 Legislative Initiative Grant Award in the amount of $10,000.

Referred to Conservation Advisory Council an offer from AmeriCorps/USDA for a map information services assistance. Supervisor Kennedy directed Town Clerk Shenk to send a Town map to Americorps/USDA.

Michelle Gambino, Jessica Jensen, and members of the Thundering Hoofbeats presented a stenciling on storm drains for a Community Beautification project. The presentation was called "Don't Dump Drains to Creek." The members will stencil this message on various storm drains in town.

REQUESTS FROM THE FLOOR

Ronald Yormick, 6405 Deanna Drive: Is the Public Hearing date set for the rezoning application for the Mobil Home Park District on Deanna Drive?

Supervisor Kennedy: The date for the Public Hearing for the Mobil Home Park has been tentatively set for the August 16, 1995 Regular Town Board Meeting.

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter to approve the correction of General Fund and Special Districts Abstract #6, June 7, 1995:

ABSTRACT TOTAL: FROM $25,351.34 TO $26,727.34

five (5) Ayes — Carried

Received and filed notification from Erie County Department of Emergency Services of Volunteer Firemen who have completed NYS Fire Police Training Course by Erie County Department of Safety:

REGULAR BOARD MEETING — TOWN HALL
JUNE 21, 1995 — 7:30 P.M.

(Cont.)

BOSTON FIRE COMPANY	
Dzierzanowski, Edward	Rychlik, Daniel J.
Emerling, David M.	Theil, Debra R.
Norton, Michael S.	Theil, Nelson A.
NORTH BOSTON FIRE COMPANY	
Edington, Thomas A.	Mead,Robin J.

A motion was made by Councilman Flowers and seconded by Councilman Davenport to appoint the following as Boston Fire Police, term to expire 12/31/95:

BOSTON FIRE COMPANY	
Dzierzanowski, Edward	Rychlik, Daniel J.
Emerling, David M.	Theil, Debra R.
Norton, Michael S.	Theil, Nelson A.
NORTH BOSTON FIRE COMPANY	
Edington, Thomas A.	Mead,Robin J.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to grant a second building permit to Ralph and Phyllis Lockwood, 6239 Ward Road for an inground swimming pool.

five (5) Ayes — Carried

RESOLUTION 1995 - 16 OUT OF DISTRICT WATER SERVICE

RESOLUTION 1995 - 17 OUT OF DISTRICT WATER SERVICE

SUPERVISOR REPORT

Supervisor Kennedy directed Town Clerk Shenk to send a letter to Ruth Garrison thanking her for her years of service to the Town of Boston as Co-Senior Group Leader for the Senior Citizens.

A motion was made by Councilman Davenport and seconded by Councilman Wohlhueter to appoint Loreen Snyder as a Co-Senior Group Leader for the Boston Senior Citizens.

five (5) Ayes — Carried

Supervisor Kennedy requested Councilman Walter confer with Highway Superintendent Ruchalski and post weight limit signs on Boston Cross Road as a safety precaution for increased truck travel.

Supervisor Kennedy directed Town Clerk Shenk to send a letter to a resident who has been using the South Boston Playground as a training arena for horses. Supervisor Kennedy noted Boston Town Parks cannot be used as Bridal Paths or training pads for horses.

At 8:00 P.M. a Public Hearing was held for the purpose of hearing public comments on Local Law No. 1 (Tenative) of the year 1995, entitled Amendment to Allow an Attached Garage on a Mobile Home Space, Town Code, 70-10(G)(4). Supervisor Kennedy read the legal notice, The Local Law No.1 (Tentative) and letter of request from John P. Falkides, Boston Hills Homes & Estates. 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 May 17, 1995, a copy of Local Bill Number 1 of the year 1995, entitled Amendment to Allow an Attached Garage on a Mobile Home Space, Town Code, 70-10 (G) (4).

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, June 21, 1995 at 8:00 P.M., Eastern Daylight Savings Time, at which time all interested persons will be heard.

Dated: June 2, 1995
Published: June 8, 1995

BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK
6-8

1995 - 16

OUT OF DISTRICT WATER CUSTOMER

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 June, 1995 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 Flowers presented the following resolution and moved its adoption:

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

SBL ACCOUNT NUMBER	NAME	ADDRESS
211.00-3-46.22	Raymond & Kelly Jamison	6193 Ward Road

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

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

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

Seconded by **Councilman 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**

TOWN OF BOSTON

1995 - 17

OUT OF DISTRICT WATER CUSTOMER

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 June, 1995 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:

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

SBL ACCOUNT NUMBER	NAME	ADDRESS
211.00-3-7.2	George Hartman	6189 Ward Road

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

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

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

Seconded by **Councilman Walter** 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
JUNE 21, 1995 7:30 P.M.

Public Hearing (Cont.)

A. Nicholas Falkides, Esq., P.O. Box 241, Buffalo, New York: My parents are the owners of Boston Hills Homes and Estates. Several of the people who have moved into the newer double wide ranch style homes have requested garages and they said "look this isn't Florida. Site built homes are entitled to have garages attached to them. Why are we not? Why is there a distinction drawn?" They continue to point out to us that for example, under Boston's current zoning code, in a R-2 district the minimum lot size is 15,000 square feet. The lot coverage is 15% which allows for a footprint of 2,250 square feet. In an R-4 district the minimum lot size is 6,000 square feet with only a 20% coverage ratio allowed which only allows for a footprint of 1,200 square feet. Notwithstanding that my parents developed the lots in Boston Hills Estates to be an average size of 7,200 square feet which is 1,200 square feet larger than the required minimum under R-4. It is physically impossible to fit both a garage, a single or a double car next to a home. Also there are comments that have been made to my parents during annual inspections of their park and during conversations with other residents and business owners in the Town, that the homes could be made to look more like traditional homes, which is a word used by some people, if they had garages attached to them. It would improve how the homes look and how the development looks as well as the usefulness of the homes by the residents. I guess that is all I wanted to say and that is why my parents requested a change in the lot coverage ratio. One more point, they do not anticipate that anyone in their park would keep a carport, because all the homes are required to have carports and they do, and build a garage. All my parents are really anticipating is that people would enclose their carports either with a site built garage that is built on site or they actually have enclosures that you can use to enclose your carport. My parents do not anticipate and would not approve, in either of their parks, of someone who both wanted to keep a carport and make an attached garage. This is simply in response to the request of some of my parents residents, that they be entitled to enclose their carports because it is freezing cold in the middle of the winter and they are out there in the elements.

Supervisor Kennedy: What this local law would do is change the existing, as Mr. Falkides has aptly described. In the existing Mobile Home Court Law there is a maximum living space that is allowable based on the size of the lot. The design of those lots was something that was Mr. Falkides prerogative when he designed the park. Now, because of requests we've had from some of the property owners they wish to incorporate as large as a 24 by 24 foot addition, which is a double wide garage in addition to the home.

Ronald Yormick, 6405 Deanna Drive: I am against this proposal for the simple reason that very few residents if any would benefit from this change. Presently, aside from the Boston Hills Mobile Home Court nobody in Town would benefit from changing this law. It would add congestion and take away the little green space the Mobil Home Park has. I believe that if and when the land is rezoned in town then this issue could be addressed.

Nancy Reilly, Boston Hills Estates resident: I would very much like to have my carport enclosed. I don't want a garage but I would like to have it enclosed. I am getting along in years and the winters are pretty cold. My sister is here and she lives next door to me and she feels the same way. There is another lady who lives on the other side of me and we all feel that way.

Frank Lisowski Jr., 5461 Shero Road: Will this law prohibit both carports and garages? Is it either/or that you are saying or did I misunderstand?

Public Hearing (Cont.)

Nicholas Falkides, Esq: I think that question is more appropriately posed to the Town Attorney. What I am saying on behalf of my parents is that my parents would not approve of it in their park. The rules of their park govern what will be done.

Supervisor Kennedy: I would ask the Town Attorney for his opinion but it looks to me that if there was an attached garage up to a maximum area of 24 by 24 feet, it would be specifically exempted.

Town Attorney Reilly: That is what the amendment refers to. It exempts the attached garage up to that 24 foot maximum. There is no mention of a carport or anything else in it.

Frank Lisowski Jr: So they could have a carport and a garage?

Town Attorney Reilly: What it does is simply, the area of that attached garage would be taken out of the computation of the occupied area of the mobil home stand.

Frank Lisowski Jr: So it is feasible they could have both a carport and a garage?

Town Attorney Reilly: You would have to work the numbers to see whether you could or not. I have not sat down and worked out whether you could or not. It is theoretically possible.

Frank Lisowski Jr: I am opposed to it because it would be taking the green space. A 24 by 24 garage in that area would take the green space. If John wants to, he could increase the size of the lots to build the additional garages.

David Stringfellow, 7928 Hywood Drive: I don't live close to the Mobile Home Park and I am not involved in any way. I don't understand the numbers here. Do houses that are built on the site have a limit as to how much of their lot they can occupy?

Supervisor Kennedy: In a regular frame construction house built in a R-1 or R-2 zoning there is a minimum lot size or requirements in the Town Code which are considerably larger than that according to the Mobile Home lots that are incorporated as part of the Mobile Home Estates. You have a much larger property area in a R-1, R-2 zoning than what you would have in a Mobile Home lot. Even though Mr. Falkides has eluded to the fact that in this particular mobile home lot they did exceed the square footage requirements as to what was required. He certainly was aware of the ground rules when he began the construction as far as what was considered to be occupied space. So he designed his lot sizes to accommodate the maximum number of units and also allowing for a carport at each of the individual units because the carport is not totally enclosed and consequently does not constitute occupied area under the law.

David Stringfellow: I think the number he gave us was that the lots in the trailer park are allowed to occupy up to 20% of the land area.

Supervisor Kennedy: Correct.

David Stringfellow: What percent of the land area does the site built house occupy?

Supervisor Kennedy: I can't answer that right off the bat because there are variable lot sizes depending on the zoning and the only governing factor you have in the rest of the community is if you conform to all the respective setbacks that are now required. You have to have a fifty foot setback from the roadway. You have to have at least ten feet from the side lot lines. You have to have a certain rear setback so you can only occupy as much space as you

REGULAR BOARD MEETING TOWN HALL
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Public Hearing (Cont.)

Supervisor Kennedy (Cont.): can get into that and still conform to these requirements. I would say that it does certainly exceed what is allowed in these lots because the minimum size in a R-2 zoning is 85 foot frontage and I don't know what is the depth is or what the square footage is off the top of my head.

Town Clerk Shenk: R-2 is 15,000

Supervisor Kennedy: 15,000 and R-1 is 20,000?

Town Clerk Shenk: Correct.

Supervisor Kennedy: So you are talking about a lot size that is at least double. A little more than double the size for an R-2 zoning and almost triple the size in area for an R-1 zoning in a regular construction community. So how can I say what percentage of it, it constitutes?

David Stringfellow: If the sort of run of the mill house in Boston only occupies 10% of it's land and we set a limit of 20% on trailers or manufactured homes or whatever you want to call them, then I'd say we've got to keep that limit. If they were worse than the other houses then maybe we would go the other way.

Councilman Flowers: It is feasible for me where I live to take and have my house where it is right now and to take and go get a building permit and expand my house out back as long as I conform to the setback. I can build it out to the side as long as I conform to the side setbacks. Potentially on an acre of property you could have a house that has a minimum of fifty foot setback from the road and ten foot setback from the rear of the property and a ten foot setback on each side of the property. You could potentially build and fill that entire property.

David Stringfellow: I believe an acre property is something like 40,000. 20% of that would be an 8,000 square foot house. People don't build houses like that.

Councilman Flowers: But you could do that.

Supervisor Kennedy: In an R-1 zoning as you've indicated, if it's 20,000 square feet required, you could build a house of 4,000 square feet and it would be in the same ball park as this. It would be 3,000 feet in an R-2 zoning. I would say the average size home in Boston falls somewhere between 1,500 and 1,800. There are larger ones of course and there are smaller ones. The homes don't constitute more than 20% of the lot space on 99 % of the property.

David Stringfellow: Then it would seem to me to be fair we should not allow the manufactured home people to go higher in percentage than everybody else goes. We should simply tell them to make bigger lots if you want to put garages up.

A. Nicholas Falkides, Esq: I really didn't think this point was worth belaboring to this extent. There were four statements made that were false and I wanted to respond to them. Somebody made a statement that putting garages on houses would increase congestion in Boston. We are not going to let anyone live in the garage nor is it allowed under the health code of Erie County. So any belief the Town Board members may have that putting garages on mobile homes to park cars in, is going to increase congestion in Boston, is factually false. Second of all, someone made a statement that we are going to reduce the green space. We are not going to reduce the green space. We are talking about enclosing carports and there is a concrete driveway there now. There is a concrete driveway approximately 40 feet long, the last 15 or 18 feet of which is covered by a metal and plastic carport. There is no additional

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7:30 P.M.

Public Hearing (Cont.)

A. Nicholas Falkides, Esq (Cont.): green space that would be taken up by a garage. We are simply talking about enclosing the existing carports or by taking them down and replacing them with a site built wood and frame garage with a shingle roof. It has nothing to do with increasing congestion or reducing green space. There is concrete there now and there will be concrete there afterward. The third point that someone made, a misstatement that, quote " other than the residents of the mobile home park, no one else in Boston would benefit". Well the people who live in the mobile home park are people too. They are citizens and voters too. To merely dismiss them as quote, unquote "other than the residents of", is not correct and slightly demeaning. The fourth point, I'm sorry I don't know your name, but in response to your question, in an R-2 district, the minimum lot size is 15,000 square feet which is a third of an acre. The lot coverage ratio, and I am reading from section 123-28E, the lot coverage ratio is 15%. So on a lot in a R-2 zone, the minimum lot size is 15,000 square feet and the coverage ratio is 15%. Fifteen percent of 15,000 square feet is 2,250 square feet. What that means is that you can cover 2,250 square feet of the lot with house and you can go up as high as the height restrictions allow you to do. In the R-4 district the minimum lot size is only 6,000 square feet. The current lot coverage ratio is now 20%. So right now the R-4 allows for 20% of a mobile home lot to be covered. It only allows for 15% of an R-2 lot to be covered. However 20% of a 6,000 square foot lot is only 1,200 square feet. So we have a smaller lot but a bigger lot coverage ratio. The bottom line is that on a R-2 lot you can cover 2,250 square feet of the ground but in a R-4 lot you can only cover 1,200 square feet of the ground. The difference is over a thousand square feet. So the code as currently drafted says, we the Town of Boston are drawing a distinction. If your house is made from wood and built on site, you can cover over 2,200 square feet of your land. If your house is made in a factory and assembled on site, you can only cover 1,200 square feet of your land.

Ronald Yormick: I do not want to get into an argument with Mr. Falkides. I feel the laws for the mobile park are set. They have been set and amended for him many times. The people who live in the mobile home park know the laws and know the boundaries, know what they are buying and I don't see any reason why we should amend or add onto these mobile homes any more than they are already set.

David Stringfellow: I think he has essentially said that homes built on the site can only cover 15% of their lot. We have already allowed the manufactured homes to cover 20%. He said we should allow more because they are on smaller lots. All he needs to do is make the lots bigger and less of them and he too can cover as many square feet as he wants.

Casimer Glowski, 7875 Boston State Road: Mr. Falkides do you live in Boston? Do your parents live in Boston?

A. Nicholas Falkides, Esq: My parents are merely the second largest taxpayer in the Town of Boston.

Casimer Glowski: I have lived in Boston for twenty- one years, directly across the street from the trailer park. I have seen it grow and grow and grow. Are we talking about just enclosing carports? Isn't there something in there about 24 by 24 foot garages? Are the carports 24 foot by 24 foot? You want us to believe that you are just going to enclose this thing that has four posts on it now and just at the end of the driveway. Twenty-four by twenty-four garage is going to cover up a lot of green space. That's the next thing we are going to see. Then what is the next zoning code that is going to be changed after this one? I think this is the third or fourth one already for this trailer park in the last twenty years.

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Public Hearing (Cont.)
Supervisor Kennedy: There were some amendments that were offered. We did allow some changes in lot sizes back in, 1992 I believe.

Frank Lisowski Jr: With the addition of his 24 by 24 foot garage, it is about 500 square feet. What percentage of lot usage does that come out to, 30%? Right now we are letting him use 20%. With the addition of a 24 by 24 garage are they going to end up using 25,27,30% of a 6,000 foot lot?

Supervisor Kennedy: Mr. Falkides indicated in his communication that he thought that you should increase the lot coverage from 20 to 30%. Whether in fact that does actually incorporate a full 30% I am not aware but it would be approaching that I would think.

Frank Lisowski Jr: Again we are going beyond 15%. More like 30%.

A. Nicholas Falkides, Esq: Sure we are doubling it because the lot size is half.

Frank Lisowski Jr: Now 30% is a lot to use instead of 20% and stick built houses which are being discriminated against are only using 15%.

A. Nicholas Falkides, Esq: Actually you are not being discriminated against. They are not bigger lots. Actually what we are doing is approaching some fairness in the Town. I think it is wonderful.

Frank Lisowski Jr: More than fair. You are using 20% of your lot and I am only using 15% of my lot.

Supervisor Kennedy: Let's not banter back and forth. We have to have some kind of order. I'd defer to Councilman Flowers who drafted this legislation to comment if he wishes to.

Councilman Flowers: I certainly will. Back in 1993 when we were campaigning for Public Office, I happened to go through the Boston Hills Estates and the majority of the people who lived there were older folks who said, "look, we would like to enclose the carport or have a garage but the laws say you can't do it because in the laws as they are written now, a garage is said to be living space".

Supervisor Kennedy: No. It's occupied area. Let's get that straight. It is occupied area by virtue of the code. It doesn't say living space. Occupied area means occupied area. However you interpret occupied area.

Councilman Flowers: Occupied area. I know I don't live in my garage and the only thing that occupies my garage is a barn swallow, my dog and two cats. I wouldn't want to live in my garage and I certainly hope that no one would consider my garage an occupied area for housing. When we in the town have legislation on the books that requires people who build a home in the town to have an attached garage or a garage on site as part of the plan so that they get a Certificate of Occupancy, I thought that if we are doing it for people in site built houses, we are requiring them to have a garage before we give them a Certificate of Occupancy, it would only be fair to allow these people to have a garage. Like I was talking with Mr. Stringfellow before, we saw just one instance where a person had a site built house and continued to expand it and expand it and expand it. Now I know that they certainly meet all the set backs but I am certain that their house is somewhere in the area of 65 to 70% coverage of the site that they own. To sum this whole thing up, it was the people who lived in the Boston Hills Estates who asked for this and it was a coincidence that this letter from John Falkides came out about the same time that I hit with this. I would like to do this for the people who live there. This is why I had the Town Attorney draft this legislation the way

REGULAR BOARD MEETING
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Public Hearing (Cont.)
Councilman Flowers (Cont.): it is written. That is why I did it and I would like to be human and understanding of everybody. I understand the people in the area have certain doubts which have been brought to my attention at the Public Hearing. This does not mean that this law will pass as it is written. We may have to go back, scrap it, start all over again or deny it. I am glad people came out and gave their views on this proposal and for that I thank you all.

Lisa Rood, 8798 Zimmerman Road: In reference to the green space, I am a member of the Boston Conservation Advisory Council and I just want to point out the importance of green space. It is not only the aesthetics that is involved. If you cut down on the green space you are cutting down on the surface area of the land, the soil. The soil is a natural filter for contaminants and pollution. That is what you are doing here. If you increase the group area, the driveway area, you are cutting down on the soil which is the natural filter for ground water. Ok? Also I was wondering if conceivably they could end up enclosing their carport to make it into a garage, turning it into like maybe a family room or something and then perhaps asking for a garage at a later date. Is that conceivable a scenario that could come up also?

A. Nicholas Falkides, Esq: No it's not. Once the garage is built and you asked for a 30% mark-up, you would have to come back and ask for a variance and the Town Board would not do that, it would be denied.

Lisa Rood: Wouldn't they be just happy enclosing their 12 by whatever carport instead of blowing it out into a 24 by 24 foot building?

A. Nicholas Falkides, Esq: Quite Frankly many of them would. We are saying here that many people who have not come to a Town Board meeting in months, all of the sudden come out and want to make us villains. We have many residents who are senior citizens falling on the ice and drive down the street and see people who live in houses built on a lot and they say why must this discrimination continue? All we want to do is enclose our carports.

Lisa Rood: I don't think you should coin it discrimination because that is exactly what they bought when they moved there. I know what I bought when I bought my house also. I would like an indoor arena to ride my horses but am I being discriminated against? No. I know what I bought when I bought it.

Ralph Gibson, 8683 Maplelawn Drive: Would these be considered permanent structures or temporary moveable and as such how would they be taxed? What codes would they fall under as far as construction?

Councilman Flowers: If it is site built garage it falls under the building codes of NY State and would be inspected by the Town of Boston and would be a permanent dwelling and taxed as such.

Ralph Gibson: So then you would have a garage structure that is permanent and a dwelling that could be moved?

Councilman Flowers: Sure. In theory yes.

Supervisor Kennedy: You may amalgamate them. What he is saying though is that it is not a mobile unit. It cannot be taken apart and trucked away. It is going to remain there if their unit was ever moved. I don't anticipate many of those units would ever be moved. I am just saying it is an amalgamation in the unit itself. My concern is this. I may as well make a few comments. This is a change not only applicable to the existing park. This is a change in the mobile home ordinance or R-4 zoning. It took a long time to

TOWN OF BOSTON

RESOLUTION 1995-19

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 June, 1995 at 7:30 o'clock in the evening Easter time there were:

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

Councilman Flowers presented the following Resolution and moved its adoption; the motion was seconded by Councilman Davenport and unanimously passed.

WHEREAS, Geraldine Hubert began her teaching career with the Hamburg Central School district on September 1, 1972, and she performed her student teaching at Boston Valley School, and

WHEREAS, Geraldine Hubert has continuously taught our sons and daughters while they were students in the 5th grade at Boston Valley School for the last 23 years, and

WHEREAS, Geraldine Hubert has provided an excellent professional model for the student teachers who have served with her, and

WHEREAS, Geraldine Hubert has lived her educational philosophy of looking out for what was in the children's best interest, and

WHEREAS, the 5th grade at Boston Valley School had been a dynamo of extra-curricular education and experience in that the students have had the opportunity to attend a 3 day trip to the City of Albany, known as the Albany Experience for the last 6 years; and to attend a 1 week trip to a camp ground in the Adirondack Mountains for the last 13 years, and

WHEREAS, these trips would not have occurred without Geraldine Hubert having given the time and effort to plan, coordinate, and supervise the children on these unique educational adventures, and

WHEREAS, Geraldine Hubert has now decided to retire from her employment in order to have time to enjoy her leisure pursuits,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Boston sends its heartfelt thanks and appreciation to Geraldine Hubert for her outstanding service in educating an entire generation of children who will be the future leaders of our Town and of which the Townspeople can be proud, and be it further

RESOLVED, that the Town of Boston extends to Geraldine Hubert their very best wishes for continued health and happiness in her well deserved retirement years.

SEAL

David J. Shenk

David J. Shenk, Town Clerk

RESOLUTION 1995 - 18

ABANDOMENT OF A PORTION OF AN UNOPENED ROAD SOMETIMES KNOWN AS LOWER CRESTWOOD CIRCLE

TOWN OF BOSTON

NEW YORK

CERTIFICATE

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

This certification is made with respect to a portion of a unopened road, sometimes known as Lower Crestwood Circle, which commences at Chestnut Ridge Road and runs approximately seven hundred (700) feet in an easterly direction to a fence. This certification applies only to the most easterly one hundred seven and seventy three one hundredths (107.73) feet of the unopened road, measured along the south side of the right of way, and as is more fully described below.

As the following described portion of the unopened road also known as Lower Crestwood Circle was never dedicated, was never opened or worked within six (6) years of being laid out; has not been traveled or used as a public highway for six (6) or more years prior to the date of this certification; said premises are hereby declared abandoned, pursuant to Section 205 of the Highway Law of the State of New York, as a highway and right-of-way. That said premises is bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Boston, County of Erie, and State of New York, being part of Lot 15, Township 8, Range 7 of the Holland Land Company's survey and further bounded and described as follows:

BEGINNING at the northeast corner of Lower Crestwood Circle (50'wide) as conveyed to the Town of Boston by deeds recorded in the Erie County Clerk's Office in Liber 10872 of Deeds at Page 9786 and Liber 10872 of Deeds at Page 9766, said point also being the southeast corner of premises conveyed to the Town of Boston by deed recorded in the Erie County Clerks Office in Liber 10886 of Deeds at Page 5939, said point also being the southeast corner of premises conveyed to James M. Boguslawski by Deed recorded in the Erie County Clerk's Office in Liber 8267 of Deeds at Page 83;
thence southeasterly along the east line of said Lower Crestwood Circle, at an interior angle of 114° 26'41", a distance of fifty-four and ninety-two hundredths (54.92) feet to the southeast corner of said Lower Crestwood Circle;
thence westerly along the south line of said Lower Crestwood Circle, at an interior angle of 65° 33'19", a distance of one hundred seven and seventy-three hundredths feet (107.73') to a point;

thence easterly along the said north line of Lower Crestwood Circle, at an interior angle of 90°00'00", at t distance of eighty-five and no hundredths feet (85'00) to the point or place of beginning and containing 0.11 acres more or less.

Intending to convey a strip of land 50' in width as shown on sheet 2E 14781-A, dated June 15, 1995, prepared by TVGA Engineering, surveying P.C. and attached hereto.

After abandonment title to the above described property shall remain with the Town of Boston and said property will be available for other public purposes as may be determined by the Town Board of the Town of Boston.

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

DATED: JUNE 21, 1995

Eugene E. Ruchalski

Eugene E. Ruchalski, Town Superintendent of Highway, Town of Boston, New York

Richard L. Kennedy

Richard L. Kennedy, Supervisor

Don A. Wohlheuter

Don A. Wohlheuter, Councilman

Mark W. Flowers

Mark W. Flowers, Councilman

Josephine M. Davenport

Josephine M. Davenport, Councilman

Peter A. Walter

Peter A. Walter, Councilman

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

Filed and recorded this 21st day of June, 1995 in the Office of the Town Clerk of the Town of Boston, County of Erie, State of New York

David J. Shenk

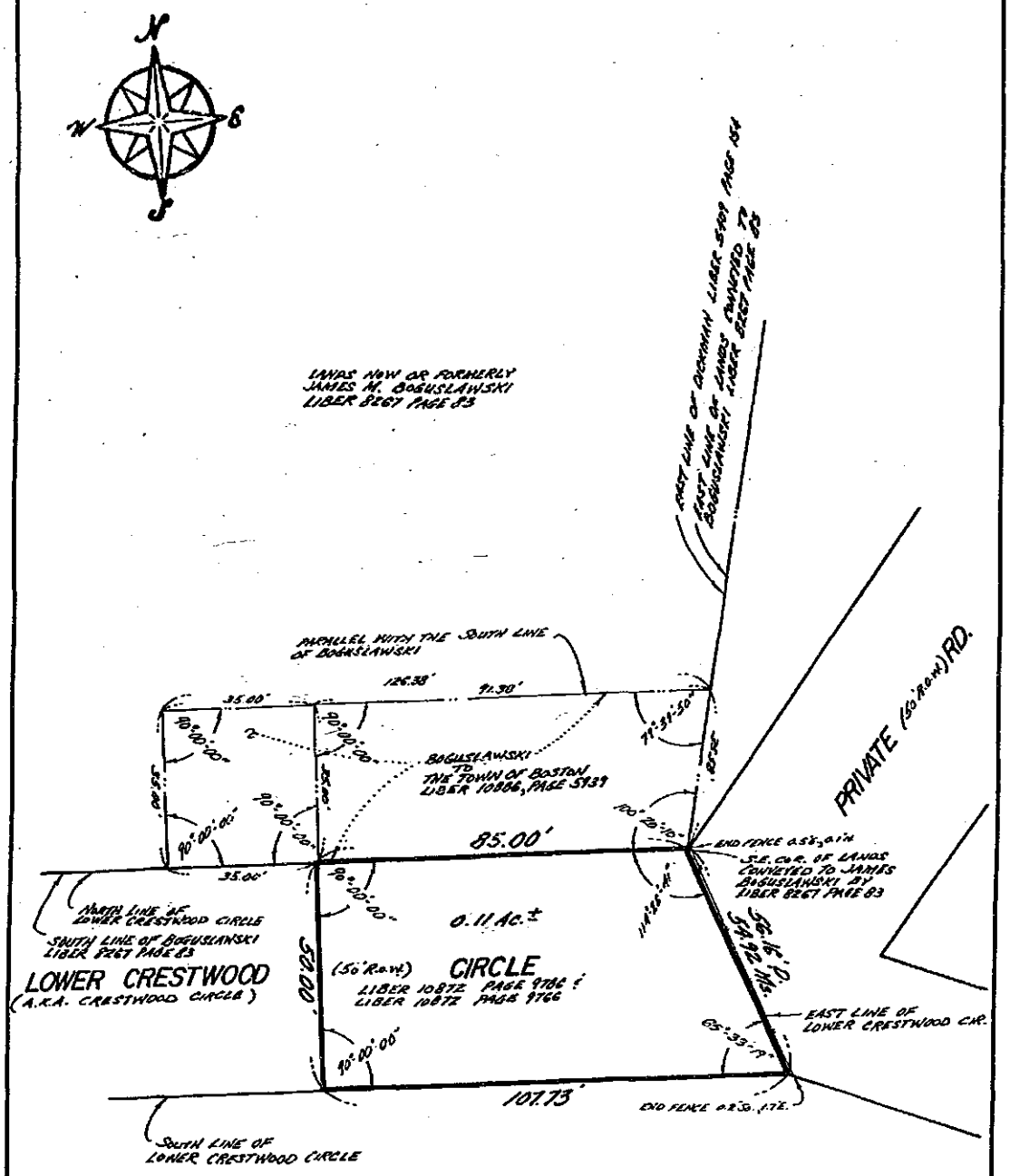
David J. Shenk, Town Clerk

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to accept this Resolution for the Abandonment of a Portion of an Unopened Road Sometimes Known as Lower Crestwood Circle.

five (5) Ayes

Carried

NOTE: THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH.



PART OF L 15 S ____ T 8 R 7 OF THE HOLLAND LAND COMPANY'S SURVEY

VILLAGE OF _____ ; CITY/TOWN OF BOSTON ; COUNTY OF ERIE ; STATE OF NEW YORK

NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO ANY SURVEY, DRAWING, DESIGN, SPECIFICATION, PLAN OR REPORT IS A VIOLATION OF SECTION 7209, PROVISION 2, OF THE NEW YORK STATE EDUCATION LAW.

REVISION		
DATE	JOB	DESCRIPTION

SBL No. _____

TVGA Engineers Surveyors Photogrammetrists

70 LINWOOD AVENUE, P.O. BOX 718, ORCHARD PARK, N.Y. 14127
TEL. (716) 662-9366 FAX: (716) 662-7689

DRAWN BY G.E.M. SCALE 1"=30'

CHECKED BY M DATE 6/15/95

JOB 950012-01 SHEET 2E-14781-A

STATE OF NEW YORK)
COUNTY OF ERIE) SS:

AFFIDAVIT OF SERVICE BY MAIL

DAVID J. SHENK, being duly sworn, deposes and says:

That he is over the age of eighteen (18) years and that he served a copy of the within Certificate of Highway Abandonment upon the following parties at the following times and places and in the following manner:

Eugene Braunbach	7531 Crestwood Circle Orchard Park, NY 14127-3823	06/28/95
James Boguslawski	4095 Winter Way Lane Hamburg, NY 14075	06/28/95
Diana Foster	226 S. Main Street Fairpoint, NY 14450-2706	06/28/95
Mark Heusinger	7523 Chestnut Ridge Rd. Orchard Park, NY 14127-3823	06/28/95
Russell Tomaka	7526 Crestwood Circle Orchard Park, NY 14127-3823	06/28/95
Charles Weimer	7 Kingsbury Lane Tonawannda, NY 14150-7204	06/28/95
Herbert Burgasser	7501 Crestwood Circle Orchard Park, NY 14127-3823	06/28/95

by depositing a true and correct copy of the same properly enclosed in a postpaid wrapper in the official depository maintained and exclusively controlled by the United States Post Office, Boston, New York directed to said party at the address listed above.

David J. Shenk

David J. Shenk

Subscribed and sworn to
before me this 28th day of
June 1995.

Karen A. Ellis

KAREN A. ELLIS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires May 31, 96

REGULAR BOARD MEETING TOWN HALL
JUNE 21, 1995 7:30 P.M.

Public Hearing (Cont.), Supervisor Kennedy (Cont.): develop that code with many hearings and a lot of work put into it. The consideration was at that time to limit certain things. We took an amalgamation of many different codes and decided what would be applicable to the Town of Boston, what would be fair and equitable. We came up with this code. If we change this, this is not only applicable to the existing mobile home park that was constructed after January 1991. It would be applicable to the new court that is proposed. That would cut down on the green space on the new court because there is no exception to this. This is anything that is developed after January 1 of 1991. It provides for a 24 by 24 foot structure. Now, some of those mobile homes now have carports on them pretty much the length of the mobile home, maybe forty feet long and they are only 8 or 9 feet wide. There is nothing to prohibit if you implement this law, of taking that down and widening it, taking some of the green space and making it a 24 by 24 double unit. Now my mother lived in a mobile home park for a long time and my sister did also. I appreciate the problems that are involved in storage and some of the other aspects that are involved in living in mobile home parks. We tried to make this as large as possible when we drafted this law because we felt if we were going to have a mobile home park in the Town of Boston we wanted it to be done right. I feel Mr. John Falkides and Katherine were very much aware of what the ground rules were when they developed the lots in the site plans that they submitted to this Town for consideration, when this was submitted some years ago. At least 21 or 14 or whatever, I can't even remember how many lots are in the Mobile Home Estates. They were aware then of what occupied space was because there were questions directed to the former Town Attorney and he indicated that his interpretation of occupied space was that area that was occupied by the carport and if you were to enclose that then it would become an occupied space. This particular legislation allows not only for the enclosure of the carport area that is now open but it also provides for a 24 by 24 foot garage which would be a double wide garage, the same as you have in many homes. I think what has been brought to attention here this evening is the occupied space that is normal in a regular construction lot. Certainly everything isn't applicable to a mobile home lot that is applicable to a residential lot but in this case I feel we have exceeded the area already in the mobile home ordinance by granting a 20% occupied space where you can't do this in the regular building lots.

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

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to table the Town Board decision on Local Law No.1 until the Town Board Meeting of July 19, 1995.

five (5) Ayes Carried

RESOLUTION 1995 - 19 GERALDINE HUBERT - RETIRING TEACHER

TOWN ATTORNEY REPORT

RESOLUTION 1995 - 18 ABANDONMENT OF A PORTION OF AN UNOPENED ROAD SOMETIMES KNOWN AS LOWER CRESTWOOD CIRCLE

Town Attorney Reilly noted that part of this land will be used for the water tank site. This portion of roadway was never opened or maintained as a road and the abandonment formally indicates this.

Local Law No. 2 of the Year 1995 (Tentative), regards the rezoning of 2.3 acres of land from R-A (Residential-Agricultural District) to C-1 (Local Retail Business District). This is located near the intersection of Chestnut Ridge Road and Route 391.

REGULAR BOARD MEETING
JUNE 21, 1995

TOWN HALL
7:30 P.M.

TOWN ATTORNEY REPORT (CONT.)

A copy of this proposal was given to the Town Board.

The Town of Boston has received a claim for a baseball injury on July 7, 1994 to Andrew Smith.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to authorize Town Attorney Reilly to investigate the claim of Andrew Smith and to attempt to negotiate an equitable resolution of this matter.

five (5) Ayes — Carried

A complaint was received on the condition and materials located at 6710 Mill Street owned by Mr. Edward Dzierzanowski. Boston Code Enforcement Officers conducted an inspection and compiled an inventory list of materials on the property. On June 19, 1995 Deputy Code Enforcement Officer Sawicki met with Mr. Dzierzanowski in an effort to get voluntary compliance to clean up the site. It appears there has not been cooperation or an agreement from Mr. Dzierzanowski. The Town Board directed the Town Attorney to pursue measures that would enable the site to be cleaned.

The Code Enforcement Officer reported the abandoned premises at 5565 Northside Drive, a property in foreclosure, has not been secured. Town Attorney Reilly has been in contact with the local attorney and representatives of investors who may purchase the property. A letter was sent on June 15, 1995 to local Attorney Marvin Baum informing him the pool should be drained or removed and first floor windows boarded and grass mowed. Town Attorney Reilly recommended a summons be served to the owner and Attorney Marvin Baum.

Supervisor Kennedy directed Code Enforcement Officer Santonocito to call owners in morning and if no remedial action is taken a summons will be issued.

"No Swimming" signs have been posted at the pond behind the Town Hall. It is dangerous and illegal for children to swim there.

COUNCILMAN REPORT

Councilman Flowers thanked alternate liaison, Joseph Wells, for attending the Southtowns Hazmat Team meeting.

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer monthly report for May 1995, received and on file in the Town Clerk's Office.

Received and filed a NYS Code Enforcement Training Certificate for Code Enforcement Officer Santonocito.

DEPUTY CODE ENFORCEMENT OFFICER REPORT

A) Deputy Code Enforcement Officer monthly report for May 1995, received and on file in the Town Clerk's Office.

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to adjourn the meeting at 8:57 P.M..

David J. Shenk

David J. Shenk, Town Clerk

REGULAR BOARD MEETING TOWN HALL
JULY 19, 1995 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 Deputy Town Attorney David W. Wilson.

Absent: Town Attorney Michael E. Reilly and Highway Superintendent Eugene E. Ruchalski.

A motion was made by Councilman Flowers and seconded by Councilman Walter to adopt the minutes of the June 21, 1995 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 #7, dated July 19, 1995 in the amount of $77,738.70 be paid.

five (5) Ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter that the Highway Bills on Abstract 7, dated July 19, 1995 in the amount of $25,521.64 be paid.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to accept the Town Clerk Monthly Report for June 1995.

five (5) Ayes Carried

Received a request from the Town of Concord for notification of any concerns regarding the formation of a water district on Trevett Road adjacent to the Town of Boston.

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy to direct the Town Clerk to notify the Town of Concord that the Town of Boston is in favor of allowing a water district to proceed on Trevett road and tap into our water district only after we have resolved our own situation with the water storage water tank and additional pump station supplying the valley.

five (5) Ayes Carried

Received and filed notification from NYS Department of Transportation of a Public Hearing/Tele-conference on July 27, 1995, on the draft transportation plan for New York State.

Received a Local Government Records Management Improvement Fund Grant in the amount of $7,958.00 from the State Archives and Records Administration (SARA).

A motion was made by Councilman Flowers and seconded by Councilman Davenport to authorize Supervisor Kennedy to sign a Grant Acceptance Form for a Local Government Records Management Improvement Fund grant in the amount of $7,958.

five (5) Ayes Carried

Received and filed notice of a Public Hearing on July 18, 1995 for a variance request from the Orchard Park Zoning Board of Appeals for Boston Valley Pottery, 6860 South Abbott Road.

Received and filed Erie County Sheriff's Report for June 1995.

Received notification that the Boston Planning Board Summer Meetings will be held on July 25th and August 22th at 7:30 P.M..

REGULAR BOARD MEETING — TOWN HALL
JULY 19, 1995 — 7:30 P.M.

Received and filed notification of a liquor license renewal for the Boston Inn, Inc., 9373 Boston State Road.

Supervisor Kennedy noted the Town of Boston is in receipt of a Summons and Complaint from John and Katherine Falkides vs. the Planning Board and the Town of Boston.

Received and filed notification from Adelphia Cable of a change in installation charges.

REQUESTS FROM THE FLOOR

Ronald Yormick, 6405 Deanna Drive: I would like to submit a written Protest and subsequently signed petition, opposed to the application of John and Katherine Falkides to rezone property at the end of Deanna Drive, as provided in section 265 of the Town Law. This should be considered a valid Zoning Protest.

Supervisor Kennedy directed Town Clerk Shenk to make copies of the Protest.

Councilman Flowers directed Town Clerk Shenk to record the date and time the Zoning Protest Petition was received.

Town Clerk Shenk accepted a Zoning Protest Petition from Mr. Ronald Yormick containing two sheets (2) with a total of twenty-five (25) signatures on July 19, 1995 at 7:48 P.M.

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter to approve the correction of General Fund and Special Districts Abstract #4, April 5, 1995:

Voucher #226 - Christmas Light Fund
From: Supervisor A1220.4 to Celebrations A7550.4

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Davenport to allow Audrey Frank to take call time and respond to calls within the Town of Boston, from her apartment at 8202 East Eden Road, for the Boston Emergency Squad.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to approve a request from the Boston Fire Company to relocate a fire hydrant in front of Station #1 to an agreed upon location.

five (5) Ayes — Carried

Received and filed a NYS Department of Transportation Designation of Restricted Highway notification for Route 277 between Route 391 and Ward Road in the Towns of Boston and Orchard Park, a distance of one mile.

At 7:55 P.M. a Public Hearing was held for the purpose of hearing public comments on Local Law No. 2 of the Year 1995, (Tentative) to rezone 2.3 acres of land from R-A (Residential-Agricultural District) to C-1 (Local Retail Business District). Supervisor Kennedy read the Legal Notice, the Local Law No. 2 of the Year 1995 (Tentative), the notice that was sent to thirty-three neighbors, the minutes of the 1990 Town Board Meeting and the 1990 Planning Board recommendation.

Supervisor Kennedy explained the error made in the official town map and noted a sign was posted on the property informing the public that a commercial re-zoning application is pending.

TOWN OF BOSTON

1995 - 22

NEGATIVE DECLARATION FOR ENVIRONMENTAL IMPACT ON THE REZONING OF 2.3 ACRES ON HERMAN HILL ROAD

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 19, day of July, 1995 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 Flowers presented the following resolution and moved its adoption:

WHEREAS, the Boston Town Board, as the lead agency, has duly considered whether the rezoning of 2.3 acres on Herman Hill Road, situate in the Town of Boston, County of Erie and State of New York, being part of Lot 14, Township 8, Range 7 of the Holland Land Company's Survey, will have an adverse environmental impact, and

WHEREAS, this analysis has been conducted in conjunction with the information enumerated in Part I of the SEQR Full (EAF) Environmental Assessment Form, as well as the potential environmental effects listed in Part II of the EAF and said EAF being incorporated by reference into this determination of significance and after due deliberations,

NOW THEREFORE, BE IT RESOLVED, that the Boston Town Board, as lead agency, hereby finds that the rezoning of 2.3 acres on Herman Hill Road will not have any adverse environmental impacts.

Seconded by Councilman Flowers and 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. Sherk

David J. Sherk, Town Clerk

TOWN OF BOSTON

1995 - 20

WOHLHUETER ROAD - LOWER SPEED LIMIT

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 July 1995 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:

RESOLVED, the Department of Transportation, pursuant to Section 1622.1 of the Vehicle and Traffic Law to establish a 40 mph speed limit on Wohlhueter Road.

RESOLVED, a sign be installed acknowledging "40 MPH Speed Limit."

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

TOWN OF BOSTON

1995 - 21

TAYLOR ROAD - LOWER SPEED LIMIT

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 July 1995 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:

RESOLVED, the Department of Transportation, pursuant to Section 1622.1 of the Vehicle and Traffic Law to establish a 40 mph speed limit on Taylor Road.

RESOLVED, a sign be installed acknowledging "40 MPH Speed Limit."

Seconded by **Councilman Wohlhueter** 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
JULY 19, 1995

TOWN HALL
7:30 P.M.

Supervisor Kennedy convened the Public Hearing.

There were no comments.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to close the Public Hearing at 8:01 P.M..

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to designate the Town Board as the Lead Agency with respect to Local Law No.2 of 1995 which involves the rezoning of 2.3 acres of land from R-A to C-1.

five (5) Ayes Carried

Supervisor Kennedy read a letter from TVGA Engineering giving an assessment of potential impacts due to the rezoning and proposed use of the property. A SEQR (State Environmental Quality Review) form was attached.

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, July 19, 1995 at 7:55 P.M., Eastern Daylight Savings Time, at the time and place above noted, all interested persons will be heard for or against.

LOCAL LAW NO. 2
OF THE YEAR 1995 (TENTATIVE)

A LOCAL LAW TO REZONE 2.3 ACRES OF LAND FROM R-A (Residential-Agricultural District) to C-1 (Local Retail Business District).

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF BOSTON AS FOLLOWS:

Section I.

That Local Law No. 2 of the Year 1995 shall amend Local Law No. 6 of the Year 1990, any amendments thereto and the Town of Boston Zoning Map, by rezoning 2.3 acres of real property from R-A to C-1; such property being described as Town of Boston, Erie County, New York, Lot 14, Township 8, Range 7 of the Holland Land Company's survey and located on the eastern side of Boston State Road south of the intersection of Boston State Road and Chestnut Ridge Road, as is more fully described below:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Boston, County of Erie and State of New York, being part of Lot 14, Township 8, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point of intersection of the center line of the Hamburg-Springville Road with the northerly line of lands conveyed to Henry J. Ernst by deed recorded in the Erie County Clerk's Office in Liber 388 of Deeds at Page 211; thence easterly along the northerly line of lands conveyed to the Buffalo and Susquehanna Railway by deed recorded in Erie County Clerk's Office in Liber 997 of deeds at page 157; thence southeasterly along said southwesterly line, a distance of 675.50 feet, more or less to an iron in the center line of the former State Road (now abandoned); thence southwesterly at an interior angle measured at 135° 06' 58" a distance of 68.07 feet to the northerly line of the "Bowers Farm," so called; thence westerly at an interior angle of 108° 59' a distance of 163.09 feet to the center line of Hamburg-Springville Road; thence northerly at an interior angle of 106° 33' and along the center line of said road a distance of 697.5 feet to the point or place of beginning containing 2.3 acres, more or less.

Section II.

If any provision of this Local Law shall be held invalid, the remaining provisions shall not be effected thereby.

Section III.

This Local Law shall take effect immediately upon filing with the Secretary of State for the State of New York.

DATED: JULY 1, 1995
PUBLISHED: JULY 13, 1995
BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK
7-13

RESOLUTION 1995 - 22 - NEGATIVE DECLARATION FOR ENVIRONMENTAL IMPACT ON THE REZONING OF 2.3 ACRES ON HERMAN HILL ROAD

Supervisor Kennedy commented that the usable C-1 property is very limited and any future use will be reviewed extensively by the Planning Board and Town Board. SEQR concerns have been addressed by the Town Engineer and members of the Town Board.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to rezone the property described in the legal notice of the Public Hearing to C-1, as it was originally zoned, and adopt Local Law No. 2 of 1995.

five (5) Ayes Carried

RESOLUTION 1995 - 20 WOHLHUETER ROAD - LOWER SPEED LIMIT

Supervisor Kennedy referred to Councilman Walter a request for a speed limit reduction on Taylor Road.

RESOLUTION 1995 - 21 TAYLOR ROAD - LOWER SPEED LIMIT

Received an application from Hamburg Overhead Door, Inc. for the rezoning of 6.83 acres on Rt. 277 (Herman Hill Rd) from C-1 to C-2.

Supervisor Kennedy directed Town Clerk Shenk to contact the Planning Board and verify that the information submitted with the Rezoning Application is sufficient for the Planning Board to comment and if not, to direct correspondence to the Planning Board Chairman asking what other information might be needed before consideration by the Planning Board. This information would then be directed to the applicant.

REGULAR BOARD MEETING
JULY 19, 1995

TOWN HALL
7:30 P.M.

William Boltz, Planning Board Chairman noted that because this project was previously presented to the Planning Board and is now a redesigned project, the Planning Board is aware of what has been submitted. Mr. Boltz requested the Town Clerk document what has been received and the Planning Board Consultants would advise as to whether the application is complete.

Supervisor Kennedy requested Mr. Boltz inform either himself or Town Clerk Shenk as to whether the application is complete so the applicant can be informed.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to refer to the Planning Board for recommendation, an application from Hamburg Overhead Door, Inc. for the re-zoning of 6.83 acres on Route 277 (Herman Hill Road) from C-1 to C-2.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Flower, on the recommendation of Recreation Director Clesse, to appoint the following to the Recreation Summer Program staff, retroactive to July 5, 1995 and to expire on August 13, 1995:

James Cole	Assistant Site Supervisor	6.35/hr
Rebecca M. Dubisz	Site Supervisor	7.10
Eric Krajewski	Assistant Site Supervisor	6.35
Eric Steward	Site Supervisor/Lifeguard	7.10
Audrey Torno	Assistant Site Supervisor	6.35
Jennifer Lennox	Life Guard	6.00
Meridith Agle	Water Safety Instructor	7.10
Matthew Wilson	Substitute Rec. Attendant	4.35

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy to authorize the Town Clerk to notify the Boston official newspapers that the August Town Board Meeting is rescheduled to Wednesday, August 16, 1995, at 7:00 P.M. in the Boston Valley Elementary School Auditorium. The Public Hearing will begin at 7:30 P.M. for the rezoning application of 16.6 acres, R-2 to R-4.

five (5) Ayes — Carried

Supervisor Kennedy noted Town business will be addressed from 7:00 P.M. to 7:30 P.M. and the Public Hearing will begin at 7:30 P.M.. A request was made to the media to print the rescheduling in a special column of the newspapers. Arrangements have been made for a stenographer and the Town Board will receive written comments within the prescribed ten day period following the Public Hearing for the rezoning application of 16.6 acres of land from R-2 to R-4.

Supervisor Kennedy read Local No.3 of the year 1995, to rezone 16.6 acres of land from R-2 to R-4 on Deanna Drive.

Regarding a proposed Amendment to Allow an Attached Garage on Mobile Home Space, tabled from the June 21, 1995 Public Hearing:

William Boltz, Planning Board Chairman, inquired why this proposed Amendment was not referred to the Planning Board for comments.

Supervisor Kennedy responded that a Public Hearing was held to hear the comments of the public. It is not a requirement to be referred to the Planning Board. It is normal procedure.

REGULAR BOARD MEETING — TOWN HALL
JULY 19, 1995 — 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to remove the proposed Amendment to Allow an Attached Garage on Mobile Home Space, tabled from the June 21, 1995 Public Hearing, from the table.

five (5) Ayes — Carried

Supervisor Kennedy read Local Law No. 1 of the Year 1995 (Tentative), to amend Local Law No. 2-1987, entitled Mobil Home Courts.

Supervisor Kennedy commented that a Public Hearing was held on June 21, 1995 to amend Local Law No. 2-1987, entitled Mobil Home Courts. The Town of Boston considered R-4 zoning regulations for a period of two and a half years before the final adoption of R-4 zoning requirements. Upon a previous request for a 24 X 24 foot garage incorporated into a Mobil Home purchase, the former Town Attorney determined this was considered living space by virtue of the law. The present Town Attorney is in agreement of the interpretation of the law. The only way this could be changed is by changing the existing R-4 zoning by a Local Law. There have been comments indicating that when compared to zoning in R-2, the R-4 zoning has more latitude in the coverage of their property.

Supervisor Kennedy noted it is his contention that Mr. & Mrs. Falkides were aware of the existing law when they drew their plans. Their final submission was offered to this Town Board for consideration of the number of lots to be placed within the existing Mobile Home Park. To now ask for a change conflicts with all the studies and work done in the computation of the R-4 Mobile Home Ordinance. Mr. and Mr. Falkides could have limited the number of lots, thus increasing the square footage of the lots to allow for double wide garages. Supervisor Kennedy recommended this local law be defeated.

Councilman Flowers commented that upon reviewing the comments from the Town Board hearing, there was a difference in what the residents of the Mobile Home Park asked for and what was proposed. The residents asked for an enclosed carport. What was proposed was much too large for their needs and unable to be constructed within the Park limitations. The Town Attorney has determined this proposal cannot be withdrawn and must be acted upon. Another proposal will be presented which will be more amicable to the residents of the Mobile Home Park.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to deny Local Law No. 1 of the Year 1995 (Tentative), to amend Local Law No. 2-1987, entitled Mobil Home Courts.

five (5) Ayes — Carried

Katherine Falkides, Boston Hills Homes & Estates, commented that she believed the law in Boston requires every dwelling to have a garage, so how can a law prohibit an enclosed carport garage.

Supervisor Kennedy responded that the Town Board was acting on an expansion to the existing carports to allow for a 24 X 24 foot garage not an enclosed carport garage. This would cover more ground area than presently included.

Katherine Falkides noted that is not what was asked for. The Boston Town Attorney wrote up the wrong proposal.

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to grant permission to Richard Klinczar to use the Lions Shelter on July 23, 1995 for an annual picnic. Alcoholic beverages will be served and a Certificate of Insurance supplied.

five (5) — Carried

REGULAR BOARD MEETING — TOWN HALL
JULY 19, 1995 — 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to grant an annual Mobile Home Park License to John Falkides, Boston Hills Homes & Estates and Richard and Joy Boyd, Sprague Mobile Home Park.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter to authorize Supervisor Kennedy to purchase a computer for the Supervisor's office for a total of $2,009.00.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to refer to the Planning Board for recommendation, an application for a Dumping Permit at 6580 Hillside Drive, and schedule a Public Hearing for September 6, 1995 at 8:00 P.M..

Five (5) Ayes — Carried

SUPERVISOR REPORT

A) Supervisor's Monthly Financial Report for June 1995, received and on file in the Town Clerk's Office.

Supervisor Kennedy reported that of the four hundred eighty-five (485) East Hill residents who were sent letters on July 14, 1995, 25% have replied as of July 19, 1995. One hundred twenty-two (122) replies have been received, of which eighty-four (84) responded "yes" and thirty-eight (38) responded "no". This is a positive response to this point.

Regarding the West Hill Water Improvement applications, the Department of Health and the Division of the Budget, responded in the affirmative to the letters sent.

TOWN CLERK REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to accept the Registrar of Vital Statistics Monthly Report for June 1995.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to accept the Tax Collector's Monthly Report for June 1995.

five (5) Ayes — Carried

Town Clerk Shenk announced the tax rolls are now closed and tax payments must now be made to the Erie County Finance Department.

DEPUTY TOWN ATTORNEY REPORT

Deputy Town Attorney Wilson noted the Town Attorney's office has been in communication with Erie County relative to the question of exemption from real property taxation for the building site and water tank for Water District No. 1. The Town Board is in possession of Resolution 1995-23 which needs to be reviewed, adopted and forwarded to the County Legislature for a vote.

RESOLUTION 1995 - 23 WATER DISTRICT NO. 1 - EXEMPTION FROM REAL PROPERTY TAXATION FOR BUILDING SITE AND WATER TANK

TOWN OF BOSTON

1995- 23 WATER DISTRICT #1
STORAGE TANK - CHESTNUT RIDGE ROAD TAX STATUS

At a regular meeting of the Town Board of the Town of Boston, Erie County, New York, held in the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 19th day of July, 1995, 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 Peter A. Walter presented the following resolution and moved its adoption:

WHEREAS, the Town of Boston Water District #1 plans to construct a new water storage tank near Chestnut Ridge Road in the Town of Boston to serve water customers within the district; and

WHEREAS, the land upon which the new water storage tank is to be built is located outside the boundaries of the Town of Boston Water District #1; and

WHEREAS, real property owned by a Town Water District outside of its district boundaries is subject to real property taxation; and

WHEREAS, Real Property Tax Law Section 410-a permits the County, in its discretion, to grant whole or partial exemption from County real property taxes; and

WHEREAS, Real Property Tax Law Section 410-a also permits whole or partial exemption from special ad valorem levies and special assessments to the extent provided in Section 490 of the Real Property Tax Law; and

WHEREAS, the Town of Boston Water District #1 and the Town Board of the Town of Boston have asked, by resolution, that the County of Erie wholly exempt this land from County real property taxes, special ad valorem levies and special assessments to the extent allowed by Section 410-a and 490 of the Real Property Tax Law;

NOW, THEREFOR, BE IT

RESOLVED, that the Town Board of the Town of Boston requested that the County of Erie wholly exempts from County real property taxes, and exempts from special ad valorem levies and special assessments, certain lands lying outside of the district boundaries of the Town of Boston Water District #1, and more particularly described as follows:

> ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Boston, County of Erie and State of New York, being part of Lot 15, Township 8, Range 7 of the Holland Land Company's survey and further bounded and described as follows:

BEGINNING at the southeast corner of Lower Crestwood Circle (50´ wide) as conveyed to the Town of Boston by deed recorded in the Erie County Clerk´s Office in Liber 10872 of Deeds at Page 9786 and Liber 10872 of Deeds at Page 9766;

thence westerly along the south line of said Lower Crestwood Circle at an interior angle of 65° 33´19", a distance of one hundred seven and seventy-three hundredths feet (107.73´) to a point;

thence northerly at an interior angle of 90°00´00", a distance of eighty-five and no hundredths feet (85.00´) to a point in the north line of the premises conveyed to the Town of Boston by deed recorded in the Erie County Clerk´s Office in Liber 10886 of Deeds at Page 5939;

thence easterly along the said north line of premises conveyed to the Town of Boston by Liber 10886 of Deeds at Page 5939, at an interior angle of 90° 00´00", a distance of ninety-one and thirty-eight hundredths feet (91.38´) to the northeast corner of said premises conveyed to the Town of Boston by Liber 10886 of Deeds at Page 5939, said point also being in the east line of premises conveyed to James M. Boguslawski by deed recorded in the Erie County Clerk´s Office in Liber 8267 of Deeds at Page 83;

thence southeasterly along the east line of said premises conveyed to the Town of Boston by Liber 10886 of Deeds at Page 5939 and along the east line of said premises conveyed to James M. Boguslawski, at an interior angle of 79°39´50", a distance of thirty-five and fifty-eight hundredths feet (35.58´) to the southeast corner of said premises conveyed to the Town of Boston by Liber 10886 of Deeds at Page 3959, said point also being the northeast corner of said Lower Crestwood Circle, said point also being the southeast corner of said premises conveyed to James M. Boguslawski;

thence southeasterly along the east line of said Lower Crestwood Circle, at an interior angle of 214° 46´51", a distance of fifty-four and ninety-two hundredths feet (54.92´) to the point or place of beginning and containing 0.18 acres more or less;

and be it further

RESOLVED, that a partial exemption from special ad valorem levies and special assessments be granted from all such levies except those from which the County may not grant exemption as provided by Section 490 of the Real Property Tax Law;

and be it further

RESOLVED, that the exemptions requested under this resolution shall inure only to the Town of Boston Water District #1, and shall be only for the property described in this resolution, and shall survive only for such time as the Town of Boston Water

TOWN OF BOSTON

District #1 shall use the described premises for the purpose of operating a water storage tank and the necessary connections thereto with the District water system;

and be it further

RESOLVED, that three certified copies of this request be forwarded to the Clerk of the Erie County Legislature.

Seconded by Richard L. Kennedy and put to a vote which resulted as follows:

Richard L. Kennedy	voting	aye
Mark W. Flowers	voting	aye
Don A. Wohlhueter	voting	aye
Josephine M. Davenport	voting	aye
Peter A. Walter	voting	aye

AYES: five (5) NOES: zero (0) ABSENT: zero (0)

David J. Shenk

DAVID J. SHENK, Town Clerk

REGULAR BOARD MEETING TOWN HALL
JULY 19, 1995 7:30 P.M.

DEPUTY TOWN ATTORNEY REPORT (CONT.)

Frank Lisowski Jr., E5461 Shero Road, inquired if the Zoning Protest Petition submitted by Mr. Ronald Yormick will apply to and be valid for any new proposal regarding Mobile Home Court garages being proposed by Councilman Flowers or must a new petition be submitted. Also questioned was the need to schedule a new Public Hearing.

Deputy Town Attorney Wilson responded that the documents submitted would have to be reviewed and a determination made. New legislation presented requires another Public Hearing.

COUNCILMAN REPORT

Councilman Flowers reported the Town Attorney has drawn a proposal for residents in the newly developed Mobile Home Park, changing the area occupied by an enclosed carport to a maximum of 12 feet by 30 feet and shall not be considered as part of the occupied area when computing the percent of occupied area of a Mobile Home space. This shall only apply to Mobile Homes developed after January 1, 1991. In response to the request of Mobile Home Court residents to enclose their carports, this proposal is presented and forwarded to the Planning Board for recommendation.

William Boltz commented that he is confused as to whether the structure is a mobile home or a house and if the comparison is apples to apples and oranges to oranges. He noted these people ought to have some place to put their car. The wording of the motion needs to be clarified as to whether a mobile home is a house trailer or if a manufactured house of Falkides is really a house.

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter to refer to the Planning Board for recommendation and schedule a Public Hearing for September 6, 1995, at 8:15 P.M. for Local Law No. 4, of the Year 1995 (Tentative) to amend section 70-10 (G)(4) Mobile Home Court Law.

five (5) Ayes Carried

Councilman Wohlhueter referred to the Capital Improvement Committee a request from Frank Lisowski, Jr on behalf of the Boston Lions Club to erect a storage building on Town property in the vicinity of the Highway Barn.

Councilman Wohlhueter noted the Erie County and Town of Amherst drop off date for household hazardous waste is July 22, 1995 from 9:00 A.M. to 2:00 P.M. at the Erie County Community College North Campus in Williamsville.

Councilman Davenport reported there are 322 children registered for the Summer Recreation Program. Two (2) extra lifeguards have been hired for the Orchard Park swimming program at the YMCA. The New York State guidelines for summer camps is being adhered to. There is a ratio of twelve (12) children to one (1) instructor.

The Summer Concerts are every Tuesday night and Gusto will be printing the dates of the programs.

On Thursday, July 27, 1995 there will be a blood donor program drive at the Faith United Church from 3:30 P.M. to 7:00 P.M.. The Summer Program campers will be having a swim-a-thon to benefit the Red Cross Blood program.

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer monthly report for June 1995, received and on file in the Town Clerk's Office.

REGULAR BOARD MEETING — TOWN HALL
JULY 19, 1995 — 7:30 P.M.

CODE ENFORCEMENT OFFICER REPORT (CONT.)

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to grant a Temporary Certificate of Occupancy to Norm Nawrocki of 6383 Rice Road.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to grant a Second Accessory Building Permit to James Rodgers of 9300 Back Creek Road contingent on a variance approval from the Zoning Board of Appeals.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport to grant a Second Accessory Building Permit to Alex and Deborah Walkowiak of E7208 Omphalius Road.

five (5) Ayes — Carried

Supervisor Kennedy commented that there have been complaints as to the status of the clean-up project at the building that was burned by fire on Boston State Road. After comments that the State Police are still investigating a call was placed to the Police Sergeant and we are waiting for a response.

Code Enforcement Officer Santonocito noted that the Board was informed immediately after the fire that the building was a hazard.

DEPUTY CODE ENFORCEMENT OFFICER REPORT

A) Deputy Code Enforcement Officer monthly report for June 1995, received and on file in the Town Clerk's Office.

DOG CONTROL OFFICER REPORT

A) Dog Control Officer monthly report for June 1995, received and on file in the Town Clerk's Office.

TOWN ENGINEER REPORT

A) Town's Engineer's monthly report for June 1995, received and on file in the Town Clerk's Office.

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to adjourn the meeting at 9:18 P.M..

David J. Shenk

David J. Shenk, Town Clerk

TOWN OF BOSTON

RESOLUTION 1995-24

IN THE MATTER OF THE ESTABLISHMENT OF TAYLOR ROAD EXTENSION #1 TO BOSTON WATER DISTRICT #1 IN THE TOWN OF BOSTON, ERIE COUNTY, NEW YORK

PETITION FOR THE ESTABLISHMENT OF TAYLOR ROAD EXTENSION #1 TO BOSTON WATER DISTRICT #1 IN THE TOWN OF BOSTON, ERIE COUNTY, NEW YORK

To the Town Board, Town of Boston, County of Erie, State of New York:

The undersigned, being the Owner of all taxable real property situated in the proposed Taylor Road Extension #1 ("Extension") to Boston Water District #1 ("District"), and owning in the aggregate all of the assessed valuation of all the taxable real property in said "Extension", as shown on the latest completed Assessment Roll of said town, including all resident owners of said proposed "Extension" owned by the resident owner according to the latest completed Assessment Roll of said town;

DOES HEREBY PETITION this Honorable Board to establish Taylor Road Extension #1 to Boston Water District #1 in the Town of Boston, County of Erie and State of New York, outside any incorporated village and wholly within the said Town of Boston, to be known as the Taylor Road Extension #1 to Boston Water District #1, which proposed "Extension" is bounded and described on Exhibit "A" attached hereto and made a part hereof.

Water service to the "Extension" is already completed pursuant to a project undertaken by the "District" to connect its service main on Taylor Road to intersect with a service main constructed in the Town of Hamburg.

That, pursuant to Town Law, Section 202, Petitioner agrees to pay to the "District" the total sum of Sixteen Hundred Thirty-three Dollars and seventeen cents ($1,633.17) as his proportionate share of the construction costs of said water service main. Such said payment has been made to the "District".

In addition, Petitioner has paid the sum of Two Hundred Fifty Dollars ($250.00) to the Town of Boston as an allowance under Town Law, Section 202, to reimburse the Town of Boston for the services of its salaried employees in connection with this application.

Nelson E Owen
Nelson Owen

Dated: Boston, New York
August 18th, 1995

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On this 18th day of August, 1995, before me personally appeared NELSON OWEN, to me personally known and known to me to be the same persons described in and who executed the within Instrument and he acknowledged to me that he executed the same.

David J. Shenk
Notary

DAVID J. SHENK
NOTARY PUBLIC, STATE OF NEW YORK
Qualified in Erie County
My Commission Expires April 19, 1996

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Boston, County of Erie and State of New York, being part of Lot No. 46, Township 8, Range 7 of the Holland Land Company's survey, and more particularly described as follows:

BEGINNING at a point in the west line of North Feddick Road, a/k/a Taylor Road, at a point distant 45 feet westerly at right angles to the so-called new center line of North Feddick Road, a/k/a Taylor Road (as described in a Deed from Sophie Ratajczak to County of Erie, recorded in the Erie County Clerk's Office in Liber 6967 of Deeds at page 85 on January 17, 1964), said line also being the east line of Lot No. 46, and distant 101 feet southerly from the north line of said Lot No. 46, as measured along the new highway boundary, described in said Deed to County of Erie; thence easterly along the new highway boundary as established by the aforesaid Deed to County of Erie a distance of five (5) feet; thence southerly along said new highway boundary of North Feddick Road, a/k/a Taylor Road, a distance of 200 feet; thence westerly at right angles a distance of 200 feet, thence northerly at right angles a distance of 200 feet; thence easterly at right angles a distance of 195 feet to the point of beginning.

EXCEPTING AND RESERVING THEREFROM, 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. 46, Township 8, Range 7 of the Holland Land Company's survey, more particularly described as follows:

BEGINNING at a point in the west line of North Feddick Road, a/k/a Taylor Road, at a point distant 45 feet westerly at right angles to the so-called new center line of North Feddick Road, a/k/a Taylor Road (as described in a deed from Sophie Ratajczak to County of Erie, recorded January 17, 1964 in the Erie County Clerk's Office in Liber 6967 of Deeds at page 85), said line also being the east line of Lot No. 46 and distant 101 feet southerly from the north line of said Lot No. 46 as measured along the new highway boundary, described in said deed to County of Erie; thence easterly along the new highway boundary as established by the aforesaid deed to County of Erie, a distance of 5 feet; thence southerly along said new highway boundary to North Feddick Road, a/k/a Taylor Road, a distance of 20 feet; thence westerly at right angles, a distance of 200 feet; thence northerly at right angles a distance of 20 feet; thence easterly at right angles a distance of 195 feet to the point or place of beginning.

TOWN OF BOSTON

NOTICE OF ADOPTION OF RESOLUTION
SUBJECT TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN that at a Regular Meeting, held on the 20 th day of September, 1995, the Town Board of the Town of Boston duly adopted a Resolution, an abstract of which follows, which Resolution is subject to a Permissive Referendum pursuant to Article 7 of the Town Law of the State of New York.

Said Resolution established Taylor Road Extension #1 to Water District No. 1 for the Town of Boston, New York, enacted pursuant to Article 12 of the Town Law of the State of New York. The said Extension contains lands having frontage on Taylor Road in the Town of Boston, New York. Pursuant to the Town Board Resolution, the owner of the said Extension, NELSON OWEN, has reimbursed the Town of Boston Water District No. 1 in accordance with a benefit calculation, as prepared by the engineering firm of Nussbaumer & Clarke, Inc.

Dated: Boston, New York
September 20, 1995

David J. Shenk

David J. Shenk, Town Clerk

REGULAR BOARD MEETING — BOSTON VALLEY ELEMENTARY SCHOOL
AUGUST 16, 1995 — 7:00 P.M.

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

Supervisor Kennedy read the legal notice of the change of time and location of the Town Board Meeting to the Boston Valley Elementary School Auditorium on August 16, 1995 at 7:00 P.M..

A motion was made by Councilman Flowers and seconded by Councilman Davenport to adopt the minutes of the July 19, 1995 regular monthly meeting.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter that the General Fund and Special District Bills on Abstract #8, dated August 16, 1995 in the amount of $68,725.62 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter that the Highway Bills on Abstract 8, dated August 16, 1995 in the amount of $27,111.98 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 July 1995.

five (5) Ayes — Carried

Received and filed notification of participation from the Erie County Water Authority regarding the East Hill Water District.

Received and filed Erie County Division of Highways, Restricted Highway Notifications for Mill Street, Cole Road (from Boston Cross to Boston-Colden Roads) and highway closure for Wohlhueter Road.

Supervisor Kennedy directed Town Clerk Shenk to notify the Emergency Squad, Fire Police and all Emergency Services of the restricted highway specifications.

Received and filed the NYS DOT status report on the lower maximum speed requests for Taylor and Wohlhueter Roads.

Received and filed correspondence from Erie County Division of Highways and NYS DOT regarding receipt of Form TE 9 requesting the establishment of a lower maximum speed on Taylor Road.

Received and filed notice from the NYS Comptroller of the 1995-1996 Fiscal State Year, Chapter 53 of the Laws of 1995 law providing for the payment of State General Purpose Revenue Sharing funds (GPRS) in the amount of $37,437 to the Town of Boston.

Received and filed a petition from David G. Unger, 5934 Rice Road, to Erie County Supreme Court for a Small Claims Assessment Review. This petition has been referred to the Town Attorney.

Received and filed Erie County Sheriff's Report for July 1995.

Received and filed a NYS Board of Real Property Services Certificate of Final Special Franchise Assessments.

RESOLUTION 1995 - 24 ESTABLISHMENT OF TAYLOR ROAD EXTENSION #1 TO BOSTON WATER DISTRICT #1 IN THE TOWN OF BOSTON

REGULAR BOARD MEETING — BOSTON VALLEY ELEMENTARY SCHOOL
AUGUST 16, 1995 — 7:00 P.M.

A motion was made by Councilman Walter and seconded by Councilman Davenport to grant People, Inc., use of the Lions Shelter on September 16, 1995 for a family picnic. No alcoholic beverages will be served.

five (5) Ayes — Carried

Received and filed an Erie County Department of Health Approval of Completed Works for Back Creek Road and Mill Street regarding the Water District #2 Extension at 6630 Pfarner Road.

A motion was made by Councilman Flowers and seconded by Councilman Davenport, on the recommendation of TVGA Engineering, to approve payment to Klarberg, Inc., contractor for the Water District #2 Extension, in the amount of $20,648.78, to be reimbursed to the Town of Boston by Marilyn Will of 6630 Mill Street.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy to table a request for reappointment from Assessor William H. Kleis, Jr. until the September 6, 1995 Town Board meeting.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter to authorize Supervisor Kennedy to enter into a contract with TVGA Engineering for a map plan and report on the West Hill Water Project for a lump sum payment of $1,000.00.

five (5) Ayes — Carried

SUPERVISOR REPORT

A) Supervisor's Monthly Financial Report for July 1995, received and on file in the Town Clerk's Office.

TOWN CLERK REPORT

A) Registrar of Vital Statistics Monthly Report for July 1995, received and on file in the Town Clerk's Office.

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer monthly report for July 1995, received and on file in the Town Clerk's Office.

A motion was made by Councilman Davenport and seconded by Councilman Flowers to grant a second Building Permit to Donald J. May, 6167 Ward Road.

five (5) Ayes — Carried

Received and filed a status report from Deputy Code Enforcement Officer Sawicki on the fire damaged building at 9364 Boston State Road.

DEPUTY CODE ENFORCEMENT OFFICER REPORT

A) Deputy Code Enforcement Officer monthly report for July 1995, received and on file in the Town Clerk's Office.

DOG CONTROL OFFICER REPORT

A) Dog Control Officer monthly report for July 1995, received and on file in the Town Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for July 1995, received and on file in the Town Clerk's Office.

REGULAR BOARD MEETING — BOSTON VALLEY ELEMENTARY SCHOOL
AUGUST 16, 1995 — 7:00 P.M.

At 7:30 P.M. a Public Hearing was held for the purpose of hearing public comments on the John and Katherine Falkides Application for the Creation of a Mobile Home Court District on Deanna Drive. Supervisor Kennedy presented a brief description of the application. The following items of information were read aloud:

A) The legal notice.
B) A memo sent to seventy-seven (77) neighboring properties.
C) Boston Planning Board recommendation.
D) Short E.A.F. (Environmental Assessment Form).
E) Letter to John Falkides from Town Clerk, Re: E.A.F.
F) Letter to Town Clerk from Town Engineer, Re: E.A.F.
G) Petition from Gregory Dake - twenty-four (24) signatures.
H) Petition from John Falkides - one hundred ninety-eight (198) residents and sixty-one (61) business signatures.
I) Three (3) letters read in favor and three (3) letters read against the approval of the application.
J) Mention of receipt of numerous telephone calls and public comments to Town Board members regarding the application.

Supervisor Kennedy convened the Public Hearing. The Public Hearing was transcribed by Wendy McCann, a Court Reporter and Stenographer. The transcribed minutes are attached herewith as Addendum "A".

Supervisor Kennedy commented that letters will be received by the Town Board for consideration for a period of ten (10) days following the Public Hearing.

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to close the Public Hearing at 10:04 P.M..

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to adjourn the meeting at 10:05 P.M..

David J. Shenk

David J. Shenk, Town Clerk

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 Valley Elementary School, 7476 Back Creek Road, North Boston, New York, on Wednesday, August 16, 1995 at 7:30 P.M., Eastern Daylight Savings Time, at the time and place above noted, all interested persons will be heard for or against.

LOCAL LAW NO. 3
OF THE YEAR 1995 (TENTATIVE)

A LOCAL LAW TO REZONE 16.06 acres of land from R-2 (Single Family Residence District) to R-4 (Mobile Home Court District).

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF BOSTON AS FOLLOWS:

Section I.

Local Law No. 3 of the Year 1995 shall amend Local Law No. 6 of the Year 1990, any amendments thereto and the Town of Boston zoning map, by rezoning 16.06 acres of real property from R-2 to R-4; such property being described as Town of Boston, Erie County, New York, Lot 14, Township 8, Range 7 of the Holland Land Company's survey and located to the north, west, and south of the end of Deanna Drive, as is more fully described below:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Boston, County of Erie, State of New York, and being part of Lot 14, Township 8, Range 7 of the Holland Land Company survey (so-called), bounded and described as follows:

BEGINNING AT A POINT on the north line of Lot 14, distant 718.18 feet westerly from the intersection of the said north line of Lot 14 and the westerly line of Hamburg-Springville Road (66 feet wide); said point being further described as being 136.0 feet westerly along north line of Lot 14 from the northwest corner of Subdivision Lot 5 as shown on a map filed in the Erie County Clerk's Office in under map cover no. 2281;

RUNNING THENCE: S-00°-09'-51"-E, a distance of 305.0 feet to a point; RUNNING THENCE: N-89°-50'-09"-E, a distance of 250.11 feet to a point; RUNNING THENCE: S-00°-09'-51"-E, a distance of 5.0 feet to a point; RUNNING THENCE: N-89°-50'-09"-E, a distance of 121.0 feet to a point; RUNNING THENCE N-00°-09'-51"-W, a distance of 110.0 feet to a point of curvature;

RUNNING THENCE: Northwesterly, on a curve to the left with a radius of 15.0 feet, a distance of 23.56 feet to a point of tangency on the southerly line of Deanna Drive;

RUNNING THENCE: N-89°-50'-09"-E, along the southerly line of Deanna Drive, a distance of 90.0 feet to a point;

RUNNING THENCE: N-89°-50'-09"-E, along the southerly line of Deanna Drive, a distance of 90.0 feet to the point;

RUNNING THENCE: Southwesterly, on a non-tangent curve to the left with a radius of 15.0 ft., a distance of 23.55 feet to a point of tangency; RUNNING THENCE S-00°-09'-51"-E, a distance of 150.0 feet to the point of curvature.

RUNNING THENCE: Southwesterly, on a curve to the right with a radius of 150.00 feet, a distance of 150.0 ft to a point;

RUNNING THENCE: S-29°-02'-55"-E, a distance of 169.46 feet to a point;

RUNNING THENCE: S-89°-36'-52"-W, a distance of 894.0 feet to a point;

RUNNING THENCE: N-49°-23'-09"-W, a distance of 60.0 feet to a point;

RUNNING THENCE: N-64°-23'-09"-W, a distance of 110.0 feet to a point;

RUNNING THENCE: 83°-23'-09"-W, a distance of 100.00 to a point;

RUNNING THENCE: N-58°-23'-09", a distance of 200.00 to a point;

RUNNING THENCE N-86°-23'-09"-W, a distance of 113.00 feet to a point;

RUNNING THENCE: N-25°-23'-09"-W, a distance of 110.0 feet to a point;

RUNNING THENCE: N-15°-07'-09"-E, a distance of 336.86 feet to a point on the north line of Lot 14;

RUNNING THENCE: N-89°-50'-09"-E, along the north line of Lot 14, a distance of 944.0 feet to the POINT OR PLACE OF BEGINNING; containing 16.063 Acres, be the same, more or less.

Section II.

The purpose of this Local Law will be to provide seventy-three (73) lots for manufactured housing.

Section III.

If any provision of this local law shall be held invalid, the remaining provisions shall be not effected thereby.

Section IV.

This Local Law shall take effect immediately upon filing with the Secretary of State for the State of New York.

BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK
DATED: AUGUST 1, 1995
PUBLISHED: August 3, 1995

REGULAR BOARD MEETING — TOWN HALL
SEPTEMBER 6, 1995 — 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 Councilman Flowers and seconded by Councilman Kennedy to adopt the minutes of the August 16, 1995 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 #9, dated September 6, 1995 in the amount of $35,664.76 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport that the Highway Bills on Abstract 9, dated September 6, 1995 in the amount of $20,398.33 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 1995.

five (5) Ayes — Carried

Received and filed notification of new rates from Adelphia Cable, effective October 1995.

Received and filed notification from NYS Education Dept./University of the State of New York, of formal approval of a Records Management Grant of $7,958.

Received and filed notification from the Town of Concord of a Public Hearing on the Codification of the Local Laws.

Referred to Councilman Walter, a response from NYS DOT to a request for a lower speed limit on Zenner Road, stating the existing speed limit is appropriate for present conditions.

Councilman Walter noted that he intends to re-submit the request for a lower speed limit on Zenner Road to the NYS DOT, as the road is in deplorable condition and a lower speed limit is warranted.

Referred to Town Attorney Reilly, petitions for Small Claims Assessment Reviews for Eileen Tomaka, 5998 Herman Hill Road, New York Telephone and Tennessee Gas Pipeline Companies.

Received and filed notification from National Fuel of a C-46 Line Rehab Project.

Received and filed 1994 Annual Erie County Sheriff Report.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to schedule a Public Hearing on the request of Nelson E. Owen, 7012 Taylor Road, for the establishment of Taylor Road Waterline Extension #1, to Boston Water District #1 in the Town of Boston, on September 20, 1995 at 8:00 P.M..

five (5) Ayes — Carried

TOWN OF BOSTON

1995 - 25

HERMAN HILL ROAD WATER LINE EXTENSION
BUILDER, CONTRACTOR, DEVELOPER, CONTRACT

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 September, 1995 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:

RESOLVED, that the Town Board of the Town of Boston, Erie County, New York hereby consents and approves the intention of Mr. Robert Weyand, 5908 Herman Hill Road, to enter into a Builder, Contractor, Developer, (B.C.D.) contract with the Erie County Water Authority to construct an eight (8) inch water line on Herman Hill Road from the Woodlee Court Sub-division, terminating at the Weyand property, to service his property at the address as follows:

SBL ACCOUNT NUMBER	NAME	ADDRESS
211.00-3-45.1	Michael Weyand	5908 Herman Hill Road

and that the Town Board further consents and approves that the extension of the eight inch water line will be at Mr. Weyand's expense.

RESOLVED, that the Town of Boston has agreed to assume the costs of the water hydrant required for this extension and said funds will be taken from the Fire Protection Fund.

RESOLVED, that this action take place immediately while the reconstruction of Herman Hill Road is ongoing with the New York State Department of Transportation. The Erie County Health Department has no objections with the extension going forward at this time.

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
SEPTEMBER 6, 1995

TOWN HALL
7:30 P.M.

RESOLUTION 1995 - 25 HERMAN HILL ROAD WATERLINE EXTENSION BUILDER, CONTRACTOR, DEVELOPER CONTRACT

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to remove for decision, the Assessor Appointment tabled from the August 16, 1995 Town Board Meeting.

Councilman Walter requested a two week extension on the Assessor appointment decision until the September 20, 1995 Town Board Meeting.

Supervisor Kennedy withdrew the motion to remove the Assessor appointment from the table. The Assessor appointment remains tabled until the September 20, 1995 Town Board Meeting.

Supervisor Kennedy read letters from Assessor William H. Kleis, Jr. and William A. Eagan requesting Boston Assessor appointment.

Regarding the proposed Local Law to rezone 16.5 acres of land from R-2 single-family residence district to R-4 mobile home court district, Supervisor Kennedy read a letter from Town Attorney Reilly stating the Zoning Protest from the residents of Deanna Drive was valid. Also read was a Memo drafted to Attorney A. Nicholas Falkides from Town Attorney Reilly regarding the requirement of a long EAF Part I which had not been submitted. Supervisor Kennedy noted the EAF form was received from Mr. Falkides on August 31, 1995. The Town Clerk forwarded the EAF report to the Town Engineer for review and recommendation. Upon receipt of the Engineering Report, the Town Board will make a decision relative to the SEQR report. The rezoning application can then be acted upon.

At 8:00 P.M. a Public Hearing was held for the purpose of hearing public comments on the application for a dumping permit from Steven Piotrowski, 6580 Hillside Drive.

Supervisor Kennedy read the legal notice, a letter of request from Mr. Steven Piotrowski and the letter sent to twenty-one (21) neighbors with an assessor's map. A letter of approval with stipulations from the Planning Board was read and a map of Mr. Piotrowski's property was enclosed.

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 6, 1995 at 8:00 P.M., Eastern Daylight Savings Time, to consider the application of Steven Piotrowski for a Special Permit to bring in fill from outside the Town of Boston to 6580 Hillside Drive.

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

Dated: August 21, 1995
Published: August 24, 1995
BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK
8-24

Supervisor Kennedy convened the Public Hearing.

Robert Ovitt, 6570 Hillside Drive: His boundary line is on the southern portion adjacent to my property on Hillside. My concern is that he has already been dumping dirt here, at least twenty or twenty-five loads without any permit. That bank is going to be twenty to twenty-five feet high. The incline is on my property and I don't want a stone wall. Yesterday at least five or six trucks were stopped by the Code Enforcement Officer from going in. That was yesterday. It is nothing but rock. It is not dirt. It is one hundred percent concrete and I have pictures here to prove it. This isn't right.

Supervisor Kennedy: We would like to see your pictures.

Mr. Ovitt presented pictures to the Town Board and explained where the dumping was taking place.

REGULAR BOARD MEETING
SEPTEMBER 6, 1995

TOWN HALL
7:30 P.M.

Public Hearing (Cont.)

Councilman Flowers: Mr. Piotrowski, how far back do you intend to fill?

Mr. Piotrowski: Approximately one hundred to one hundred and twenty-five feet.

Councilman Flowers: How deep do you plan on filling?

Mr. Piotrowski: I have it on the survey of what I want to fill in. The Planning Board made a site visit and I explained to the Planning Board what I wanted to do. I plan on tapering it from where it is now right down to his property. I don't plan on building a wall. I would never do that.

Councilman Flowers: Well how deep is your fill?

Mr. Piotrowski: Approximately seven feet at the deepest point. Two feet by the road and about seven feet when I get to the back.

Mr. Ovitt: You have more than ten feet now.

Mr. Piotrowski: It is real close to seven feet right now.

Mr. Ovitt: So you are going to stop right now?

Mr. Piotrowski: What I am going to do is taper it from my east water line and taper it right down to your property.

Mr. Ovitt: Are you going to cover it with dirt?

Mr. Piotrowski: Oh yes. I don't know what you have for pictures or anything like that but....

Mr. Ovitt: There are some pretty large pieces of concrete. That was my concern.

Mr. Piotrowski: You can't fill straight with just dirt. It will settle. I have plans for hard fill on the bottom and I already have plans for bringing in a lot of dirt for the top. As for what happened yesterday with the dumping of blacktop, the permit that I am applying for now is for what I have already dumped. I did not know I needed a permit and as soon as I found out I needed a permit, I shut the job right down. Now, the stuff that was brought there yesterday was from the Town of Boston and I was told by the Code Enforcement Officer that as long as it is coming from the Town of Boston, I don't need a permit to dump it. They are working on Herman Hill and they are tearing up the road base and everything and I can get the fill there for a good price so it is coming from the Town of Boston. So I don't need a permit to dump that. He (Code Enforcement Officer) was upset because it was blacktop. I didn't know myself that it was blacktop. They told me it was road base. With the blacktop, I have a call into the DEC today to find out if there is anything wrong with dumping blacktop. If there is, I will get rid of the four loads that were dumped there yesterday and if there isn't I will probably not be putting any more of that in. As for his concern, I can understand where he doesn't want it leveled over into a wall on his property line. I have no intentions on doing that. I have intentions on tapering it right to his lot and the Planning Board said it sounds good to us as long as you put a swale in so all the drainage doesn't go to his land. I will put a swale in and carry it down the way it should go and they said that would be fine.

Supervisor Kennedy: If I recall you can go back there about sixty feet and where you are building is where it falls off.

REGULAR BOARD MEETING TOWN HALL
SEPTEMBER 6, 1995 7:30 P.M.

Public Hearing (Cont.)

Mr. Piotrowski: Well not really. About one hundred feet from the road there was already an embankment there when I bought the lot. The embankment was about seven or eight feet high. I plan on going back no more than a hundred feet because I will pitch the sewer and I can't get no more pitch if I go back any further then that. So I plan on going back another twenty-five feet or so and tapering it towards his lot and the back of my house will be exposed. I am not trying to build way back and build in the center of it. I am trying to build so half my house will be encased in the bank. There is no other way of doing that. As for his pictures of concrete, where I was getting my fill from they were ripping out a lot of footers and foundations and everything that was there and there was a lot of concrete there and there is a lot of dirt also and it is all mixed together and I have been dumping that as well as concrete.

Mr. Ovitt: There was a lot of loads that were just concrete. I am not trying to give you a hard time about this.

Supervisor Kennedy: I have a survey map here and the shaded area is approximately seven feet deep.

Mr. Piotrowski approaches the bench and points out areas on map to the Town Board members.

Town Attorney Reilly: What kind of a slope will be on the highest part of your property?

Mr. Piotrowski: It is hard to say. It is one hundred thirty-seven feet wide to seven feet high but I am not sure of the pitch.

Councilman Flowers called Mr. Ovitt to the bench and explains the swale to catch water and the runoff.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to close the Public Hearing at 8:22 P.M..

five (5) Ayes Carried

Supervisor Kennedy noted the concerns expressed by Mr. Ovitt have merit and as long as Mr. Piotrowski is willing to cut the swale on his property there are no objections. It has been suggested by the Planning Board that someone monitor and ensure that no construction material, garbage or junk is dumped, only dirt.

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy to allow Mr. Piotrowski to dump materials approved by the NYS DEC and to grade his property to conform with existing grade on Hillside Drive and construct a swale on property to divert ground water into the existing creek.

Supervisor Kennedy asked Mr. Ovitt if he had any problems with the motion and Mr. Ovitt responded that he did not.

five (5) Ayes Carried

At 8:25 P.M. a Public Hearing was held for the purpose of hearing public comments on the proposed Local Law No. 4 of 1995 (Tentative), entitled Mobile Home Courts Law to exempt an attached carport from being considered when computing occupied area, Town Code, section 70-10(G)(4) - Mobile Home Court Law.

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 July 19, 1995, a copy of Local Law Number 4 of the year 1995 (Tentative), entitled Mobile Home Courts Law to exempt an Attached Carport from being considered when computing Occupied Area, Town Code, 70-10 (G) (4).

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 6, 1995 at 8:15 P.M., Eastern Daylight Savings Time, at which time all interested persons will be heard.

Dated: August 21, 1995
Published: August 24, 1995

BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK
8-24

REGULAR BOARD MEETING
SEPTEMBER 6, 1995

TOWN HALL
7:30 P.M.

Public Hearing (Cont.)

Supervisor Kennedy read the legal notice, Local Law No. 4 (Tentative), and the Planning Board recommendation of denial.

Supervisor Kennedy convened the Public Hearing.

Frank Lisowski Jr., 5461 Shero Road: You said "enclosed carport". You didn't say when you read that, "for the sole purpose of housing a vehicle so it could not be an enclosed carport to be used as a Florida room in the summer or whatever." Am I right to understand that? It doesn't say for the sole purpose of housing a vehicle. So it can be used for living space. It is not strictly prohibited.

Town Attorney Reilly: That is correct. It is not prohibited.

A. Nicholas Falkides, Attorney: I just wanted to bring one point to the attention of the Board. The only reason we are here is because of the various legal opinions given by the former Town Attorney not because there is any wording in the code of the Town of Boston anywhere that addresses this issue in any respect to any degree or that there was any wording in the draft legislation that was put forth in 1990 or that there was any legislation or wording of anything else. Second of all, we are merely trying to accommodate the request for some of our elderly residents who do not intend to live there and they don't intend to make it a Florida room to my knowledge nor do they intend to live there. I don't believe they have the right to completely enclose it, heat it and put windows in and live there. I would appreciate the Board taking the comments that were just heard and keeping them in context. This is merely to enclose existing carports for the purpose of shielding the elderly residents and all the residents who use those carports from the severe Buffalo weather. Not to live there and not to make it a Florida room and not for any other purpose.

Frank Lisowski: It can be used as such the way the law is written. I think the law is too vague. I think the Town Board should amend it or whatever or say it is strictly for a vehicle. I feel that a Florida room is also a real possibility if there are more trailers being built in our town. Which again could afford carports being used as living space. I think either the law should be rewritten to say explicitly for parking a vehicle and no Florida room is permitted or count it as living space. I don't feel that a law like that should be that ambiguous. The way Mr. Falkides presented it, it doesn't preclude that anybody won't do it. He maybe knows one or two people now who are seniors who don't intend to do it but maybe some young people are going to buy a trailer from one of these older people or whatever when they move to Florida and they will want to have a Florida room there. I don't know. I just feel it is very ambiguous and you should give it some thought because I think once it is passed some probably will make it a Florida room and at that time it be will living space.

Councilman Flowers: Well if it should become a Florida room then it is calculated as living space. It is no longer exempted so if it is converted into a Florida room it is automatically thrown out. It must be torn down. Because then it turns into living space.

Frank Lisowski: Well then we are putting that extra burden on you for people to spend the money to put this Florida room on and maybe not realizing the ramifications of this ambiguous law. Now they are all done. Now they have a beautiful Florida room, now the Code Enforcement Officer or who ever comes in and says "No you just broke the law. Take it down". I feel they are going to be too congested. The percentage of the lot is going to far exceed our zoning law.

Public Hearing (Cont.)

Councilman Flowers: This section of the lot is already concrete driveway.

Frank Lisowski: Right. A car is parked there now. Now when you enclose it they know that a car is parked there that is when it is more crowded than ever there.

Councilman Flowers: Let me try and explain what I've seen and what people have asked me. The majority of people there have carports. All they want to do is close it in so they don't have to go out and batter the elements in winter. That is what this is for. There is a possibility of a conversion over to a Florida room but then you break another section in the code of the Town of Boston already.

Frank Lisowski: I agree. Let me ask you, if they enclose these carports, are Building Permits going to be required so that our inspector can monitor them so that they are not going to be used for Florida rooms?

Councilman Flowers: Good question. I don't know.

Frank Lisowski: I think you are going to see the numbers grow once they are permitted to enclose them. It also pushes their cars out on the road. I think you should give it a little thought.

Supervisor Kennedy: Before I grant you permission Mr. Falkides, I would like to clarify a few items. I have some concerns myself. Under the provisions of the original Mobile Home Court Law in Boston it covers the allowable twenty percent of the total lot of occupied space. There was an exception granted to your mother and father when their application was submitted that a covered roof over a concrete pad would be considered as twenty percent occupied space. It provided for space and also an excellent cover for people living in the park. This proposed law alters that twenty percent allowable lot coverage for all the uses in an R4 zoning. Not only in the existing park but from there forward it alters the R4 zoning law after January 1, 1991 going forward. I think it is a lousy law and I'll tell you why. It is drafted in such a manner that it not only allows enclosure or anything in the existing park but it is going to allow much greater lot coverage in all R4 zoning. That means any R4 zoning that might come in the future. If developers wish to develop larger units and they want attachments then we should allow for a larger lot size. This was considered and debated and argued over a period of six years before this R4 zoning was developed. That is the reason that it was developed that way, to restrict the coverage in the R4 zoning. At the present time our zoning law in the R2 district provided for fifty percent where the minimum lot size is much greater than they are in the Mobile Home Park where we allow a twenty percent coverage at the present time. For these reasons I oppose the proposed legislation and I agree wholeheartedly with the Planning Board that the law needs some real work done on it and I would certainly move to defeat.

Councilman Wohlhueter: I have one question for the Town Attorney. Couldn't a resident of the Boston Hills Estates petition the Town Board for an enclosed carport if they so desired. Say an elderly person like the one lady here who said she would like to enclose her carport because she is elderly and because the winter weather would be a problem for her. If this law was defeated, couldn't a resident of the Boston Hills Estates come to the Town Board and ask for a special permit?

Town Attorney Reilly: I would think the appropriate body to handle that would be the Zoning Board of Appeals. You would need a variance from the restrictions that exist now to allow them to construct that enclosed carport. The Town Board I would think

Public Hearing (Cont.)

Town Attorney (Cont.) would not have jurisdiction. I think the Zoning Board of Appeals would have to make the decision.

A. Nicholas Falkides, Attorney: I think just a few things need to be stated for the record. I am going to request Town Clerk David Shenk specifically by name to make sure they appear in the record. First of all Supervisor Kennedy denied me the right to speak while freely granting Mr. Lisowski, a member of the audience a right to speak.

Supervisor Kennedy: I did not deny anyone the right to speak.

A. Nicholas Falkides, Attorney: Second of all I need it to be noted for the record that Mr. Kennedy showed emotion and used immature terms when describing his feelings on the legislation by using the term lousy. The third involves the response of Mr. Wohlhueter's comment. A resident who owns a home but has yet to move into it. I think if I am pronouncing it correctly, Mr. & Mrs. Czajka went up and had a discussion with Bill Boltz. They bought a home and they specifically did not move into it because he personally told them, and let me get that quote, "that there is no way I, Bill Boltz, am going to let anyone in the Falkides ....."(Audio tape problem). Those people to this day have not moved into their home. If you want to talk about a hardship created by a Town Board member. They are paying rent on a home that they chose to not move into. I have not seen the proposed legislation on some earlier versions. The first version of it that was voted down, I have not seen this proposed legislation. This version of the proposed legislation. Another point that needs to be made is that the Town Board made it a condition of the rules and regulations with their application each year. Each year they submit a copy of their rules. Those rules were by the former Town Attorney's actions, made a condition to the rezoning. Those rules specifically prohibit the construction of any dwelling on the lot. On the lot, attached to the home, anywhere else on the lot, not attached to the home, over the home, under the home. Those rules were specifically by the former Town Attorney's mandate attached to the rezoning as a condition. So my parent's own rules would prohibit the enclosure of an existing carport and its use thereof for living spaces and those rules are now part of the Town's law. Second of all, the Town's own code as some of the Town Board members have just made clear would prohibit the use of this space as living space. It would cause the home to exceed the twenty percent limit so it is illegal by your own code. So it is not allowed under my parents rules which are presumably reviewed by the Town. That is why they have them submitted each year and it's not allowed under the current Town's zoning yet we have people standing up here vehemently arguing that this is going to be used for an illegal purpose. It's kind of silly. We are merely trying to accommodate the request of some of our elderly residents who have to go into the bitter Buffalo winter to get into their car. They do not intend to live in this space. They do not intend to put screens in it and make a storm room or a Florida room. They merely intend to enclose their existing carports to shield themselves from the bitter bitter Buffalo winter conditions. Thank you.

Supervisor Kennedy: I would like to address some of the concerns that were put forth by Mr. Falkides. First I would like correct the record to let it reflect that I called on Mr. Falkides to make his presentation shortly after the Hearing was convened. After he made his presentation the first time, I told him before he was allowed to speak a second time, I wanted to have an opportunity to reflect my own views. He was then given the second opportunity to speak. He speaks about Mr. Czajka's application. Mr. Czajka didn't want to enclose the carport. Mr. Czajka appealed to this Town Board to construct a two car garage on his property which would have dramatically altered the rest of the Park. Had he been

Public Hearing (Cont.), Supervisor Kennedy (Cont.): allowed to construct a two car garage on his property I am sure we would have had numerous other requests for other individuals to construct a two car garage on their properties. I am sorry Mr. Falkides, but you are in error.

A. Nicholas Falkides, Attorney: My client reminds me of one factual error, it was a one car garage and she has proof. I just wanted to correct that, it was not a two car garage.

Supervisor Kennedy: Well that is what Mr. Czajka approached me on. It was a two car garage and I would like to examine the minutes of that meeting where it was discussed to see if in fact that is what we were talking about.

Councilman Wohlhueter: I would like to say that I made the motion that the Czajka family be denied that carport merely on the fact that the law at the time made it occupied space. If he would have applied as the Town Attorney said to the Zoning Board or used some other Board I may have been in favor of that.

Ronald Yormick, Deanna Drive: I might as well speak up. I am opposed to this only for the simple reason that it isn't in the Town's best interest. If Mr. Falkides wishes to add a garage or an enclosed carport to that property he can, if he wishes to increase the lot size and I think it is in the Town's best interest to keep the present laws on the books. It is so much money and time that has been devoted to the Town law under the Mobile Home Court. He can always increase the lot size if he wants carports or enclosed carports.

Lucille Genzel, 6761 Omphalius Road: I would like to ask one question. Mr. Falkides referred to Mr. Boltz's comment about not enclosing. What was the motion you read from the Planning Board? Mr. Boltz was the only one in favor of it.

Supervisor Kennedy: Mr. Boltz was the only one who spoke favorably of it, yes.

Lucille Genzel: He spoke for it. That was his motion. He wanted the carport enclosed.

A. Nicholas Falkides, Attorney: Well Duh - Duh - Duh. I wonder why!

Supervisor Kennedy: He said "Let them have enclosed carports", at the Planning Board meeting.

A. Nicholas Falkides, Attorney: Gee! What a coincidence.

Supervisor Kennedy: Well we could say the same thing Mr. Falkides, if you talk about comments. Are there any other comments?

Councilman Flowers: This is my own personal comment to be made. The intent of this legislation was to help the people who asked for help. That's all it was from my point of view. I just wanted to find a way to help these people who asked for it. I have come up against a brick wall because everybody is arguing over stuff that I think is trivial. Some of it. Some of it is very good points. I'm dumbfounded by the situation that we can't help somebody who is asking for it. We haven't found the avenue to do it. I guess we'll just have to keep looking for the avenue to try to help these people. It's done for the people who have asked for help.

Frank Lisowski: Mark, do you think it is wrong? Let me ask you this. I have a concern about this.

Councilman Flowers: I said some of the comments were very good. Yours were ones of the best ones I heard, Frank.

REGULAR BOARD MEETING — TOWN HALL
SEPTEMBER 6, 1995 — 7:30 P.M.

Public Hearing (Cont.), Frank Lisowski: I too don't care if they park their car on the road. I really don't. I think that the law is so loosely written that it will all fall on our Building Inspectors shoulders. She will be over there constantly monitoring it. What are they doing with this? What are they doing with that?

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to close the Public Hearing at 8:50 P.M..

five (5) Ayes — Carried

Supervisor Kennedy: Everyone had an opportunity to review this in context because it was extensively debated when we had this before us when we had a Public Hearing and there were many people heard. The principal objections that were voiced at that time were the changes that are being made in the Mobile Home Ordinance is going to be applicable to all R4 zoning from this time forward. It allows you the opportunity to construct a larger occupied space on the same amount of minimum lot space. That was the intent of the ordinance to begin with, to provide as much green space as possible. I certainly have the same concerns as Mr. Flowers has. My mother rented a mobile home and lived in Pennsylvania for a long period of time. She came up here and lived in Melody Meadows for six years in the Town of Evans. My sister was in the Van Wick Trailer Park for a long period of time.

Councilman Walter commented that he cannot support this law the way it is written.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to deny the Proposed Local Law No. 4 of 1995 to amend section 70-10(G)(4), Mobile Home Court Law.

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

three (3) Ayes — two (2) Noes — Carried

Regarding the proposed Local Law No. 3 of 1995 (Tentative) to rezone 16.5 acres of land from R-2 single-family residence district to R-4 mobile home court district, Supervisor Kennedy noted that all Town Board members received an updated package of all letters received up to the ten day cutoff date after the Public Hearing.

Town Attorney Reilly: The SEQR procedure would have to be completed prior to the Town Board vote on the rezoning. The Town Engineer reported he would have the report as quickly as possible.

Supervisor Kennedy: This is not an attempt by the Town Board to delay a decision. It is just that we have been advised by the Town Attorney it is appropriate to take action on the SEQR report before we vote on the Local law itself.

Ronald Yormick: Haven't you given the Falkides family time enough to get this SEQR in? I mean it's been over three weeks since our last Board Meeting.

Supervisor Kennedy: We did receive it but we didn't receive it until just before the long holiday weekend and the Town Engineer was gone and he didn't receive a copy of it until he returned from his vacation. I agree it didn't come in a timely fashion. We have been criticized, not specifically this Board but the Planning Board, for delays where there has been delays on the part of the applicant also.

Town Attorney Reilly: I think also it is the intent of the Town Board to deal with this rezoning as expeditiously as possible for all parties concerned.

On Tuesday, September 5, 1995 bids for the Waterline Extension on Shero Road were received, opened and publicly read aloud. The results of the bids are as follows:

E & R General Construction, Inc.	$48,535.00
Nichols, Long and Moore Construction	$55,957.00
Fairway Construction	$59,939.60
Triple R Development of WNY, Inc.	$60,082.65
Engineer's Estimate	$43,946.25

A motion was made by Councilman Flowers and seconded by Councilman Walter, on the recommendation of TVGA Engineering, to award the contract for the Waterline Extension on Shero Road to E & R General Construction, Inc. in the amount of $48,535.00.

five (5) Ayes Carried

A motion was made Councilman Wohlhueter and seconded by Councilman Flowers to authorize Supervisor Kennedy to sign a five year County/Town Snowplowing agreement with Erie County for snow and ice removal on county highways.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to authorize the Town Clerk to use the Town Hall for the School Tax Collection upon payment of $1,000.00.

five (5) Ayes Carried

A motion was made by Councilman Flowers and seconded by Councilman Walter to approve correction to Abstract 5, May 3, 1995 as follows:

Voucher #360 TVGA From SW28340.4 to SW28340.2
Voucher #361 BPO From SW28340.4 to SW28340.2

five (5) Ayes Carried

Supervisor Kennedy read a letter from Gerald G. Knight, 8843 Back Creek Road requesting permission to reside in a Mobile Home on his property for a period not to exceed two years until his home is complete.

A discussion between Town Board members and Mr. Knight concluded that Boston Town Code does not allow residents to reside in Mobile Homes on private property for the purpose of waiting until a home is built.

A motion was made by Councilman Davenport and seconded by Councilman Flowers to deny the request of Gerald G. Knight to reside in a Mobile Home on his property.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to grant Highway Superintendent permission to attend the NYS Association of Towns, Superintendent of Highways 66th Annual Conference at Monticello, NY, September 19 - September 22nd, 1995.

five (5) Ayes Carried

SUPERVISOR REPORT

A) Supervisor's Monthly Financial Report for August 1995 received and on file in the Town Clerk's Office.

TOWN OF BOSTON

1995 - 26

OPPOSITION TO NFTA METRO BUSLINE 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 6th day of September, 1995 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:

BE IT RESOLVED, that the Town Board of the Town of Boston, Erie County, New York hereby declares their strenuous opposition to the Niagara Frontier Transportation Proposal to discontinue the current bus route (74C), Hamburg to Boston, and:

BE IT FURTHER RESOLVED, that the Town of Boston deems this bus route to be the only link our community has with the mass transportation system in Erie County. It is our understanding that the rural subsidy provided by the Federal Government makes this present routing as profitable as many of the existing routes remaining in effect in the city of Buffalo. With Erie County appropriations allotted to the Niagara Frontier Transportation Authority from County tax monies, we feel we are entitled to at least this one route.

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 6, 1995 — 7:30 P.M.

TOWN ATTORNEY REPORT (CONT.)

Earlier in the year the Town Board received a complaint of debris on the property of Edward Dzierzanowski, 6710 Mill Street. The Code Enforcement Officers worked with Mr. Dzierzanowski in an effort to get him to clean up the property and remove some of the abandoned vehicles. Code Enforcement Officer Sawicki noted in a letter sent to Mr. Dzierzanowski that of the 34 items listed for removal, 31 were still present upon inspection. Mr. Dzierzanowski has stated that he has no intention of complying with the removal list.

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport to grant Town Attorney Reilly authority to proceed with legal action against Edward Dzierzanowski of 6710 Mill Street.

five (5) Ayes — Carried

Contract negotiations are in progress for a new Solid Waste Contract which is up for renewal this year. There is a meeting on September 14, 1995.

COUNCILMAN REPORT

Councilman Flowers noted that the State will remove and replant dying trees on West Tillen Road in response to resident complaints.

In response to neighbor complaints, Highway Superintendent Ruchalski is to be thanked for filling an old septic hole at the former Hardware store that burned on Boston State Road.

The Emergency Squad requested information on a plan similar to the Fire Fighter's Service Award Plan. Councilman Flowers contacted the NYS Comptroller's Officer and Assemblyman Pordum's Office.

Councilman Wohlhueter reported the Solid Waste meeting on contract renewal is scheduled for September 14, 1995 at 7:00 P.M.. We are hopeful of a significant decrease in the rates.

A motion was made by Councilman Walter and seconded by Supervisor Kennedy to authorize Councilman Walter to resubmit a proposal to the NYS DOT to lower the speed limit on Zenner Road.

five (5) Ayes — Carried

Councilman Davenport reported that the concerts in the Park were successful this year.

CODE ENFORCEMENT OFFICER REPORTS

A) Deputy Code Enforcement monthly report for August 1995, received and on file in the Town Clerk's Office.

Supervisor Kennedy reported that the fire damaged building at 9364 Boston State Road has been demolished.

A request for a Temporary Certificate of Occupancy was received from Paula Jacobs of 7362 Feddick Road. Code Enforcement Officer Santonocito will poll the Town Board for approval to issue a Temporary Certificate of Occupancy after her inspection of premises.

DOG CONTROL OFFICER REPORT

A) Dog control Officer monthly report for August 1995, received and on file in the Town Clerk's Office.

REGULAR BOARD MEETING
SEPTEMBER 6, 1995

TOWN HALL
7:30 P.M.

TOWN ENGINEER REPORT

A) Town Engineer's report for August 1995 received and on file in the Town Clerk's Office.

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

David J. Shenk
David J. Shenk, Town Clerk

TOWN OF BOSTON
NEW YORK

R E S O L U T I O N

NUMBER 1995 - 27

SERIAL BOND RESOLUTION DATED SEPTEMBER 20, 1995

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 September, 1995 at 7:30 PM in the evening Eastern Time there were:

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

Absent:

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. The Town of Boston hereby authorizes the purchase of a new 1996 International Truck for the Boston Highway Department. This purchase involves the acquisition of a new 1996 International Truck (5000) to provide road repair, maintenance, and snowplowing within the boundaries of the Town of Boston.

SECTION 2. That the maximum estimated cost of such specific object or purpose is $117,761.00 and the plan for financing therefor is as follows:

a) By the issuance of $110,000.00 serial bonds of the Town of Boston, hereby authorized to be issued pursuant to Local Finance Law; and

b) by the use of $7,761.00 from the Town of Boston Highway Department.

SECTION 3. That it is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen (15) years, same being defined as the acquisition of machinery and apparatus for construction and maintenance pursuant to Local Finance Law § 11.00 subsection 28.

SECTION 4. That the Town of Boston, Erie County, New York, issue its serial bonds in the amount of $110,000.00 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 $110,000.00 and shall mature in numerical order in annual installments in the years and in the total amounts as follows: $22,000.00 September 20, 1996, $22,000.00 - September 22, 1997, $22,000.00 - September 21, 1998, $22,000.00 September 20, 1999, $22,000.00 September 20,

2000, 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 six (6) percent 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 Wohlhueter 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**	Richard J. Kennedy
Councilman Wohlhueter	**Voting aye**	Don A. Wohlhueter
Councilman Flowers	**Voting aye**	Mick Flowers
Councilman Davenport	**Voting aye**	Josephine Davenport
Councilman Walter	**Voting aye**	Peter A. Walter

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

David J. Shenk

DAVID J. SHENK - CLERK
TOWN OF BOSTON

ARBITRAGE AND USE OF PROCEEDS CERTIFICATE
DATED SEPTEMBER 20, 1995

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 $110,000.00 Bond Anticipation Note for the Purchase of a new 1996 International Truck (5000) (the **NOTE**) of the Town dated September 20,1 995 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 **PURCHASE**) pursuant to a Resolution of the Town Board entitled Serial Bond Resolution Dated January 4, 1995.

6. No Bond Anticipation Notes have been heretofore issued in anticipation of the sale of Serial Bonds authorized to be issued for the **PURCHASE** 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 of the **PURCHASE** and the amount of such commitment (s) with respect to the **PURCHASE** 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 **PURCHASE** of $100,000.00.

8. The **PURCHASE** has been completed, or, if the **PURCHASE** 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 **PURCHASE** has not been completed, acquisition of the **PURCHASE** will proceed or is proceeding with due diligence to completion.

9. The total proceeds of sale of all the Bond Anticipation Noted to date **PURCHASE** does not exceed the total cost of the **PURCHASE**.

10. The **PURCHASE** 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 funds, will be expended within 13 months of the date of deposit in such funds, 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 of 1/2 of annual debt service.

13. Except for the debt service fund described herein the **TOWN** had 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 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 governmental 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 or net profit;
(iii) the **TOWN** may terminate the contract (without penalty) at the end of any 3 year period;
(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 governmental 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 purpose 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 fiance property used by a nongovernmental person in trade or business which is related to the governmental use of the property referred 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 the Internal Revenue as an insurer 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 it 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 circumstance 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, such, am an official whose certification may be relied upon as the certificate of the **TOWN** as referred to in Section 148 of the Code, and Sections 1.103-13, 1.03-14 and 1.03-15 of the Income Tax regulations thereunder. Neither I nor the **TOWN** has bee 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 the 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 20th day of September 1995.

[SEAL]

Richard L. Kennedy

RICHARD L. KENNEDY - SUPERVISOR

RICHARD L. KENNEDY
Supervisor

DON A. WOHLHUETER
MARK W. FLOWERS
JOSEPHINE M. DAVENPORT
PETER A. WALTER
Councilmen

ROBERT W. TILLS
Town Justice

PATRICIA A. MAXWELL
Town Justice

DAVID J. SHENK
Town Clerk - Tax Collector

EUGENE E. RUCHALSKI
Highway Supt.

MICHAEL E. REILLY
Town Attorney

DAVID W. WILSON
Deputy Town Attorney

BRIAN W. DOWNEY
Town Prosecutor

WILLIAM H. KLEIS, Jr.
Assessor

JO ANN SANTONOCITO
Code Enforcement Officer

PAUL J. SAWICKI
Deputy Code Enforcement Officer

RICHARD P. WASZAK
Dog Control Officer

MARILYN B. CLESSE
Recreation Director

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

TOWN HALL
Phone (716) 941-5113
Fax (716) 941-5116

TOWN COURT
(716) 941-5115

TOWN SUPERVISOR
(716) 941-5518

HIGHWAY GARAGE
(716) 941-5869

TOWN OF BOSTON

September 21,1995

EVANS NATIONAL BANK
14-16 NORTH MAIN STREET
ANGOLA, NEW YORK 14006

RE: TOWN OF BOSTON.
$110,000.00 Bond
Anticipation Note for Purchase
of a 1996 International Truck

Dear Sir or Madam:

I have examined the validity of a $110,000.00 Bond Anticipation Note of the Town of Boston, located in the County of Erie and State of New York purchased by the Evans National Bank of Angola, more particularly described as follows:

$110,000.00 dated January 4, 1995 bearing interest at the rate of 3.83 % per annum payable at maturity, maturing September 21, 1997. I have examined the Serial Bond Resolution dated September 20, 1995, the Bond Anticipation Note Resolution dated September 20, 1995, the minutes of Boston Town Board meeting held on September 20, 1995 which duly authorized the above-mentioned Resolution, the Arbitrage Certificate dated September 20, 1995 and other Proofs, authorizing and relating to the issuance of said note.

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 of said issuer, all the taxable real property within which is subject to the levy of ad valorem taxes to pay said note and interest thereon, without limitation as to rate or amount.

Very truly yours,

Michael E. Reilly

MICHAEL E. REILLY

MER/er

cc: Richard L. Kennedy
Boston Town Board

TOWN OF BOSTON
NEW YORK

R E S O L U T I O N

NUMBER 1995 - 28

BOND ANTICIPATION NOTE RESOLUTION DATED SEPTEMBER 20, 1995 FOR THE ISSUANCE AND SALE OF A BOND ANTICIPATION NOTE OF THE TOWN OF BOSTON, NEW YORK IN ANTICIPATION OF THE SALE OF $110,000.00 SERIAL BONDS FOR THE TOWN OF BOSTON TO PURCHASE A 1996 INTERNATIONAL TRUCK.

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 September 20, 1995 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 Walter 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 purchase of a new 1996 International Truck (5000), in accordance with proceedings heretofore taken by the Town Board of the Town of Boston, are hereby authorized to be issued a $110,000.00 Bond Anticipation Note of said town.

SECTION 2. Specific reference is hereby made to a Resolution entitled "Resolution Number 1995-27, Serial Bond Resolution Dated September 20, 1995", 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 $110,000.00, and such bonds shall be Serial bonds.

SECTION 4. The amount of the Bond Anticipation Note to be issued is $110,000.00. Such Note shall be dated September 21, 1995 and shall be numbered "No. 1", and shall mature September 21, 1996, bearing interest at the rate not exceeding six (6) percent 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 accrued interest; and when said Note shall have been duly executed and sold, the same shall be delivered to the purchaser upon payment of the purchase price to the supervisor and the receipt of the Supervisor shall be a full acquittance to said purchaser who shall not be obliged to see to the application of the purchase money.

SECTION 9. This resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was seconded by Councilman Wohlhueter 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	Richard L Kennedy Signature
Councilman Wohlhueter	Voting	aye	Don A. Wohlhueter Signature
Councilman Flowers	Voting	aye	Signature
Councilman Davenport	Voting	aye	Josephine Davenport Signature
Councilman Walter	Voting	aye	Peter A Walter Signature

AYES: Five (5) NOES: None (0) ABSENT: None (0)

David J. Shenk

David J. Shenk- Town Clerk
Town of Boston

REGULAR BOARD MEETING — TOWN HALL
SEPTEMBER 20, 1995 — 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.

See correction Page 328

A motion was made by Councilman Flowers and seconded by Councilman Davenport to adopt the minutes of the September 6, 1995 regular monthly meeting.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter that the General Fund and Special District Bills on Abstract #9A, dated September 20, 1995 in the amount of $207,312.97 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter that the Highway Bills on Abstract 9A, dated September 20, 1995 in the amount of $6,554.01 be paid.

five (5) Ayes — Carried

Received and filed Erie County Sheriff's Monthly Activity Report for August 1995.

Received and filed reply for loan assistance for West Hill Water improvements from Rural Economic and Community Development.

Received and filed a Cheektowaga Town Board Resolution approving the NFTA Project Labor Agreement.

A motion was made by and seconded by to schedule the Public Hearing for the 1996-1997 CDBG (Community Development Block Grant) Funds for October 18, 1995 at 8:00 P.M..

five (5) Ayes — Carried

RESOLUTION 1995 - 27 SERIAL BOND 1996 INTERNATIONAL TRUCK

RESOLUTION 1995 - 28 B.A.N. 1996 INTERNATIONAL TRUCK

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to remove from the table the Town Assessor Appointment, tabled from the August 16, 1995 Town Board Meeting.

five (5) Ayes — Carried

Supervisor Kennedy read letters from Assessor William H. Kleis Jr. and William A. Eagan requesting the Town Assessor appointment.

Supervisor Kennedy: I recommend the reappointment of William Kleis Jr.. He has done a good job and has the qualifications necessary to serve in the State of New York. He has taken the appropriate courses necessary and has kept himself updated so he can currently do the work. He has been working collectively with Mrs. Kleis as Clerk to the Assessor and the computer work that is necessary to keep everything updated within that office.

Councilman Wohlhueter: I would like to second that recommendation based on the fact that he stated he would be willing to work until 11/1/97, at which time he will be of retirement age and he would be willing to work with a new assessor for a smooth transition. He also has helped the Town in many ways. He has saved the Town a lot of money. I believe he received a grant recently for his assessment knowledge and his assessment work.

Councilman Flowers: While Mr. Kleis has been a very good public servant, at this particular time I cannot back his reappointment. I have some reasons of my own which I don't particularly care to get into tonight but I will vote no.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to appoint William H. Kleis Jr. as Town Assessor, term to begin 10/01/95 and end 9/30/01.

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 William A. Eagan as Town Assessor, term to begin 10/01/95 and expire 10/01/01.

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 Supervisor Kennedy and seconded by Councilman Flowers to grant TVGA Engineering the contract to prepare the bid specifications and perform work as outlined for the proposed pump station and storage tank for the Water District No 1 Chestnut Ridge Waterline at a cost of $76,937.00.

five (5) Ayes Carried

Written proposals were received from Mel Schmidt Plumbing and Heating in the amount of $9,315.00 and from Advanced Building Systems Co. in the amount of $6,854.00 (which does not include gutter and downspout replacement).

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to award the contract to remove ridge vents, repair eves, gutters, and down spouts at the Boston Highway Garage to Advanced Building Systems Co. for a maximum sum of $8,854.00.

five (5) Ayes Carried

At 8:00 P.M. a Public Hearing was held for the purpose of considering a Petition and hearing public comments on the establishment of Taylor Road extension #1 to Boston Water District #1 in the Town of Boston. Supervisor Kennedy read the legal notice and read the Petition from Nelson E. Owen, 7012 Taylor Road.

Supervisor Kennedy convened the Public Hearing.

Supervisor Kennedy commented that Mr. Owen wished to have his property excluded when the waterline was extended on Taylor Road. There was a cost figure to each property owner for the extension of that line.

TOWN OF BOSTON

NOTICE OF ADOPTION OF RESOLUTION
SUBJECT TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN that at a Regular Meeting, held on the 20 th day of September, 1995, the Town Board of the Town of Boston duly adopted a Resolution, an abstract of which follows, which Resolution is subject to a Permissive Referendum pursuant to Article 7 of the Town Law of the State of New York.

Said Resolution established Taylor Road Extension #1 to Water District No. 1 for the Town of Boston, New York, enacted pursuant to Article 12 of the Town Law of the State of New York. The said Extension contains lands having frontage on Taylor Road in the Town of Boston, New York. Pursuant to the Town Board Resolution, the owner of the said Extension, NELSON OWEN, has reimbursed the Town of Boston Water District No. 1 in accordance with a benefit calculation, as prepared by the engineering firm of Nussbaumer & Clarke, Inc.

Dated: Boston, New York
September 20, 1995

David J. Shenk

David J. Shenk, Town Clerk

TOWN OF BOSTON

IN THE MATTER OF THE ESTABLISHMENT OF TAYLOR ROAD EXTENSION #1 TO BOSTON WATER DISTRICT #1 IN THE TOWN OF BOSTON, ERIE COUNTY, NEW YORK

PETITION FOR THE ESTABLISHMENT OF TAYLOR ROAD EXTENSION #1 TO BOSTON WATER DISTRICT #1 IN THE TOWN OF BOSTON, ERIE COUNTY, NEW YORK

To the Town Board, Town of Boston, County of Erie, State of New York:

The undersigned, being the Owner of all taxable real property situated in the proposed Taylor Road Extension #1 ("Extension") to Boston Water District #1 ("District"), and owning in the aggregate all of the assessed valuation of all the taxable real property in said "Extension", as shown on the latest completed Assessment Roll of said town, including all resident owners of said proposed "Extension" owned by the resident owner according to the latest completed Assessment Roll of said town;

DOES HEREBY PETITION this Honorable Board to establish Taylor Road Extension #1 to Boston Water District #1 in the Town of Boston, County of Erie and State of New York, outside any incorporated village and wholly within the said Town of Boston, to be known as the Taylor Road Extension #1 to Boston Water District #1, which proposed "Extension" is bounded and described on Exhibit "A" attached hereto and made a part hereof.

Water service to the "Extension" is already completed pursuant to a project undertaken by the "District" to connect its service main on Taylor Road to intersect with a service main constructed in the Town of Hamburg.

That, pursuant to Town Law, Section 202, Petitioner agrees to pay to the "District" the total sum of Sixteen Hundred Thirty-three Dollars and seventeen cents ($1,633.17) as his proportionate share of the construction costs of said water service main. Such said payment has been made to the "District".

In addition, Petitioner has paid the sum of Two Hundred Fifty Dollars ($250.00) to the Town of Boston as an allowance under Town Law, Section 202, to reimburse the Town of Boston for the services of its salaried employees in connection with this application.

Nelson E Owen
Nelson Owen

Dated: Boston, New York
August 18th, 1995

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On this 18th day of August, 1995, before me personally appeared NELSON OWEN, to me personally known and known to me to be the same persons described in and who executed the within Instrument and he acknowledged to me that he executed the same.

David J. Shenk
Notary

DAVID J. SHENK
Notary Public, State of New York
Qualified in Erie County
My Commission Expires April 13, 1996

LEGAL NOTICE
TOWN OF BOSTON
NOTICE OF PUBLIC HEARING

IN THE MATTER OF THE ESTABLISHMENT OF TAYLOR ROAD EXTENSION #1 TO BOSTON WATER DISTRICT #1 IN THE TOWN OF BOSTON, ERIE COUNTY, NEW YORK

Whereas, a written petition dated August 18, 1995, in due form, and containing the required signatures, has been presented to and filed with the Town Board of the Town of Boston, Erie County, New York for the annexation of property, situated in said Town, to Water District No. 1 in said Town of Boston, to be bounded and described as herein below set forth and identified as Exhibit A and made a part hereof;

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Boston, County of Erie and State of New York, being part of Lot No. 46, Township 8, Range 7 of the Holland Land Company's survey, and more particularly described as follows:

BEGINNING at a point in the west line of North Feddick Road, a/k/a Taylor Road, at a point distant 45 feet westerly at right angles to the so-called new center line of North Feddick Road, a/k/a Taylor Road (as described in a Deed from Sophie Ratajczak to County of Erie, recorded in the Erie County Clerk's Office in Liber 6967 of Deeds at page 85 on January 17, 1964), said line also being the east line of Lot No. 46, and distant 101 feet southerly from the north line of said Lot No. 46, as measured along the new highway boundary, described in said Deed to County of Erie; thence easterly along the new highway boundary as established by the aforesaid Deed to County of Erie a distance of five (5) feet; thence southerly along said new highway boundary of North Feddick Road, a/k/a Taylor Road, a distance of 200 feet; thence westerly at right angles a distance of 200 feet, thence northerly at right angles a distance of 200 feet; thence easterly at right angles a distance of 195 feet to the point of beginning.

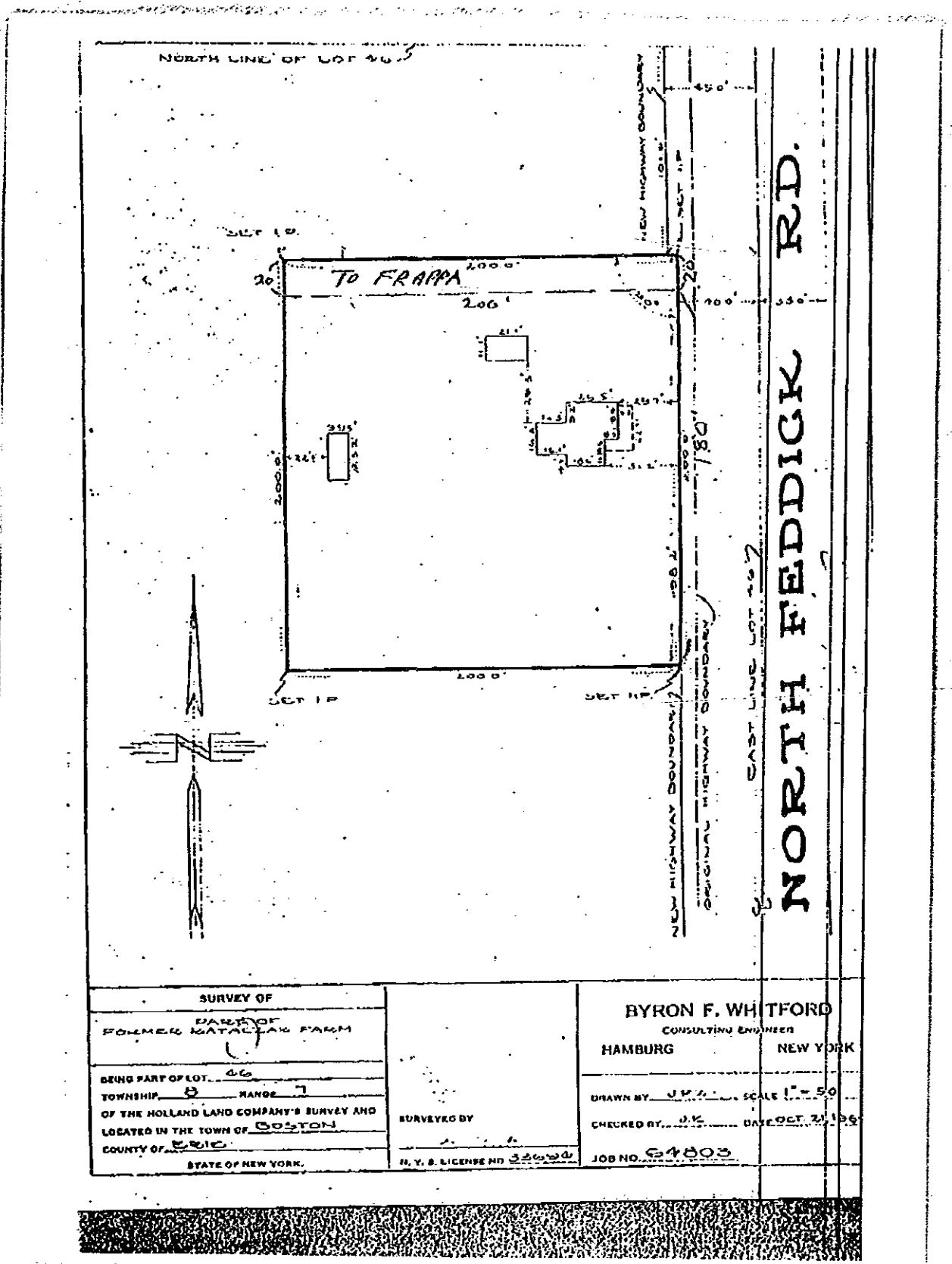
EXCEPTING AND RESERVING THEREFROM, all that tract or parcel of land, situate in the Town of Boston, County of Erie and State of New York, being part of Lot No. 46, Township 8, Range 7 of the Holland Land Company's survey, more particularly described as follows:

BEGINNING at a point in the west line of North Feddick Road, a/k/a Taylor Road, at a point distant 45 feet westerly at right angles to the so-called new center line of North Feddick Road, a/k/a Taylor Road (as described in a deed from Sophie Ratajczak to County of Erie, recorded January 17, 1964 in the Erie County Clerk's Office in Liber 6967 of Deeds at page 85), said line also being the east line of Lot No. 46 and distant 101 feet southerly from the north line of said Lot No. 46 as measured along the new highway boundary, described in said deed to County of Erie; thence easterly along the new highway boundary as established by the aforesaid deed to County of Erie, a distance of 5 feet; thence southerly along said new highway boundary to North Feddick Road, a/k/a Taylor Road, a distance of 20 feet; thence westerly at right angles, a distance of 200 feet; thence northerly at right angles a distance of 20 feet; thence easterly at right angles a distance of 195 feet to the point or place of beginning.

PLEASE TAKE FURTHER NOTICE, that the Town Board of Boston at its regular scheduled meeting of September 20, 1995 at 8:00 P.M. will hold a public Hearing at the Boston Town Hall 8500 Boston State Road, Boston, New York to consider said petition and to hear all persons for and against.

Dated: SEPTEMBER 1, 1995
Published: SEPTEMBER 7, 1995

BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK


NORTH LINE OF LOT 46
NEW HIGHWAY BOUNDARY
SET I.P.
TO FRAPPA
200.0'
20'
200'
180'
NORTH FREDDICK RD.
EAST LINE LOT 46
SET I.P.
SURVEY OF
PART OF
FORMER NATALIAN FARM
BEING PART OF LOT 46
TOWNSHIP 9 RANGE 7
OF THE HOLLAND LAND COMPANY'S SURVEY AND
LOCATED IN THE TOWN OF BOSTON
COUNTY OF ERIE
STATE OF NEW YORK.
SURVEYED BY
N. Y. S. LICENSE NO 32694
BYRON F. WHITFORD
CONSULTING ENGINEER
HAMBURG NEW YORK
DRAWN BY J.M.A. SCALE 1"=50'
CHECKED BY J.K. DATE OCT. 21, 195
JOB NO. 54803

REGULAR BOARD MEETING
SEPTEMBER 20, 1995

Public Hearing (Cont.)

Supervisor Kennedy (Cont.): Mr Owen now wishes to become part of the District. The Owen property is next to the Victor Frappa property which is adjacent to the Hamburg-Boston Town line on Taylor Road.

Councilman Flowers: The Frappas came before the Board a number of years ago requesting Out-of-District service at the time and they were granted that permission.

Supervisor Kennedy: The Frappas did pay the amount that was formulated as their cost and they are now included in the District. Mr. Owen's property is not.

There were no comments from the floor.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to close the Public Hearing at 8:02 P.M..

five (5) Carried

LEGAL NOTICE
TOWN OF BOSTON
NOTICE OF PUBLIC HEARING

IN THE MATTER OF THE ESTABLISHMENT OF TAYLOR ROAD EXTENSION #1 TO BOSTON WATER DISTRICT #1 IN THE TOWN OF BOSTON, ERIE COUNTY, NEW YORK

Whereas, a written petition dated August 18, 1995, in due form, and containing the required signatures, has been presented to and filed with the Town Board of the Town of Boston, Erie County, New York for the annexation of property, situated in said Town, to Water District No. 1 in said Town of Boston, to be bounded and described as herein below set forth and identified as Exhibit A and made a part hereof;

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Boston, County of Erie and State of New York, being part of Lot No. 46, Township 8, Range 7 of the Holland Land Company's survey, and more particularly described as follows:

BEGINNING at a point in the west line of North Feddick Road, a/k/a Taylor Road, at a point distant 45 feet westerly at right angles to the so-called new center line of North Feddick Road, a/k/a Taylor Road (as described in a Deed from Sophie Ratajczak to County of Erie, recorded in the Erie County Clerk's Office in Liber 6967 of Deeds at page 85 on January 17, 1964), said line also being the east line of Lot No. 46, and distant 101 feet southerly from the north line of said Lot No. 46, as measured along the new highway boundary, described in said Deed to County of Erie; thence easterly along the new highway boundary as established by the aforesaid Deed to County of Erie a distance of five (5) feet; thence southerly along said new highway boundary of North Feddick Road, a/k/a Taylor Road, a distance of 200 feet; thence westerly at right angles a distance of 200 feet, thence northerly at right angles a distance of 200 feet; thence easterly at right angles a distance of 195 feet to the point of beginning.

TOWN HALL
7:30 P.M.

EXCEPTING AND RESERVING THEREFROM, 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. 46, Township 8, Range 7 of the Holland Land Company's survey, more particularly described as follows:

BEGINNING at a point in the west line of North Feddick Road, a/k/a Taylor Road, at a point distant 45 feet westerly at right angles to the so-called new center line of North Feddick Road, a/k/a Taylor Road (as described in a deed from Sophie Ratajczak to County of Erie, recorded January 17, 1964 in the Erie County Clerk's Office in Liber 6967 of Deeds at page 85), said line also being the east line of Lot No. 46 and distant 101 feet southerly from the north line of said Lot No. 46 as measured along the new highway boundary, described in said deed to County of Erie; thence easterly along the new highway boundary as established by the aforesaid deed to County of Erie, a distance of 5 feet; thence southerly along said new highway boundary to North Feddick Road, a/k/a Taylor Road, a distance of 20 feet; thence westerly at right angles, a distance of 200 feet; thence northerly at right angles a distance of 20 feet; thence easterly at right angles a distance of 195 feet to the point or place of beginning.

PLEASE TAKE FURTHER NOTICE, that the Town Board of Boston at its regular scheduled meeting of September 20, 1995 at 8:00 P.M. will hold a Public Hearing at the Boston Town Hall, 8500 Boston State Road, Boston, New York to consider said petition and to hear all persons for and against.

Dated: SEPTEMBER 1, 1995
Published: SEPTEMBER 7, 1995

BY ORDER OF THE
TOWN BOARD
DAVID J. SHENK,
TOWN CLERK

9-7

RESOLUTION 1995 - 29 THE ESTABLISHMENT OF TAYLOR ROAD EXTENSION #1 TO BOSTON WATER DISTRICT #1 IN THE TOWN OF BOSTON, ERIE COUNTY, NY

The Town Board received the SEQR-Full EAF-Part 1 Report regarding the proposed Mobile Home Court District on Deanna Drive.

Supervisor Kennedy read the TVGA Engineering report on the SEQR-Full EAF-Part 1 report regarding the proposed Mobile Home Court District on Deanna Drive.

Supervisor Kennedy: I took a field walk on the property in question prior to my review of the Engineer's report. I then made a careful examination of the report submitted by the applicant to determine potential impacts and their magnitude. The following concerns were considered:
1) There will be an increase in storm water drainage runoff if this project goes forward, but I feel these problems can be adequately addressed during a site plan review.
2) Although there will be some impact on the aesthetic resources of the area, I feel these are minimal and can also be minimized during final site plan approval.
3) The potential impact on historic and archeological resources will also be impacted to a lessor degree because of the proximity of the project to a small Quaker Cemetery, but these can also be overcome in the final planning. The fact that the applicant plans on leaving intact the large green area adjacent to Eighteen Mile Creek is important.

Supervisor Kennedy ((3) Cont.) When the sewer district was constructed, there were discovered certain Indian artifacts immediately adjacent to the stream, further north.

In conclusion it is my consensus that most, if not all of these concerns can be adequately addressed and therefore it is my recommendation that the Boston Town Board, acting as the lead agency on this full E.A.F. submitted, issue a Negative Declaration and proceed with a determination on the approval or rejection of the pending application.

Councilman Wohlhueter: I have read the Engineer's Report Part 2 part on the project's impacts and where it is stated there is an impact on some of the changes I do feel these can be mitigated on a Site Plan Review. At this time I would second the recommendation of Supervisor Kennedy to declare a Negative Declaration.

Councilman Flowers: The Town Attorney gave the members of the Town Board a flowchart for an Environmental Assessment Form and SEQR Review. I noticed there was one thing I didn't read about or see in the Town Engineer's Report. The major concern I have is the storm water and on site water discharges. This is the waste water generated by excavation and the associated exercises on a construction site. I personally would like to see this project have an approved storm water prevention plan and a plan to deal with any erosion or sediment discharge before the approval. These are items that can be rectified before any construction is permitted. I don't believe they would have any major impact on the environment and I would back both the Supervisor and Councilman Wohlhueter in making a Negative Declaration for this project.

RESOLUTION 1995 - 30 NEGATIVE DECLARATION FOR ENVIRONMENTAL IMPACT ON THE DEANNA DRIVE ESTATES

Supervisor Kennedy noted the published legal notice previously read into the minutes for the proposed Local Law No. 3 of the Year 1995 (Tentative) to rezone 16.06 acres of land from R-2 Single Family Residence District to R-4 Mobile Home Court District.

Supervisor Kennedy: Three letters in support of the application were hand delivered to the Town Clerk and requested to be submitted to the Town Board. The letters were from Antoinette Mecca, Mary Williams and Alma Dsilser. There have been a multitude of letters, numerous petitions, contacts with neighbors and friends and an opportunity to discuss this in great depth with all members of the community. In fairness to the Falkides on their application I feel it is imperative the Town Board now make a decision relative to the input received at the Public Hearing and the letters and comments received relative to this particular project. I have prepared a Resolution and I will read it into the minutes and before we act on this resolution I would like to have everyone on the Board offer their own comments.

Supervisor Kennedy: Before we act on that resolution I would certainly like to hear comments from the Board because I have done extensive research both in the preparation of this resolution and in the reading through of all the documents and certainly talking with all my friends and neighbors in the Town of Boston and the overwhelming majority of them were certainly opposed to this development. It is a decision made on the basis of many of the items I described in the resolution and it certainly was not made without thought and a good deal of concern for the people of this community.

Councilman Wohlhueter: After listening to many residents at the Public Hearing held on August 16, 1995 at the Boston Valley School and subsequently reading the transcribed minutes from this hearing and after visiting the proposed acreage to be rezoned as well as the surrounding areas adjacent to the site and in addition to

TOWN OF BOSTON

1995-30

NEGATIVE DECLARATION FOR REZONING 16.06 ACRES ON DEANNA DRIVE FOR THE MOBILE HOME COURT DISTRICT

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 20, day of September, 1995 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:

WHEREAS, the Boston Town Board, as the lead agency, has duly considered whether the rezoning of the Deanna Drive Estates on Deanna Drive, situate in the Town of Boston, County of Erie and State of New York, being part of Lot 14, Township 8, Range 7 of the Holland Land Company's Survey, will have a significant adverse environmental impact, and

WHEREAS, this analysis has been conducted in conjunction with the information enumerated in Part I of the SEQR Full (EAF) Environmental Assessment Form, as well as the potential environmental effects listed in Part II of the EAF and said EAF being incorporated by reference into this determination of significance and after due deliberations,

NOW THEREFORE, BE IT RESOLVED, that the Boston Town Board, as lead agency, hereby finds that the rezoning of 16.06 acres on Deanna Drive will not have a significant adverse environmental impact.

Seconded by **Councilman Wohlhueter** and 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

Councilman Wohlhueter (Cont.) studying the reams of information submitted by the applicant, the minutes of the Boston Planning Board, the SEQR Report and the many letters submitted by the residents both for and against this rezoning and in general just listening to the comments of the residents of Boston, I sincerely feel there are just too many negatives to support the justification for rezoning this parcel of land from R-2 to R-4 as stated in proposed Local Law No.3. The negatives I speak of are that there are already two mobile home parks in the Town of Boston which has approximately eight thousand residents with additions being allowed to the mobile home park, two additions I believe within the last ten years. Also, the closeness of the proposed rezoning to an existing subdivision and an additional street with single family site built homes. I feel that this rezoning would create far too great a density problem regarding the open space to be developed. I also feel there is plenty of affordable housing already available in the Town of Boston and I question whether the proposed manufactured homes on rented lots would constitute truly affordable housing.

Councilman Flowers: I have had to look at both sides of this rezoning application with an attempt to be objective, non-committed and not judging until reviewing all the information presented by both sides. This information came via the submission of the application, letters to the Town Board, letters to the Town Board members individually, phone calls to the Supervisor. I know I have received phone calls at home. Many of the Town Board members have received calls. In the Public Hearing that was held on August 16, 1995, your comments were made and we have to listen to the comments made. I also received comments made to me personally when I was campaigning, out in public, at the fire company, and generally around town. Upon reviewing the aforementioned items, I looked at the overall good this project would do for the Town of Boston and it's residents. In my estimation the pluses do not out weigh the minuses and at this time I cannot support Local Law No.3.

Councilman Davenport: I was concerned with the environment. I walked down part of it to get enough of an idea and in reading the report, one of the things that struck me was that seventy percent of the site is not very well drained. Twenty-five percent is ok. The wetlands are a part of it. Eighteen Mile Creek runs at the back of it. I had a lot of misgivings about what impact that amount of building to that extent would do to all these things we are all trying to preserve. I also had phone calls and letters and I attended the hearing at the school where people were very upset. We could win the battle and lose the whole war by going ahead and saying yes you are going to have this whether you like it or not. I've been in the Boston Hills Homes and Estates and they are beautiful homes. They are lovely and they are perfect for elderly people or for young couples. They couldn't be better cared for. They are modern and convenient and I am sure that the Falkides make very thoughtful landlords. They really show it in everything they've done even right down to the flowers. I just feel at this time it would be useless to keep flogging this kind of a project. Too many people are upset with it. I realize also that the development was not in the plans of the Town and I have to go along with that.

Councilman Walter: I agree with all the previous speakers wholeheartedly. On top of all that, I am very much concerned with drainage. It is part of my job. I am looking at the future of this Town. When I look at the future of Boston I look at a solid tax base. Something that is permanent. Something that is going to be here a long time. Not only that, on top of all these negative aspects we have the current ten percent unemployment in the area. If permanent dwellings are built there are so many people who will have jobs. Cement masons, carpenters, brick layers, drywall men, electricians, painters, roofers, plumbers, floor layers, sheet metal workers, building products purchased from the local dealers,

Councilman Walter (Cont.) gasoline purchased, restaurants where the workers go to lunch. This on top of everything else has a very financial impact on the town. Looking at this plus the fact that most permanent homes increase in value. Homes in this area which are a hundred years old are worth hundreds of thousands of dollars at times depending on the area. I can't go along with any of that. I have to agree with the rest of the Board.

RESOLUTION 1995 - 31 DEANNA DRIVE ESTATES APPLICATION TO REZONE 16.06 ACRES OF LAND FROM R-2 TO R-4 DENIED

SUPERVISOR REPORT

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy to authorize Supervisor Kennedy to appoint Herbert Klein as a liaison between the Town of Boston and Cobble Hill Cemetery at a salary of $200.00, term to begin immediately and expire on 12/31/95.

five (5) Ayes Carried

Regarding the NFTA, Supervisor Kennedy forwarded the Resolution adopted at the September 6, 1995 Town Board Meeting, indicating displeasure for the proposed discontinuance of bus route 74C in the Town of Boston. A letter was received from Mrs. Robert D. Beckwith (Ellen), 7360 Boston State Road, stating that she plans to attend the Public Hearing at Hilbert College on September 28, 1995. She has placed flyers at various businesses in Town asking citizens to voice their objections at the Hearing.

TOWN CLERK REPORT

Town Clerk Shenk noted the 1995-1996 Hamburg School Taxes for the Town of Boston residents were mailed on Friday, September 15, 1995. We will be open Saturdays October 7th and 14th from 9:00 A.M. to 3:00 P.M. for the tax collection. The taxes are due on Monday, October 16, 1995.

TOWN ATTORNEY REPORT

The Tennessee Gas Company has filed an Assessment Lawsuit against the Town of Boston to lower their taxes in 1994 and again in 1995. A recommendation has been made to reject an extremely low offer and to continue to pursue this matter with the attorney representing Tennessee Gas.

NYS Audit and Control Department has updated their procedures on special district approval. This has an impact on Boston for new water districts. Typically we have to get approval from Audit and Control which could take from six to twelve months. They have a new procedure whereby if a district is what they call a "low cost district" you will be able to bypass the Audit and Control part of the process. This should help us with the water districts in the Town of Boston.

COUNCILMAN REPORT

Councilman Flowers noted members of the Town Board were given a sign that the Chamber of Commerce would like to install at the exit of the 219 expressway. We have a sign ordinance in Town and this would require a special dispensation so the Chamber of Commerce would not have to get a sign permit every year. The Board has tentatively given permission until there is further investigation into the legality of the sign. The sign will be installed after permission from the property owner.

The Chamber of Commerce Christmas Concert will be held on 12/05/95.

TOWN OF BOSTON

1995 - 31

DEANNA DRIVE ESTATES APPLICATION TO REZONE 16.06 ACRES OF LAND FROM R-2 TO R-4 DENIED

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 September, 1995 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:

WHEREAS, John and Katherine Falkides have made application to the Town Board of the Town of Boston to rezone certain property situated on the west side of Boston State Road from Single Family Residential R-2 zoning to Residential R-4 (Mobile Home Court) zoning for the purpose of constructing a mobile home court on the said property; and

WHEREAS, said property had previously been subdivided under the name of Starlight Garden subdivision in the R-2 zoning; and

WHEREAS, property sold and homes constructed during the time that the Starlight Garden subdivision was in existence; and

WHEREAS, subsequent thereto the owner of the Starlight Garden subdivision abandoned said subdivision; and

WHEREAS, said property sought to be rezoned by John and Katherine Falkides is the major part of the former Starlight Garden subdivision; and

WHEREAS, said property sought to be rezoned by John and Katherine Falkides is immediately contiguous to a subdivision consisting of a single family detached dwelling; and

WHEREAS, the Planning Board and the Town Board of the Town of Boston did not include construction of a mobile home court immediately contiguous to the existing single family detached subdivisions; and

WHEREAS, the Town Board of the Town of Boston has received a Zoning Protest Petition from residents in the Town of Boston immediately adjacent to the proposed subdivision; and

WHEREAS, the development of a mobile home court in the Town of Boston will not necessarily result in affordable housing becoming available for individuals and/or families within the Town of Boston; and

TOWN OF BOSTON

WHEREAS, a rezoning of the property from R-2 to R-4 in the Town of Boston would not be consistent with good planning, proper development of the Town of Boston and would be solely for the benefit of the developer, thereby making an approval of the application "spot zoning".

NOW THEREFORE, be it resolved that the Town Board of the Town of Boston hereby denies the application of John and Katherine Falkides to rezone the subject property from Single Family Residential R-2 to R-4 Mobile Home Court.

Seconded by **Councilman Wohlhueter** 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 20, 1995 — 7:30 P.M.

COUNCILMAN REPORT (CONT.)

Councilman Wohlhueter reported that a Solid Waste Committee Meeting was held September 14, 1995. The present contracts were reviewed and the Town Attorney is working on specifications so that we can have a publication for bids in early November and a bid opening in late November. We are now paying $193.00 per unit and it is hoped the fee per unit can be reduced to $150.00.

Councilman Walter reported that the denied request for a speed reduction on Zenner Road has been resubmitted to the NYS DOT.

There was a meeting with the residents of Colonial Drive on the drainage problem causing mud on the road. Councilman Walter intends to open and extend the ditch to the creek with the aid of the Highway Department.

A motion was made by Councilman Flowers and seconded by Councilman Davenport to grant Councilman Walter permission to proceed with the drainage plan at a cost not to exceed $10.00.

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

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

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer monthly report for August 1995, received and on file in the Town Clerk's Office.

A motion was made by Supervisor Kennedy and seconded by Councilman Walter, on the recommendation of Code Enforcement Officer Santonocito, to grant a three (3) month Building Permit Extension to Jim Henshaw, 7480 Lower East Hill Road.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter, to approve a Temporary Certificate of Occupancy for Kenneth Ziarkowski and Jeanette Beszcynski, 7790 Old Lower East Hill Road with the stipulation that a either a footer or a floating slab for a garage be installed to demonstrate intent to construct a garage in accordance with Town Code before issuance of the Temporary Certificate of Occupancy.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to adjourn the meeting at 8:44 P.M. in memory of Harold Emerling.

David J. Shenk

David J. Shenk, Town Clerk

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 4, 1995 — 7:30 P.M.

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

Absent: Councilman Josephine M. Davenport and Highway Superintendent Eugene E. Ruchalski.

Reverend Richard Siemann opened the meeting with a prayer.

Supervisor Kennedy commented that Councilman Davenport is attending a workshop in Saratoga.

A motion was made by Councilman Walter and seconded by Councilman Flowers to approve the minutes of September 20, 1995 and to correct page 4 to include Resolution 1995-31 as follows:

1995 - 31

DEANNA DRIVE ESTATES APPLICATION TO REZONE 16.06 ACRES OF LAND FROM R-2 TO R-4 DENIED

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 September, 1995 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:

WHEREAS, John and Katherine Falkides have made application to the Town Board of the Town of Boston to rezone certain property situated on the west side of Boston State Road from Single Family Residential R-2 zoning to Residential R-4 (Mobile Home Court) zoning for the purpose of constructing a mobile home court on the said property; and

WHEREAS, said property had previously been subdivided under the name of Starlight Garden subdivision in the R-2 zoning; and

WHEREAS, property sold and homes constructed during the time that the Starlight Garden subdivision was in existence; and

WHEREAS, subsequent thereto the owner of the Starlight Garden subdivision abandoned said subdivision; and

WHEREAS, said property sought to be rezoned by John and Katherine Falkides is the major part of the former Starlight Garden subdivision; and

WHEREAS, said property sought to be rezoned by John and Katherine Falkides is immediately contiguous to a subdivision consisting of a single family detached dwelling; and

WHEREAS, the Planning Board and the Town Board of the Town of Boston did not include construction of a mobile home court immediately contiguous to the existing single family detached subdivisions; and

WHEREAS, the Town Board of the Town of Boston has received a Zoning Protest Petition from residents in the Town of Boston immediately adjacent to the proposed subdivision; and

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 4, 1995 — 7:30 P.M.

Resolution 1995 -31 (Cont.)

WHEREAS, the development of a mobile home court in the Town of Boston will not necessarily result in affordable housing becoming available for individuals and/or families within the Town of Boston; and

WHEREAS, a rezoning of the property from R-2 to R-4 in the Town of Boston would not be consistent with good planning, proper development of the Town of Boston and would be solely for the benefit of the developer, thereby making an approval of the application "spot zoning".

NOW THEREFORE, be it resolved that the Town Board of the Town of Boston hereby denies the application of John and Katherine Falkides to rezone the subject property from Single Family Residential R-2 to R-4 Mobile Home Court.

Seconded by **Councilman Wohlhueter** 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

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 #10, dated October 4, 1995 in the amount of $29,153.70 be paid.

four (4) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter that the Highway Bills on Abstract 10, dated October 4, 1995 in the amount of $16,449.55 be paid.

See correction pg 343

four (4) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Flowers to accept the Town Clerk's monthly report for September 1995.

four (4) Ayes — Carried

Received and filed a NYS Supreme Court Notice of Petition to Review Special Franchise Assessments from National Fuel Gas Corp.

Received and filed notification of Community Outreach Program dates from NYS Assemblyman Reynolds.

Supervisor Kennedy directed Town Clerk Shenk to publish the Notice of Complete Application from the NYS DEC for the Anthony Gulf Project and forward proof of publication to the NYS DEC.

Received and filed an NFTA response to a letter objecting to the proposed bus service elimination in the Town of Boston.

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 4, 1995 — 7:30 P.M.

Received and filed Erie County Sheriff's Monthly Activity Report for September 1995.

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to approve the correction to Abstract 9A, dated 9/20/95, as follows:

Voucher 831	-	National Fuel			
From:	A4540.4	33.10	To:	SM4540.4	33.10
Voucher 858	-	Hamburg Central School			
From:	H7110.4	75.00	To:	H7140.4	75.00
Voucher 864	-	The Sun			
From:	SW18340.4	52.60	To:	SW18340.4	52.65
Corrected Totals:		General Fund		7,912.32	
		Ambulance District		480.79	
		Water District #1		52.65	
		Total Abstract		207,313.02	

four (4) Ayes — Carried

Supervisor Kennedy read a letter from Attorney Robert S. Lesher, representing Carl A. and Roy L. Emerling, regarding an application to rezone certain property on the west side of Boston State Road, lying to the north of 9046 Boston State Road. Supervisor Kennedy read letters to Attorney N. Kicinski, Esq. representing the efforts of John E. Witka to negotiate an agreement regarding the Emerling Rezoning and the Witka sewer line. The Town Board has copies of all correspondence and have also been made aware of the original Town Board meeting that was held on October 19, 1994.

The original motion was made by Councilman Flowers and seconded by Councilman Davenport allowing the Emerling Chevrolet/Crotty property to be rezoned C2 and impose the following conditions:

1) an agreement with John and Kathleen Witka, 9046 Boston State Road, for the removal, placement and relocation for 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 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.

Supervisor Kennedy: The motion was made at that time to zone C-2 contingent upon certain conditions which I've read. We have now before us a document from Attorney Lesher requesting the first condition be lifted. The Town Board has the documentation of the letters transmitted between attorneys. You also have a copy of the letter that Mr. Witka delivered to Mr. Lesher. We have personally met with both parties when they met at our Agenda Review. Mr. Kicinski representing Mr. Witka and Mr. Lesher representing the Emerlings. I think individually almost all the Board members have met with Mr. Witka. That is where we are at this particular time. The Board is at the point now to make a decision regarding this. I have asked our Town Attorney as to what our responsibilities are regarding the easement that exists between Mr. Emerling and Mr. Witka. We really have no jurisdiction on the provisions or the conditions of that easement. That is between the parties.

After a lengthy discussion involving Mr. Witka, Mr. Winslow, 9060 State Road, Attorney Lesher and Town Board Members, the matter was tabled until the end of the Town Board Meeting in anticipation of an agreement between the parties.

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 4, 1995 — 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to table the Emerling request to lift the first condition of the rezoning application until the end of the Town Board meeting.

four (4) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Flowers, on the recommendation of Assessor William A. Eagen, to appoint Jean Kleis as Assessment Clerk Part-Time, term to expire December 31, 1995, at continuation of present salary.

four (4) Ayes — Carried

Councilman Flowers: I am glad Mr. Eagan approached Mrs. Kleis about staying on. This is a good move and unfortunately Mrs. Kleis has decided to cut back on her schedule and does not want to continue being Clerk to the Assessor after December 31, 1995. I would like to take the time to say thank you very much to Mrs.Kleis for continuing on at this time.

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to schedule a Public Hearing for October 18, 1995 at 8:10 P.M. on the Hamburg Overhead Door's application for rezoning from C-1 to C-2.

four (4) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to accept the resignation of Joseph Terrizzi from the Conservation Advisory Council, effective immediately.

four (4) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter to reappoint Gary Gomlak, 8719 Park Drive, to the Conservation Advisory Council, term to expire 3/1/98.

four (4) Ayes — Carried

Councilman Flowers directed Town Clerk Shenk to send a letter to Joseph Terrizzi, thanking him for his years of service.

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to authorize Supervisor Kennedy to enter into a 1995-1996 contract with J. O'Connell & Associates, Grants Consultants for the sum of $15,000.

four (4) Ayes — Carried

Supervisor Kennedy acknowledged receipt of a Use and Occupancy Permit for the Southern Expressway, Route 219, from the NYS DOT for the construction of a vehicle turnaround on John's Terrace. The Town Clerk is directed to forward a Certificate of Insurance in the amount of $2,000,000.00 and five (5) signed and notarized copies of the permit to the NYS DOT.

The 1996 Preliminary Budget and Summary of the 1996 Budget was read by Supervisor Kennedy.

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers that the 1996 General Fund Preliminary Budget be approved as follows:

Appropriations	1,027,605.00
Less Estimated Revenue	571,400.00
Less Unexpended Balance	280,000.00
Amount to be Raised by Taxes	176,205.00

four (4) Ayes — Carried

REGULAR BOARD MEETING
OCTOBER 4, 1995

TOWN HALL
7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Walter that the 1996 Highway Fund Preliminary Budget be approved as follows:

Appropriations	788,560.00
Less Estimated Revenue	294,500.00
Less Unexpended Balance	25,000.00
Amount to be Raised by Taxes	469,060.00

four (4) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Flowers that the 1996 Fire Protection Preliminary Budget be approved as follows:

Appropriations	474,255.00
Less Estimated Revenue	00.00
Less Unexpended Balance	2,500.00
Amount to be Raised by Taxes	471,755.00

four (4) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy that the 1996 Light District Preliminary Budget be approved as follows:

Appropriations	22,500.00
Less Estimated Revenue	00.00
Less Unexpended Balance	2,500.00
Amount to be Raised by Taxes	20,000.00

four (4) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter that the 1996 Ambulance Preliminary Budget be approved as follows:

Appropriations	60,000.00
Less Estimated Revenue	00.00
Less Unexpended Balance	00.00
Amount to be Raised by Taxes	60,000.00

four (4) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter the 1996 Refuse and Garbage Preliminary Budget be approved as follows:

Appropriations	402,950.00
Less Estimated Revenue	5,000.00
Less Unexpended Balance	00.00
Amount to be Raised by Taxes	397,950.00

four (4) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers that the 1996 Sewer District #2 Preliminary Budget be approved as follows:

Appropriations	1,211.00
Less Estimated Revenue	00.00
Less Unexpended Balance	00.00
Amount to be Raised by Taxes	1,211.00

four (4) Ayes — Carried

TOWN BUDGET

FOR 1996

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 1996 budget of the TOWN OF BOSTON as adopted by the Town Board on the 15th day of November, 1995.

Signed, David J. Shenk
Town Clerk

Dated 11/17/95

SUMMARY OF TOWN OF BOSTON BUDGET - 1996

	APP/OTH USES	-EST REVENUE	-UNEXP BAL	RSD BY TAX
A GENERAL	1,027,605.00	571,400.00	280,000.00	176,205.00
D HIGHWAY	788,560.00	294,500.00	25,000.00	469,060.00
SF FIRE PROTEC	474,255.00	0.00	2,500.00	471,755.00
SL LIGHT	22,500.00	0.00	2,500.00	20,000.00
SM AMBULANCE	60,000.00	0.00	0.00	60,000.00
SR REFUSE & GARB	330,298.50	0.00	0.00	330,298.50
SS SEWER #2	1,211.00	0.00	0.00	1,211.00
SW WATER #1	115,000.00	0.00	75,500.00	39,500.00
SW WATER #2	117,769.00	0.00	75,000.00	42,769.00
TOTALS	2,937,198.50	865,900.00	460,500.00	1,610,798.50
				1,610,798.50

GENERAL GOVERNMENT SUPPORT - 1996 BUDGET

	CODE	ACT 94	95 BUDGET	PRE 96	ADOPT 96
TOWN BOARD					
Pers Serv	1,010.1	23,224	23,200	24,400	24,400
Contractual	1,010.4	2,519	160	2,800	2,800
Total		25,743	23,360	27,200	27,200
JUSTICE					
Pers Serv	1,110.1	46,482	45,405	48,450	48,450
Equipment	1,110.2	0	1,600	1,500	1,500
Contractual	1,110.4	4,635	5,000	4,800	4,800
Total		51,117	52,005	54,750	54,750
SUPERVISOR					
Pers Serv	1,220.1	31,898	38,535	43,755	43,755
Equipment	1,220.2	897	3,000	2,600	2,600
Contractual	1,220.4	16,088	17,900	16,500	16,500
Total		48,883	59,435	62,855	62,855
IND AUDIT					
Contractual	1,320.4	0	9,000	9,000	9,000
Total		0	9,000	9,000	9,000
ASSESSOR					
Pers Serv	1,355.1	30,725	31,065	33,000	33,000
Equipment	1,355.2	0	800	800	800
Contractual	1,355.4	1,973	5,000	2,500	2,500
Total		32,698	36,865	36,300	36,300
FISCAL AGENT					
Contractual	1,380.4	401	500	200	200
Total		401	500	200	200
TOWN CLERK					
Pers Serv	1,410.1	44,940	51,000	52,800	52,800
Equipment	1,410.2	500	800	800	800
Contractual	1,410.4	3,544	3,700	4,000	4,000
Total		48,984	55,500	57,600	57,600
ATTORNEY					
Pers Serv	1,420.1	29,800	32,800	32,200	32,200
Contractual	1,420.4	2,572	3,525	3,300	3,300
Total		32,372	36,325	35,500	35,500
ENGINEER					
Contractual	1,440.4	18,578	12,000	13,000	13,000
Total		18,578	12,000	13,000	13,000

GENERAL GOVERNMENT SUPPORT - 1996 BUDGET

ELECTIONS					
Pers Serv	1,450.1	4,685	5,710	8,395	8,395
Contractual	1,450.4	1,520	1,500	1,500	1,500
Total		6,205	7,210	9,895	9,895
REC MANAGEMENT					
Pers Serv	1,460.1	1,514	1,000	1,000	1,000
Equipment	1,460.2	0	1,500	2,000	2,000
Contractual	1,460.4	198	2,000	2,000	2,000
Total		1,712	4,500	5,000	5,000
BUILDINGS					
Pers Serv	1,620.1	7,576	8,600	8,600	8,600
Equipment	1,620.2	2,877	10,000	10,000	10,000
Contractual	1,620.4	48,497	44,300	44,300	44,300
Total		58,950	62,900	62,900	62,900
CENT GARAGE					
Equipment	1,640.2	0	0	0	0
Contractual	1,640.4	168	1,200	1,200	1,200
Total		168	1,200	1,200	1,200
CENT COMMUN					
Equipment	1,650.2	0	0	0	0
Contractual	1,650.4	0	400	200	200
Total		0	400	200	200
CENT PR & MAIL					
Contractual	1,670.4	15,037	17,500	17,500	17,500
Total		15,037	17,500	17,500	17,500
SPECIAL ITEMS					
Unalloc Insur	1,910.4	60,909	67,000	64,000	64,000
Munic Assn Dues	1,920.4	1,486	1,500	1,500	1,500
Judge & Claims	1,930.4	29	200	0	0
Purchase/Land	1,940.4	1,707	3,000	0	0
Tx&Asses Tn Prop	1,950.4	2,603	2,900	2,900	2,900
Unclassified	1,989.4	35	100	0	0
Contingent Acct	1,990.4	0	15,000	18,000	18,000
Total		66,769	89,700	86,400	86,400
TOTAL GEN GOVT SUPPORT		407,617	468,400	479,500	479,500

PUBLIC SAFETY - 1996 BUDGET

	CODE	ACT 94	95 BUDGET	PRE 96	ADOPT 96
POL & CONSTABLES					
Contractual	3,120.4	629	600	500	500
Total		629	600	500	500
TRAFFIC CONTROL					
Contractual	3,310.4	2,351	3,300	3,300	3,300
Total		2,351	3,300	3,300	3,300
CONTROL OF DOGS					
Pers Serv	3,510.1	8,800	9,250	11,125	11,125
Equipment	3,510.2	104	500	500	500
Contractual	3,510.4	3,218	5,575	5,575	5,575
Total		12,122	15,325	17,200	17,200
SAFETY INSPEC					
Pers Serv	3,620.1	12,394	13,700	14,700	14,700
Equipment	3,620.2		1,700	225	225
Contractual	3,620.4	973	2,300	1,275	1,275
Total		13,367	17,700	16,200	16,200
TOTAL PUBLIC SAFETY		28,469	36,925	37,200	37,200

HEALTH - 1996 BUDGET

	CODE	ACT 94	95 BUDGET	PRE 96	ADOPT 96
REG VIT STATS					
Contractual	4,020.4	0	25	25	25.00
Total		0	25	25	25
TOTAL HEALTH		0	25	25	25

TRANSPORTATION - 1996 BUDGET

	CODE	ACT 94	BUDGET 95	PRE 96	ADOPT 96
SUPT HIGHWAYS					
Pers Serv	5,010.1	36,025	37,950	38,500	38,500
Contractual	5,010.4	1,635	2,100	2,500	2,500
Total		37,660	40,050	41,000	41,000
GARAGE					
Equipment	5,132.2	0	0	0	0
Contractual	5,132.4	20,846	17,500	17,600	17,600
Total		20,846	17,500	17,600	17,600
STREET LIGHTING					
Contractual	5,182.4	33,378	28,000	32,000	32,000
Total		33,378	28,000	32,000	32,000
FLOOD DAMAGE					
Contractual	5,680.4	56,525	0	0	0
Total		56,525	0	0	0
TOTAL TRANSPORTATION		148,409	85,550	90,600	90,600

ECONOMIC ASSISTANCE & OPPORTUNITY - 1996 BUDGET

	CODE	ACT 94	95 BUDGET	PRE 96	ADOPT 96
PUBLICITY					
Contractual	6,410.4	898	1,000	1,100	1,100
Total		898	1,000	1,100	1,100
PROG FOR AGING					
Pers Serv	6,772.4	0	0	9,000	9,000
Contractual	6,772.4	1,354	2,500	2,000	2,000
Total		1,354	2,500	11,000	11,000
TOTAL ECONOMIC ASSISTANCE & OPPORT		2,252	3,500	12,100	12,100

CULTURE & RECREATION - 1996 BUDGET

	CODE	ACT 94	95 BUDGET	PRE 1996	ADOPT 96
PARKS					
Per Serv	7,110.1	29,959	38,000	32,000	32,000
Equipment	7,110.2	3,355	6,000	9,000	9,000
Contractual	7,110.4	23,961	13,000	24,000	24,000
Total		57,275	57,000	65,000	65,000
PLAY & REC CENTERS					
Per Serv	7,140.1	2,454	6,000	6,000	6,000
Contractual	7,140.4	2,489	5,000	4,000	4,000
Total		4,943	11,000	10,000	10,000
BAND CONCERTS					
Contractual	7,270.4	2,824	2,800	3,000	3,000
Total		2,824	2,800	3,000	3,000
YOUTH PROGRAM					
Pers Serv	7,310.1	39,486	40,000	42,000	42,000
Contractual	7,310.4	48,601	60,000	65,000	65,000
Total		88,087	100,000	107,000	107,000
HISTORIAN					
Equipment	7,510.2	951	1,200	1,200	1,200
Contractual	7,510.4	1,107	900	900	900
Total		2,058	2,100	2,100	2,100
HISTORICAL PROPERTY					
Contractual	7,520.4	3,900	4,000	4,100	4,100
Total		3,900	4,000	4,100	4,100
CELEBRATIONS					
Contractual	7,550.4	3,479	1,000	1,275	1,275
Total		3,479	1,000	1,275	1,275
ADULT RECREATION					
Contractual	7,620.4	6,309	6,000	7,000	7,000
Total		6,309	6,000	7,000	7,000
OTH CULT/REC					
Contractual	7,989.4	0	1,000	1,000	1,000
Total		0	1,000	1,000	1,000
TOTAL CULTURE - RECREATION		168,875	184,900	200,475	200,475

HOME & COMMUNITY SERVICE - 1996 BUDGET

	CODE	ACT 94 95	BUDGET PRE 1996	ADOPT 96	
ZONING					
Pers Serv	8,010.1	960	600	1,000	1,000
Contractual	8,010.4	314	2,000	1,000	1,000
Total		1,274	2,600	2,000	2,000
PLANNING					
Pers Serv	8,020.1	2,213	6,200	6,200	6,200
Contractual	8,020.4	7,982	6,000	5,000	5,000
Total		10,195	12,200	11,200	11,200
DRAINAGE					
Pers Serv	8,540.1	0	0	500	500
Contractual	8,540.4	0	1,000	1,000	1,000
Total		0	1,000	1,500	1,500
CONSERVATION					
Pers Serv	8,710.1	352	500	500	500
Contractual	8,710.4	153	1,200	2,500	2,500
Total		505	1,700	3,000	3,000
CEMETERY					
Pers Serv	8,810.1	0	800	900	900
Contracturl	8,810.4	0	200	200	200
Total		0	1,000	1,100	1,100
HOME/COM SER					
Pers Serv	8,989.1	0	0	0	0
Equipment	8,989.2	0	0	0	0
Contractual	8,989.4	11,493	9,500	12,000	12,000
Total		11,493	9,500	12,000	12,000
TOTAL HOME & COMMUNITY SERVICES		23,467	28,000	30,800	30,800

UNDISTRIBUTED - 1996 BUDGET

	CODE	ACT 94	95 BUDGET	PRE 1996	ADOPT 96
UNDISTRIBUTED					
EMPLOYEE BENEFITS					
State Retirement	9,010.8	400	18,000	18,000	18,000
Social Security	9,030.8	27,049	32,000	32,000	32,000
Workmens Comp	9,040.8	5,488	12,500	8,000	8,000
Unemploy Insur	9,050.8	0	1,000	1,000	1,000
Disability Insur	9,055.8	359	500	500	500
Hosp & Med Insur	9,060.8	19,044	25,000	24,000	24,000
Total		52,340	89,000	83,500	83,500
DEBT SERVICE					
PRINCIPAL					
Serial Bonds	9,710.6	30,000	30,000	30,000	30,000
Bond Anticipation	9,730.6	20,000	48,000	48,000	48,000
Rev Anticipation	9,770.6	0	0	0	0
Total		50,000	78,000	78,000	78,000
DEBT SERVICE					
INTEREST					
Serial Bonds	9,710.7	12,420	10,350	8,280	8,280
Bond Anticipation	9,730.7	3,186	7,735	7,125	7,125
Rev Anticipation	9,770.7	0	0	0	0
Total		15,606	18,085	15,405	15,405
INTERFUND TRANSFER					
Risk Retention	9,901.9	0	0	0	0
Cap Proj Fund	9,950.9	91,840	0	0	0
Total		91,840	0	0	0
TOT UNDISTRIBUTED		209,786	185,085	176,905	176,905

TOTAL APPROPRIATIONS - 1996 BUDGET

SUMMARY	ACT 1994	1995 BUDGET	PRELIM 1996	ADOPT 1996
GEN GOVT	407,617	468,400	479,500	479,500
PUB SAFETY	28,469	36,925	37,200	37,200
HEALTH	0	25	25	25
TRANSPORTATION	148,409	85,550	90,600	90,600
EC ASSIS & OPPOR	2,252	3,500	12,100	12,100
CULTURE & REC	168,875	184,900	200,475	200,475
HOME & COMM SERV	23,467	28,000	30,800	30,800
UNDISTRIBUTED	209,786	185,085	176,905	176,905
TOT APPROPRIATIONS	988,875	992,385	1,027,605 *	1,027,605

*TRANSFER TO PAGE 2

GENERAL FUND ESTIMATED REVENUES - 1996 BUDGET

	CODE	ACT 94	95 BUDGET	PRE 1996	ADOPT 96
OTHER TAX ITEMS					
Int/Pen R/Prop Tax	A1090	10,849	6,000	7,000	7,000
Non Prop Tax, Co	A1120	365,807	280,000	300,000	300,000
Franchises	A1170	27,045	25,000	26,000	26,000
DEPARTMENTAL INCOME					
Assessor Fees	A1250	523	0	0	0
Clerk Fees	A1255	2,639	1,000	1,500	1,500
Dog Control Fees	A1550	1,050	275	500	500
Park & Rec Charges	A2001	34,727	30,000	34,000	34,000
Zoning Fees	A2110	1,830	800	1,000	1,000
USE MONEY/PROPERTY					
Interest & Earnings	A2401	19,153	10,000	12,000	12,000
Rent R/Prop	A2410	28,572	27,300	27,300	27,300
Commissions	A2450	47	0	0	0
Games of Chance	A2530	671	0	0	0
Bingo Licenses	A2540	1,441	1,000	1,000	1,000
Dog Licenses	A2544	3,571	3,800	3,500	3,500
Licenses, Other	A2545	2,610	1,600	1,600	1,600
Building Permits	A2555	6,440	3,800	3,500	3,500
Permits, Other	A2590	1,330	0	0	0
FINES & FORFEITURES					
Fines/Forfeit Bail	A2610	84,566	70,000	70,000	70,000
COMPENSA FOR LOSS					
Sale of Property	A2660	0	0	0	0
Sale of Equipment	A2665	0	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	575	0	0	0
Gifts/Donations	A2705	2,053	0	0	0
Miscellaneous	A2770	788	0	0	0
Interfund Revenue	A2801	1,659	0	0	0
TOTAL EST REV FROM LOCAL SOURCES		597,946	460,575	488,900	488,900

HIGHWAY FUND - APPROPRIATIONS - 1996 BUDGET - PG 1

	CODE	ACT 94	95 BUDGET	PRE 1996	ADOPT 96
GEN REPAIRS					
Pers Serv	5,110.1	114,108	113,000	116,000	116,000
Contractual	5,110.4	92,523	87,000	89,000	89,000
Total		206,631	200,000	205,000	205,000
IMPROVEMTS					
Cap Outlay	5,112.2	29,936	30,000	30,000	30,000
Total		29,936	30,000	30,000	30,000
MACHINERY					
Pers Serv	5,130.1	0	0	0	0
Equipment	5,130.2	24,212	30,000	30,000	30,000
Contractual	5,130.4	101,562	95,000	97,000	97,000
Total		125,774	125,000	127,000	127,000
MISC/BR/WDS					
Pers Serv	5,140.1	0	0	0	0
Contractual	5,140.4	0	500	500	500
Total		0	500	500	500
SNOW REMOV					
Pers Serv	5,142.1	75,656	75,000	79,000	79,000
Contractual	5,142.4	47,687	47,000	48,000	48,000
Total		123,343	122,000	127,000	127,000
SER/OTH GVT					
Pers Serv	5,148.1	75,656	75,000	79,000	79,000
Contractual	5,148.4	50,436	47,000	48,000	48,000
Total		126,092	122,000	127,000	127,000
EMPLOY BEN					
State Retire	9,010.8	427	23,200	20,000	20,000
Soc Security	9,030.8	20,487	22,000	22,750	22,750
Workers Comp	9,040.8	35,127	29,500	29,500	29,500
Unemploy Ins	9,050.8	0	1,000	1,000	1,000
Disability	9,055.8	368	500	500	500
Hosp/Med Ins	9,060.8	38,487	40,400	45,000	45,000
Total		94,896	116,600	118,750	118,750
TOT P. 1		706,672	716,100	735,250	735,250

HIGHWAY FUND - APPROPRIATIONS - 1996 BUDGET - PG 2

	CODE	ACT 94	95 BUDGET	PRE 1996	ADOPT 96
DEBT SERV					
Ser Bonds	9,710.6	0	0	0	0
BAN's	9,730.6	35,000	25,000	47,000	47,000
Total		35,000	25,000	47,000	47,000
INTEREST					
Ser Bonds	9,710.7	0	0	0	0
BAN's	9,730.7	3,313	2,870	6,310	6,310
Total		3,313	2,870	6,310	6,310
INT TRANS TO:					
Cap Proj	9,950.9	0		0	0
Total		0	0	0	0
BUDGETARY PROVISION OTH/USES		0	0	0	
TOT APPROP &OTH USES					
Page 1		706,672	716,100	735,250	735,250
Page 2		38,313	27,870	53,310	53,310
Trans to Page TB-2		744,985	743,970	788,560	788,560

HIGHWAY FUND - ESTIMATED REVENUE - 1996 BUDGET

	CODE	ACT 94	95 BUDGET	PRE 1996	ADOPT 96
LOCAL SOURCES					
Lieu/Tax	1,081	928	0	500	500
Non Prop Tax Dist/County	1,120	174,500	174,500	182,000	182,000
Ser/Oth Govts	2,300	69,020	70,000	65,000	65,000
Int & Earn	2,401	2,430	3,000	5,000	5,000
Sale of Equip	2,665	500	0	0	0
Intfund Rev	2,801	11,427	9,500	12,000	12,000
Misc(Specify)	2,770	0	0	0	0
STATE AID Consolidated Highway	3,501	37,565	30,000	30,000	30,000
FEDERAL AID (Specify)	4,500	0	0	0	0
INTER TRANSF	5,031			0	0
TOT EST REV		296,370	287,000	294,500	294,500
UNEXPEND BAL			20,000	30,000	25,000	25,000

Transfer Est Rev and Unexp Bal to TB-2

FIRE PROTEC DIST - APPROPRIATIONS - 1996 BUDGET

	CODE	ACT 94	95 BUDGET	PRE 1996	ADOPT 96
FIRE PROTEC					
Judg/Claims	1,930.4	0	126	0	0
Contracts	3,410.4	450,594	449,569	457,755	457,755
Comp Insur	9,040.8	11,957	20,000	16,500	16,500
Total		462,551	469,695	474,255	474,255
Tot Approp (Trans Adopt to Page 1)		462,551	469,695	474,255	474,255
			ESTIMATED REVENUE		
Int & Earn	2,401	2,541	0	0	0
Refund Pr Yr	2,701	0		0	0
Total		2,541	0	0	0
			UNEPENDED BALANCE		
Est Fire Pr Dist Unexpd Balance		6,000	6,500	2,500	2,500
Transfer total Adopt to page 2					

LIGHT DISTRICT - APPROPRIATIONS - 1996 BUDGET

	CODE	ACT 94	95 BUDGET	PRE 1996	ADOPT 96
LIGHT DIST					
Judge/Claims	1,930.4	0	10	0	0
Street light					
Contractual	5,182.4	21,102	19,000	22,500	22,500
Total		21,102	19,010	22,500	22,500
Tot Approp (Trans Adopt to Page 2)					
		ESTIMATED REVENUES			
Int & Earn	2,401	494	10	0	0
Tot Est Rev		494	10	0	0
(Trans Adopt to Page 2)					
		UNEXPENDED BALANCE			
Est Light Unexp Bal		500	500	2,500	2,500

AMBULANCE DISTRICT - APPROPRIATIONS - 1996 BUDGET

	CODE	ACT 94	95 BUDGET	PRE 1996	ADOPT 96
AMBULANCE					
Judg/Claims	1,930	0	15	0	0
Ambulance, Eq	4,540	0	8,000	0	0
Ambulance, C.	4,540	40,876	49,500	48,860	48,860
Total		40,876	57,515	48,860	48,860
DEBT SERV					
Principal					
Ser Bonds	9,710	0	0	0	0
BAN's	9,730	0	15,000	9,000	9,000
Total		0	15,000	9,000	9,000
INTEREST					
Ser Bonds	9,710	0	0	0	0
BAN's	9,730	0	3,500	2,140	2,140
Total		0	3,500	2,140	2,140
Budgetary Prov for Oth Uses	962	0	0	0	0
Total Approp (Transfer Adopted to Page 2)		40,876	76,015	60,000	60,000
			ESTIMATED REVENUE		
Int & Earn	2,401	380	0	0	0
Total Revenue		380	0	0	0
(Trans adopt To Page 2)					
			UNEXPENDED BALANCE		
Est Unexp Bal (Transfer tot to Page 2)		0	10,000	0	0

REFUSE & GARBAGE - APPROPRIATIONS - 1996 BUDGET

	CODE	ACT 94	95 BUDGET	PRE 1996	ADOPT 96
REFUSE/GARB					
Judge/Claims	1,930.4	0	193	0	0
Pers Serv	8,160.1	471,753	0	0	0
Contractual	8,160.4		514,995	402,950	330,298.50
Total		471,753	515,188	402,950	330,298.50
Total Approp					330,298.50

ESTIMATED REVENUE

Ref/Gar Chgs	2,130	5,099	0	0	0
Int & Earn	2,401	9,879	193	5,000	0
Total		14,978	193	5,000	0

UNEXPENDED BALANCE

Est Refuse & Garb Dist Unexp Bal	5,184	5,282	0	0

(Trans Adopt Totals to Page 2)

SEWER DIST #2 - APPROPRIATIONS - 1996 BUDGET

	CODE	ACT 94	95 BUDGET	PRE 1996	ADOPT 96
Treat/Disp					
Judge/Claims	1,930.4	0	0	0	0
Pers Serv	8,120.1	0	0	0	0
Equipment	8,120.2	0	0	0	0
Contractual	8,120.4	0	1,211	1,211	1,211
Total		0	1,211	1,211	1,211

ESTIMATED REVENUE

Int & Earn	2,401	161	0	0	0
Total		161	0	0	0

UNEXPENDED BALANCE

Est Sewer Dist Unexp Balance	0	0	0	0

(Transfer Tot to Page 2)

WATER DISTRICT #1 - APPROPRIATIONS - 1996 BUDGET

	CODE	ACT 94	95 BUDGET	TEN 1996	ADOPT 96
Trans/Dist					
Judge/Claims	1,930.4	0	15	0	0
Pers Serv	8,340.1	0	0	0	0
Equipment	8,340.2	4,183	93,000	100,000	100,000
Contractual	8,340.4	14,244	14,000	15,000	15,000
Total		18,427	107,015	115,000	115,000
DEBT SERV					
Principal		0	0	0	0
Ser Bonds	9,710.6	0	0	0	0
BAN's	9,730.6			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)		18,427	107,015	115,000	115,000
			ESTIMATED REVENUE		
Spec Assess	1,030	155	0	0	0
Int & Earn	2,401	3,463	15	0	0
Total		3,618	15	0	0
			UNEXPENDED BALANCE		
Est Unexp Bal (Transfer tot to Page 1)		70,000	75,500	75,500	75,500

WATER DISTRICT #2 - APPROPRIATIONS - 1996 BUDGET

	CODE	ACT 94	95 BUDGET	TEN 1996	ADOPT 96
Trans/Dist					
Judge/Claims	1,930.4	0	0	0	0
Pers Serv	8,340.1	0	0	0	0
Equipment	8,340.2	15,045	99,406	113,269	113,269
Contractual	8,340.4	5,879	4,500	4,500	4,500
Total		20,924	103,906	117,769	117,769
DEBT SERV					
Principal					
Ser Bonds	9,710.6	0	0	0	0
BAN's	9,730.6	0	0	0	0
Total		0	0	0	0
Interest					
Ser Bonds	9,710.7	0	0	0	0
BAN's	9,730.7	0	0	0	0
Total		0	0	0	0
Total Approp (Transfer adopted to Page 2		20,924	103,906	117,769	117,769
		ESTIMATED REVENUE			
Int & Earn	2,401	4,793	0	0	0
Total		4,793	0	0	0
		UNEXPENDED BALANCE			
Est Unexp Bal (Transfer tot to page 2)		60,000	62,000	75,000	75,000

SCHEDULE OF SALARIES OF ELECTED TOWN OFFICIALS

(ARTICLE 8 OF THE TOWN LAWS)

OFFICER	SALARY
SUPERVISOR	20,500
COUNCILMAN	6,100
COUNCILMAN	6,100
COUNCILMAN	6,100
COUNCILMAN	6,100
TOWN CLERK	30,000
TOWN JUSTICE	10,475
SUPERINTENDENT OF HIGHWAYS	37,300

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 4, 1995 — 7:30 P.M.

A motion was made by Councilman Walter and seconded by Councilman Wohlhueter that the 1996 Water District #1 Preliminary Budget be approved as follows:

Appropriations	115,000.00
Less Estimated Revenue	00.00
Less Unexpended Balance	75,500.00
Amount to be Raised by Taxes	39,500.00

four (4) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded Councilman Walter that the 1996 Water District #2 Preliminary Budget be approved as follows:

Appropriations	117,769.00
Less Estimated Revenue	00.00
Less Unexpended Balance	75,000.00
Amount to be Raised by Taxes	42,769.00

four (4) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers that the 1996 schedule of salaries for the elected Town officials Preliminary Budget be approved as follows:

Supervisor	20,500.00
Councilman	6,100.00
Councilman	6,100.00
Councilman	6,100.00
Councilman	6,100.00
Town Clerk	30,000.00
Town Justice	10,475.00
Town Justice	10,475.00
Superintendent of Highways	37,300.00

four (4) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to direct to Town Clerk Shenk to schedule a Public Hearing on November 1, 1995, at 8:00 P.M. for the 1996 Preliminary Budget.

four (4) Ayes — Carried

SUPERVISOR REPORT

Supervisor Kennedy reported the Shero Road Water project will begin next week.

A) Supervisor's Monthly Financial Report for September 1995, received and on file in the Town Clerk's Office.

TOWN CLERK REPORT

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy to accept the Registrar of Vital Statistics Monthly Report for September 1995.

four (4) Ayes — Carried

Town Clerk Shenk noted the Town Clerk's Office will be open October 13, 1995 until 8:00 P.M. and October 16, 1995 until 9:00 P.M. for the collection of Hamburg school taxes.

REGULAR BOARD MEETING
OCTOBER 4, 1995

TOWN HALL
7:30 P.M.

TOWN ATTORNEY REPORT

Town Attorney Reilly reported a tentative bid package is being put together for the new Solid Waste Contract. It is expected to be complete by the end of the week and will be mailed to the Solid Waste Committee members. A meeting has been scheduled for October 12, 1995 to discuss terms with the idea that it will be put out for bid shortly thereafter.

A Hearing for the assessment case of Eileen Tomaka, 5998 Herman Hill Road, has been adjourned from October 4, 1995 to October 19, 1995. Information from the new Assessor will be utilized for the Hearing.

There have been complaints of unused vehicles and an accumulation of material at the property of Mr. Dzierzanowski, 6710 Mill Street and Sharon Clark's garage at 6752 Mill Street. A letter from Deputy Code Enforcement Officer Sawicki indicated there has been substantial compliance efforts particularly at the Sharon Clark property. An amount of the material has been removed. Efforts to clean up both sites will continue.

COUNCILMAN REPORT

Councilman Flowers reported that he attended a Southtowns Haz-Mat Team Board of Directors meeting and a there was a discussion to create a capital reserve fund to prepare for the purchases of vehicles and the replacement of expensive equipment. The fund will be brought into existence with capital which is left over. The team will solicit businesses and industry asking for donations to be used for this. No funds will be used without the required vote of the Board of Directors to make any purchase out of the Capital Improvement Fund.

CODE ENFORCEMENT OFFICER REPORTS

Deputy Code Enforcement Sawicki submitted letters reporting the progress of the clean up of accumulation at 6710 and 6752 Mill Street.

DOG CONTROL OFFICER REPORT

A) Dog control Officer monthly report for September 1995, received and on file in the Town Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's report for September 1995 received and on file in the Town Clerk's Office.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to remove from the table, the Emerling request to lift the first condition of the rezoning application, tabled earlier in the Town Board meeting.

four (4) Ayes — Carried

Attorney Lesher: I have to report that no definitive agreement has been arrived at. On behalf of my client, I did try to address the concern Mr. Witka has mentioned about the emergency repair and the concerns that there wasn't any time limit agreed to in the event an emergency repair to the sewer line is required but is prevented by the act of Emerling. The latter has agreed to cooperate in a reasonable and timely manner. My client offered to change that to take action within eight hours in order to make it possible for Witka or his representatives to effect an emergency repair with no or minimum inconvenience to Witka. We offered, that if Emerling violates this obligation, they shall pay $100.00 in liquidation damages. That was not apparently acceptable so I would say we do

Attorney Lesher (Cont.): not have an agreement. I would ask Mr. Witka to make available a letter from the sewer district which he obtained which says the present sewer is the ideal location. You may wish to make that letter available to the Board.

Various aspects of the proposed agreement were discussed by the involved parties and Attorney Lesher noted Mr.Witka would not sign an agreement without his attorney approval.

Mr. Witka: We spent a lot of time and I still could not get an answer from Carl Emerling as to exactly why he doesn't want to put this sewer line on the green space like you suggested in the condition.

Supervisor Kennedy: He gave two reasons. He said you have a letter from the Sewer Authority saying where it is presently located would probably be the best location. Second, he would have to negotiate a new easement with you on a new right-a-way because it wouldn't be included in the present easement.

After a lengthy discussion the matter was tabled until the next Town Board Meeting in anticipation of an agreement between the parties and with the understanding that a vote will be taken by Town Board Members and the issue will be decided.

Councilman Flowers: I feel responsible for making this motion. I am in awe that it has been a year and we can't come up with an agreement. Quite frankly I don't know what to do here. We have to do something to protect the Witka's and yet we have a valid rezoning application from the Emerlings who worked diligently and in good faith to try to come to some resolve.

Supervisor Kennedy: I think there has been an earnest effort on the part of those parties for a year to come to an equitable agreement to protect Mr. Witka's interest in the present sewer. By admission of his own letter into the record, the sewer is in a primary location now. If it were removed it would require another negotiated easement. I don't think it is going to eliminate the problem in total because we still have a sewer on the Emerling property that is moved to a different location. I do however want to caution the Emerlings that if I approve this rezoning, the first time snow is pushed over near the property line I am going to be there because I can understand the concern that Mr. Witka has for the preservation of his driveway and I certainly don't want to see snow there where it is going to melt or cause him problems on his driveway. There is more than an adequate amount of space there for the storage of snow without getting near the Witka driveway and I think that is a condition that certainly should be adhered to.

Councilman Flowers: I know that both parties have tried in good faith to find some common ground to come to an agreement. The only thing I would like to include in the motion would be that any work done to the Witka's sewer line would be under the auspice of the Erie County Sewer Authority and done with their approval and with their inspection.

Supervisor Kennedy: That stands to reason that they can't make any modifications to any sewer and since I sit on Erie County's District 3 Board of Managers I would certainly make certain that any modifications or anything that is done to Mr. Witka's sewer would be in conformance with District specifications and requirements. I have no problem incorporating this as part of the motion but I really don't feel it is necessary.

Councilman Walter: Can we table this for two weeks? You people come to an agreement before our next Board meeting and if there is no agreement reached by then we will definitely vote on it.

REGULAR BOARD MEETING
OCTOBER 4, 1995

TOWN HALL
7:30 P.M.

Supervisor Kennedy: We met as a group downstairs and discussed this in it's entirety with council representing yourself and council representing the Emerling family. It was my understanding you were going to come back with an agreement by the time of our Monday Agenda Review Meeting. I felt hopeful an agreement could be reached. I really doubt whether two weeks can make any difference. I think an earnest effort was made to reach an agreement out here.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to remove restriction number one from the original Emerling rezoning application and any work done to the Witka's sewer line would be under the auspice of the Erie County Sewer Authority and done with their approval and with their inspection.

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

two (2) Ayes two (2) Noes one (1) Absent Denied

A motion was made by Supervisor Kennedy to table the Emerling request to remove restriction number one from the original rezoning application until the October 18, 1995 Town Board Meeting.

four (4) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to adjourn the meeting at 9:51 P.M..

David J. Shenk
David J. Shenk, Town Clerk

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 18, 1995 — 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 adopt the minutes of the October 4, 1995 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 #10A, dated October 18, 1995 in the amount of $53,619.03 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 18, 1995 in the amount of $15,870.31 be paid.

five (5) Ayes — Carried

Referred to Town Attorney Reilly a Notice of Petition from NYS Electric & Gas Corp. vs. State Board of Real Property Services.

Received and filed a revision of the original Service Reduction Plan proposed by NFTA.

Councilman Flowers directed Town Clerk Shenk to send a letter to NFTA acknowledging Town Board support for their efforts in obtaining FTA approval for CMAQ funding.

Received and filed notification of authorization from the Department of the Army for the Anthony Gulf Excavation.

Received and filed an executed Erie County 1995 STOP DWI Contract.

Received and filed notification of Public Hearings from the Assembly Standing Committee on Local Governments regarding the impact on operations of local industrial development agencies.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to remove from the table the Emerling request to remove restriction number one (1) from the original rezoning application for 9000 Boston State Road, from the October 4, 1995 Town Board Meeting.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to remove restriction number one (1) from the motion granted at the October 19, 1994 Town Board meeting, allowing the Emerling Chevrolet property and the Crotty property at 9000 Boston State Road to be rezoned C-2. Restriction number two (2) which allows for a 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, will apply. All sewer work must be approved by the Erie County Sewer Authority.

five (5) Ayes — Carried

Supervisor Kennedy commented the snow removal storage will be monitored to ensure it is placed away from the Witka driveway.

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 18, 1995 — 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to direct Town Clerk Shenk to publish notification of the Solid Waste Contract bid opening for November 9, 1995 at 11:00 A.M..

five (5) Ayes — Carried

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

Supervisor Kennedy read the legal notice and the requests from last year's Resolution.

Supervisor Kennedy convened the Public Hearing.

There were no comments.

Supervisor Kennedy received a request from Debra Almeida, Rural Transit Service Van Project Coordinator to be included in a Resolution for use of Federal Community Development funds and noted a CDBG Public Hearing will begin soon.

Supervisor Kennedy recommended implementing ADA (Americans with Disabilities Act) requirements in our public buildings and parks.

LEGAL NOTICE
NOTICE OF PUBLIC HEARING
Notice to the Citizens of the
TOWN OF BOSTON

A Public Hearing will be held on October 18, 1995 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 David J. Shenk, Boston Town Clerk at (716)-941-6113 by October 10, 1995.

DATED: September 26, 1995
PUBLISHED: October 5, 1995
BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK
10-5

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to close the Public Hearing at 8:07 P.M.

five (5) Ayes — Carried

RESOLUTION 1995 - ?2 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

A motion was made by Councilman Davenport and seconded by Councilman Walter to grant permission to the Christmas Lighting Committee to place a well casing into the ground for an annual Christmas lighted pine tree in front of the Town Hall.

five (5) Ayes — Carried

At 8:12 P.M. a Public Hearing was held for Local Law No. 5 to rezone 6.83 acres on Herman Hill Road for the application of Jeff Kuhn, Hamburg Overhead Door.

Supervisor Kennedy read the legal notice, the notice sent to neighboring property owners, a letter of intent from Ken Kloeber, Consulting Engineer, a Boston Planning Board recommendation of approval contingent upon a Site Plan Review, a letter of support from residents John and Barbara Crotty, and TVGA Engineering notification of no negative impact on the environment.

Supervisor Kennedy noted 58 neighbors were notified and a Commercial Zoning Application Pending sign was placed on the property.

Supervisor Kennedy convened the Public Hearing.

RESOLUTION 1995 - 32

COMMUNITY DEVELOPMENT BLOCK GRANT REQUESTS FOR 1996

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 18th day of October, 1995 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 18th, 1995 relating to suggestions by the public for projects to be submitted for funding during 1996.

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 1996.

1st Priority - Implementing ADA requirements in our Public Buildings and Parks.

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 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: (5) NOES: (0) ABSENT: (0)

David J. Shank

David J. Shank, Town Clerk

REGULAR BOARD MEETING
OCTOBER 18, 1995

TOWN HALL
7:30 P.M.

Public Hearing (Cont.)

Donald Frydrych, 5674 Herman Hill Rd: I also own the property at 7186 Parkside Dr. I believe the proposed changes for the zoning from C-1 to C-2 isn't in the best interest of the Town of Boston. The Town needs the parcel of land to be developed for small businesses. You only have to look at the traffic that goes through the intersection of 277 and 391 and realize that it would be a great location to open up a small business. I don't think anyone would benefit from a warehouse. The more small businesses this Town can develop the better it will be for everyone and the more people will want to move out here. That is a prime location over there. There are a lot of small businesses that are there now. It makes it very advantageous for me. I live there and the Boston Hardware Store is a prime example of the type of business I would like to see there, where people can use them. Not a huge warehouse with a lot of trucks. You mentioned about DeMarcos. It's loud, it's noisy, they're banging, beep, beep, beep all the time. I know that Hamburg Door puts up a nice building but you are just rezoning a piece of property. You are not supposed to be thinking about the person doing it. I mean, that person may be gone tomorrow and then who will own it? When you change that to a C-2 you are really opening it up to a lot of things. It is a residential area. Most of the property around there borders residential people. I don't want to go out in my back yard and look at a big warehouse and a lot of trucks. I've had a taste of it from the C-1 down the street and I don't like that and I don't want to see it get any bigger that way. I like the Boston Hardware store. It is an excellent example of what I'd like to see go through there. The way it is zoned right now. I think that by zoning it to C-2 you are opening it up to a big can of worms. Disregarding whoever is building, we're just talking about the property itself. They can do anything they want after that. They can bring big trucks in there and then where are we? When you ride through that area there are a lot of people who go through there. It would be beneficial for now and for years to come for businesses to be built up in that area. That area is prime for that purpose. It is bordered by all residential property. You don't want to go out and look at that stuff. The noise level from that trucking outfit is a lot. They are open Saturdays and Sundays and it is a bad situation down there and I don't want it to get any bigger. There is a drainage problem All the water from Parkside Drive that flows when it rains comes down Parkside and runs behind the Hardware Store and runs into that area. I don't know if you are aware of that or not but that is what happens and that has to be one of the things that has to be addressed also. When it rains hard it really flows through there.

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 18, 1995 at 8:10 P.M., Eastern Daylight Savings Time, at the time and place above noted all interested persons will be heard for or against.

LOCAL LAW NO. 5
OF THE YEAR (TENTATIVE)

BE IT ENACTED BY THE BOARD OF THE TOWN OF BOSTON AS FOLLOWS:

Section 1.

That local Law No. 5 of the year 1995 shall amend Local Law No. 6 of the year 1990, any amendments thereto and the Town of Boston Zoning Map. This application of Hamburg Overhead Door to rezone 6.83 acres of land on Herman Hill Road from C-1 Local Retail Business District to C-2 General Commercial District; such property being described follows

PROPOSED DESCRIPTION
6.83 ACRES
BOSTON
7-13-95

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 30, Township 8 and Range 7 of the Holland Land Company's survey bounded and described as follows:

Beginning at a point in the Center of Herman Hill Road at a distance of 233.0 feet northeasterly of the intersection of the Center of Herman Hill Road with the Center of Boston State Road; thence N 45°-23'-39" W a distance of 319.03 feet to a point; thence N 43°-56'-45" E a distance of 130.0 feet to a point; thence N 45°-23'-39" W a distance of 147.36 feet to a point; thence N 43°-56'-45" E a distance of 653.14 feet to a point; thence S 89°-51'-12" E a distance of 255.0 feet to the northwest corner of C. Rodger and Roberta A. Gard as recorded in Liber 9318 of deeds at page 337; thence S 8°-54'-57" E a distance of 312.73 feet to the northwesterly bounds of Herman Hill Road; thence S 43°-56'-45" W along the said highway bounds a distance of 259.19 feet to a point; thence S 34°-34'-35" W along the said highway bounds a distance of 50.68 feet to a point; thence S 46°-03'-15" E a distance of 24.75 feet to the Center of Herman Hill Road; thence S 43°-56'-45" W along the Center of Herman Hill Road a distance of 40.80 feet to the southeast corner of Joseph J. Demarco as recorded in Liber 9447 of deeds at page 54; thence N 46°-57'-15" W a distance of 152.5 feet to the northeast corner of said Demarco; thence S 43°-56'-45" W a distance of 192.0 feet to the northwest corner of said Demarco; thence S 46°-57'-15" E a distance of 152.5 feet to the Center of Herman Hill Road; thence S 43°-56'-45" W along the Center of Herman Hill Road a distance of 134.2 feet to the point of beginning. Containing 6.83 acres more or less.

Subject to any easements and right of ways on record.

Section 2.

If any provision of this Local Law shall be held invalid, the remaining provisions shall not be effected thereby.

Section 3.

This local Law shall take effect immediately upon filing with the Secretary of State for the State of New York.

Dated: OCTOBER 4, 1995
Published: OCTOBER 6, 1995

BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK
10-6

REGULAR BOARD MEETING
OCTOBER 18, 1995

TOWN HALL
7:30 P.M.

Public Hearing (Cont.)

David Blank, 5584 Southside Drive: My property adjoins the back of the C-1 property. There are seventeen acres now that the Emerlings own. I am for Hamburg Overhead Door. You have to be crazy not to let a new business into Town. That is where you have to start. You have to start somewhere. If you keep deterring the business out of town, people are going to look at that and say, "you give everybody too much of a hassle, we are going to go elsewhere". I think the Town needs new business and I think Jeff has done a great job on his property. You go down and look at his warehouses now. I mean I would love to live next door to this gentleman, his property. It is very well kept. As far as noise level, his trucks are out of there in the morning to go out on the jobs and they are back in at night. You are not talking a twenty-four hour a day truck repair like the dump truck place.

Supervisor Kennedy: It is not supposed to be twenty-four hours. We have had a number of complaints and we have initiated action against those people and you are right it has caused us innumerable problems.

David Blank: Just business and judging by what you see and I've been a customer of Jeff's, I don't think there is going to be any problem. I would much rather look at Jeff's property than a Burger King out my front window or another gas station up the road which I believe that area is zoned for. That gas station is C-2. Anybody can file for another rezoning but I think we ought to start somewhere in the Town. That is a great little spot to start. There is a lot of other spots too but that is a good start. I am for it.

Supervisor Kennedy: I have a question. In looking at the parcel, I am familiar with the large parcel that used to incorporate all the land from where the commuter parking lot is located all the way up to the Creekside subdivision near that corner that is always wet. Now, whoever purchased this from Loblaws or Peter J. Schmidt or whoever was the previous owner, I know it has been owned by a number of different people, did they section that off because this property only incorporates the six acres that actually faces Herman Hill Road and there is no access to this property from the State Road. Is that my understanding? In looking at my little map that is what it looks like.

Ken Kloeber, Consulting Engineer: Yes, actually it is two tax parcels that are involved there. It is two separate parcels, two SBL numbers. I don't know the circumstances which are involved.

Supervisor Kennedy: This only includes what I show here, that part in the rear basically where the temporary Marine Bank used to sit?

Ken Kloeber: Right, it is basically the parcel that is behind the Park and Ride and behind the Mobile station that runs up Herman Hill to the backside of Creekside Subdivision. The other parcel is now zoned C-1 and the only parcel asking for rezoning is the parcel that fronts on Herman Hill Road.

Councilman Flowers: According to the map it is 553 feet across the back?

Ken Kloeber: Plus or minus. The history of the project for the Board's information is that originally Jeff had wanted to put his facility, we are calling it a warehouse but it is not simply a warehouse and I'll explain a little about that later, on the other parcel that you mentioned. The problem there is that there are some Federal wetlands involved there and those issues have not been resolved yet and we thought it better to actually go closer to Mobil and DeMarcos, closer to what is actually C-2 operations now

Public Hearing (Cont.)

Ken Kloeber, (Cont.): than to put it closer to the residential areas of Creekside. The history also, when we first went to the Planning Board, it seems like a year ago but it may be eight months, the Code Enforcement Officer's first interpretation in looking at what Mr. Kuhn proposed was that it fell into the C-1 zoning which it is currently zoned as. We proceeded in that manner. Simply, I think that finding was made because it was a combination retail and also wholesale operation. As you may know he sells retail goods out of the operation in Hamburg which is basically the same as what he wants to do here. The problem when we went to the Planning Board was that because there is warehousing associated with having to sell retail, you have to have stock, and because there is one hundred different door styles and twenty-five different colors, you have to have quite a bit of stock. With that the Deputy Attorney and the Planning Board discussed that and said well, it kind of falls into C-2. It appears that at the last meeting we were at, that it is not really C-1 or C-2, but if anything the higher classification of C-2 covers it if the C-1 doesn't. That is why we are asking for C-2. It is a combination retail operation.

Supervisor Kennedy: There is no fabrication, is there?

Ken Kloeber: Absolutely not.

Supervisor Kennedy: It is just retail sales and actually a central place for distribution and repair work and whatever.

Ken Kloeber: It is not even repair work. The number Jeff has given me is that he brings in, on the average, one load per day. That is one tractor trailer that comes in and drops off doors. In the morning his trucks and contractors go out and that may be in the neighborhood of fifteen small trucks, pick-up trucks, that type of operation. They may have stop-ins during the day, retail sales, someone comes in, a contractor needs a door. They'll stop in but the major operation if you are talking about heavy tractor trailer trucks or anything like that is one per day on the average.

Supervisor Kennedy: Are all these pick-up trucks going to be housed in this location? How large is the building itself?

Jeff Kuhn: We haven't decided that yet but someday they will all be housed there.

Supervisor Kennedy: So it will be a fairly large building to house fifteen to eighteen trucks?

Ken Kloeber: We are looking at least a fifteen thousand square foot building which was the size that was on the concept plan. I also have a site map which shows the surrounding property and what that shows in relation to the residential areas and also a very typical elevation drawing of what the building might look like if the Board wants to see it.

Councilman Flowers: Just doing easy math, the building would be about 100 by 150 feet.

Ken Kloeber: That's right.

Ken Kloeber shows a site map to Town Board Members and discusses aspects of the proposed plan.

Supervisor Kennedy: What would the hours of operation be?

Jeff Kuhn: Employees start at 6:30 A.M. to load their trucks to go out and come back anywhere from 4:30 to 6:30 P.M. and load their trucks to go out again the next morning.

REGULAR BOARD MEETING
OCTOBER 18, 1995

TOWN HALL
7:30 P.M.

Public Hearing (Cont.)

Councilman Flowers: You do some emergency work I presume?

Jeff Kuhn: That means that an employee will come in and get his truck and go out and do the job and come back.

Councilman Flowers: It is not a continuous operation?

Jeff Kuhn: No.

Councilman Walter: There is no fabricating whatsoever in the building? It is more or less storage? Repairs are made at the home you visit and nothing is brought back in?

Supervisor Kennedy: It is similar to the same operation you conduct right there at your home now?

Jeff Kuhn: Absolutely.

Unidentified resident: The only question I would have as far as traffic goes, are there going to be provisions made for an extra lane there on 277? One semi comes in and I know 277 is not a real wide road. Would the Town be responsible for providing an extra lane there between 391 and this project?

Supervisor Kennedy: The Town wouldn't be responsible because that is a State Highway and that is being constructed now by the NYS DOT. That is a State route. I was looking at this outline that he has here and it looks like he has enough room that he wouldn't have to back a truck in. He could almost pull in off the road.

Ken Kloeber: The way it works is that when a Site Plan is submitted to the Planning Board it will get reviewed by the NYS DOT because we are on a State Highway. We will be requesting a curb cut from the DOT and they will ensure that there is enough turning room for a semi or whatever trucks have to go in there and if they require an extra lane or extra wide entrance we will have to meet their permit requirements. I wanted to address the question of allowable uses in C-2, if it is rezoned as such. Some of the things that the gentleman was talking about of things that he would like to see, I think are covered by C-2 and are not allowed in C-1. For instance, some of the things like small eating and drinking establishments or small boat or marine sales and services you can't put in the existing zoning. Laundries or dry cleaning shops, small business men, you can't put that in a C-1. A custom shop limited to printing, electrical, plumbing or woodworking shops, if someone wants to put a woodworking shop in his barn and make goodies, you can't do that in a C-1. Those are the kinds of things that are allowable in a C-2. I think the more objectionable uses that he may be referring to and thinking of when thinking of opening this up to something is really an M-1 district. Lumber yards, trucking terminals and the very heavy kind of commercial uses.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to close the Public Hearing at 8:45 P.M.

five (5) Ayes Carried

Supervisor Kennedy: I am going to have to review the C-2 zoning and look at the maps and look at the visual impacts it may have from the Creekside subdivision and so on in order to make a proper judgement. I am sure the rest of the Board would like to review this information also.

Councilman Flowers: I would like the public to have an opportunity to have written comments solicited for a period of ten days before we make a decision.

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 18, 1995 — 7:30 P.M.

Public Hearing (Cont.)

Supervisor Kennedy: Let that be known to your neighbors that if they were unable to be here tonight they can still offer comments to the Board in written form. We will accept letters for up to ten days and we will review those and take them into consideration before we make a decision.

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to table a decision to rezone 6.83 acres to C-2, property owned by Roy & Carl Emerling on Herman Hill Road for the application of Hamburg Overhead Door until the November 1, 1995 Town Board meeting.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport authorizing Supervisor Kennedy to enter into a contract with Armor Fence for the installation of fencing at the turn-a-round on Johns Terrace for a sum of $1,820.00.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport authorizing Supervisor Kennedy to enter into contracts with Dix Electric and M. W. Offhaus & Sons, Inc. to dig an electric trench and install a lighting fixture agreeable to Councilman Flowers and Town Clerk Shenk, at the David Finger Memorial flagpole, sum not to exceed $1,235.00.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to approve the correction of Abstract 10, dated October 4, 1995 as follows:

TOTAL ABSTRACT FROM: $29,153.70 TO: $29,183.70

five (5) Ayes — Carried

SUPERVISOR REPORT

Supervisor Kennedy reported the Shero Road waterline is completed and chlorinated and pressure tested. Two of the homes will be able to tap into the line and have water now and the other will have to wait until the pressures are built up with the construction of the water tank and pump station to be located on Chestnut Ridge Road.

Regarding the other water districts, there is a meeting on October 19, 1995 with the Town Attorney and Town Engineer about the West Hill project. Information was received that a legal description was prepared and if all goes well a Public Hearing for the water districts can be scheduled in late November.

TOWN CLERK REPORT

Town Clerk Shenk noted the Hamburg 1995-1996 School Tax Collection went well.

Town Clerk Shenk congratulated Highway Superintendent Ruchalski on his election to Fire Chief of the Boston Fire Company.

COUNCILMAN REPORT

Councilman Flowers noted the Boston Fire Company was holding a Public Hearing on a proposal to lease a new pumper with an option to buy.

REGULAR BOARD MEETING
OCTOBER 18, 1995

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.):

Councilman Flowers commented that the Deputy Commissioner of Emergency Services has thanked us for the copy of an updated Disaster Preparedness Plan and each Town Fire Company has been supplied with one.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to accept the updated Disaster Preparedness Plan as the official Disaster Plan for the Town of Boston.

five (5) Ayes — Carried

Councilman Wohlhueter thanked Town Attorney Reilly for all his work on the Solid Waste Contract renewal.

Councilman Walter reported the NYS DOT will establish a 40 MPH speed limit for Taylor Road from North Boston Road to the Boston Town Line as requested.

Councilman Davenport reported the Friday Night Recreation program is scheduled to begin after Halloween.

There will be a meeting with a representative from the Senior Services Nutrition Program in the hopes of getting the program ready to advertise.

Councilman Davenport attended a workshop on recruiting Senior Citizens and how to have a Seniors newsletter.

CODE ENFORCEMENT REPORTS

A) Code Enforcement Officer monthly report for September 1995, received and on file in the Town Clerk's Office.

B) Deputy Code Enforcement Officer monthly report for September 1995, received and on file in the Town Clerk's Office.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers, on the recommendation of Code Enforcement Officer Santonocito, to grant a Second Accessory Building Permit to Michael and Melinda Rieske, 7526 Valley Circle Lane, to construct a frame shed.

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 Temporary Certificate of Occupancy to Robert Jacobs, 7362 Feddick Road.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to adjourn the meeting at 9:02 P.M..

David J. Shenk

David J. Shenk, Town Clerk

PROCLAMATION

WHEREAS, the United States of America is a nation of diverse landscapes and bountiful resources and possesses a distinctive multi-ethnic population and a rich cultural heritage; and

WHEREAS, the State of New York reflects those diversities; and

WHEREAS, geography has aided Americans in understanding ourselves, our relationship to the Earth and our interdependence with other peoples of the world; and

WHEREAS, attention must be focused on the integral role that knowledge of world geography plays in preparing citizens of New York and the United States for the future of an increasingly interdependent and interconnected world; and

WHEREAS, the theme of National Geography Awareness Week is "Geography: Passport to the World," and encourages students to become more aware of and to learn about other cultures of the world; and

WHEREAS, the supervisors and the people of the towns of New York desire to participate in activities and programs that enhance and broaden educational opportunities to students in New York schools;

NOW, THEREFORE, I, Richard L. Kennedy, Supervisor of the Town of Boston, hereby proclaims November 12 through November 18, 1995 as:

"GEOGRAPHY AWARENESS WEEK"

and urge all of our citizens to participate in activities and programs that enhance public awareness of the need to develop a productive, literate citizenry and work force, one that understands how people and places are linked.

THE TOWN OF BOSTON, NEW YORK

Richard L. Kennedy, Supervisor

REGULAR BOARD MEETING
NOVEMBER 1, 1995

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 Town Attorney Michael E. Reilly.

Absent: Highway Superintendent Eugene E. Ruchalski.

Reverend Richard Siemann opened the meeting with a prayer.

See Correction Page 350

A motion was made by Councilman Walter and seconded by Councilman Flowers to adopt the minutes of the October 18, 1995 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 #11, dated November 1, 1995 in the amount of $27,811.78 be paid.

five (5) Ayes Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter that the Highway Bills on Abstract 11, dated November 1, 1995 in the amount of $10,638.36 be paid.

five (5) Ayes Carried

A motion was made by Councilman Walter and seconded by Councilman Wohlhueter to accept the Town Clerk's monthly report for October 1995.

five (5) Ayes Carried

PROCLAMATION - GEOGRAPHY AWARENESS WEEK - 11/12/95 - 11/18/95

Received and filed notification from State Comptroller of receipt of the order of the Boston Town Board establishing the Mill Street Extension of Water District No. 2.

Received and filed request from Erie County for a final inspection of completed construction of Boston Cross Road, and Mill Street.

REQUESTS FROM THE FLOOR

Herbert Klein, Christmas Lighting Fund Committee Chairman, drew the winning raffle ticket for a quilt made and donated by Carol Bieler. The winners were Mr. & Mrs. Mazurowski, 5582 Homestead.

Mr. Klein noted approximately $900.00 was raised from the quilt raffle and there is strong community support for the Christmas Decoration Project.

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter to authorize Town Attorney Reilly to proceed with the proposed transfer of the old school building at Boston Valley Elementary School to the Town of Boston.

five (5) Ayes Carried

Town Attorney Reilly commented information requested on the storage tank near the Boston Valley School building will be available soon.

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 1, 1995 — 7:30 P.M.

A motion was made by Councilman Walter and seconded by Councilman Davenport to direct Supervisor Kennedy to send a letter to the residents directly impacted by the proposed Omphalius Road waterline extension, requesting a response to sharing the cost of the waterline extension on a benefit base.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to adopt the following fee schedule for the Cobble Hill Cemetery:

Sale of Graves	$200.00
Openings:	
Full Grave	$375.00
Infant (up to 3 feet)	$150.00
Cremation	$100.00
Foundation	$ 40.00 per foot
Minimum	$ 90.00 minimum

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter, on the recommendation of TVGA Engineering, to issue a Negative Declaration declaring no significant environmental impacts regarding the application of Hamburg Overhead Door to rezone 6.83 acres of land on Herman Hill Road from C-1 Local Retail Business District to C-2 General Commercial District.

five (5) Ayes — Carried

Supervisor Kennedy: I recognize this building will have to conform to all the regulations and restrictions applicable to C-2 zoning but I would expect you have an idea of how high the building would be?

Mr. Kuhn: Twenty feet.

Supervisor Kennedy: I believe twenty-five feet might be the maximum but I think the lower level height would be better. A concern of the neighbors is that it does not stick up too high.

Councilman Davenport: Are you planning on putting environmental greenery around your place?

Mr. Kuhn: I think I like things nice.

Councilman Flowers: I believe in conjunction with landscaping, the way this is laid out and a retention pond, that this will be a plus to this area and also help the drainage problems. I think this is a move in the right direction and will have a positive impact on the area along with growth and business in the Town.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to approve Local Law No. 5 of the year 1995 (Tentative) which ammends Local Law No. 6 of the year 1990, to grant Hamburg Overhead Door the rezoning of 6.83 acres of land on Herman Hill Road from C-1 Local Retail Business District to C-2 General Commercial District.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to direct Town Clerk Shenk to request Congressman Quinn and Senators D'Amato and Moynihan to co-sponsor and support the S1316 bipartisan bill to re-authorize the Safe Drinking Water Act of 1986.

five (5) Ayes — Carried

REGULAR BOARD MEETING
NOVEMBER 1, 1995

TOWN HALL
7:30 P.M.

At 8:02 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, 1996. 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, 1996 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 1st day of November 1995 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	$20,500.00
Councilman	6,100.00
Councilman	6,100.00
Councilman	6,100.00
Councilman	6,100.00
Town Clerk	30,000.00
Town Justice	10,475.00
Town Justice	10,475.00
Superintendent of Highways	37,300.00

Dated: October 12, 1995
Published: October 19, 1995
BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK
10-19

Supervisor Kennedy convened the Public Hearing.

No comments were made.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to close the Public Hearing at 8:03 P.M..

five (5) Ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter that the 1996 General Fund Budget be approved as follows:

Appropriations	1,027,605.00
Less Estimated Revenue	571,400.00
Less Unexpended Balance	280,000.00
Amount to be Raised by Taxes	176,205.00

five (5) Ayes Carried

A motion was made by Councilman Walter and seconded by Supervisor Kennedy that the 1996 Highway Fund Budget be approved as follows:

Appropriations	788,560.00
Less Estimated Revenue	294,500.00
Less Unexpended Balance	25,000.00
Amount to be Raised by Taxes	469,060.00

five (5) Ayes Carried

A motion was made by Councilman Flowers and seconded by Councilman Walter that the 1996 Fire Protection Budget be approved as follows:

Appropriations	474,255.00
Less Estimated Revenue	00.00
Less Unexpended Balance	2,500.00
Amount to be Raised by Taxes	471,755.00

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter that the 1996 Light District Budget be approved as follows:

Appropriations	22,500.00
Less Estimated Revenue	00.00
Less Unexpended Balance	2,500.00
Amount to be Raised by Taxes	20,000.00

five (5) Ayes Carried

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 1, 1995 — 7:30 P.M.

A motion was made by Councilman Flowers and seconded by Councilman Davenport that the 1996 Ambulance Budget be approved as follows:

Appropriations	60,000.00
Less Estimated Revenue	00.00
Less Unexpended Balance	00.00
Amount to be Raised by Taxes	60,000.00

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter the 1996 Refuse and Garbage Budget be approved subject to change upon receipt of final figures, as follows:

Appropriations	402,950.00
Less Estimated Revenue	5,000.00
Less Unexpended Balance	00.00
Amount to be Raised by Taxes	397,950.00

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy that the 1996 Sewer District #2 Budget be approved as follows:

Appropriations	1,211.00
Less Estimated Revenue	00.00
Less Unexpended Balance	00.00
Amount to be Raised by Taxes	1,211.00

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Walter that the 1996 Water District #1 Budget be approved as follows:

Appropriations	115,000.00
Less Estimated Revenue	00.00
Less Unexpended Balance	75,500.00
Amount to be Raised by Taxes	39,500.00

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded Councilman Davenport that the 1996 Water District #2 Budget be approved as follows:

Appropriations	117,769.00
Less Estimated Revenue	00.00
Less Unexpended Balance	75,000.00
Amount to be Raised by Taxes	42,769.00

five (5) Ayes — Carried

Supervisor Kennedy read the summary totals for the Town of Boston Budget for 1996, as follows:

Appropriations	3,009,850.00
Less Estimated Revenue	870,900.00
Less Unexpended Balance	460,500.00
Amount to be Raised by Taxes	1,678,450.00

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 1, 1995 — 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers that the 1996 schedule of salaries for the Elected Town Officials be approved as follows:

Supervisor	20,500.00
Councilman	6,100.00
Councilman	6,100.00
Councilman	6,100.00
Councilman	6,100.00
Town Clerk	30,000.00
Town Justice	10,475.00
Town Justice	10,475.00
Superintendent of Highways	37,300.00

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Flowers, on the recommendation of Recreation Director Marilyn Clesse, to appoint the following to the Friday Night Recreation Program, effective immediately through May 31, 1996:

Kathy Rooney	Supervisor	$7.50
Chris Emerling	Assistant Supervisor	$6.00
Greg Kummer	Attendant	$5.50
Julie Pavlovic	Attendant	$5.50
Keith Steward	Attendant	$5.50

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to accept the following Transfer of Appropriations of the General Fund:

To:	1010.1	Town Board, Per Serv	30.00
	1010.4	Town Board, Cont	300.00
	1110.1	Town Justice, Per Serv	3,500.00
	1220.1	Supervisor, Per Serv	4,300.00
	1640.2	Central Gar, Equip	47,500.00
	1640.4	Central Gar, Cont	1,500.00
	1930.4	Judge/Claims	35.00
	3510.1	Cont of Dogs, Per Serv	60.00
	5182.4	Street Lights	3,500.00
	7110.4	Parks, Cont	1,000.00
	7310.4	Youth Prog, Cont	2,900.00
	7550.4	Celebrations, Cont	100.00
	7620.4	Adult Recreation	350.00
	8010.1	Zoning, Per Serv	2,500.00
	8710.1	Conservation, Per Serv	500.00
			68,075.00
From:			
	1110.2	Town Justice, Eq	1,420.00
	1320.4	Independ Audit	7,500.00
	1910.4	Unallocated Insurance	10,000.00
	1990.4	Contingent	15,000.00
	7110.1	Parks, Per Serv	8,000.00
	7310.1	Youth Prog, Per Serv	2,900.00
	8020.1	Planning, Per Serv	2,500.00
	8020.4	Planning, Cont	3,000.00
	8710.4	Conservation, Cont	500.00
	9040.8	Work Comp	10,100.00
	9060.8	Hosp & Med Insur	7,000.00
	1950.4	Taxes & Assess Tn Prop	155.00
			68,075.00

five (5) Ayes — Carried

REGULAR BOARD MEETING
NOVEMBER 1, 1995

TOWN HALL
7:30 P.M.

SUPERVISOR REPORT

A) Supervisor's Monthly Financial Report for October 1995, received and on file in the Town Clerk's Office.

TOWN CLERK REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to accept the Registrar of Vital Statistics Monthly Report for October 1995.

five (5) Ayes Carried

Town Clerk Shenk thanked Deputy Town Clerk Ellis for covering the office during his recent vacation.

TOWN ATTORNEY REPORT

Town Attorney Reilly reported notification was sent on October 18, 1995 to Supervisor Kennedy that he will be representing both the Town of Boston and Mr. Sam Butera, owner of the land to be purchased for the pump station. Mr. Butera indicated his intentions in writing and a copy was attached.

A Summons and Complaint and Notice of Claim has been submitted to the Town insurance carrier regarding damage sustained by Joseph P. Doyka, 7767 Zimmerman Road, during the flood of August 27, 1994.

There is a question as to whether the Town Planner is covered under Town insurance coverage regarding the Falkides lawsuit vs. the Town Planning Board and various other individuals. A copy of the letter appointing the Town Planner was sent to Coregis, the Town insurance carrier, in hopes this would be sufficient to find he is covered. The indications are that the Planning Board members and Deputy Town Attorney are covered by Town insurance As Town Officials and as individuals. A letter was directed to Municipal Insurance Consultants on October 31, 1995 requesting the Town Planner be covered by the Town insurance policy.

On October 24, 1995 notification was sent to Mr. Dzierzanowski, 6710 Mill Street that a request was filed for judicial intervention in Erie County Clerk's Office on September 13, 1995 and Supreme Court Justice Norman E. Joslin has been assigned to the case. On October 3, 1995 the Deputy Code Enforcement Officer informed the Town Board that areas have been substantially cleaned up and he recommended legal action be temporarily stayed provided the property continues to be cleaned up. Town Attorney Reilly complied with the Deputy Code Enforcement Officer's recommendation but noted the Judge may move this case on his own initiative. The first report of non-compliance by the Deputy Code Enforcement Officer will result in this case being scheduled before Justice Joslin.

Water District extensions are planned on both the East and West Hills. The legal description for the West Hill meets Town Attorney approval and the East Hill legal description is in the process of being reviewed.

Supervisor Kennedy reported he sent a letter to Erie County regarding Mr.Doyka because the Town of Boston is joined in this lawsuit with Erie County.

COUNCILMAN REPORT

Councilman Walter reported he has received calls from concerned parents on Feddick Road regarding school busses. Eden Central School was notified and the Transportation Supervisor recommended the speed limit be reduced in the area. Councilman Walter recommended the speed limit be reduced from 55 MPH to 40 MPH and additional school bus stop signs be posted.

TOWN OF BOSTON

1995 - 33

FEDDICK ROAD - LOWER SPEED LIMIT

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 November 1995 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:

RESOLVED, the Department of Transportation, pursuant to Section 1622.1 of the Vehicle and Traffic Law to establish a 40 mph speed limit on Feddick Road between Haag Road and Shero Road.

RESOLVED, a sign be installed acknowledging "40 MPH Speed Limit."

RESOLVED, a letter received from Transportation Supervisor Carol A. Stroud, Eden Central School, requesting a speed limit study is attached as Exhibit "A".

Seconded by **Councilman Wohlhueter** 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

EXHIBIT "A"

Eden Central School

September 18, 1995

Department of Transportation
125 Main St.
Buffalo, New York, 14203

ATTENTION: Regional Traffic Engineer

SUBJECT: SPEED LIMIT ON FEDDICK RD.

Dear Sir:

I am requesting a study of the speed limit on So. Feddick Rd. in the town of Boston. I have 3 buses that pickup students with a total of 24 stops on that road both A.M. and P.M. The speed limit is now 55 MPH.

So. Feddick Rd. has many blind spots and curves along with very narrow shoulders. I cannot have group stops on that road due to the houses being far apart and also for the narrow shoulders. There are two "SCHOOL BUS STOP" signs at different locations, but that doesn't seem to slow down the traffic. Cars have been passing stopped school buses while they are loading or unloading students and at the blind spots on the road. My drivers pull over to let traffic by, but due to narrow shoulders, and blind spots, there are few places where a bus can pull over far enough to let traffic pass without the cars going into the opposite lane of traffic.

If the speed limit could be reduced and enforced, it would be safer for all concerned.

Sincerely,

Carol Stroud

Carol A Stroud
Transportation Supervisor

3150 Schoolview Rd.,, ,Eden, New York, 14057

REGULAR BOARD MEETING
NOVEMBER 1, 1995

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.)

RESOLUTION 1995 - 33 SPEED REDUCTION HAGG ROAD/SHERO ROAD AREA

The NYS DOT resurfaced Herman Hill Road and in the vicinity of 5718 Herman Hill Road there are dangerous six foot drop-offs. Councilman Walter will notify the NYS DOT Regional Director that this dangerous situation must be corrected.

Councilman Davenport reported the Senior Citizen Group is doing quite well and she will meet with Supervisor Kennedy on November 3, 1995 to address problems with the Nutrition Program.

The Friday night Recreation Program begins November 3, 1995.

Councilman Davenport apologized to Lisa Rood for forgetting to announce National 4-H Week, October 1-7, 1995.

CODE ENFORCEMENT REPORT

Received and filed a report from Deputy Code Enforcement Officer Sawicki on the condition of Sprague's Mobile Home Park and a written account of owner, Mr. Richard Boyd's plan to remedy the situation.

DOG CONTROL OFFICER REPORT

A) Dog control Officer monthly report for October 1995, received and on file in the Town Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's report for October 1995 received and on file in the Town Clerk's Office.

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

David J. Shenk

David J. Shenk, Town Clerk

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 15, 1995 — 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 Walter and seconded by Supervisor Kennedy to adopt the minutes of the November 1, 1995 regular monthly meeting with the following corrections:

PAGE 7, COUNCILMAN REPORT:

FROM: RESOLUTION 1995 - 33 SPEED LIMIT REDUCTION HAGG ROAD/ SHERO ROAD AREA

TO: RESOLUTION 1995 - 33 SPEED LIMIT REDUCTION FEDDICK ROAD

five (5) Ayes — Carried

see Resolution 356

A motion was made by Councilman Flowers and seconded by Councilman Walter that the General Fund and Special District Bills on Abstract #11A, dated November 15, 1995 in the amount of $113,986.03 be paid.

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 #11A.1, dated November 15, 1995 in the amount of $6,793.00 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport that the Highway Bills on Abstract 11A, dated November 15, 1995 in the amount of $16,311.39 be paid.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport directing Town Clerk Shenk to send a letter of support on behalf of the Town of Boston, to Erie County Sheriff Higgins in conjunction with Haven House and Crisis Services for a grant application to the US Dept. of Justice through the Community Policing to Combat Domestic Violence Program.

five (5) Ayes — Carried

Received and filed Erie County Sheriff's Monthly Activity Report for October 1995.

Received and filed notification from NYS Department of State of the establishment of a toll-free Helpline as a link between local governments and the State of New York.

Referred to Chris Bifaro, Conservation Advisory Council Member, a request from Erie County Department of Environment and Planning to appoint two (2) contact represenatives for the Cazenovia Creek Watershed Management Project.

Received and filed Erie County Department of Health Approval of Completed Works - Shero Road Water Improvement.

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport, on the recommendation of Highway Superintendent Ruchalski, to authorize Supervisor Kennedy to sign a voucher for the Erie County Department of Public Works certification of lane miles for the Snow Removal Contract.

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 15, 1995 — 7:30 P.M.

Deferred adopting the order for a Public Hearing on the West Hill Water District 2 Extension to the December 6, 1995 Town Board meeting.

On November 9, 1995 at 11:00 A.M. the following bids for the Refuse and Garbage contracts were received:

NAME	DEPOSIT	NON-COLLUSION STATEMENT	PER UNIT PRICE	EXTENDED PRICE
MODERN DISPOSAL SERVICES	BID BOND	YES	$159.00	$392,094.00
C.I.D. REFUSE SERVICES	CHECK	YES	$168.49	$415,496.34
BROWNING FERRIS INDUSTRIES	BID BOND	YES	$124.49	$306,992.34

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to award the Refuse and Garbage contract to Browning Ferris Industries for a unit price of $124.49. The contract begins January 1, 1996 and ends December 31, 1999.

five (5) Ayes — Carried

Supervisor Kennedy expressed his appreciation to Councilman Wohlhueter and Town Attorney Reilly for their work on the development of the Refuse and Garbage contract and the solicitation of bids.

A motion was made by Councilman Flowers and seconded by Councilman Walter to amend the 1996 Town Budget to reflect the decrease in Refuse and Garbage District as follows:

Appropriations	330,298.50
Less Estimated Revenue	
Less Unexpended Balance	
Amount to be raised by taxes	330,298.50

Summary totals for the Town of Boston as follows:

Appropriations	2,937,198.50
Less Estimated Revenue	865,900.00
Less Unexpended Balance	460,500.00
Amount to be raised by taxes	1,610,798.50

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 Department effective immediately through May 31, 1996:

Name	Title	Hourly Rate
Molly Borowicz	Substitute	$5.50
Michelle Clesse	Arts & Crafts	$5.50
Kieth Gannon	Substitute	$5.50

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 15, 1995 — 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to schedule Public Hearings on December 20, 1995 at 8:00 P.M. for the Emergency Squad, 8:05 P.M. for the Historical Society and at 8:10 P.M. for the Town of Boston Fire Companies contracts.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport to schedule the end of the year Town Board Meeting for December 28, 1995 at 5:00 P.M..

five (5) Ayes — Carried

TOWN ATTORNEY REPORT

Town Attorney Reilly reported the Town Insurance Carrier Coregis acknowledges the Town insurance policy covers the Town Planner and he will be provided a defense in the matter of the Falkides lawsuit against the Town of Boston. All parties named in the lawsuit are covered by the Town insurance policy.

The Town of Boston is interested in purchasing the old Boston Valley Elementary schoolhouse for a nominal fee. We have been informed the 250 gallon tank near the schoolhouse is a fuel oil tank. A document containing the language of the reverter clause has been received which means the parcel reverts back to the school district in the event the Town no longer has a need for the property. The school district is unable to locate the deed, survey or search for the property so further research is needed.

The Town wishes to purchase two parcels on Tanglewood Drive to increase the Town's right-of-way up to fifty feet. Appraisals will be sent to the property owners in anticipation of negotiations for the sale of the property to the Town.

A letter was sent to the Town Engineer requesting specifications for work to be done to alleviate a drainage problem on Allen and George Drives.

A check for $8,000 was given to Supervisor Kennedy as final payment resolving the Kostas lawsuit resulting from their bid withdrawal for the Community Room Project.

Regarding the new Refuse and Garbage contract for the Town of Boston, the price will go down approximately $68.00 per residence. This rate will be locked in for the four year contract. At the end of the contract the Town will have the option to renew the contract for a three year period.

COUNCILMAN REPORT

Councilman Flowers congratulated Ms. Rood and Mr. Witkor on their election to the Town Board and wished them the best.

Councilman Flowers wished everyone a Happy Thanksgiving.

The Chamber of Commerce Christmas Concert is December 5, 1995 at the Boston Valley Elementary School at 7:00 P.M.. The Welcome Wagon of Boston will host the event and the Chamber will provide cookies, coffee and hot chocolate.

Councilman Davenport reported the Friday Night Recreation Program has enrolled eighty (80) children.

Work is being done on the Senior Citizen Nutrition Program and publicity for the program will appear in next week papers.

REGULAR BOARD MEETING
NOVEMBER 15, 1995

TOWN HALL
7:30 P.M.

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer monthly report for October 1995, received and on file in the Town Clerk's Office.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers, on the recommendation of Code Enforcement Officer Santonocito, to approve a Temporary Certificate of Occupancy for Wayne and Louise Mintz, 4919 Belcher Road.

five (5) Ayes — Carried

DEPUTY CODE ENFORCEMENT OFFICER REPORT

A) Deputy Code Enforcement Officer monthly report for October 1995, 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 8:10 P.M. in memory of Jeremy Potter.

David J. Shenk

David J. Shenk, Town Clerk

REGULAR BOARD MEETING — TOWN HALL
DECEMBER 6, 1995 — 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 Wohlhueter and seconded by Councilman Flowers to adopt the minutes of the November 15, 1995 regular monthly meeting.

five (5) Ayes — Carried

See Resolution #363

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 6, 1995 in the amount of $48,851.95 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter that the Highway Bills on Abstract 12, dated December 6, 1995 in the amount of $12,177.20 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 November 1995.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Flowers to authorize Supervisor Kennedy to sign the Erie County Water Authority Lease Management Agreement for Districts #1 and #2 after review by the Town Attorney.

five (5) Ayes — Carried

Town Attorney Reilly noted he has obtained the current Lease Management Agreement with the Town of Orchard Park and there are some differences. After review he will submit his analysis.

Received and filed franchise fees of $17,917.13 for International Cablevision, Inc. from Adelphia Cable for the period of January 1, 1995 to June 30, 1995.

Received and filed Erie County Sheriff's monthly report for November 1995.

A motion was made by Councilman Davenport and seconded by Councilman Walter to appoint Anna Sokolinski as the Nutrition Program Supervisor for the Erie County Nutrition Program for the Elderly, term effective 12/18/95 thru 12/31/95.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to set the salary for Anna Sokolinski, Nutrition Program Supervisor for the Erie County Nutrition Program for the Elderly, at $6.00 per hour.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport, on the recommendation of Chris Bifaro, to appoint Conservation Advisory Council members Gary Gomlak and Sylvia Wisher to the Cazenovia Watershed Committee.

five (5) Ayes — Carried

TOWN OF BOSTON

1995 - 34

MONITOR POWER USAGE

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 December 1995 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 Wohlhueter presented the following resolution and moved its adoption:

WHEREAS, New York State has some of the highest power rates in the nation. Consequently, the Erie County Water Authority faces very substantial electric power costs which are ultimately passed on to customers.

WHEREAS, Concerns about ever increasing and excessive electric bills have led the Erie County Water Authority to monitor power usage and consider buying power from the New York State Power Authority rather than local electric power companies.

WHEREAS, A Strategic Computer and Acquisition Data System (SCADA) was implemented to monitor power usage of pumps and a preventive maintenance program was implemented to ensure proper functions, power usage was only somewhat reduced.

WHEREAS, the necessity of seeking state legislation to obtain a reduced rate for public non-profit water utilities from the source and cost of our power has been recognized.

NOW THEREFORE:

BE IT RESOLVED, that the Town of Boston fully supports the Assembly Bill A4854A and Senate Bill S2909A permitting any public benefit corporation in New York State to buy state authority power. This bill requires the water utilities to pass any savings resulting from the purchase of this power directly to customers. Should the Public Service Commission set rates for water in the same way they do for economic development power, it is estimated there will be a 4 to 5 percent rate cut for Water Authority customers over the rate cuts set for 1996.

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
DECEMBER 6, 1995 — 7:30 P.M.

RESOLUTION 1995 - 34 ERIE COUNTY WATER AUTHORITY MONITOR POWER USAGE

Supervisor Kennedy read the following proposals from Hawkins, Delafield and Wood for the proposed extension of Water District #2 and for creating a new water district on the East Hill to be known as Water District #3:

EXHIBIT A

$480, 000 WATER DISTRICT NO.2 EXTENSION PROJECT

A. PROCEEDINGS
1. Town Law Article 12-A Proceeding for the Extension of a Water District, including Bond resolution — $3,000
2. Additional fee for proceedings in connection with a referendum, if any — $ 500

B. BORROWINGS
1. Bonds - base charge of $3,000 plus $1.25 per $1,000 principal amount of bond issue
2. Bond Anticipation Notes $.75 per $1,000 principal amount of note issue, subject to minimum charge per issue of $600 for new issues and $500 for renewal issues*

C. INSTRUMENT PREPARATION
RECED Bonds (not to exceed) — $ 450
Notes on pre-printed form (not to exceed) — $ 100

Requests for reimbursement of disbursements associated with each financing contemplated under this agreement shall not exceed $250. This agreement is based upon the borrowing being with the Rural Economic and Community Development Corporation. Any temporary financing of Bond Anticipation Notes may or may not require the providing of disclosure information such as official statements. Our review of such official statements would entail additional services and fee.
Disclosure Review Fee: $500 - $2,000 based upon services rendered.

EXHIBIT A

$2,400,000 WATER DISTRICT PROJECT

A. PROCEEDINGS
1. Town Law Article 12-A Proceeding for the Extension of a Water District, including Bond resolution — $3,000
2. Additional fee for proceedings in connection with a referendum, if any — $ 500

B. BORROWINGS
1. Bonds - base charge of $3,000 plus $1.25 per $1,000 principal amount of bond issue
2. Bond Anticipation Notes $.75 per $1,000 principal amount of note issue, subject to minimum charge per issue of $600 for new issues and $500 for renewal issues*

C. INSTRUMENT PREPARATION
RECED Bonds (not to exceed) — $ 450
Notes on pre-printed form (not to exceed) — $ 100

Requests for reimbursement of disbursements associated with each financing contemplated under this agreement shall not exceed $250. This agreement is based upon the borrowing being with the Rural Economic and Community Development Corporation. Any temporary financing of Bond Anticipation Notes may or may not require the providing of disclosure information such as official statements. Our review of such official statements would entail additional services and fee.
Disclosure Review Fee: $500 - $2,000 based upon services rendered.

A motion was made by Councilman Flowers and seconded by Councilman Walter to authorize Supervisor Kennedy to enter into a contract with Hawkins, Delafield and Wood for the proposed extension of Water District #2 and for creating a new Water District on the East Hill to be known as Water District #3, fees not to exceed proposal.

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
DECEMBER 6, 1995 — 7:30 P.M.

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport to declare a Negative Declaration for the proposed West Hill Extension to Water District No.2..

five (5) Ayes — Carried

RESOLUTION 1995 - 35 — ORDER CALLING PUBLIC HEARING FOR WATER DISTRICT NO. 2 EXTENSION

A motion was made by Councilman Flowers and seconded by Councilman Davenport to grant Congressman Jack Quinn use of the Boston Town Hall on March 21st, June 20th, September 19th, and December 17th between the hours of 11:30 A.M. and 1:30 P.M..

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Walter to approve the correction of Highway Abstract #11A, November 15, 1995 as follows:

Voucher #369	Brute Spring & Equipment Inc. From: 10.65 to 15.65
Total Abstract	From: 16,311.39 to 16,316.39

five (5) Ayes — Carried

Recreation Director Clesse introduced the Boston Patriots Varsity Cheerleaders and their coaches Mary and Erin McCormack. Councilman Davenport presented them with a Certificate of Achievement for winning first place in the University of Buffalo Spirit Challenge Competition. Supervisor Kennedy congratulated the cheerleaders and accepted the trophy on behalf of the Town of Boston.

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to authorize Supervisor Kennedy to sign a contract with Ken W. Kloeber to map the Eighteen Mile Creek corridor and its flood plain on an accurate base map for a lump-sum fee of $3,500.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to re-appoint Paul J. Becker to the Assessment Board of Review, term to expire 9/30/00.

five (5) Ayes — Carried

SUPERVISOR REPORT

A) Supervisor's Monthly Financial Report for November 1995, received and on file in the Town Clerk's Office.

Supervisor Kennedy requested authorization for approval and acceptance by the Town of Boston to accept the Boston Cross Road as a Town Road subject to a written conformation from Erie County of the following additional or remedial items:

1) Installation of curbing at the intersection of Boston Cross Road and Boston State Road as per a sketch provided by the Town Engineer.
2) Correction of drainage problems at the intersections of Boston Cross Road and Boston Colden Road which will also be included in a separate sketch provided by the Town Engineer.
3) Installation of guide rail at the curb of the Boston Cross Road, west of the Power Line Road.
4) Oil and stone on Mill Street from Back Creek Road to West Tillen Road with the proper material to be specified by the Town of Boston Highway Superintendent Eugene Ruchalski.

RESOLUTION 1995 - 35 ORDER CALLING PUBLIC HEARING FOR WATER DISTRICT NO. 2 EXTENSION

AT A REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF BOSTON, IN THE COUNTY OF ERIE, NEW YORK, HELD AT THE TOWN HALL, IN THE TOWN OF BOSTON, ON THE 6TH DAY OF DECEMBER 1995.

PRESENT:

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

In the Matter of the Proposed Extension No. 2 to Water District No.2, in the town of Boston, in the County of Erie, New York, pursuant to Article 12-A of the Town Law.	**ORDER CALLING PUBLIC HEARING December 19, 1995**

WHEREAS, the Town Board of the Town of Boston (herein called "Town Board" and "Town", respectively), in the county of Erie, New York, has caused TVGA Engineering, surveying, P.C. competent engineers, duly licensed by the State of new York, to prepare a general map, plan,and report, for the proposed Extension No.2 (the "Extension") to Water District No. 2 (the "District"), in the Town, consisting of the construction and installation of approximately 15,600 linear feet of 8-inch watermain and construction of a pump station and storage tank, including land or rights in land, original equipment, machinery, furnishings, valves, hydrants, service taps, service lines, curb boxes, fittings, connections, fill, appurtenances and related site work (the "Water Improvement"), which Water Improvement is to be operated and maintained by the Erie County Water Authority pursuant to a lease-Management Agreement with the Town on behalf of the Extension, and which map, plan and report have been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, the Town Board has given due consideration to the impact that the Extension to the District may have on the environment and on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused by such Extension; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, a duly executed Short Environmental Assessment Form has been filed in the office of the Town clerk; and

PREVIOUS
DOCUMENT
REFILMED

RESOLUTION 1995 - 35 ORDER CALLING PUBLIC HEARING FOR WATER DISTRICT NO. 2 EXTENSION

AT A REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF BOSTON, IN THE COUNTY OF ERIE, NEW YORK, HELD AT THE TOWN HALL, IN THE TOWN OF BOSTON, ON THE 6TH DAY OF DECEMBER 1995.

PRESENT:

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

In the Matter of the Proposed Extension No. 2 to Water District No.2, in the town of Boston, in the County of Erie, New York, pursuant to Article 12-A of the Town Law.	**ORDER CALLING PUBLIC HEARING December 19, 1995**

WHEREAS, the Town Board of the Town of Boston (herein called "Town Board" and "Town", respectively), in the county of Erie, New York, has caused TVGA Engineering, surveying, P.C. competent engineers, duly licensed by the State of new York, to prepare a general map, plan,and report, for the proposed Extension No.2 (the "Extension") to Water District No. 2 (the "District"), in the Town, consisting of the construction and installation of approximately 15,600 linear feet of 8-inch watermain and construction of a pump station and storage tank, including land or rights in land, original equipment, machinery, furnishings, valves, hydrants, service taps, service lines, curb boxes, fittings, connections, fill, appurtenances and related site work (the "Water Improvement"), which Water Improvement is to be operated and maintained by the Erie County Water Authority pursuant to a lease-Management Agreement with the Town on behalf of the Extension, and which map, plan and report have been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, the Town Board has given due consideration to the impact that the Extension to the District may have on the environment and on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused by such Extension; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, a duly executed Short Environmental Assessment Form has been filed in the office of the Town clerk; and

WHEREAS, the proposed Extension is bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Boston, County of Erie and State of New York, being part or all of Lots 18, 19, 20, 25, 26, 27, 31, 32, 33, 34, 35, 39, 40, 41, 42, and 43, Township 8, Range 7 of the Holland Land Company's Survey and being more particularly bounded and described as follows:

BEGINNING at a point on the south line of the Town of Boston Water District No. 2 as described in the legal description of said Water District No. 2, at it's intersection with the west line of the Southern Expressway, Section III (SH 78017), said point being the northeast corner of lands now or formerly owned by Daniel Zwilling (S.B.L. 226.00-3-28.11);

thence southerly along the various courses of the said west line of the Southern Expressway, Section III, a distance of about seven thousand five hundred seventy-five feet (7,575'±) to the northeast corner of lands now or formerly owned by Mark and Robin Church (S.B.L. 241.00-3-28.1);

thence westerly along the north line of said lands of Church, a distance of about one thousand three hundred fifty-one feet (1,351'±) to the centerline of Zimmerman Road (C.R. 437);

thence northerly along the said centerline of Zimmerman Road, a distance of about three hundred forty-five feet (345') to the southeast corner of lands now or formerly owned by John Bellucci (S.B.L. 241.00-1-28);

thence westerly along the south line of said lands of Bellucci, a distance of about five hundred twenty-five feet (525'±) to the southwest corner of said lands of Bellucci;

thence northerly along the west line of said lands of Bellucci and the west line of lands now or formerly owned by William Mansfield (S.B.L. 241.00-1-27), a distance of about four hundred sixteen feet (416'±) to the south line of Lot 26, Township 8, Range 7 ;

thence westerly along the said south line of Lot 26, a distance of about three thousand four hundred forty-five feet (3,445'±) to the northeast corner of Lot 33, Township 8, Range 7;

thence southerly along the east line of said Lot 33, a distance of about four thousand fifty feet (4,050'±) to a point in the centerline of Rice Road (T.R. 248);

thence westerly along the said centerline of Rice Road, a distance of about four thousand seven feet (4,007'±) to the centerline of Feddick Road (C.R. 469);

thence southerly along the said centerline of Feddick Road, a distance of about six hundred eighty-six feet (686'±) to the northwest corner of lands now or formerly owned by Thomas and Nancy Brogan (S.B.L. 257.00-1-32);

thence easterly along the north line of said lands of Brogan, a distance of about three hundred fifty feet (350'±) to the northeast corner of said lands of Brogan;

thence southerly along the east line of said lands of Brogan, and continuing southerly along the east line of lands now or formerly owned by Arnold and Jean Perison (S.B.L. 256.00-3-7.12) and the east line of lands now or formerly owned by Earl and Susan Shisler (S.B.L. 257.00-1-31), a distance of about nine hundred sixty-nine feet (969'±) to the southeast corner of said lands of Shisler;

thence westerly along the south line of said lands of Shisler, a distance of about two hundred fifty feet (250'±) to the said centerline of Feddick Road;

thence southerly and southeasterly along the said centerline of Feddick Road and the centerline of South Feddick Road, a distance of about one thousand seven hundred twenty feet (1,720'±) to the northwest corner of lands now or formerly owned by James and Susan Mulholland (S.B.L. 257.00-1-30);

thence easterly along the north line of said lands of Mulholland, a distance of about two hundred thirty-two feet (232'±) to the northeast corner of said lands of Mulholland;

thence southerly along the east line of said lands of Mulholland, a distance of about eighty-five feet (85'±) to a point in the north line of lands now or formerly owned by Bertha M. Walters (S.B.L. 257.00-1-29);

thence northeasterly along the said north line of lands of Walters, a distance of about forty feet (40'±) to the northeast corner of said lands of Walters;

thence southeasterly along the east line of said lands of Walters, a distance of about one hundred ten feet (110'±) to the southeast corner of said lands of Walters;

thence southwesterly along the south line of said lands of Walters, a distance of about two hundred feet (200'±) to a point in the said centerline of South Feddick Road;

thence southeasterly along the said centerline of South Feddick Road, a distance of about five thousand fifty-one feet (5,051'±) to the centerline of Belcher Road (T.R. 337), said point being in the south line of the Town of Boston;

thence westerly along the said centerline of Belcher Road and its extension westerly along the south line of Lot 39, Township 8, Range 7, being the south line of the Town of Boston, a distance of about six thousand nine hundred fifty feet (6,950'±) to the southwest corner of said Lot 39, said point being the southwest corner of the Town of Boston;

thence northerly along the west line of Lots 39, 40, 41 and 42, Township 8, Range 7, being the west line of the Town of Boston, a distance of about fifteen thousand seven hundred thirty feet (15,730'±) to the northwest corner of said Lot 42, said corner being the southwest corner of the said Town of Boston Water District No. 2;

thence easterly along the various courses of the said Town of Boston Water District No. 2 to the point or place of beginning.

WHEREAS, the maximum amount proposed to be expended for the construction of such Water Improvement is estimated to be $906,000, which is planned to be financed by the expenditure of $453,600 to be received from Water District No.2 to pay a part of said cost, the issuance of $452,400 serial bonds of the Town to finance the balance of said costs, and the assessment, levy and collection of special assessments from the several lots and parcels of land within the Extension, which the Town Board shall determine and specify to be especially benefitted thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, with the Town's expectation being that all or part of the necessary $452,400 financing may be obtained through Rural Economic and Community Development;

NOW, THEREFORE, BE IT

DETERMINED AND STATED that the estimated cost of hook-up and meter fees is $1,000.000 and the estimated cost of the extension to the Typical Property (as defined in the Town Law) is $640.22; and that the Town Board has heretofore caused to be prepared and filed for public inspection with the Town Clerk, a detailed explanation of how such estimates were computed; and further that the cost of the Extension to such Typical Property is above the Average Estimated Cost to the Typical Properties for the establishment of similiar types of districts, as computed by the State Comptroller; and be it

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, 8500 Boston State Road, Boston, New York on the 19th day of December 1995 at 7 o'clock P.M. (Prevailing Time), to consider the proposed Extension to the District as herein referred to, and to hear all persons interested in the subject thereof, concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in the "HAMBURG SUN", a newspaper published in Hamburg, New York, and in the "SPRINGVILLE JOURNAL", a newspaper published in Springville, New York and hereby designated as the official newspapers of the Town, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by the Town Clerk, the first publication and said posting to be not less than ten (10) nor more than twenty (20) days before the day designated herein for said public hearing as aforesaid; and be it

FURTHER ORDERED, that the Town Clerk file a certified copy of this Order with the Comptroller of the State of New York on

or about the date of the publication of a copy of this Order.

DATED: DECEMBER 6, 1995

TOWN BOARD OF THE TOWN OF BOSTON

Richard L. Kennedy, Supervisor

Mark W. Flowers, Councilman

Don A. Wohlheuter, Councilman

Peter A. Walter, Councilman

Josephine M. Davenport, Councilman

(SEAL)

Members of the Town Board of the Town of Boston, in the County of Erie, New York.

DAVID J. SHENK, TOWN CLERK

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
TOWN OF BOSTON)

(SEAL)

Town Board Resolution - Certificate No. 337 WILLIAMSON LAW BOOK CO., ROCHESTER, N.Y. 13609

I, David J. Shenk, Town Clerk of the Town of Boston County, New York, DO HEREBY CERTIFY, that I have compared the foregoing with the original resolution adopted by the Town Board of the Town of Boston at a meeting of said Board held on the 6th day of December, 19 95, and that the foregoing is a true and correct transcript of said original resolution and of the whole thereof, and that said original resolution is on file in my office.

I DO FURTHER CERTIFY that each of the members of said Town Board had due notice of said meeting, and that Richard L. Kennedy, Supervisor, and Mark W. Flowers, Don A. Wohlheuter, Josephine M. Davenport Peter A. Walter Councilmen ~~Town Justices~~, were present at such meeting, and _____, _____ was absent.
Name Title

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Boston, this 14th day of December, 1995

Town Clerk

REGULAR BOARD MEETING — TOWN HALL
DECEMBER 6, 1995 — 7:30 P.M.

SUPERVISOR REPORT (CONT.):

All above items to be completed by County Highway personal by 7/31/96.

Councilman Flowers noted the base materials of the section of Mill Street between Back Creek and West Tillen Roads are not acceptable and the responsibility of maintenance should fall to the County until such time as the Town of Boston accepts the road.

A motion was made by Councilman Walter and seconded by Councilman Davenport to table until the December 20, 1995 Town Board Meeting, and upon the Highway Superintendent's recommendation, the resolution to authorize approval and acceptance by the Town of Boston to accept the Boston Cross Road as a Town Road subject to a written conformation from Erie County of the additional or remedial items. The Town Clerk is directed by the Supervisor to notify Mr. David P. Comerford of the Erie County Department of Public Works that action has been delayed on the acceptance of Boston Cross Road as a Town of Boston Road due to the concerns of Councilman Flowers that the base materials of the section of Mill Street between Back Creek and West Tillen Roads are not acceptable and the responsibility of maintenance should fall to the County until such time as the Town of Boston accepts the road.

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) Nay — Carried

TOWN CLERK REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to accept the Registrar of Vital Statistics Monthly Report for November 1995.

five (5) Ayes — Carried

TOWN ATTORNEY REPORT

Town Attorney Reilly reported the Zoning Board of Appeals denied a variance request from Schrieber and Winkelman and an article 78 (a special proceeding to overturn a decision) was commenced. An answer was interposed on behalf of the town and the Zoning Board of Appeals and it is anticipated this will be withdrawn or dismissed.

A letter was drafted indicating a tentative schedule of significant events regarding the two water projects.

Water #2 Extension (West Hill Project):
- 12/ 6/95 - Adoption of Order for Public Hearing 12/19/95
- 12/19/95 - Public Hearing
- 12/20/95 - Adoption of Order approving Extension & Schedule a Referendum for 2/20/96

Water #3 Creation (East Hill Project):
- 12/20/95 - Adoption of Order for Public Hearing - 1/11/96
- 1/11/96 - Public Hearing
- 1/17/96 - Adoption of Order approving Creation of Water District #3 & Schedule a Referendum - 3/19/96

COUNCILMAN REPORT

Councilman Wohlhueter met with Paul Baliberez, BFI Representative and Town Clerk Shenk. A flyer will be delivered to residents by the Highway Department stating there is a weekly six item limit along with the recycling bin. Pick-up schedules remain the same.

REGULAR BOARD MEETING — TOWN HALL
DECEMBER 6, 1995 — 7:30 P.M.

COUNCILMAN REPORT (CONT.):

Councilman Walter noted the NYS DOT reduced the speed limit on Wohlhueter Road, from Cole Road to Lower East Hill, to 45 MPH as requested. All signs necessary to post the speed zone shall be erected by Erie County.

Received NYS DOT notification of a traffic engineering study regarding the request for a lower maximum speed limit on Feddick Road, between Haag and Shero Roads.

Councilman Davenport reported the Erie County Nutrition Program for the elderly will begin on December 18, 1995. Reservations for the week must be received by December 14, 1995. Seniors must be sixty years old but need not be a Town of Boston resident and will pay $1.50 for a meal. All others will pay $3.00.

CODE ENFORCEMENT REPORT

A) Code Enforcement Officer monthly report for November 1995, received and on file in the Town Clerk's Office.

B) Deputy Code Enforcement Officer monthly report for November 1995, received and on file in the Town Clerk's Office.

DOG CONTROL OFFICER REPORT

A) Dog control Officer monthly report for November 1995, received and on file in the Town Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's report for November 1995 received and on file in the Town Clerk's Office.

A motion was made by Councilman Davenport and seconded by Councilman Wohlhueter to adjourn the meeting at 8:36 P.M..

David J. Shenk
David J. Shenk, Town Clerk

Minutes for the Public Hearing of Extension #2 of Water District #2 held on December 19, 1995 are herewith as Addendum "B".

REGULAR BOARD MEETING — TOWN HALL
DECEMBER 20, 1995 — 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 adopt the minutes of the December 6, 1995 regular monthly meeting.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter that the General Fund and Special District Bills on Abstract #12A, dated December 20, 1995 in the amount of $62,254.98 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter that the Highway Bills on Abstract 12A, dated December 20, 1995 in the amount of $7,424.63 be paid.

five (5) Ayes — Carried

Received and filed notification from Grosse, Chelus, Herdzik & Speyer, P.C., that they are the firm assigned by the Town Insurance Carrier, Great American Insurance Company, to defend the Town of Boston in a lawsuit commenced by Joseph P.Doyka.

Received and filed a set of "As-Built" drawings and maps from Adelphia Cable which accurately represents the system as constructed in Boston.

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport to approve the following transfers and appropriations:

TRANSFERS OF APPROPRIATIONS

Fire Protection District

From:	SR	9040.8 Comp Insur	4,040.00
To:	SR	3410.4 Fire Protection	4,040.00

Water District # 1

From:	SW1	8340.2 Trans/Dist, Eq	8,000.00
To:	SW1	8340.4 Trans/Dist, Cont	8,000.00

APPROPRIATION OF FUND BALANCE

Light District

SL599	Approp Fund Bal	3,100.00
SL960	Appropriations	3,100.00
SL4540.4	Street Lighting, Cont	3,100.00

Ambulance District

SM599	Approp Fund Bal	3,900.00
SM960	Appropriations	3,900.00
SM4540.4	Ambulance, Cont	3,900.00

APPROPRIATION OF EXCESS REVENUE

Refuse and Garbage District

SR510	Estimated Revenue	5,000.00
SR2401	Interest & Earnings	5,000.00
SR960	Appropriations	5,000.00
SR8160.4	Refuse/Garb, Cont	5,000.00

REGULAR BOARD MEETING — TOWN HALL
DECEMBER 20, 1995 — 7:30 P.M.

APPROPRIATION OF EXCESS REVENUE (CONT.)
Water District #2

SW2 510	Estimated Revenue	7,100.00
SW2 2401	Interest & Earning	7,100.00
SW2 960	Appropriations	7,100.00
SW2 8340.4	Trans/Dist, Cont	7,100.00

five (5) Ayes — Carried

RESOLUTION 1995-38 SECURE AND ADEQUATE FUNDING FOR LOCAL TRANSPORTATION AND CONTINUE CONSOLIDATED HIGHWAY IMPROVEMENT PROGRAM (CHIPS)

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to remove from the table the Town acceptance of the Boston Cross Road from Erie County, tabled from the December 6, 1995 Town Board Meeting.

five (5) Ayes — Carried

Highway Superintendent Ruchalski reported the inspection of the Boston Cross Road reconstruction was made on Wednesday December 6, 1995 with Guy Puccio, Supervisor of Construction, David Comerford, Deputy Commissioner of Highways, Wayne Kreitzbender representing Highway Superintendent Ruchalski, Supervisor Kennedy, Town Engineer Charles Pettit and the contractor.

Supervisor Kennedy requested authorization for approval and acceptance by the Town of Boston, on the recommendation of Highway Superintendent Ruchalski, to accept the Boston Cross Road as a Town Road subject to a written conformation from Erie County of the following additional or remedial items:

1) Installation of curbing at the intersection of Boston Cross Road and Boston State Road as per a sketch provided by the Town Engineer.
2) Correction of drainage problems at the intersections of Boston Cross Road and Boston Colden Road which will also be included in a separate sketch provided by the Town Engineer.
3) Installation of guide rail at the curb of the Boston Cross Road, west of the Power Line Road.
4) Oil and stone on Mill Street again from Back Creek Road to West Tillen Road with the proper material to be specified by the Town of Boston Highway Superintendent Eugene Ruchalski.
5) Blacktop areas specified by Town of Boston Highway Superintendent Ruchalski on Mill Street between Back Creek and West Tillen (Ridges).

Above items to be completed by County Highway personal by 7/31/96.

RESOLUTION 1995-39 BOSTON CROSS ROAD ACCEPTANCE

RESOLUTION 1995-40 APPROVE EXTENSION #2 OF WATER DISTRICT #2

RESOLUTION 1995-41 SCHEDULE REFERENDUM FOR EXTENSION #2 OF WATER DISTRICT #2

At 8:00 P.M. a Public Hearing was held for the purpose of considering a contract with the Boston Emergency Squad, Inc. for furnishing Ambulance Service in the amount of $19,700 for the calendar year 1996, $20,500 for the calendar year 1997, and $21,500 for the calendar year 1998. Supervisor Kennedy read the legal notice and convened the Public Hearing at which time there were no questions or comments.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to close the Public Hearing at 8:02 P.M..

five (5) Ayes — Carried

TOWN OF BOSTON
RESOLUTION 1995 - 38

SECURE AND ADEQUATE FUNDING FOR LOCAL TRANSPORTATION AND CONTINUE CONSOLIDATED HIGHWAY IMPROVEMENT PROGRAM (CHIPS)

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 December 1995 at 7:30 P.M. Eastern Standard 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 Wohlhueter presented the following resolution and moved its adoption:

WHEREAS, the Transportation Industry Committee was formed to provide a foundation to promote to the New York State Legislature the need to secure funding for local transportation; and

WHEREAS, the Transportation Industry Committee meets with the Senate and Assembly Transportation Committees to discuss concerns about transportation funding and to recommend alternative sources of future revenue; and

WHEREAS, the Transportation Industry Committee supports all agencies, businesses and organizations in the transportation industry; and

WHEREAS, the Transportation issues affect every New Yorker daily; the need for secure funding for local transportation in 1996-97 and beyond is immense; and

WHEREAS, local governments are responsible for 9,000 bridges and 95,000 miles of road (85% of New York State roads); and

WHEREAS, The Consolidated Highway Improvement Program (CHIPS) ends in 1996; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Boston goes on record strongly supporting the Transportation Industry Committee's efforts promoting to the New York State Legislature the need for secure and adequate funding for local transportation; and

BE IT FURTHER RESOLVED, that copies of this resolution have been submitted to Governor George Pataki, Senator Dale Volker and Assemblyman Francis Pordum.

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

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

AYES: (5) **NOES:** (0) **ABSENT:** (0)

David J. Shenk

DAVID J. SHENK, TOWN CLERK

TOWN OF BOSTON

TOWN OF BOSTON

RESOLUTION 1995 - 39

BOSTON CROSS ROAD

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 December 1995 at 7:30 P.M. Eastern Standard 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 Walter presented the following resolution and moved its adoption:

WHEREAS, the Town of Boston wishes to accept the Boston Cross Road from the County of Erie as a Town Road.

WHEREAS, the County of Erie has recently completed reconstruction of the Boston Cross Road.

BE IT RESOLVED, that the Town Board of the Town of Boston will accept the Boston Cross Road from the County of Erie with the following items to be completed by the County Highway Personnel by July 31, 1996.

1.) Installation of curbing at the intersection of Boston Cross Road and the Boston State Road as per the sketch provided by the Town Engineer.(Exhibit A)

2.) Correction of drainage problems at the intersection of Boston Cross Roads and the Boston Colden Road also included in a separate sketch provided by the Town Engineer.(Exhibit B)

3.) Installation of guide rail at the curve on the Boston Cross Roads West of the Power Line Road.

4.) Oil and stone Mill Street again from Back Creek Road to West Tillen Road with the proper materials specified by Town of Boston Highway Superintendent Ruchalski.

5.) Blacktop areas specified by Boston Highway Superintendent Ruchalski on Mill Street between Backcreek Road and West Tillen Road (Ridges).

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

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

AYES: (5) NOES: (0) ABSENT: (0)

David J. Shenk

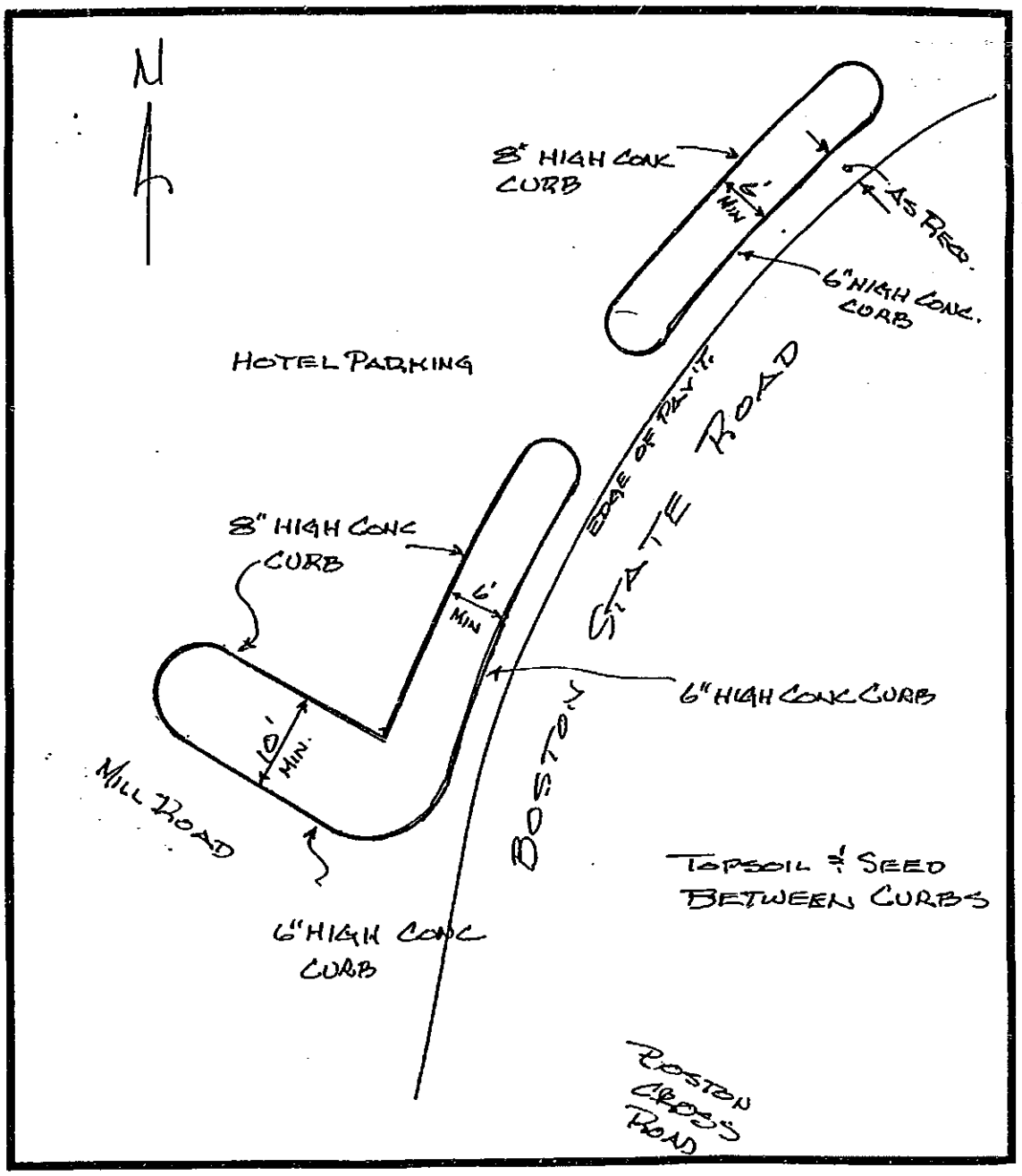
DAVID J. SHENK, TOWN CLERK

" EXHIBIT A "

Tallamy Van Kuren Gertis & Associates

ENGINEERS • SURVEYORS • PLANNERS
70 LINWOOD AVENUE, P.O. BOX 718, ORCHARD PARK, NY 14127-0718
OFFICE - (716) 662-9366, FAX - (716) 662-7689

JOB TOWN OF BOSTON - BOSTON CROSS
SHEET NO. 2 OF 2
CALCULATED BY TVGA DATE 1-23-96
CHECKED BY DATE
SCALE



" EXHIBIT B "

Tallamy Van Kuren Gertis & Associates

ENGINEERS • SURVEYORS • PLANNERS

70 LINWOOD AVENUE, P.O. BOX 718, ORCHARD PARK, NY 14127-0718
OFFICE - (716) 662-9366, FAX - (716) 662-7689

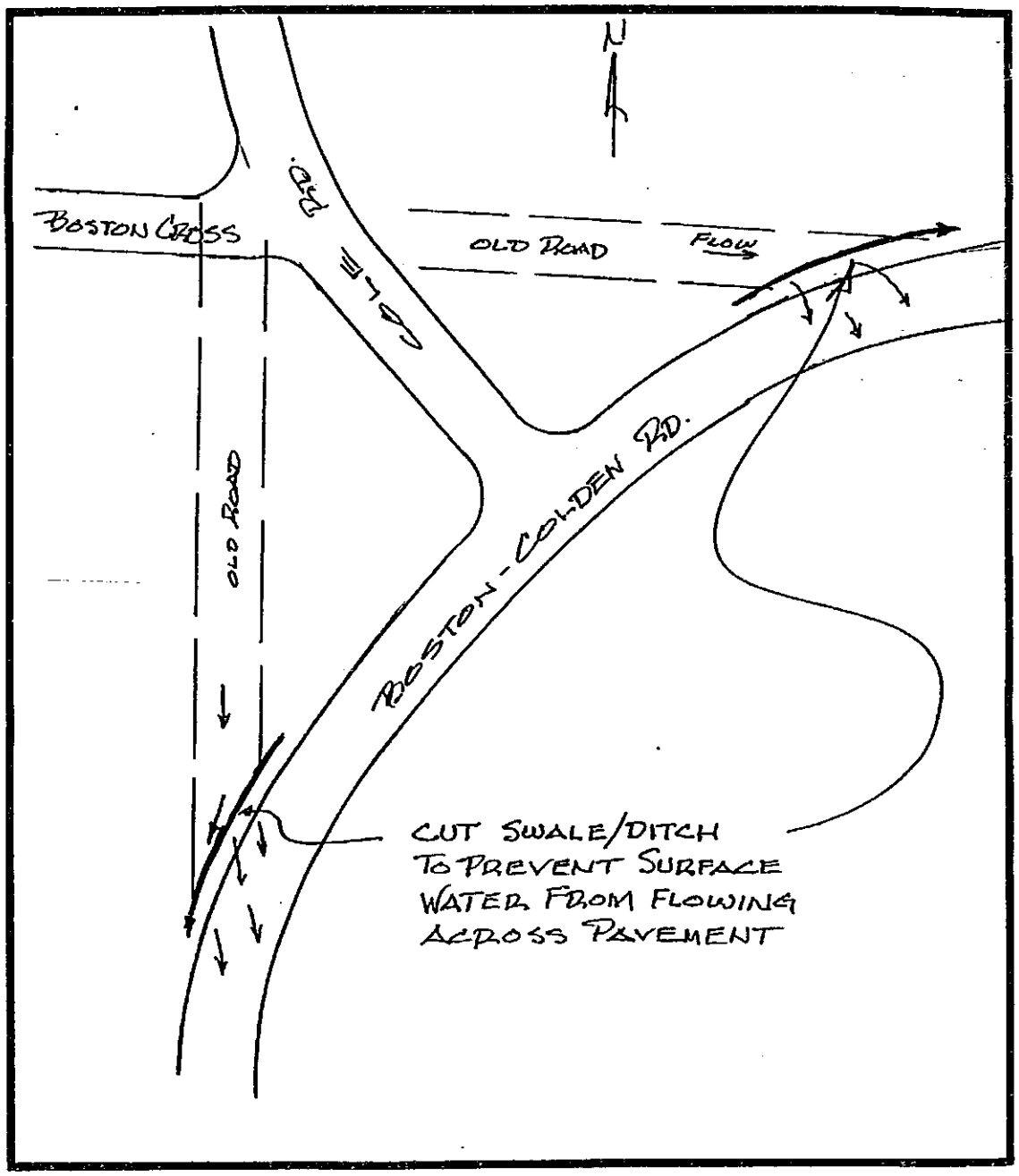
JOB TOWN BOSTON - BOSTON CROSS

SHEET NO. 1 OF 2

CALCULATED BY TVGA DATE 1-23-96

CHECKED BY _____ DATE _____

SCALE NTS



EXTRACT OF MINUTES

Meeting of the Town Board of the Town of Boston

in the County of Erie, New York

December 20, 1995

* * *

A regular meeting of the Town Board of the Town of Boston, in the County of Erie, New York, was held at the Town Hall, in said Town, on December 20, 1995, at 7:30 o'clock P.M. (Prevailing Time).

There were present: Honorable Richard L. Kennedy, Supervisor; and

Councilman: Mark W. Flowers
Don A. Wohlheuter
Peter A. Walter
Josephine M. Davenport

There were absent:

Also present: David J. Shenk, Town Clerk

* * *

Peter A. Walter offered the following resolution and moved its adoption:

RESOLUTION 1995 - 40

RESOLUTION OF THE TOWN OF BOSTON, NEW YORK, ADOPTED DECEMBER 20, 1995, APPROVING EXTENSION NO. 2 TO WATER DISTRICT NO. 2, IN SAID TOWN, AND PROVIDING THAT SUCH RESOLUTION SHALL BE SUBJECT TO MANDATORY REFERENDUM.

Recitals

WHEREAS, the Town Board of the Town of Boston (herein called "Town Board" and "Town", respectively), in the County of Erie, New York, has heretofore duly caused TVGA Engineering, Surveying, P.C., competent engineers duly licensed by the State of New York, to prepare a general map, plan and report relating to the proposed Extension No. 2 (the "Extension") to Water District No. 2 (the "District"), in the Town, consisting of the construction and installation of approximately 15,600 linear feet of 8-inch watermain and construction of a pump station and storage tank, including land or rights in land, original equipment, machinery, furnishings, valves, hydrants, service taps, service lines, curb boxes, fittings, connections, fill, appurtenances and related site work (the "Water Improvement"); which Water Improvement is to be operated and maintained by the Erie County Water Authority pursuant to a Lease-Management Agreement with the Town on behalf of the Extension; and which map, plan and report have been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, pursuant to an Order duly adopted on December 6, 1995, the Town Board determined to proceed with the proposed Extension to the District and adopted an Order reciting a description of the boundaries of the Extension to the District in a manner sufficient to identify the lands included therein as in a deed of conveyance, the improvements proposed, the maximum amount proposed to be expended for the construction of said Water Improvement, in connection with the Extension, the proposed method of financing to be employed, the Town's compliance with all applicable laws, rules and regulations with respect to environmental matters, the fact that a map, plan and report describing the same are on file in the Town Clerk's office for public inspection and specifying December 19, 1995, at 7:00 o'clock P.M. (Prevailing Time) as the time when, and the Town Hall, in the Town, as the place where, the Town Board would meet to consider the Extension to the District, and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board in relation thereto, as may be required by Law; and

WHEREAS, certified copies of such Order were duly published, posted and filed pursuant to the provisions of Article 12-A of the Town Law; and

WHEREAS, a Public Hearing on the matter was duly held by said Town Board on the 19th day of December, 1995, commencing at 7:00 o'clock P.M. (Prevailing Time) at the Town Hall, at which all interested persons desiring to be heard were heard,

including those in favor of, and those opposed to, the proposed Extension to the District;

NOW, THEREFORE, upon the evidence adduced at such Public Hearing be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF BOSTON, IN THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. It is hereby determined that

(a) the Notice of Public Hearing was published and posted as required by Law, and it is otherwise sufficient;

(b) all the property and property owners included within the proposed Extension to the District hereinabove referred to in the recitals hereof are benefited thereby;

(c) all the property and property owners benefited are included within the limits of the proposed Extension to the District; and

(d) it is in the public interest to extend the District.

Section 2. The Extension to the District is hereby approved, as hereinafter described, and said Extension to the District shall be designated and known as Extension No. 2 to Water District No. 2, in the Town of Boston, and shall be bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Boston, County of Erie and State of New York, being part or all of Lots 18, 19, 20, 25, 26, 27, 31, 32, 33, 34, 35, 39, 40, 41, 42, and 43, Township 8, Range 7 of the Holland Land Company's Survey and being more particularly bounded and described as follows:

BEGINNING at a point on the south line of the Town of Boston Water District No. 2 as described in the legal description of said Water District No. 2, at it's intersection with the west line of the Southern Expressway, Section III (SH 78017), said point being the northeast corner of lands now or formerly owned by Daniel Zwilling (S.B.L. 226.00-3-28.11);

thence southerly along the various courses of the said west line of the Southern Expressway, Section III, a distance of about seven thousand five hundred seventy-five feet (7,575'±) to the northeast corner of lands now or formerly owned by Mark and Robin Church (S.B.L. 241.00-3-28.1);

thence westerly along the north line of said lands of Church, a distance of about one thousand three hundred fifty-one feet (1,351'±) to the centerline of Zimmerman Road (C.R. 437);

thence northerly along the said centerline of Zimmerman Road, a distance of about three hundred forty-five feet (345') to the southeast corner of lands now or formerly owned by John Bellucci (S.B.L. 241.00-1-28);

thence westerly along the south line of said lands of Bellucci, a distance of about five hundred twenty-five feet (525'±) to the southwest corner of said lands of Bellucci;

thence northerly along the west line of said lands of Bellucci and the west line of lands now or formerly owned by William Mansfield (S.B.L. 241.00-1-27), a distance of about four hundred sixteen feet (416'±) to the south line of Lot 26, Township 8, Range 7 ;

thence westerly along the said south line of Lot 26, a distance of about three thousand four hundred forty-five feet (3,445'±) to the northeast corner of Lot 33, Township 8, Range 7;

thence southerly along the east line of said Lot 33, a distance of about four thousand fifty feet (4,050'±) to a point in the centerline of Rice Road (T.R. 248);

thence westerly along the said centerline of Rice Road, a distance of about four thousand seven feet (4,007'±) to the centerline of Feddick Road (C.R. 469);

thence southerly along the said centerline of Feddick Road, a distance of about six hundred eighty-six feet (686'±) to the northwest corner of lands now or formerly owned by Thomas and Nancy Brogan (S.B.L. 257.00-1-32);

thence easterly along the north line of said lands of Brogan, a distance of about three hundred fifty feet (350'±) to the northeast corner of said lands of Brogan;

thence southerly along the east line of said lands of Brogan, and continuing southerly along the east line of lands now or formerly owned by Arnold and Jean Perison (S.B.L. 256.00-3-7.12) and the east line of lands now or formerly owned by Earl and Susan Shisler (S.B.L. 257.00-1-31), a distance of about nine hundred sixty-nine feet (969'±) to the southeast corner of said lands of Shisler;

thence westerly along the south line of said lands of Shisler, a distance of about two hundred fifty feet (250'±) to the said centerline of Feddick Road;

thence southerly and southeasterly along the said centerline of Feddick Road and the centerline of South Feddick Road, a distance of about one thousand seven hundred twenty feet (1,720'±) to the northwest corner of lands now or formerly owned by James and Susan Mulholland (S.B.L. 257.00-1-30);

thence easterly along the north line of said lands of Mulholland, a distance of about two hundred thirty-two feet (232'±) to the northeast corner of said lands of Mulholland;

thence southerly along the east line of said lands of Mulholland, a distance of about eighty-five feet (85'±) to a point in the north line of lands now or formerly owned by Bertha M. Walters (S.B.L. 257.00-1-29);

thence northeasterly along the said north line of lands of Walters, a distance of about forty feet (40'±) to the northeast corner of said lands of Walters;

thence southeasterly along the east line of said lands of Walters, a distance of about one hundred ten feet (110'±) to the southeast corner of said lands of Walters;

thence southwesterly along the south line of said lands of Walters, a distance of about two hundred feet (200'±) to a point in the said centerline of South Feddick Road;

thence southeasterly along the said centerline of South Feddick Road, a distance of about five thousand fifty-one feet (5,051'±) to the centerline of Belcher Road (T.R. 337), said point being in the south line of the Town of Boston;

thence westerly along the said centerline of Belcher Road and its extension westerly along the south line of Lot 39, Township 8, Range 7, being the south line of the Town of Boston, a distance of about six thousand nine hundred fifty feet (6,950'±) to the southwest corner of said Lot 39, said point being the southwest corner of the Town of Boston;

thence northerly along the west line of Lots 39, 40, 41 and 42, Township 8, Range 7, being the west line of the Town of Boston, a distance of about fifteen thousand seven hundred thirty feet (15,730'±) to the northwest corner of said Lot 42, said corner being the southwest corner of the said Town of Boston Water District No. 2;

thence easterly along the various courses of the said Town of Boston Water District No. 2 to the point or place of beginning.

Section 3. The maximum amount proposed to be expended for the construction of such Water Improvement is estimated to be $906,000, which is planned to be financed by the expenditure of $453,600 to be received from Water District No. 2 to pay a part of said cost, the issuance of $452,400 serial bonds of the Town to finance the balance of said costs, and the assessment, levy and collection of special assessments from the several lots and parcels of land within the Extension, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, with the Town's expectation being that all or part of the necessary $452,400 financing may be obtained through Rural Economic and Community Development.

Section 4. The Town Clerk of the Town is hereby authorized and directed within ten (10) days after the adoption of this resolution, to file certified copies thereof, in duplicate, in the office of the State Department of Audit and Control at Albany, New York, together with an application by said Town Board, in duplicate, for permission to extend the District, in the Town, as herein described, pursuant to the provisions of said Town Law, and that such application shall be executed and verified by and on behalf of said Town Board by the Supervisor of the Town.

Section 5. This resolution shall be subject to a mandatory referendum in the manner provided by law.

* * *

The adoption of the foregoing resolution was seconded by Don A. Wohlheuter and duly put to a vote on roll call, which resulted as follows:

AYES: FIVE (5)

NOES: ZERO (0)

The resolution was declared adopted.

* * *

Josephine M. Davenport offered the following resolution and moved its adoption:

RESOLUTION 1995 - 41

RESOLUTION OF THE TOWN OF BOSTON, NEW YORK, ADOPTED DECEMBER 20, 1995, PROVIDING FOR SUBMISSION OF A PROPOSITION AT A SPECIAL ELECTION TO BE HELD ON FEBRUARY 20, 1996, TO APPROVE THE RESOLUTION HERETOFORE ADOPTED BY THE TOWN BOARD OF SAID TOWN ON DECEMBER 20, 1995, SUBJECT TO MANDATORY REFERENDUM.

RESOLVED BY THE TOWN BOARD OF THE TOWN OF BOSTON, IN THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. A Special Election shall be held on February 20, 1996, at the Town Hall, in said Town, at 12:00 o'clock Noon (Prevailing Time) and the polls shall remain open until 9:00 o'clock P.M. (Prevailing Time) or as much longer as may be necessary to enable the voters then present to cast their votes.

Section 2. The Town Clerk shall cause the Notice of such Special Election to be published at least once in the "HAMBURG SUN," a newspaper published in Hamburg, New York, and in the "SPRINGVILLE JOURNAL," a newspaper published in Springville, New York, and hereby designated as the official newspapers of the Town, and to be posted on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, said publication and posting to be at least ten (10) days before such Special Election.

Section 3. The Town Clerk is hereby authorized and directed to include in the Notice of Special Election, notice that the Town Board will submit at the said Special Election, a Proposition for approval or disapproval of the Resolution hereinafter referred to in such Notice.

Section 4. At said Special Election, the vote upon the said Proposition shall be by separate ballot on voting machines and the only persons qualified to vote upon said Proposition shall be the owners of taxable real property situate in the proposed Extension No. 2 to Water District No. 2 as shown upon the latest completed assessment roll of the Town, including corporations which, for such purpose, shall be entitled to one vote to be cast by an officer or agent of such corporation, or such other duly authorized person designated by an appropriate resolution of such corporation.

Section 5. Said Notice shall be in substantially the following form:

TOWN OF BOSTON, NEW YORK

NOTICE OF SPECIAL ELECTION

FEBRUARY 20, 1996

NOTICE IS HEREBY GIVEN that a Special Election will be held on FEBRUARY 20, 1996, in the Town of Boston, in the County of Erie, New York, at the Town Hall, in said Town, and voting will be limited to owners of taxable real property situate in the proposed Extension No. 2 to Water District No. 2 as shown upon the latest completed assessment roll of the Town, including corporations which, for such purpose, shall be entitled to one vote to be cast by an officer or agent of such corporation, or such other duly authorized person designated by an appropriate resolution of such corporation, and the polls shall remain open from 12:00 o'clock Noon (Prevailing Time) to 9:00 o'clock P.M. (Prevailing Time), or for such longer period of time as may be necessary to enable the voters then present to cast their ballots.

At said Special Election the following Proposition is to be voted upon:

PROPOSITION

SHALL the resolution entitled: "Resolution of the Town of Boston, New York, adopted December 20, 1995, approving Extension No. 2 to Water District No. 2, in said Town, and providing that such resolution shall be subject to mandatory referendum," BE APPROVED?

an abstract of such resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: RECITING that a general map, plan and report for the proposed Extension No. 2 to Water District No. 2, in the Town of Boston, in the County of Erie, ("Extension," "District" and "Town", respectively), consisting of the construction and installation of approximately 15,600 linear feet of 8-inch watermain and construction of a pump station and storage tank, including land or rights in land, original equipment, machinery, furnishings, valves, hydrants, service taps, service lines, curb boxes, fittings, connections, fill, appurtenances and related site work (the "Water Improvement"), which Water Improvement is to be operated and maintained by the Erie County Water Authority pursuant to a Lease-Management Agreement with the Town on behalf of the Extension, and which map, plan and report have been duly prepared and submitted to the Town Board and duly filed in the

office of the Town Clerk for public inspection; that an Order was duly adopted by said Town Board on December 6, 1995, reciting the filing of said map, plan and report, the description of the boundaries of the Extension in a manner sufficient to identify the lands included therein, the maximum amount proposed to be expended for the construction of said Water Improvement, the proposed method of financing, the Town's compliance with all laws, rules and regulations with respect to environmental matters, and specifying the time and place of a public hearing, to hear all persons interested in the subject thereof concerning the same; that certified copies of such Order were duly published, posted and filed, that a public hearing was duly held on December 19, 1995, at the time and place specified;

SECOND: RESOLVING AND DETERMINING that (a) the Notice of Public Hearing was published and posted as required by law, and is otherwise sufficient; (b) all the property and property owners included within the proposed Extension to the District are benefited thereby; (c) all the property and property owners benefited are included within the limits of said proposed Extension to the District; and (d) it is in the public interest to extend the District;

THIRD: APPROVING the Extension to the District and the construction of improvements therein as described; DESIGNATING the Extension as Extension No. 2 to Water District No. 2, in the Town of Boston; DESCRIBING the Extension in a manner sufficient to identify the lands included therein;

FOURTH: RESOLVING that the maximum amount proposed to be expended for the construction of such Water Improvement is estimated to be $906,000, which is planned to be financed by the expenditure of $453,600 to be received from Water District No. 2 to pay a part of said cost, the issuance of $452,400 serial bonds of the Town to pay the balance of said costs, and the assessment, levy and collection of special assessments from the several lots and parcels of land within the Extension, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, with the Town's expectation being that all or part of the necessary $452,400 financing may be obtained through Rural Economic and Community Development;

FIFTH: FURTHER RESOLVING that the Town Clerk shall, within ten (10) days after adoption of this resolution, file certified copies in the office of the Department of Audit and Control, together with an application by said Town Board for permission to extend the District and that such application shall be executed by the Supervisor; and

SIXTH: STATING that this resolution shall be subject to a mandatory referendum.

By order of the Town Board of the
Town of Boston, in the County of
Erie, New York

Dated: December 20, 1995

Section 6. Forthwith after the Special Election is held, pursuant to Section 209-e of the Town Law, the Town Clerk shall prepare and file a certificate stating that a referendum was held pursuant to the provisions of said Section and certifying the results of the voting on the Proposition submitted at such Special Election in the office of the County Clerk of the County of Erie and in the office of the Department of Audit and Control in Albany.

Section 7. This resolution shall take effect immediately.

* * *

The adoption of the foregoing resolution was seconded by Mark W. Flowers and duly put to a vote on roll call, which resulted as follows:

AYES: FIVE (5)

NOES: ZERO (0)

The resolution was declared adopted.

******

CERTIFICATE

I DAVID J. SHENK, Town Clerk of the Town of Boston, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed abstract from the minutes of a meeting of the Town Board of said Town duly called and held on December 20, 1995, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 20th day of December, 1995.

(SEAL)

David J. Shenk
Town Clerk

TOWN OF BOSTON

RESOLUTION 1995 - 37

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 20th day of December 1995 at 7:30 P.M. Eastern Standard 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 that the Town Board of the Town of Boston does hereby request the County of Erie to place on the 1996 Tax Rolls the following unpaid Water Bills:

SBL # 242.17-2-2	6607 Rice Road	$ 66.13
211.00-3-20	6405 Ward Road	$ 220.86
211.00-3-4.1	6159 Ward Road	$ 6.74

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

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

AYES: (5) **NOES:** (0) **ABSENT:** (0)

David J. Shenk

DAVID J. SHENK, TOWN CLERK

TOWN OF BOSTON

RESOLUTION 1995 - 36

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 20th day of December 1995 at 7:30 P.M. Eastern Standard 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 Walter 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 1996 Tax Rolls the following unpaid Garbage Bills:

SBL #	257.00-2-38.111	6133 West Tillen Rd.	$ 160.80
	242.09-3-6	8689 No.Greenbriar Terr	$ 144.72
	226.01-5-15	5507 George Rd.	$ 112.56

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

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

AYES: (5) NOES: (0) ABSENT: (0)

David J. Skenk

DAVID J. SKENK, TOWN CLERK

REGULAR BOARD MEETING TOWN HALL
DECEMBER 20, 1995 7:30 P.M.

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 for the calendar year 1996, $20,500, for the calendar year 1997, and $21,500 for the calendar year 1998.

five (5) Ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter to approve the corrections to Abstract #12, December 6, 1995 as follows:

GENERAL FUND

Voucher 1091 Hubert Company			
From:	495.00	To:	495.25
Total General Fund:			
From:	10,184.64	To:	10,184.89
Total Abstract:			
From	48,851.95	To:	48,852.20

five (5) Ayes Carried

RESOLUTION 1995 - 37 UNPAID WATER BILLS

At 8:05 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 $4,100 per annum for the calendar year 1996, $4,200 for the calendar year 1997, and $4,300 for the calendar year 1998.

Supervisor Kennedy read the Public Notice and convened the Public Hearing at which time there were no questions or comments.

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

five (5) Ayes Carried

A motion was made by Councilman Wohlhueter 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 $4,100 per annum for the calendar year 1996, $4,200 for the calendar year 1997, and $4,300 for the calendar year 1998.

five (5) Ayes Carried

RESOLUTION 1995 - 36 UNPAID GARBAGE BILLS

At 8:10 P.M. a Public Hearing was held for the purpose of considering and entering into separate Fire Protection Contracts with the North Boston Volunteer Fire Company, Inc., Patchin Fire Company and Community Association, Inc. and Boston Fire Company, Inc. for the furnishing of Fire Protection each in the amount of $81,136 for the calendar year 1996, $84,381 for the calendar year 1997, and $88,600 for the calendar year 1998. Their were no comments.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to close the Public Hearing at 8:11 P.M..

five (5) 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 20, 1995 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 for the calendar year 1996 or a contract in the amount of $19,700 for the calendar year 1996, $20,500, for the calendar year 1997, and $21,500 for the calendar year 1998.

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 $4,100 for the calendar year 1996, $4,200, for the calendar year 1997, and $4,300 for the calendar year 1998.

NOTICE IS FURTHER GIVEN that another Public Hearing will be held at 8:10 P.M. Eastern Standard Time on the same date and place listed above for the purpose of considering to enter into separate Fire Protection Contracts with the North Boston Volunteer Fire Company, Inc., Patchin Fire Company and Community Association, Inc. and Boston Fire Company, Inc. for the furnishing of Fire Protection each in the amount of $81,136, for the calendar year 1996, $84,381, for the calendar year 1997, and $88,600 for the calendar year 1998.

All persons interested in the matter shall be heard for or against at such time and place.

DATED: DECEMBER 1, 1995
PUBLISHED: DECEMBER 7, 1995
BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
DECEMBER 20, 1995 — 7:30 P.M.

A motion was made by Councilman Flowers and seconded by Councilman Supervisor Kennedy to enter into separate Fire Protection Contracts with the North Boston Volunteer Fire Company, Inc., Patchin Fire Company and Community Association, Inc. and Boston Fire Company, Inc. for the furnishing of Fire Protection each in the amount of $81,136 for the calendar year 1996, $84,381 for the calendar year 1997, and $88,600 for the calendar year 1998.

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 as chaperons for the Ski Program and also noting these chaperons serve as volunteers at no cost to the Town. Their only compensation is free skiing during the hours of the program. The costs are covered by the $1,142.63 of organizer benefits which the Town receives from Kissing Bridge. Betty and Gary Vara receive the remaining $330.00 of organizer benefits in recognition of their additional responsibilities:

Betty and Gary Vara - Head Chaperons
Sally Marks
Colleen Potter
Kathy Grech
Randy Perison
Paul Rosiek

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to accept the resignation of Damian Wiktor as member and secretary of the Planning Board, effective December 18, 1995. The Town Clerk is directed to send a letter thanking Mr. Wiktor for his years of service to the community.

five (5) Ayes — Carried

RESOLUTION 1995 - 42 ORDER CALLING FOR PUBLIC HEARING FOR WATER DISTRICT NO. 3

SUPERVISOR REPORT

Supervisor Kennedy expressed his appreciation for the service provided by Councilmen Wohlhueter and Flowers who will be leaving the Town Board at the end of the year.

TOWN CLERK REPORT

Town Clerk Shenk expressed his great pleasure in working with Councilmen Flowers and Wohlhueter and wished them luck in the future.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Ruchalski commented he has enjoyed working with the Councilman.

A copy of the mandated Drug and Alcohol Program Agreement was received. Effective January 1, 1996, everyone with a CDL license must participate and take a two hour class. Highway Superintendent Ruchalski attended a four hour awareness training class. Testing of highway personnel will be done for pre-employment, reasonable suspicion or cause, or post-accident. Computerized sheets will be received requesting random testing of individuals at the testing center in Concord. The alcohol test is $32.00 and the drug test is $48.00. If a test is refused the individual will be suspended.

TOWN ATTORNEY REPORT

Town Attorney Reilly reported that a tank and pump station will be installed in Water District #1 to increase the water pressure. The parcel of property on route 391 purchased for the pump station is ready to close and the title to the property purchased for the tank site will be transferred from the Town to Water District No. 1.

RESOLUTION 1995 - 42 ORDER CALLING PUBLIC HEARING FOR WATER DISTRICT NO. 3

At a regular meeting of the Town Board of the Town of Boston, in the County of Erie, New York, held at the Town Hall, in the Town of Boston, on the 20th day of December, 1995.

PRESENT:

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

In the Matter :

of the : ORDER CALLING PUBLIC HEARING

: JANUARY 11, 1996

Proposed Establishment of East Hill Water District No. 3, in the Town of Boston, in the County of Erie, New York, pursuant to Article 12-A of the Town Law. :

WHEREAS, the Town Board of the Town of Boston (herein called "Town Board" and "Town", respectively), in the County of Erie, New York, has caused Nussbaumer & Clarke, Inc., competent engineers, duly licensed by the State of New York, to prepare a general map, plan and report, for the proposed establishment of East Hill Water District No. 3 (the "District"), in the Town, including the construction of a water system therein; consisting of the installation of a pump station, water storage tank, approximately 2,800 linear feet of 10-inch diameter PVC waterline and approximately 29,600 linear feet of 8-inch diameter PVC waterline, including land or rights in land, original equipment,

machinery, furnishings, valves, hydrants, fittings, service connections, fill, appurtenances and related site work (the "Water Improvement"), which Water Improvement is to be operated and maintained by the Erie County Water Authority pursuant to a Lease-Management Agreement with the Town on behalf of the District, and which map, plan and report have been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, a duly executed full Environmental Assessment Form has been filed in the office of the Town Clerk; and

WHEREAS, the proposed District is bounded and described as follows:

LEGAL DESCRIPTION
WATER DISTRICT NO. 3
October 6, 1995

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Boston, County of Erie, State of New York, and being part of Lots, 4, 5, 6, 7, 8, 13, 14, 15, 22, 29, 58, 59, 60, 61, 62, 66, 67, 68, 69 and 70, Township 8, Range 7 of the Holland Land Company's survey, bounded and described as follows:

Beginning at a point in the northeast corner of the Town of Boston, said point being further described as the southeast corner of the Town of Orchard Park, the southwest corner of the Town of Aurora, the northwest corner of the Town of Colden; thence southerly along the easterly lines of Lots, 70, 69, 68, 67, and 66 to the southeasterly corner of lands conveyed now or formerly to Jerome Nurt by Liber 7691 of Deeds at Page 169; thence westerly, along the southerly line of said Nurt lands, and continuing westerly along the projected line of said Nurt lands to the southwest corner of lands conveyed now or formerly to James and Susan Bercantz by Liber 10641 of Deeds at Page 471, said point being further described as being the west line of Lot 66; thence northerly along the west line of Lot 66, to the southeast corner of lands conveyed now or formerly to Alfred Kaefer and Wife by Liber 6837 of Deeds at Page 587; thence westerly along the southerly line of said Kaefer lands to the southwest corner thereof; thence northerly along the westerly line of said Kaefer lands to the southeast corner of lands conveyed now or formerly to Charles and Patricia Zimmerman by Liber 9715 of Deeds at page 367; thence westerly along the southerly line of said Zimmerman lands to the centerline of Cole Road (66 feet wide); thence northerly along the centerline of Cole Road to the southeasterly corner of lands conveyed now or formerly to Thomas Homme by Liber 9371 of Deeds at Page 93; thence westerly along the southerly line of said Homme lands to the southwesterly corner thereof, said line being further described as the west line of Lot 58; thence northerly along the westerly line of Lot 58 to the southeasterly line of lands conveyed now or formerly to Andrew Zubricky and Wife by Liber 7520 of Deeds at Page 605; thence westerly along the southerly line of said Zubricky lands to the southwest corner thereof; thence northerly along the westerly line of said Zubricky lands to the southeasterly corner of lands conveyed now or formerly to Frank Sibiga and Wife by Liber 9050 of Deeds at Page 594; thence southwesterly, northerly, northeasterly and northerly to the southerly line of Lot 5; thence westerly along the southerly line of Lot 5 to the southwesterly corner of lands conveyed now or formerly to Shuaib A. Shuaib by Liber 9199 of Deeds at Page 444; thence northerly along the westerly line of said Shuaib lands to the southeasterly line of lands conveyed now or formerly to Donald Gravis and Wife by Liber 7326 of Deeds at Page 121; thence westerly along the southerly line of said Gravis lands to the southwesterly corner thereof, said corner being

further described as the easterly line of Lot 13; thence northerly along the easterly line of Lot 13 to the southeasterly corner of lands conveyed now or formerly to Helen Lonergan by Liber 6071 of Deeds at Page 353; thence westerly along the southerly line of said Lonergan lands and the southerly line of lands conveyed now or formerly to Michael L. Payne and Wife by Liber 8855 of Deeds at Page 63, to a point at an intersection of the easterly line of lands conveyed now or formerly to Gregory Briggs by Liber 9228 of Deeds at Page 586; thence southerly along the easterly line of said Briggs lands to the southeasterly corner thereof; thence westerly along the southerly line of said Briggs lands to the southwest corner thereof, said corner being further described as being the easterly line of lands conveyed now or formerly to Robert D. Robson and Wife by Liber 8955 of Deeds at Page 274; thence northerly along the easterly line of said Robson lands to the southeasterly corner of lands conveyed now or formerly to Chester and Pat Rosinski by Liber 7838 of Deeds at Page 293; thence westerly along the southerly line of said Rosinski lands and the southerly line of lands conveyed now or formerly to Donna Wolecki by Liber 9946 of Deeds at Page 157, said point being further described as being on the easterly line of Niagara Mohawk Power Corp. by Liber 1685 of Deeds at Page 454 and Liber 1687 of Deeds at Page 254, said line being further described as an abandoned railroad owned by Niagara Mohawk Power Corp.; thence northwesterly along the easterly line of said Niagara Mohawk Power Corp. to the northerly line of Liebler Road (66 feet wide); thence easterly along the northerly line of said Liebler Road to the westerly line of lands conveyed now or formerly to Richard Roehner by Liber 8589 of Deeds at Page 525; thence northerly along the westerly line of said Roehner lands to the northwesterly corner of land conveyed now or formerly to Eugene J. May by Liber 9912 of Deeds at Page 271; thence easterly along the northerly line of said May lands to the northeast corner thereof; thencesoutherly along the easterly line of said May lands to the northwesterly corner of lands conveyed now or formerly to Ronald and Audrey R. Hillman by Liber 9339 of Deeds at Page 168; thence easterly along the northerly line of said Hillman lands and the northerly line of lands conveyed now or formerly to James L. Barbati and wife by Liber 8966 of Deeds at Page 550, Thomas Jusiak and Wife by Liber 7711 of Deeds at Page 63, Richard M. Jerome by Liber 7662 of Deeds at Page 121, Henry Grieble and Wife by Liber 6905 of Deeds at Page 477, to the westerly line of lands conveyed now or formerly to Anthony Dubrinski by Liber 5605 of Deeds at Page 1, said line being further described as the west line of Lot 5; thence northerly along the west line of Lot 5 to the south line of Lot 6; thence westerly along the south line of Lot 6, and the southerly line of lands conveyed now or formerly to Ernest Celani and Wife by Liber 9461 of Deeds at Page 384, Michael and Barbara Nowaczyk by Liber 10411 of Deeds at Page 404, Dan Hurtubise and Shirley by Liber 10598 of Deeds at Page 754 to the southwest corner of said Hurtubise; thence northerly, westerly and northerly along the

west line of said Hurtubise lands and lands conveyed now or formerly to Mark Janker by Liber 9318 of Deeds at Page 569 to the southwesterly corner of lands conveyed now or formerly to Thomas and Charlene Makowski by Liber 9640 of Deeds at Page 49; thence easterly along the southerly line of said Makowski to the southeast corner thereof; thence northerly along the easterly line of said Makowski to the northeasterly corner thereof; thence westerly to the easterly line of lands conveyed now or formerly to Richard and Shirley Huchey by Liber 9579 of Deeds at Page 441; thence southerly along the easterly line of said Huchey lands to the southeasterly corner thereof; thence westerly, southerly, and westerly along the southerly line of said Huchey lands to the west line of lands conveyed now or formerly to James Laskowski by Liber 10102 of Deeds at Page 561; thence southerly along the easterly line of said Laskowski lands to the southeasterly corner thereof; thence westerly along the southerly line of said Laskowski lands to the southwest corner thereof, said point being further described as the easterly line of lands conveyed now or formerly to Ruth Musser by Liber 7604 of Deeds at Page 481; thence southerly along the easterly line of said Musser lands to the southeasterly corner thereof; thence westerly along the southerly line of said Musser lands, a distance of 700± feet to a point; thence northerly through the lands of said Musser to the westerly corner of lands conveyed now or formerly to Charles Kreuger by Liber 7741 of Deeds at Page 70; thence westerly and northerly to the southerly line of lands conveyed now or formerly to Robert E. Darling and Wife by Liber 6307 of Deeds at Page 410; thence easterly along the southerly line of said Darling lands to the southeasterly corner thereof; thence northerly along the easterly line of said Darling lands to the centerline of Omphalius Road (66 feet wide); thence northeasterly along the centerline of Omphalius Road to the southwesterly corner of lands conveyed now or formerly to Thomas Rzepecki and Wife by Liber 8206 of Deeds at Page 493; thence northerly along the westerly line of said Rzepecki to the southerly line of lands conveyed now or formerly to Peter and Susan Lindner by Liber 10316 of Deeds at Page 411; thence westerly along the southerly line of said Lindner lands to the southwesterly corner thereof; thence northerly along the westerly line of said Lindner lands to the northwest corner thereof; thence easterly along the northerly line of said Lindner lands to the southwesterly corner of lands conveyed now or formerly to Theresa Bates by Liber 10275 of Deeds at Page 208; thence northerly along the westerly line of said Bates lands and the westerly line of lands conveyed now or formerly to Paul and Susan Belford by Liber 10426 of Deeds at Page 269 to the northwesterly corner thereof; thence easterly along the northerly line of said Belford lands to the northeasterly corner thereof, said corner being further described as being a point on the easterly line of lands conveyed now or formerly to Warner Martin by Liber 10362 of Deeds at Page 761; thence northerly along the easterly line of said Martin lands to the northeast corner thereof, said corner being further described as being conveyed now or formerly

to Warner Martin by Liber 9539 of Deeds at Page 236; thence easterly along the southerly line of said Martin lands to the southeasterly corner thereof, said corner being further described as on the west line of Lot 6; thence northerly along the west line of Lot 6 to the northeast corner of lands conveyed now or formerly to Warner Martin by Liber 9539 of Deeds at Page 236; thence westerly along the northerly line of said Martin lands to the northeasterly corner of lands conveyed now or formerly to Frank Szeliga by Liber 5463 of Deeds at Page 209; thence southerly along the easterly boundary of said Szeliga lands to the southeast corner thereof; thence southwesterly along the easterly line of lands conveyed now or formerly to Eugene Braunbach by Liber 6578 of Deeds at Page 311, to the northeasterly corner of lands conveyed now or formerly to Herbert Burgasser by Liber 9381 of Deeds at Page 338; thence southerly along the easterly line of said Burgasser lands to the southeast corner thereof, said corner being further described as being on the northerly line of Lot 14; thence westerly along the northerly line of Lot 14 to the southwesterly corner of lands conveyed now or formerly to Russell J. Tomaka by Liber 9805 of Deeds at Page 574; thence northeasterly along the westerly line of said Tomaka lands to the southeasterly corner of lands conveyed now or formerly to Mark Heusinger by Liber 10463 of Deeds at Page 44; thence westerly along the southerly line of said Heusinger lands and the southerly line of lands conveyed now or formerly to Joseph Skupien by Liber 4935 of Deeds at Page 175, to the easterly line of lands conveyed now or formerly to Roland Georger by Liber 4068 of Deeds at Page 475; thence northerly to the northeasterly corner of lands conveyed now or formerly to Eugene Schunk by Liber 6648 of Deeds at Page 172, said point being further described as being a point on the southerly line of land conveyed now or formerly to Keith Gaydek by Liber 10042 of Deeds at Page 561; thence easterly along the southerly line of said Gaydek lands to the southeast corner thereof; thence northerly, westerly and northerly along the easterly line of said Gaydek lands to the northwesterly corner of lands conveyed now or formerly to Nelson Logal by Liber 8582 of Deeds at Page 13; thence easterly along the northerly line of said Logal lands to the southeasterly corner of lands conveyed now or formerly to Clara Miller estate c/o Mary Rauch, Executrix, by Liber 4012 at Page 104; thence northerly along the easterly line of said Miller and Andres lands and projecting northerly through lands conveyed now or formerly to Kevin D'Angelo by Liber 10314 of Deeds at Page 420 and Frank Wong by Liber 10204 of Deeds at Page 117 to the south line of Lot 15; thence westerly along the south line of Lot 15 to the southeast corner of lands conveyed now or formerly to Clifford Koppman and Eileen Congilosi by Liber 10196 of Deeds at Page 172; thence northerly to the southwest corner of lands conveyed now or formerly to Elizabeth Holmes by Liber 10599 at Page 138; thence easterly along the southerly line of said Holmes lands to the southeast corner thereof; thence northerly along the easterly line of said Holmes lands to the centerline of Town Line Road; thence

easterly along the centerline of Town Line Road to the northeasterly corner of lands conveyed now or formerly to John and Dorothy Solomon by Liber 9660 of Deeds at Page 385; thence southerly along the easterly line of said Solomon lands to the southeasterly corner thereof; thence easterly along the southerly line of lands conveyed now or formerly to Edward and Katherine Simon by Liber 9395 of Deeds at Page 397 and Robert Magiera by Liber 9457 of Deeds at Page 54, to the westerly line of lands conveyed now or formerly to Alexander Obrockta by Liber 3225 of Deeds at Page 64; thence southerly along the westerly line of Obrockta to the southwesterly corner thereof; thence easterly along the southerly line of said Obrockta lands to the southeasterly corner thereof; thence northerly along the easterly line of said Obrockta lands a distance of 650± feet to a point, said point being further described as 650± feet south from the centerline of Town Line Road; thence easterly and parallel to Town Line Road to the westerly line of lands conveyed now or formerly to Thomas R. and Lori Donohue by Liber 9380 of Deeds at Page 206; thence northerly along the westerly line of said Donohue lands a distance of 150± feet; thence easterly through said Donohue lands and the southerly line of lands conveyed now or formerly to Thomas R. and Lori Donohue by Liber 9380 of Deeds at Page 208 to the southeast corner thereof; continuing easterly and parallel with Town Line Road through lands conveyed now or formerly to Richard and Donna Russert by Liber 10877 of Deeds at Page 1649, to the west line of lands conveyed now or formerly to Michael Marshall by Liber 9609 of Deeds at Page 60; thence southerly to the southwest corner thereof; thence easterly along the southerly line of said Marshall lands to the southeasterly corner thereof, said point being further described as being the west line of Lot 62; thence northerly along the west line of Lot 62 to the northwesterly corner of lands conveyed now or formerly to Edward Young and Russell Miller by Liber 9988 of Deeds at Page 650; thence easterly along the north line of said Young lands to the westerly line of lands conveyed now or formerly to Martin and Ellen Janusklewicz by Liber 10065 of Deeds at Page 24; thence southerly along the westerly line of said Janusklewicz lands to the southwest corner thereof; thence easterly along the southerly line of said Janusklewicz lands to the southeast corner thereof; thence northerly along the easterly line of said Janusklewicz lands to the centerline of Town Line Road; thence easterly along the centerline of Town Line Road to the point or place of beginning.

WHEREAS, the maximum amount proposed to be expended for the construction of such Water Improvement is estimated to be $2,400,000, which is planned to be financed by the issuance of serial bonds of the Town, and the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, with the Town's expectation being that all or part of the necessary $2,400,000 financing may be obtained through Rural Economic and Community Development;

Now, therefore, be it

DETERMINED AND STATED that the estimated cost of hook-up and meter fees is $ 33.09 and the estimated cost of the District to the Typical Property (as defined in the Town Law) is $795.00; and that the Town Board has heretofore caused to be prepared and filed for public inspection with the Town Clerk, a detailed explanation of how such estimates were computed; and further that the cost of the District to such Typical Property is above the Average Estimated Cost to the Typical Properties for the establishment of similarly types of districts, as computed by the State Comptroller; and be it

ORDERED, that a _____ meeting of the Town Board of the Town be held at the Town Hall, in the Town, on the 11th day

of January, 1996, at 7 o'clock P.M. (Prevailing Time), to consider the proposed establishment of the District as herein referred to, and to hear all persons interested in the subject thereof, concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in the "HAMBURG SUN," a newspaper published in Hamburg, New York, and in the "SPRINGVILLE JOURNAL," a newspaper published in Springville, New York, and hereby designated as the official newspapers of the Town, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by the Town Clerk, the first publication and said posting to be not less than ten (10) nor more than twenty (20) days before the day designated herein for said public hearing as aforesaid; and be it

FURTHER ORDERED, that the Town Clerk file a certified copy of this Order with the Comptroller of the State of New York on or about the date of the publication of a copy of this Order.

DATED: December 20 1995

TOWN BOARD OF THE TOWN OF BOSTON

Richard L. Kennedy
Supervisor

Mark W. Flowers Councilman

Don A. Wohlheuter Councilman

Peter A. Walter Councilman

Josephine M. Davenport Councilman

(SEAL)

Members of the Town Board of the Town of Boston, in the County of Erie, New York

David J. Shenk
DAVID J. SHENK, TOWN CLERK

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

I, DAVID J. SHENK, Town Clerk of the Town of Boston, in the County of Erie, State of New York, DO HEREBY CERTIFY that I have compared the preceding Order Calling Public Hearing with the original thereof filed in my office on the 20th day of December, 1995, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 20th day of December, 1995.

(SEAL)

David J. Shenk
Town Clerk

REGULAR BOARD MEETING — TOWN HALL
DECEMBER 20, 1995 — 7:30 P.M.

An Article 78 Special Proceeding, commenced by Schrieber & Winkleman, regarding a variance denial by the Zoning Board of Appeals has been adjourned until mid January. It is anticipated this will be dismissed or withdrawn.

Any litigation in which the Town is either a plaintiff or defendant is up to date. All appropriate responses have been made and the Town's legal affairs are in order.

Town Attorney Reilly commented that it has been his privilege and pleasure to serve with the Town Board and he wishes the best to Councilmen Flowers and Wohlhueter on their retirement. He also wishes success to continuing Town Board Members Supervisor Kennedy, Councilmen Walter and Davenport and the new Board Members, Lisa Rood and Damian Wiktor.

COUNCILMAN REPORT

Councilman Flowers wished all a Merry Christmas.

Councilman Flowers attended a Southtowns Haz-Mat Team Board of Directors meeting. Capital Reserve funding was discussed and also a Local law which would take the burden from municipalities and put it back into the industry standard where the people who manufacture, store or ship are responsible rather than the taxpayer. Legislation is pending and if passed the Southtowns Haz-Mat team will be paid through fees collected.

Councilman Flowers thanked the Town Board, Former Councilmen Wittmeyer and Zimmerman, and his wife and children for their support during the last four years.

Councilman Wohlhueter thanked everyone and hoped he made contributions to the Town of Boston and the residents. He wished the new Town Board continued success and everyone a Merry Christmas and a Happy New Year.

Councilman Walter said goodbye to Councilmen Wohlhueter and Flowers. He noted that there will be a change and everyone will work together as in the past.

Councilman Davenport noted the Senior Program is doing well and 175 people attended the Christmas luncheon.

The Erie County Nutrition Program for the Elderly started December 18, 1995. It has been well accepted.

Councilman Davenport wished Merry Christmas and good luck to the out going and new Board Members.

CODE ENFORCEMENT OFFICER

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers, on the recommendation of Code Enforcement Officer Santonocito, to approve the request of Mary Lou Crawford, S-8797 Greenbriar Terrace, for a temporary Certificate of Occupancy.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to adjourn the meeting at 8:36 P.M..

David J. Shenk

David J. Shenk, Town Clerk

SPECIAL BOARD MEETING — TOWN HALL
DECEMBER 28, 1995 — 5:00 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 Davenport to adopt the minutes of the December 20, 1995 regular monthly meeting.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Walter that the General Fund and Special District Bills on Abstract #12B, dated December 28, 1995 in the amount of $18,408.05 be paid.

five (5) Ayes — Carried

Supervisor Kennedy read proposed Resolution 1995-43, Town Facilities. He noted under the Town Hall Policy, where approval is granted by the Town Clerk for use of the kitchen, that approval should come from the Town Board because of the Nutrition Program and use by the Seniors.

RESOLUTION 1995 - 43 TOWN FACILITIES

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter to approve the following transfers of appropriations:

TRANSFERS OF APPROPRIATIONS

General Fund

From:	A	1450.1	Elections, Per Serv	5,500.00
		1620.2	Buildings, Equip	10,000.00
		1910.4	Unalloc Insurance	7,000.00
		7110.4	Parks, Equip	3,000.00
		9010.8	Retirement	8,000.00
				33,500.00
To:	A	1110.4	Town Justice, Cont	500.00
		1440.4	Engineer, Cont	3,000.00
		1450.4	Elections, Cont	5,000.00
		1640.4	Central Garage, Cont	2,500.00
		1940.4	Purchase Land	1,000.00
		3120.4	Police, Cont	250.00
		3310.4	Traffic Control, Cont	2,000.00
		5132.2	Garage, Equip	9,000.00
		5132.4	Garage, Cont	2,500.00
		5182.4	Street Light, Cont	6,000.00
		6410.4	Publicity, Cont	250.00
		6772.1	Prog for Aging, Per Serv	500.00
		7110.4	Parks, Cont	500.00
		7550.4	Celebrations	250.00
		7620.4	Adult Recreation, Cont	250.00
				33,500.00

five (5) Ayes — Carried

TOWN OF BOSTON

TOWN OF BOSTON
RESOLUTION 1995-43

TOWN FACILITIES

At a Special Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 28th day of December 1995 at 5:00 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 has duly established a Town Hall and Town Parks Policy for the Town of Boston, and

WHEREAS, the Town of Boston is interested in having the Town Hall and Town Parks facilities available to Town residents, and

NOW THEREFORE:

BE IT RESOLVED, that Town Hall Policy and Town Parks 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 or kitchen facilities 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.

TOWN PARKS POLICY

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:

TOWN OF BOSTON

PENALTY STRUCTURE

1) 1st violation - written warning
2) 2nd violation - one year denial of use

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.

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

SPECIAL BOARD MEETING — TOWN HALL
DECEMBER 28, 1995 — 5:00 P.M.

A motion was made by Councilman Wohlhueter and seconded by Councilman Davenport to approve the following transfers of appropriations:

TRANSFERS OF APPROPRIATIONS

Highway Fund

From:	D	9010.8	Retirement	14,360.00
To:	D	5110.1	Gen Repairs, Per Serv	4,050.00
		5110.4	Gen Repairs, Cont	1,130.00
		5142.1	Snow Removal, Per Serv	4,000.00
		5148.1	Serv Oth Gov, Per Serv	4,000.00
				14,360.00

five (5) Ayes — Carried

Received and filed the Report of Examination for the Town of Boston by the NYS Comptroller for the calendar year 1994.

Supervisor Kennedy reported the problems found by the auditor in the Examination for the Town of Boston for the year 1994 were all minimal. One involved the signature stamp, the bidding process, the ambulance, the last truck purchased and the examination of the court records. The Supervisor will draft a response to the State Comptroller's office.

Received and filed the Erie County Board of Elections 1995 General Election Certification. The following people were duly elected to the following offices:

Lisa M. Rood and Damian P. Wiktor, Councilmen
David J. Shenk, Town Clerk
Patricia A. Maxwell, Town Justice
Eugene E. Ruchalski, Town Superintendent of Highways

Supervisor Kennedy read letters from Richard Ranic, 6417 Deanna Drive and Robert M. Hull, Owner of Home Helpers, requesting Code Enforcement Officer Santonocito be reappointed as Code Enforcement Officer for 1996 term. Supervisor Kennedy stated the letters will be enclosed in the packets for the interviewers for the position of Code Enforcement Officer.

Councilman Davenport commented that Code Enforcement Officer Santonocito did an outstanding job. She spent hours doing her job and her reports were always complete.

Supervisor Kennedy agreed she did a professional job in her reporting process.

Received and filed a request from Assessor William Eagan requesting medical benefits.

Supervisor Kennedy noted it is not prudent to act on a benefit package and/or salaries because they are established at the beginning of each fiscal year. A policy was established to provide benefits for full time employees and a stipend given if benefits were waived.

Councilman Davenport commented that the Assessor position did have health coverage at one point.

Supervisor Kennedy responded that there are a lot of things that happened at one point that have been changed in the past to reflect the decisions of the Board. Supervisor Kennedy asked the Town Attorney if it is legal for this Board to act on this particular issue.

Town Attorney Reilly responded that in terms of any other Town Official, the rates and the appointments are made as of the beginning of January. He stated the Assessor position seems to be an exception as the appointment is made as of October 1st and he would think the Board has jurisdiction to make the decision. It is a policy decision to give benefits to someone who is not a full time employee. It is the Board's decision.

Supervisor Kennedy noted the Board does have jurisdiction but in this particular instance the benefit package was known by the person who applied for the job and he recognized that no benefits were associated with this position. Supervisor Kennedy said that he believed this motion would be illegal and would be overturned at the January meeting. Supervisor Kennedy wanted the Board to understand that this sets a precedent not only for the Assessor but for anyone because the Assessor position is not considered full time.

Councilman Davenport responded the Assessor position was not a full time position in the past and benefits were given.

Councilman Flowers commented that the Assessor position had the most credit in the New York State Retirement Fund other than the Town Clerk, the Supervisor, and the Highway Superintendent. The Assessor is given credit for twenty days per month. That is five days per week times four. If he is given full time retirement benefits he can't be considered part-time.

Town Attorney Reilly noted in terms of retirement benefit, twenty days per month is considered full time. It is the maximum you can get.

Supervisor Kennedy commented all full time employees work six and one half hours every day and we have not had to have an Assessor here that amount of time to fulfill the obligations of the office.

Councilman Flowers stated the precedent was set for funding and not reflected in the minutes.

Supervisor Kennedy said it was reflected in the minutes to allow benefits only for full time employees.

Councilman Walter stated a precedent was set because back in 1979 when this was passed the Assessor was only working fifteen days a month and it was approved.

Supervisor Kennedy noted that after that time there was a decision made that it wasn't appropriate to pay health benefits to anyone except full time employees. With the escalation of health benefits now costing $6,000 a year that increases his salary by a substantial amount of money. The Assessor's salary was boosted to commensurate with the work load that he had.

Councilman Walter responded that percentage wise the Assessor salary is less now because an $11,000 salary in 1979 isn't even equal to a $20,000 salary now. He was making $11,000 for fifteen days and now he is making $20,000 for twenty days and the work load has increased by 33.3 %.

Supervisor Kennedy responded that everyone's work load has increased in government but everyone's pay scale hasn't been commensurate with the work load.

SPECIAL BOARD MEETING — TOWN HALL
DECEMBER 28, 1995 — 5:00 P.M.

Councilman Walter stated that the precedent was set and the Assessor was covered and the only reason coverage was stopped was because the previous Assessor's wife was covered.

A motion was made by Councilman Davenport and seconded by Councilman Walter to restore the full health insurance benefit to the position of Assessor.

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 Councilman Flowers and seconded by Councilman Davenport to authorize Supervisor Kennedy to transfer the necessary funds into the account to cover the cost involved with granting health care benefits for the Assessor.

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 Davenport to schedule the Agenda Review for 1/2/95 at 7:00 P.M..

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

three (3) Ayes — Two (2) Abstained — Carried

A motion was made by Councilman Flowers and seconded by Councilman Davenport to table the Annual Blanket Permit application from National Fuel until the January 3, 1996 Town Board Meeting.

five (5) Ayes — Carried

Town Attorney Reilly reported that the Town purchased a parcel of land from Samuel Butera for the pump station for Water District #1 on 12/21/95. The land for the tank site was transferred from the Town to Water District No. 1 on the same day. The land acquisition for both the tank and pump station are now complete. As soon as the engineering on the project is complete it will be ready to put out to bid.

A motion was made by Councilman Davenport and seconded by Councilman Walter authorizing the Supervisor to transfer the land for the tank site from the Town to Water District No.1 for $6,500.

five (5) Ayes — Carried

Town Attorney Reilly met with incoming Town Attorney Michael Perley and informed him of the current legal activity of the Town.

Town Attorney Reilly reported that the legal affairs of the Town are in order.

Councilman Flowers presented Supervisor Kennedy with a copy of the current flood plain map of the Town of Boston.

SPECIAL BOARD MEETING
DECEMBER 28, 1995

TOWN HALL
5:00 P.M.

Councilman Flowers cautioned the Board about G.I.S. systems and noted other towns have experienced costs escalating out of control.

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to adjourn the meeting at 5:35 P.M..

David J. Shenk

David J. Shenk, Town Clerk

ADDENDUM "A" TOWN OF BOSTON 1994 & 1995
MINUTE BOOK **FROM PAGE #307 8/16/95

STATE OF NEW YORK : COUNTY OF ERIE

TOWN OF BOSTON

In the Matter re:

LOCAL LAW NO. 3 OF THE YEAR 1995
(TENTATIVE) A LOCAL LAW TO REZONE
16.06 Acres of Land from R-2
(Single Family Residence District)
to R-4 (Mobile Home Court District.)

Public Hearing held at the Boston Valley Elementary School on Wednesday, August 16, 1995, commencing at 7:00 P.M., pursuant to Legal Notice by the Town of Boston.

WENDY ROYCE McCANN
Reporting Service
250 Long Ave.
Hamburg, N.Y. 14075

TELEPHONE
(716) 649-6934

PROCEEDINGS

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

SUPERVISOR KENNEDY: I'm going to call the meeting to order and call the roll.

(Whereupon, roll called by Supervisor Kennedy.)

SUPERVISOR KENNEDY: Let's stand and say the Pledge of Allegiance to the Flag.

(Whereupon, Pledge of Allegiance conducted.)

SUPERVISOR KENNEDY: Before we begin tonight with our regular meeting, I would like to take this opportunity to express our appreciation on behalf of the residents of the Town of Boston and certainly the people here representing your government for the cooperation and help from the Hamburg School District and specifically, Greg Gibbs who is the principal here and the staff and the custodian. They have been very gracious in helping us set this up. We certainly appreciate that they made it available

to us tonight and gave us the opportunity to conduct this Public Hearing.

As you know, the legal Notice was submitted with the change of time and location of the Town Board meeting. "Notice is hereby given that the Boston Town Board has changed the location of the August 16th, 1995 Town Board Meeting to Boston Valley Elementary School, 7476 Back Creek Road, North Boston, New York in the auditorium. The meeting is scheduled to begin at 7:00 o'clock P.M. That was dated August 1st, 1995 and published August 3rd, 1995 by the Town Clerk.

So, we will go through the regular agenda and if we have time, we will adjourn for a short period before the Public Hearing.

(Whereupon, a Motion was made by Councilman Flowers and seconded by Councilman Davenport to adopt the minutes of the July 19, 1995 regular monthly meeting. Five (5) Ayes Carried.)

(Whereupon, a Motion was made by Councilman Flowers and seconded by Councilman Wohlhueter that the General Fund and Special District Bills on Abstract #8, dated August 16, 1995 in the amount of

$68,925.62 be paid. Five (5) Ayes Carried.)

(Whereupon, a Motion was made by Councilman Wohlhueter and seconded by Councilman Walter that the Highway Bills on Abstract 8, dated August 16, 1995 in the amount of $27,111.98 be paid. Five (5) Ayes Carried.)

(Whereupon, a Motion was made by Supervisor Kennedy and seconded by Councilman Walter to accept the Town Clerk's Monthly Report for July 1995. Five (5) Ayes Carried.)

Received and filed notification of participation from the Erie County Water Authority regarding the East Hill Water District.

Received and filed Erie County Division of Highways, Restricted Highway Notifications for Mill Street, Cole Road (from Boston Cross to Boston-Colden Roads) and a highway closure for Wohlhueter Road.

Supervisor Kennedy directed Town Clerk Shenk to notify the Emergency Squad, Fire Police and all Emergency Services of the restricted highway specifications.

Received and filed the NYS DOT status report on

the lower maximum speed requests for Taylor and Wohlhueter Roads.

Received and filed correspondence from Erie County Division of Highways and NYS DOT regarding receipt of Form TE 9 requesting the establishment of a lower maximum speed on Taylor Road.

Received and filed notice from the NYS Comptroller of the 1995-1996 Fiscal State Year, Chapter 53 of the Laws of 1995 law providing for the payment of State General Purpose Revenue Sharing funds (GPRS) in the amount of $37,437 to the Town of Boston.

Received and filed a Petition from David G. Unger, 5934 Rice Road to Erie County Supreme Court for a Small claims Assessment Review. This Petition has been referred to the Town Attorney.

Received and filed Erie County Sheriff's Report for July 1995.

Received and filed a NYS Board of Real Property Services Certificate of Final Special Franchise Assessments.

RESOLUTION 1995 - 24 ESTABLISHMENT OF TAYLOR ROAD EXTENSION #1 BOSTON WATER DISTRICT

#1 IN THE TOWN OF BOSTON

REGULAR BOARD MEETING - BOSTON ELEMENTARY SCHOOL, AUGUST 16, 1995 - 7:00 P.M.

A motion was made by Councilman Walter and seconded by Councilman Davenport to grant People, Inc., use of the Lions Shelter on September 16, 1995 for a family picnic. No alcoholic beverages will be served. Five (5) Ayes Carried.

Received and filed an Erie County Department of Health Approval of Completed Works for Back Creek Road and Mill Street regarding the Water District #2 Extension at 6630 Pfarner Road.

A motion was made by Councilman Flowers and seconded by Councilman Davenport, on the recommendation of TVGA Engineering, to approve payment to Klarberg, Inc., contractor for the Water District #2 Extension, in the amount of $20,648.78 to be reimbursed to the Town of Boston by Marilyn Will of 6630 Mill Street. Five (5) Ayes Carried.

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy to table a request for reappointment from Assessor William H. Kleis, Jr. until the September 6, 1995 Town Board meeting.

Five (5) Ayes Carried.

A motion was made by Councilman Wohlhueter and seconded by Councilman Walter to authorize Supervisor Kennedy to enter into a contract with TVGA Engineering for a map plan and report on the West Hill Water Project for a lump sum payment of $1,000.00. Five (5) Ayes Carried.

SUPERVISOR REPORT

A) Supervisor's Monthly Financial Report for July 1995 received on file in the Town Clerk's Office.

TOWN CLERK REPORT

A) Registrar of Vital Statistics Monthly Report for July 1995, received and on file in the Town Clerk's Office.

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer monthly report for July 1995, received and on file in the Town Clerk's Office.

A motion was made by Councilman Davenport and seconded by Councilman Flowers to grant a second Building Permit to Donald J. May, 6167 Ward Road. Five (5) Ayes. Carried.

Received and filed a status report from Deputy Code Enforcement Officer Sawicki on the fire damaged building at 9364 Boston State Road.

DEPUTY CODE ENFORCEMENT OFFICER REPORT

A) Deputy Code Enforcement Officer monthly report for July 1995, received and on file in the Town Clerk's Office.

DOG CONTROL OFFICER REPORT

A) Dog Control Officer monthly report for July 1995, received and on file in the Town Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for July, 1995 received and on file in the Town Clerk's Office.

At 7:30 P.M. a Public Hearing was held for the purpose of hearing public comments on the John and Katherine Falkides Application for the Creation of a Mobile Home Court District on Deanna Drive. Supervisor Kennedy presented a brief description of the application. The following items of information were read aloud:

A) The legal notice.

B) A memo sent to seventy-seven (77) neighboring properties.

C) Boston Planning Board recommendation.

D) Short E.A.F. (Environmental Assessment Form).

E) Letter to John Falkides from Town Clerk, RE: E.A.F.

F) Letter to Town Clerk from Town Engineer, Re: E.A.F.

G) Petition from Gregory Dake - twenty four (24) signatures.

H) Petition from John Falkides - one hundred ninety-eight (198) residents and sixty-one (61) business signatures.

I) Three (3) letters read in favor and three (3) letters read against the approval of the application.

J) Mention of receipt of numerous telephone calls and public comments to Town Board members regarding the application.

SUPERVISOR KENNEDY: I'm going to grant the applicant twenty-five minutes to make his presentation, not to exceed twenty-five minutes.

Thereafter, each person that has signed up to speak will be called to the podium by the Town Clerk who has the listing of those who asked to speak and you will have an opportunity to speak for three minutes. If there is people who came in late after the sign-in period, we will try to hear you, also after we have exhausted the list of those who have signed in.

I would like to begin the Public Hearing tonight and turning it over to either John or Kathy Falkides or their representative for their presentation as the applicant in this particular Public Hearing.

MR. FALKIDES: Thank you very much, Supervisor Kennedy. I will try to keep my comments to twenty-five minutes. The other people who are with me here tonight, I would like to introduce, my parents are the applicants, John and Katherine Falkides, they are in the back of the room. Also with me is the engineer with the project, Mr. Mike Metzger. Mike Metzger is a principal in the firm of MacIntosh and MacIntosh, a large engineering consulting firm. He's also a member of the Clarence Planning Board and his firm and/or himself have represented

numerous municipalities and developers in engineering planning consulting.

SUPERVISOR KENNEDY: Can everyone hear Mr. Falkides?

AUDIENCE: No.

MR. FALKIDES: Once again, for the record, tonight with me are the applicants, John and Katherine Falkides who are my parents and Mike Metzger who is the engineer for the project. He is a principal in the firm of MacIntosh and MacIntosh and also a member of the Clarence Planning Board and MacIntosh and MacIntosh has represented several Towns and Municipalities in Southwestern New York for the last several years, as has Mr. Metzger.

In order to just make sure everyone is well informed about the application, what I will do is read the transmittal letter by which the application was submitted on May 1, ask our engineer a few questions and ask the applicants a few questions and ask if anyone on the Board or in the audience has any questions and then I will be finished.

The letter is dated May 1, 1995. It was hand-delivered by me personally. It reads as follows:

(Whereupon, the transmittal letter and application submitted by John and Katherine Falkides was then entered into the record.)

MR. FALKIDES: Here's the location plan which was submitted with the original application. The zoning for the parcel, the subject parcel, as well as the zoning for all surrounding and adjacent parcels is shown, this one is in black and white but the original application was in color to show the different zoning districts. The three sets of plans showing all lots, all roads, all parking areas and open space. The plan also shows existing topography at one foot intervals and the location of all water lines, sewer lines and fire hydrants. This is an exact duplicate of the plan that was submitted with the original application, except, of course, this plan is mounted on the cardboard.

In general, the parcel is twenty-five acres approximately. 8.6 acres of wooded area with the Eighteen Mile Creek running through the back, that will be left alone and 16.063 acres over here that will be developed. In addition, there are three full R-2 size lots right here that are fifteen

thousand square feet plus or minus that were inserted after discussions between my parents, who are the applicants, and certain residents on Deanna, Willow and Wildwood Drive in an attempt to buffer any impact of the plan from those people who presently reside on Deanna Drive. In general, there are seventy-three lots on this plan. The average size lot is seventy-two hundred square feet. This is notwithstanding that the minimum under the Code is only six thousand square feet. The lots range in size from fifty-one hundred square feet to thirteen thousand square feet, in addition to the three full size sixteen thousand square feet lots there.

One other critical difference, for those of you who are familiar with Boston Hills Estate which is the new development that my client developed in 1990, all of the homes on that road are perpendicular to the road. All of the homes in the subdivision will face the road. They were unable physically at first to do that in Boston Hills Estates due to the narrow shape of the parcel. But here the parcel is more than wide enough. All of the homes in the subdivision will face road. In addition, my

parents, as property owners, will require all homes to have an attached garage of at least one car. Where there is sufficient room on a particular lot, they will also require a two car garage if the lot size is big enough. In addition to numerous other features, this plan sets aside over eight acres or one-third of the entire parcel as open space. It contains lots as large as thirteen thousand square feet, even though the required lot size under the Ordinance shows six thousand square feet.

The fourth item submitted was a landscape plan showing that the intended landscaping of the entire parcel is in conformance with Chapter 70 of the Boston Town Code. There will be one full size tree of required caliber on each, lot. All the lawns and open space will be seeded or sodded. There's a required tree line buffer here between the development and Willow Drive and also in that corner, this is a typical depiction of what the homes will look like. They obviously look very different here than Boston Hills Estate due to the fact they will be turned and facing the road and have an attached garage. This is a typical representation of the

entrance way to the park with a stone gate and typical landscaping up front.

No. 5, traffic study prepared by EMS Consulting. The study concludes on page four, "The traffic volume projected to enter and exit the development is so minor, that it is not expected to present a safety or delayed problem." That's here for anyone that would like to review this study which was done by EMS Consulting in Downtown Buffalo. We understand they are the foremost traffic consulting firm in the area.

No. 6, property value study prepared by Mosher Real Estate in Clarence, New York for the four streets closest to the park, these streets being, Deanna Drive, Wildwood Drive, Willow Drive and Park Drive. The values were taken from all recorded sales data as per the Erie County Clerk's Office. As the study shows, there is no truth to the claim that the property values in the area surrounding Boston Hills Homes and Boston Estates have declined due to the presence of the existing park. In fact, property values have increased, in some cases, dramatically. The study also found that for the homes

surveyed, the appreciation rate near the park is greater than the appreciation rate for the areas not near the park and that is here.

The next item submitted with the application, a letter from Erie County Sewer Authority documenting sufficient sewer capacity to handle the development.

No. 8 is the population study prepared by my clients with the assistance of the Superintendent of the Hamburg Schools. The study shows the number of school age children in the current park, Boston Hills Homes and Estates and the three closest streets to the current park, Wildwood Drive, Willow Drive and Park Drive. As the study shows, there is no truth to the claim that mobile home park households overburden the school system by enrolling too many children. In fact, just the opposite is true. The average number of school age children per manufactured home in Boston Estates is less than a third of the average of Willow Drive and Wildwood Drive. It's less than a seventh of the average of Park Drive.

As my clients have stressed repeatedly, manufactured housing is largely senior-oriented housing

even without any effort by my clients to pause this.

Item 9 in the submission package was seven letters from Boston residents and businesses urging strong support of the development. Dick Kennedy has already referred to those letters and read a few of them.

The next item submitted in the package is a study by the University of Michigan, College of Architecture and Urban Planning. The study examined four critical issues relating to manufactured housing, including the construction quality and the impact on adjacent property values with manufactured housing.

As to quality, the study concluded that, "While there is room for improvement in some areas, research shows that the manufactured home has become equivalent to the convention of site built homes in terms of the physical performance. The study also noted that in some areas, the HUD Code to which manufactured homes are built is actually more restrictive than the New York State Building Code which is applicable to site built homes. As to

property values, the study concluded that, "There is absolutely no evidence that site built homes located adjacent to manufactured home communities appreciate at lower rates than comparable homes located farther away." There are copies of the study up here for anyone that wishes to review it.

Item 11 of the submission package is perhaps one of the more important. This item included excerpts from the Town of Boston Master Plan to which the Boston Planning Board erroneously referred in its letter to the Town Board. Several quotes from the Master Plan are directly applicable to this plan. They read as follows, "The Master Plan is the culmination of an extensive review process with the Town Planning Board, the Advisory Council, the general public and the Town Board, it has been adopted by the Planning Board and approved by the Town Board. It's a product of detailed planning analysis and a powerful document to guide future development.

The additional residential unit would require about five hundred thirty acres of land to accommodate projected population growth. A hundred and seventy-five acres are vacant already zoned

subdivision lots which absorb thirty-two percent of the demand. The remaining three hundred and fifty-five acres can readily be absorbed in existing vacant developable land along the Eighteen Mile Creek Valley without diminishing any agricultural or wooded areas. That's on Page 12.

The principal highway in Boston existing as proposed is more than adequate to handle future traffic needs. The sewer treatment plant for Boston has a sixteen million per day capacity and is adequate to meet the needs to service the area including the affected growth in the Boston Valley Extension. Public water supply in the Town of Boston is obtained from the Sturgeon Plan which is adequate capacity for future area needs. It sums up with a very important statement which is very applicable to this application. The goals and objectives of this Master Plan are an expression of community values about future growth and include encouraging the development of the diversity of housing types for all income levels and age groups as to manufactured housing, the study concluded with this, both areas shown on the Town Planning Map as mobile home

parks are currently being used as mobile home parks. The growth of this housing form suggest the need for one more area in the Town to provide for an attractive mobile home park facility.

Item 12 is a short form SEQR to which Mr. Kennedy has already alluded. This parcel contains less than 1.0 acres of wet land. The wet lands are delineated on the map right here. As such, no Army Corp of Engineer Permit is necessary to develop this land.

Thirteen is the legal description of the parcel. Fourteen is a copy of the proposed rules for the mobile home park which are required to be submitted under the Boston Town Ordinance.

Three important points to note about this plan, first, as we discussed with the Town Board and Town Attorney, this parcel is already zoned R-2. Since Federal Law prohibits discrimination against manufactured housing, this parcel can be subdivided and developed with manufactured housing under its current zoning without any zoning changes. As a subdivision, however, the Town would have no ability to license or inspect the park as it would under R-4

zoning.

Second, with the subdivision, the Town would have to provide garbage collection, snow plowing, road maintenance, street lighting, storm drainage, fire hydrant maintenance and any other service that is typically provided by a municipality. Under R-4 zoning, my clients as park owners, would have to provide and pay for all of the services.

Third, unlike other senior housing in town, this plan would not require any Government subsidy or assistance. Rather, it would contribute additional tax revenue to the Town. Please place this matter on the May 3rd meeting agenda. Sincerely, John and Katherine Falkides.

Now, I would just like to ask a few questions of our engineer since he was gracious enough to come here tonight. Mr. Metzger, if you might come up here to answer them for me.

QUESTIONS BY MR. FALKIDES

TO MR. METZGER:

Q. Mr. Metzger, again, how many towns would you say your firm or you have represented in connection with development matters such as this?

A. Our firm has represented in the past literally dozens of municipalities. We currently represent four municipalities, one of which I am responsible for.

Q. Are you familiar with the Comprehensive Master Plan of the Town of Boston to which I alluded to earlier?

A. Yes, I have reviewed the Master Plan. I just have to add a few points that you had made on the Master Plan, contrary to what we may have heard and contrary to what, I think, the Planning Board believes on this, it states very clearly in the section that you pointed out, that a project of this nature is needed within the Town of Boston and as far as its location is concerned, it adequately is addressed in the plan that the location chosen here is very suitable for it.

Q. Mr. Metzger, you are the engineer who prepared the SEQR form which was submitted recently or with the application?

A. Yes.

Q. And, you are familiar with its contents?

A. Yes.

Q. Do you have or does your firm have experience reviewing SEQR forms on behalf of municipalities and/or developers in connection with development?

A. Yes, we have both prepared short and long environmental assessment forms and we have also prepared environmental impact statements on behalf of the towns, villages and cities we represent.

Q. As it's set forth in the form and under the current zoning, what is the maximum allowed density of the Deanna Drive parcel under R-2 zoning -- how many units are allowed now?

A. Under the current zoning of R-2, we made an assessment of the maximum density that could be developed based upon some projections that we have and some standard values for things such as roads and undevelopable portions of project which we backed out of the numbers, we came to the conclusion under R-2 zoning, seventy-one residential units could currently be developed on this project.

Q. That's without rezoning, is that correct?

A. That's correct.

Q. What is the -- if this rezoning were granted, what is the maximum number of units which would be permitted if it were rezoned as R-4?

A. Under R-4, one hundred and thirty units could be placed on the site.

Q. And, the number of units shown on this plan is seventy-three, is that correct?

A. That's correct.

Q. Last question, you have reviewed the SEQR Law and, in fact, have this application at our request, is that correct?

A. That's correct.

Q. In your opinion and after having both prepared the SEQR forms and reviewed the law and studied this project and I assume in anticipation of coming here tonight, in your opinion, is there anything at all in the SEQR forms which would have an adverse or negative impact as defined in the SEQR Law or as defined anywhere else in the law?

A. No, none whatsoever. Those items that could have potentially resulted in some questionable affect on the Town were more thoroughly reviewed through a wetland study that was prepared, archeological study and traffic study and all of them concluded that there would be no adverse affect.

MR. FALKIDES: Thank you. I just have a few questions for my mother, Katherine Falkides, and I think we will be done well within the twenty-five

minute limit.

Mrs. Falkides, would you come up here, please.

Please state your name for the record.

MRS. FALKIDES: My name is Katherine Falkides.

QUESTIONS BY MR. FALKIDES

TO KATHERINE FALKIDES:

Q. You are one of the two current owners of Boston Hills Estate?

A. Yes.

Q. When was Boston Hills Estate developed?

A. We began the development in June of 1992 -- the first home was placed there in June of '92.

Q. How many homes are in Boston Hills Estate today?

A. There are twenty-two homes and it's completely filled.

Q. Out of the homes that exist there in Boston Hills Estate, how many of them would you say are occupied by senior citizens or elderly couples or couples without children?

A. There is about -- between eighty and eighty-five percent of the homes were purchased by seniors or people with empty nests who are about to retire in the next year or two.

Q. And, to the best of your ability, can you tell us how

many of those twenty-two homes were purchased for cash as opposed to people who even needed to get a mortgage or any financial assistance whatsoever?

A. We were very surprised that the senior population that came to purchase the homes, quite a few of them purchased them for cash primarily because they were selling their larger home and investing in this home and so they would pay for it in cash.

Q. One last set of questions. Are you required by law under the Boston Town Ordinance to keep accurate records of the names of everyone that occupies your mobile home park?

A. Yes, we are.

Q. Do you, in fact, keep those records?

A. Yes.

Q. Those records are available for public inspection and/or Town Board inspection each year at the annual inspection, is that correct?

A. That's correct.

Q. Based on the information and those forms which you are required to fill out and those records which you are required to keep under the law, how many school age children are there in both mobile home parks together,

that being Boston Hills Homes with seventy-seven homes and Boston Hills Estates with twenty-two homes?

A. There is sixteen children from ninety-nine homes.

Q. Which produces a ratio of approximately .16 children per home?

A. Yes.

MR. FALKIDES: Thank you very much. If the Board has any questions or any of the audience, we are finished with our application and thank the Board for their time.

UNIDENTIFIED SPEAKER: (Inaudible).

SUPERVISOR KENNEDY: What's your question?

UNIDENTIFIED SPEAKER: I have not asked him the question yet.

SUPERVISOR KENNEDY: We can't hear you.

UNIDENTIFIED SPEAKER: You will hear me when I ask him the question. What I am asking, you said you are familiar with the SEQR process. Do you feel there's an objection for the Board asking for a long form SEQR as designated by our Town Engineer or do you feel that the short form was sufficient?

MR. METZGER: It's by all means the right of the agency to ask for additional information,

therefore, I don't think it's inappropriate if you feel more information is necessary, to ask for a long form.

SUPERVISOR KENNEDY: Thank you.

MR. FALKIDES: If the Board has any further questions or if anyone in the audience has any questions, I will be happy to answer them at this time before I take my seat and let others speak.

SUPERVISOR KENNEDY: Any Board members have any questions of Mr. Falkides at this particular time? If not, we will go on to the public comments.

UNIDENTIFIED SPEAKER: You are actually proposing one road in and one road out for one hundred and thirty-one homes, right?

MR. FALKIDES: No, they're seventy-three homes.

UNIDENTIFIED SPEAKER: Potentially, you are saying you have the right to put in a hundred and thirty-one homes?

MR. FALKIDES: Potentially, but that is the theoretic pretense of the land by submitting this application, my clients have waived their right to request approval of any more than is in the application which is seventy-three homes.

UNIDENTIFIED SPEAKER: One road in and one road out?

MR. FALKIDES: No, there's a Stumpf Road off Deanna Drive and there's a road at the end of Deanna Drive. In fact, there will be fewer homes exiting out that road onto Boston State Road. Fewer homes and thus fewer cars exiting out Deanna Drive onto Boston State Road than currently exit out Thornwood Drive and the network streets connected to Thornwood Drive. As part of our traffic study, we asked our consultants to do the number of automobile trips per hour or per day or however they do it on Thornwood and the streets networked in with Thornwood and also take into account the number of homes on the streets, on Thornwood and the streets connected in network with that street.

UNIDENTIFIED SPEAKER: So, you are actually saying -- what's the total number of units you will have?

MR. FALKIDES: Seventy-three.

UNIDENTIFIED SPEAKER: There won't be any more units than that?

MR. FALKIDES: By submitting this application,

my clients are waiving their right forever to request any more units, forever.

UNIDENTIFIED SPEAKER: On Deanna Drive presently that land is zoned R-2, why can't your parents develop the land under the R-2 zoning using modular manufactured homes -- if seventy-two homes will fit in that park, why don't your parents develop it in R-2 zoning instead of going for rezoning?

MR. FALKIDES: I really don't know the answer. I am not evading you, I'm sure they considered it. One thing, once again that was mentioned in the letter that I read is something that we did, a detailed analysis of with the aid of a realtor out in Clarence, I am not sure how many other people have done the detailed analysis. But, what a lot of people focused on in the private meetings with my clients was the gross tax revenue that will be generated by this development. However, very few people, to my knowledge, sat down and remembered that many of the services that a municipality currently provides on Deanna Drive, garbage collection, snow plowing, fire hydrant installation and maintenance, road maintenance will have to be provided by my

clients here as they do in Boston Hills Homes and Estates at their own expense.

We did an analysis of that and concluded that due to the larger number of lots in this plan, there are more lots, the average size is smaller than if we did fifteen thousand square foot lots or eleven thousand square foot lots. There is no question that the gross tax revenue from this project is less than if we had done full size lots. However, people are stopping their thinking there instead of completing the analysis. When you back out the cost to my clients of providing the services which are ordinarily provided by a Town, the net tax revenue to the Town is the same. In fact, they use the same waste hauler to haul away trash. In fact, they use some local people and some non-local people. I'm sorry, Mr. Metzger, do you have anything to add to this financial analysis?

MR. METZGER: Yes. Mr. and Mrs. Falkides, stop me if I am wrong. To answer your question, it's more of a business decision to go with this type of a project as opposed to a subdivision. Under the R-2 Zoning, it would be a standard subdivision where

the lots would be sold off and that would be the end of the project. Their interest is in developing a manufactured home community and that's where we result with the R-4. That is the proper zoning for that type of a project.

SUPERVISOR KENNEDY: We'll take one more question. Sir?

UNIDENTIFIED SPEAKER: I believe the homes only contain two bedrooms, is that correct?

MR. FALKIDES: That's false.

UNIDENTIFIED SPEAKER: That's false?

MR. FALKIDES: False.

UNIDENTIFIED SPEAKER: Also, only these homes are being constructed primarily for elderly owners?

MR. FALKIDES: They are not constructed primarily for elderly owners but they are, in fact, occupied primarily by senior citizens or elderly people, yes.

UNIDENTIFIED SPEAKER: What I am leading up to, basically, these homes do not necessarily require a large lot and therefore the reason, I believe you are creating seventy-two homes on smaller lots is conducive to these people who wish to purchase it

because they can maintain the property much easier?

MR. FALKIDES: Yes, that's correct.

UNIDENTIFIED SPEAKER: The problem of why they are not giving the purchaser a larger lot is a false premise because some people like a small lot and others like a large one. Where I reside, I have a large one. I resent it because maintaining it is difficult. When I was young, it was delightful. Now, possibly living in a home where it's a little bit smaller but very modern and capable of being cared for --

MR. FALKIDES: I think your view represents the views of the majority of the owners in Boston Hill Estates who expressed to my clients upon moving in, in terms of cutting the grass, they prefer others to do it for a nominal fee. In terms of overall maintenance costs and lot maintenance costs, the approximate sizes of lots in Boston Hills Estates which I believe is between seventy-two and seventy-five hundred square feet is what the market has indicated to my clients is the most desirable size in terms of maintenance and affordability, you are correct.

SUPERVISOR KENNEDY: I think we have

approximately forty plus people to speak. Before we open to that forum, I want to mention a few things that I had omitted in my opening statement, one of which concerns the filing of a Petition by Yormick which was given to the Board on July 19th to file for valid zoning protest. If someone wishes to know the status, these signatures gathered constitute a valid zoning protest under Section 255 of the Town Law which requires the majority of four votes of this Board to approve the zoning reapplication that's being currently reviewed by both the Deputy Town Attorney and Town Attorney to determine the validity of that Petition. We don't have that information right now. Under the circumstances, there would not be a vote taken tonight anyway. Also, I would mention the original application we received on May 3rd described twenty-five plus or minus acres to be rezoned and eight of those acres are, I believe, were set aside as not being developed at the previous time so their SEQR form described 17.21 acres. It was mid-June before the correct survey was submitted before the Planning Board. The legal description that I read into the record, that was

16.6 acres. That survey was received by the Town Clerk on June 21st and the survey was dated June 16th, just for the record.

Now, the Clerk has a number of people who have asked to be heard tonight. We want to hear as many of the Town's people as possible so he will call off the names and we hope you will be concise and to the point and I ask that you all be attentive and listen to each one who wishes to speak because we would like to hear everyone's comments. So, if you would call to the podium those who have signed in.

TOWN CLERK SHENK: The first one to the mike is Marianne Matyas, 6444 Willow Drive.

MS. MATYAS: We are all here tonight to voice our opinions regarding one of the last few unsold pieces of green space status in Boston Valley. The difference between many of the people opposed to the project here and people of Lancaster and East Aurora who opposed Tops and Wal-Mart, that Tops and Wal-Mart would contribute hundreds of thousands of dollars to their community. But, this project will, as the expansion is already in place and the proposed future expansion, will contribute tens of

thousands of dollars to the Falkides' personal bank account leaving us to wonder if the Falkides have the best interest of Boston in mind. Since they do not deem our area fit to live in themselves, I get the impression that they have such a financial stake in the World's Manufactured Housing Association, they would cover every bit of green space with what wealthy people consider affordable housing. But, that is not the issue here tonight. The issue is that many people of Boston and elected officials that represent all of us, have to make a decision as to whether or not the Master Plan has been completed in this area and twenty percent of Boston is now rental property and is that enough and whether or not the people who in good faith purchase property and homes in neighborhoods they expected to be developed likewise and remain in pristine green space condition have an invested right to this type of American dream. Can businessmen and women dictate through threats of lawsuits, campaign contributions and installing suggestions of discrimination and prejudiced by neighbors in a small town community trying to divide and conquered all of us and our

opinions.

We could argue about increased taxes and need for school expansion and excessive traffic. Minor traffic -- I think not. Noise problems and whatever real concerns this has stirred up in our community all night long.

The rumors tell us this is just the beginning of a huge development. The fact remains, this is a democracy and the elected officials are either for or against. Not just what business owners from Amherst want or from Boston. I feel I am a good neighbor to the people that I live near on Willow, Thornwood, Park and Deanna Drive in the Boston Hills Estates. I feel I am not prejudiced or discriminatory as Mr. and Mrs. Falkides have accused, but very protective of this town and the green space and community and wanting to improve the area and follow the Master Plan and assure that all types of housing are available without profit being on one issue.

I found over forty listings for affordable housing in the Pennysaver and the Sunday paper for this week, one of which is from the Boston Hills Estate. I oppose this development strongly and I

think it should remain R-2 zoning for single family homes as I had faith when I moved out here. I have eight pages of signatures of people that support me in this. Thank you.

SUPERVISOR KENNEDY: If we are going to applaud and hiss, we will be here for a long time. Let's try to keep your celebrations or emotions under control.

TOWN CLERK SHENK: Ron Yormick, 6405 Deanna Drive.

MR. YORMICK: First of all, I would like to say that I am not prejudiced against Mr. and Mrs. Falkides or any family in the trailer park for manufactured homes. But, I am before this Board in opposition for the rezoning of Deanna Drive.

Most of the facts that Mr. Falkides has presented are very much debatable and I do feel as do many residents in the surrounding area, this rezoning would be devastating to the Deanna Drive neighborhood, and especially to the five families living on Deanna Drive. I have lived on Deanna Drive for over ten years and I knew when I purchased that home that the land around me was zoned for R-2 single

family residences as, as did Mr. Falkides when he bought the land a few years ago. Deanna Drive has been there for over thirty-two years as an R-2 zoning. It is an established and unfinished subdivision with homes selling in the $100,000.00 range to suddenly rezone this land and cram seventy or eighty trailers into sixteen acres of land, one-third the size of the existing neighborhood, selling for one-half of the existing homes, I feel would only devalue and depreciate the property values of the existing homes. I am not against development, I am not against manufactured homes. I would welcome the development of Deanna Drive and I would welcome the development of Deanna Drive with manufactured modular homes. I am against rezoning this land for the sake of one individual when five families have been there for over ten years and burdened in its place.

The Town of Boston has more mobile homes than Orchard Park, Eden, Colden and Concord combined. Does the Town of Boston really need seventy-five more rental properties, with the possibility of seventy-eight more? All I ask of Mr. Falkides again, why don't you develop that land using R-2

zoning and use manufactured modular homes. That's all I ask and he cannot come up with an answer.

In closing, I have neither the money or resources to debate this project or rezoning in full. I will leave that to this Board, to put their knowledge, expertise and common sense to use. I sincerely feel this rezoning is wrong, not only for the existing Deanna Drive residents and the surrounding property owners but should be unacceptable to this Board, thank you.

TOWN CLERK SHENK: It's difficult to read but I believe it's Ken Bell, 119 Boston Hills Estates.

MR. BELL: I am going to read you a letter which I sent to the Town Board back in January: Dear sir, we are writing to you in regard to the housing situation in the Town of Boston. After living in the Town of Concord for forty-three years, we realized last summer that because of health problems, it was necessary for me to look for a different housing because of living outside of Boston, all of our friends and church affiliations were in Boston. We knew we wanted to stay in the Boston Valley. In checking out the available apartment

complexes, there was nothing that we thought we would be happy with. When we saw the manufactured homes in the Boston Hills Estates, we knew this is what we wanted. This type of home allowed us to purchase the home rather than pay high rental money which leaves you with no equity, which would be the case of that apartment. It also gives us a home with adequate room, with very little upkeep and maintenance. The problem now is, there is only one more of these manufactured homes available and no room left to erect more additional homes. The Falkides' plan to erect more manufactured homes on the land west of Deanna Drive, which would be very beneficial to the housing issues of Boston Valley. I am sure there are more retired people like my wife and myself now and in the future who could benefit from this type of housing. Sincerely, Kenneth and Mary Bell.

TOWN CLERK SHENK: From 8117 Boston State Road, Joel Drankham.

MR. DRANKHAM: Actually, I think pretty much I can do it right from here.

SUPERVISOR KENNEDY: You are doing a good job.

MR. DRANKHAM: Most of my opinions have been expressed so far. I am a senior citizen. I am still opposed to this type of housing moving up all over the Town. As was pointed out, this type of housing could be used as it's presently zoned and I see no need to rezone it. That's all I have to say.

TOWN CLERK SHENK: Leo Jensen, 8749 Greenbriar Terrace.

MR. JENSEN: I have been living in the Town all my life. I feel we don't need this kind of housing. I'm totally opposed to it and I take a shower at night and am afraid of running out of water from the Erie County Water Authority. I know water will be upgraded in the Town, all well and good but what about the people that move in later on after this is done? What about their water and what about their waste? I don't think we need it. I think the Board should vote it down. Thank you.

TOWN CLERK SHENK: I would like to make a request that people do utilize the microphone, though we may be able to hear you today, we won't be able to pick it up on the recording. The next person to speak is Angelo Bellitteri, 8406 Zimmerman Road.

MR. BELLITTERI: Gentlemen, what I can't understand is that I don't understand, is that the Town of Boston has not shown a need for another mobile park.

Now, second, the density of this program that is presented to us tonight, it's much too great. There must have been a reason for the Planning Board to disallow this and not to grant it. You can see they are on top of each other, maybe half of those might be acceptable but not the way it's presented tonight. The valuation of existing properties around the area, the homeowners will have the basis for asking for their assessments to be reduced based on the rezoning of land which is now deemed to be taken which the Federal Law permits a reimbursement or taking of land or changing of zoning. I am sure our Town Attorney is aware of that.

Now, there is no way that we can assume that Mr. John Falkides and his group will cooperate with our Planning Board. It's necessary that they cooperate with the Planning Board. They knew what was necessary. They know what the Town, most of the people in the Town want. I think that is something

that the Town Board will have to be assured. We all know from past history, not all, but those on the Board and those on the Planning Board and on the Zoning Board know that we cannot depend on Mr. John Falkides adhering to an accepted plan. He changes, he comes back and he will not and has not unless he's definitely forced to adhere to the plan which are being approved by the Planning Board.

SUPERVISOR KENNEDY: Thank you.

TOWN CLERK SHENK: Al Kumet, 7465 Boston Road.

MR. KUMET: I will pass it on.

SUPERVISOR KENNEDY: He's going to pass on it.

TOWN CLERK SHENK: Anita Zell, 7898 Boston State Road. The next one on the list Peter Schrier, 7643 Back Creek Road.

MR. SCHRIER: I would like to tell you who I am, I am Peter Schrier. I am a resident of the Town of Boston. I am a taxpayer. I am a voter. I would like to tell you what I am not. I'm not prejudiced, not against my neighbors, not against certain types of housing. I do want to go on record tonight in telling the Board I am very, very resentful and very, very offended by the accusations coming

forward at the previous meetings by Mr. Falkides and his representatives of my being prejudiced, I am not.

Mr. Falkides stated earlier, building this development is to make money. Let's talk about money. The people who live around, immediately around the development will lose the value of their property. I do not live that close but if the Board decides to start spot zoning in this community, then I and everybody else living in the Town of Boston is vulnerable to having zoning changed around our homes and having our investment in our homes depreciated.

Mark Twain's Samuel Clemons once said, that the way you cook a frog is not to throw him in hot water, boiling water because he will jump out. The way you cook a frog is put him in nice luke warm cool water and slowly turn the heat up and slowly add developments and changes of the zoning until the water is boiling, the frog does not know he's being cooked and he's done. Thank you.

TOWN CLERK SHENK: The next speaker is Frank Trabucco. Could you spell that for me?

MR. TRABUCCO: T-R-A-B-U-C-C-O. I was the New

York Manufactured Home Association Land Use Coordinator for the State of New York. I want to read some excerpts from some letters. This is from the White House in Washington. Our nation's greatest progress has always been the chance to build a better life. For millions of American working families through our history, owning a home has come to symbolize the realization of the American dream. This year, for the first time in forty-six years home ownership has declined in the United States. With it, the President has directed the Secretary of HUD to form a Committee called Progress in the American Dream. There are fifty-one organizations who have signed on to work in curing the inability for the average citizen today to own a home because they have priced them out of market.

The manufactured housing, the major source of affordable housing, especially for many moderate or low income families living in suburban areas. In 1994, three hundred thousand manufactured homes, one out of every five single family homes built were added to the National Housing Inventory.

Most purchasers of manufactured homes who would

not have otherwise been able to purchase homes, expressed satisfaction with their homes. Yet, prospective home buyers faced Federal and State and local regulatory barriers. Some of these barriers stem in part from the public's perception of the quality, safety and durability of the manufactured homes. Manufactured homes are unique -- it's the only housing built under the Federal Code and as such, is the only form of housing in which the Federal Government works in cooperation with industry and State and plays the leading role in construction process.

Some of the other things that Mr. Senaro (sic) has been charged with is zoning the land developed and reformed for manufactured homes. The partnership shall identify and promote zoning and land development policies that are more conducive to manufactured housing. As part of this initiative, partnerships have begun and replaced State and localities to adopt or prohibit the exclusion of manufactured housing based on the HUD certification. Partners should also produce designed land development criteria and guidance materials for use by home

developers and local Government to facilitate the inclusion of manufactured homes and their jurisdiction, not exclusion.

We have taken our young newlyweds and senior citizens and priced them out of being homeowners in this nation. We have, in forty-six years, the first time declined homeownership. We don't need to do it by saying we have to have all houses at $100,000.00 or $200,000.00. A home is a home. A house is just a house. These people want to live in a community where they have all the services provided for them, they don't have excessive maintenance and upkeep on their property. Why stop them from enjoying this?

TOWN CLERK SHENK: The next is Jeff Pedlich, 605 North Road.

MR. PEDLICH: My name is Jeff Pedlich and I am the Zoning Committee Chairman for the New York Manufactured Housing Association. I would just like to say a few words in regard to manufactured housing communities. Manufactured housing communities offer people the opportunity to own their own home while having the availability of lots that are small

enough that they can maintain, a place that they can live within a community-type setting that they can feel safe and feel that they are secure with their investment and with the people around them. It is not the intent of manufactured housing or manufactured housing communities to disrupt or to, I guess, upset people. I think that the both can go hand in hand with one another and if people would take the time to look at the communities and set aside their differences as far as manufactured housing and business and these people that are running the Manufactured Housing Communities, I think you will find that the people that will move into this type of community are people that will enhance your community. They will spend money in your community. They will make your community a nicer place to live. People who live in manufactured housing are not people who you should turn away. They are real people, they do real things and they also have -- should have the opportunity to live where they want to live. Thank you.

TOWN CLERK SHENK: The next name is Joseph Terrizzi, 6535 Fairlane Drive.

MR. TERRIZZI: I think we are all concerned with the media bombarding us about the furors of the family breakdown. I am afraid I am experiencing that, my children are just becoming of age. They can't afford to own and live in the Town of Boston. My parents, unfortunately, left the Town of Boston when my father retired because they didn't have a place for senior citizens. I think there is something wrong with our system that precludes the three generations from living in the Town, if we can't do it, something should be done. Remember, you are the system.

The second thing I would like to point out, do you really have to be concerned about the aesthetic value and what you are allowing for the Town to determine the credibility of the people who are going to do it. I think anybody that has driven south on Boston State Road and has taken a look at the trailer court and how it evolved in the last couple of years and how it improved the view and can readily judge the Falkides' credibility.

Lastly, I am appalled at people that come in with the attitude that, don't confuse me with the

facts, my mind is made up. All I am asking you to do is assess the facts and make the right decision.

TOWN CLERK SHENK: The next to speak on the list is Kay Falkides.

MRS. FALKIDES: I signed up to speak because one of our residents was unable to make it this evening and asked me to read a letter he prepared and I would like to read it at this time. "Boston Town Board, please accept this letter in recognition of my sincere concerns with regard to the action of the Boston Town Planning Board. I have lived in the Town of Boston for over twenty years. For the past five years I have lived in the Boston Hills Estates Park. I have recently attended several Planning Board meetings at the Town Hall. I attended to express my support for the proposed project set forth by John Falkides. I was appalled at the conduct of the Board. They were not only inconsiderate of the views attempted to be expressed by the Falkides and their representatives but acted in a very unprofessional manner. The Board had no control over the meeting and only allowed public expression to occur on behalf of the opponents to the

project. Several individuals, non-Board members, were yelling prejudiced names and slang to the project supporters.

At no time did the Board attempt to stop this. During most of the name yelling, several of the Board members were smiling and laughing. No members of the project supporters were allowed to speak or express their points of view.

The Board and opposing members of the project made it very clear that they do not want the residents of Boston Hills Estates and Homes to be a part of the Boston community. I take great exception to comments which were allowed, "You people are drug-pushing trash", quote, unquote. And, "You people do not contribute to the Town of Boston, you do not pay taxes in support of the Town". At no time did the Board attempt to bring order during these comments. As noted, I have lived in Boston for over twenty years. I volunteered on and off for over the years for the Boston Emergency Squad and the Boston Fire Department. I have also contributed to the Town as a member of the Mercy Flight. As a Flight Paramedic, I have donated countless hours of service to the

Western New York region. I have personally assisted countless individuals in the Town through my volunteer efforts. Some of the people yelling names and slang in our group are individuals who I have woken up at 3:00 A.M. to assist when in need. I would not doubt if I had even helped members of the Planning Board or their families. It is apparent that the Town, "Really appreciated" my efforts and the efforts of the other fire-fighters and EMT providers who live in the park. As a side note, also residing in the park are nurses, teachers, respective retired individuals who only want a nice place to spend their retirement. My wife and I are one of the youngest couples in the park. We have two children and we love our home. We could have purchased, "Normal", but decided to purchase a mobile home, note not a trailer house, this term went out in the seventies with a lot of other prejudices. Our decision was simple. I work in the emergency medical field to the tune of approximately sixty to seventy hours a week. I don't have the time to maintain, "A normal" housing yard. Our current home allows for very minimal maintenance and looks nice. Many

residents of the park purchased for the same reason. Some of them live in this type of housing due to financial constraints. This does not mean they are undesirable. So far the people that my wife and I have met are of higher moral character than those who showed up to call us names and those who secretly passed flyers around town to put us down. The people in our neighborhood always wave and always help each other out and others say that as far as comments made about us being drug-pushers, just take a look at the age group residing in the Boston Hills Estates. The average is in the retired age group. Do you really think they push drugs? Since I grew up in Boston, I can say for sure there are residents all throughout town who have used and sold drugs. Some of these people are even related to Town officials. Why did our officials allow these comments to be made? Why did they not allow us to defend our position? Why does it seem we can dedicate ourselves to the Town but the Town will not give us a little consideration. Believe it or not we do pay taxes. What do you think happens to the money we pay for lot rent. The Falkides have provided the

street lights, sewer service, trash service, general park upkeep including road service and they pay taxes. Our neighborhood has a better appearance and is better maintained in many areas of town. In the winter, our roads are plowed before the Town roads. We don't have any potholes. Many of the Town residents who are complaining about our homes have trash in their yard, have garages that are falling down and do not keep their grass cut or even have junk cars or old machinery laying around. What has the Town done about these items? So far as I know, nothing, but they make sure that they "Inspect us" every year. We are not the problem. Try inspecting yourself for a change. You might look at things a little differently. I hope I have expressed my concerns with this letter. I feel that the Town of Boston has not given us the same opportunities as it gives the rest of the Town. We are members of the Town and deserve to be treated as such.

In closing, I would like to express my full support for the project proposed by the Falkides. Not allowing this project to go through would be an act of discrimination. I have supported the Town

for over twenty years. I have loved being a member of the community and still do but it's apparent that many people in the Town do not care to have people like me around unless they need emergency assistance in the middle of the night. I realize people have their own opinions, but the Town Board and the Town Planning Board are supponed to represent everyone in a fair, honest and objective manner. This doesn't seem to be happening. Kurt Adamchick.

TOWN CLERK SHENK: The next speaker is David Stringfellow, 7928 Hywood Drive.

MR. STRINGFELLOW: Most of what I had planned to say has already been said and I will not repeat it. I would like to stress to everybody that we are not here to argue about manufactured versus site built mobile homes. I believe there is nothing in the zoning that says anything about how the home is constructed. The zoning simply requires lots of a certain size and homes of a certain size. The zoning was arrived at after a due Democratic process that took many years, and a lot of arguing and a lot of fighting to get it to where as many people as possible were satisfied with it. We put it through.

I don't see where we have any grounds to change it now. Mr. Falkides said he can develop this land with manufactured homes within the zoning. And, in fact, I know there are manufactured homes in the Town that are built on lots that meet the zoning and nobody has had any problem with it. I just don't see any reason to change the zoning because one person wants to make a nice big profit here. We promised our people when they bought the land around it, the zoning was residential and we should leave it as we promised. Thank you.

TOWN CLERK SHENK: The next name is George LiVeicke, 7898 Boston State Road.

MR. LI VEICKE: Supervisor Kennedy, members of the Board and Boston Town Board, ladies and gentlemen, my name is George LiVeicke. I have been a resident of the park at Boston Hills for about nine years and I have enjoyed it very much. I am sorry I have no facts and figures, I will leave that to everyone else. I do enjoy it very much like I just said. I find that the Falkides, I always pronounce their name wrong, John and Katie have an interest in welfare of the park residents as their primary

concern. I am sure of that. A few months ago John approached me and asked me if I would like to have a concrete parking area for two cars adjacent to my mobile home. This has made it possible for me to keep my car off the road and yet give me a chance to park right near my stairs or whatever. Now, in reference to the subject of the Deanna Drive project, I consider this project a wonderful opportunity for anyone, especially newlyweds or the elderly or whatever age or category in life, to have the opportunity to purchase an affordable home such as John and Katie are offering. Thank you.

TOWN CLERK SHENK: Charles Schaefer, 7659 Boston State Road. Mark Scharilli, 6310 Deanna Drive.

MR. SCHARILLI: I just want to -- I think good points have been brought out while we don't need to rezone. I am against rezoning.

TOWN CLERK SHENK: Barbara Dodg, 7428 Backcreek Road. Margaret Abbott, 116 Boston Hills Estates Drive.

MS. ABBOTT: My name is Margaret Abbott and I am a retired school teacher and a resident of the Boston Hills Estates for the past two years. I

would like to express my personal experience as the owner of a home in a manufactured community. About three years ago I came to the realization I could no longer take care of my large family home and grounds in Amherst. I dreaded the thought of giving up the privacy of the single family home to live in a condo or an apartment and most of those were out of my price range anyway. My sister, Mrs. Riley, a long-time resident of Boston told me about the Boston Hills Estates. After visiting two or three completed homes and learning that cats, such as my ten year old cat, was permitted, I decided that this manufactured home community was the perfect answer to my needs. My manufactured home has three bedrooms, two full baths, living room, dining room, fully equipped kitchen, utility room and adequate storage space. It's attractive, comfortable and maintenance free which is important to me. The lot is attractively landscaped and is small enough so I am able to cut the grass myself sometimes but is large enough to give me the privacy that I enjoyed in my old home. The purchase price and lot land are within the means of the single retired teacher with a limited

pension. The Boston Hills Estates closely resembles any well planned community of a ranch style home. Each family takes pride in planting flowers, caring for their property and decorating their homes at holidays. John and Katie Falkides are anxious to make the Boston Hills Estates a modeled manufactured home community that we as owners may be proud of and it will be an asset to the Town of Boston.

The community is carefully and strictly regulated, managed and maintained. Books of order and rules are that thick. I sincerely believe that the manufactured home provides much needed affordable housing for senior citizens, for couples whose children have grown and left home and young couples that are struggling to save enough money to buy their first home. The proposed community of ranch style constructed homes to be constructed at the end of Deanna Drive would attract such people to the Town of Boston.

In closing, may I add that moving to the Boston -- to Boston has been a happy and wonderful experience for me. I have become an active member in St. John the Baptist Church. I patronize the local

stores, enjoy eating at the local restaurants, vote in the local elections, attend and support local activities and events as do my neighbors and I am very thrilled and delighted with the view of the surrounding hills. Thank you.

TOWN CLERK SHENK: Herbert Farrow, 117 Boston Hills Estates.

MR. FARROW: I will make this brief. I live in Boston Hills Estates. I'm very, very satisfied. I think it's a beautiful community. I want to tell you how nice the houses are, come on down and see if you don't already know.

The only thing I want to say is, I think part of the problem here, people are getting the wrong impression about us, the type of people you will get in this community. Please know us before you judge us. We have been at the meetings, my neighbor was accused of being a drug addict. That lady, if you are here, that neighbor of mine happens to be an Officer of the Court of the City of Buffalo. As far as drugs go, my daughter works for a police agency. She analyzes drugs and testifies in cases for five police agencies, including the DEA. One of my

neighbors is an EMT for Mercy Flight. One day two winter's ago, I was driving home late from work tired. I did not want to shovel my driveway, I was not looking forward to it. I came home and my driveway was clear, thanks to my neighbor and my neighbor is that beautiful lady that you saw speak right before I did, before I came up here. That, I think, is the type of people you want in your town that will be an asset. Thank you.

TOWN CLERK SHENK: Nancy Riley, 115 Boston Hills Estates Drive.

MS. RILEY: I am that beautiful lady's sister. It was almost two years ago that I visited Boston Hills Estates and decided to buy a home there. My house and yard were too big for me, required too much work but I wanted to stay in Boston. I had been here for thirty-three years at that time. I did not like the idea of apartment living. I wanted a smaller house and yard that I could care for myself. Boston Hills Estates answered my needs at a reasonable cost. It's an attractive comfortable place to live and I have been very happy here. The Falkides have always been most helpful.

It's my opinion that manufactured home parks have a real need in the community, particularly for young people who cannot yet afford a more expensive home and for senior citizens like me and my beautiful sister. John and Katie have shown that they can provide attractive, affordable housing for the people of Boston. I am sure the new park they're planning would be an asset to our town. Thank you for your time.

TOWN CLERK SHENK: The next speaker is Herb Klein, 7690 Back Creek Road.

MR. KLEIN: Herb Klein from Back Creek Road. As many of you know, I have been active in Town Government and was on the Planning Board from '85 to '92 when we fully discussed the development of Boston Hills Estates. And, as a member of the Planning Board at that time I supported that development. Why did I support that development? Two reasons. First, I felt we needed that type of housing for our Boston residents because I was aware that Boston residents were moving to Hamburg to attain that type of housing. I also felt that it allowed a buffer between the future subdivision of Deanna Drive and

the old-style trailer park. Prior to serving on the Planning Board, as many of you know, I was Town Clerk from '72 to '84. I was quite involved with our Town Zoning Ordinance. And, my understanding of zoning is that it's needed to provide protection to property owners. At this time, I think we need to provide the protection to those property owners on Deanna Drive who have invested in homes and I think that is what the Board should be considering in what in a development of a mobile home park on Deanna Drive would do to the depreciation of the property of those residents who now live on Deanna Drive. I'm not opposed to manufactured-type housing. As I said, I thought we needed it. Some day I maybe would like to live in it myself. However, I don't believe the proposed project should be approved because one, the protection required for the home-owner on Deanna Drive and two, I feel, which I was not aware of at the time I was on the Planning Board but I have become aware of it more recently, is this winter when residents of the park in Hamburg were up in arms because their rents had gone up three hundred percent since they moved in there. You go into

one of those mobile home parks with a manufactured house, you put in fifty or $60,000.00 into that house and you have no control over what that rent is going to be and when it's going to go up which is much different than going to an apartment, when the rent goes up and you can't afford it, you can move out. You will have a difficult time recouping your investment if you can no longer afford the rent for manufactured housing.

I also, No. 3, don't feel the Board should approve it. I don't feel that Boston, as a mobile home park, pays their fair share of the taxes for services rendered by the Town of Boston in proportion to homes built on sites. If the Board feels that there is an existing need for manufactured housing, may I suggest that they consider a zoning classification whereby it could develop manufactured homes in a like subdivision setting where the property owner would own their own lot. Now, presently, your zoning requirements are fifteen thousand square feet for an R-2 and twenty-thousand square feet of lot size for an R-1. And six thousand in a mobile home park. Maybe somewhere in between eleven or

$12,000.00 you could build a subdivision where you have all manufactured homes but the residents own their own lot. They have destiny over their decisions. When it comes time to sell, they would have that control. We talk about whether we need that type of housing. Recently, I had visited the park. I had a reason to visit the park and I observed there were three places for sale. I thought there was, but I hear tonight there is twenty-two lots. That's thirteen percent of the homes in that park are available for sale if someone wants to move in there. So, I question whether we need further development of manufactured homes at this time. However, I felt we did need that type of housing back in the late eighties or early nineties when we were discussing that development, I do feel now we need town houses in this town. I have two neighbors, one moved out today and one moved out two weeks ago, out of town because they wanted to live in a town house. So, we do not have that type of housing available. If we want to do something we should try to attract town houses for the residents of Boston and also homes that range in the three hundred to $500,000.00

category. The services required for a home of $300,000.00 are no greater than those having assessment of $25,000.00 on a mobile home park. Thank you.

TOWN CLERK SHENK: Nadine Little, 7898 Boston State Road.

MS. LITTLE: Hello, I have been a mobile home owner for twelve years. I'm also a taxpayer. It does come from my rent. What I have been listening to at various meetings and especially here tonight, to me it comes down to the fact that we are quibbling about two homes. The R-2 plan for seventy-one homes that could be built, well, Mr. Falkides is proposing seventy-three, so we are only quibbling about two homes. He could have requested one hundred and thirty-one lots and he decided against that.

It has also been pointed out that with the R-4, he would provide certain services for his residents which is great. He's an entrepreneur. I don't think the Town should turn him away. That's all I have to say.

TOWN CLERK SHENK: Paula Schreier, 7643 Back

Creek Road.

MS. SCHREIER: Paula Schreier, Back Creek Road. I oppose the rezoning. The points I intended to make have been well addressed this evening. I would like to add, though, in response to the lady that just spoke before me, I am in agreement with her, if there is so few lots that we are quibbling about, why is there a need for rezoning? Leave it where it is. I resent that the Falkides have tried to represent that this is a discrimination issue when the real issue is business, financial gain. I resent that people from outside the community represented by counsel from outside the area have come in and stirred up ill will among neighbors. If the people of Boston feel it is not in the best interests of the community to rezone this parcel, it's certainly within our right to oppose it without being called bigots. Thank you.

TOWN CLERK SHENK: Carol Kessler, 6644 Liebler Road.

MS. KESSLER: I used to live on Deanna Drive until I moved out about ten years ago. I have lived in this town for probably over thirty years. Since

I've lived here, it distresses me to drive down 219 and find many apartments on other properties all along the road. I moved out here for the purpose of openness, the beauty of the hills and when you drive down, all you see are rental properties, trailer parks where there are many units within a very small area. I sympathize with retired people, I have nothing against them. My husband is retired, however, Boston was not developed for a retirement community. I feel that the largest lot, apparently, in Boston Estates is about a third of the size of a regular home lot. I just feel they will try to put too many units in a small area. I sympathize to the people on Deanna Drive. When I sold my home down there, I was under the impression it would be zoned R-2 for development for homes which I obviously had no objection to. I am against the development of the mobile home park.

TOWN CLERK SHENK: Bob Iovenitti, 6390 Deanna Drive.

MR. IOVENITTI: Hello there. We are not going to be sued here, it's okay to talk and oppose everything -- we won't be sued for opposing this? I am

the proud owner of 6390 Deanna Drive. It's quite a joke that this is happening or maybe a horror story. If we are supposed to be protected that R-2 is R-2, then enough is enough and let's say no and I oppose it.

TOWN CLERK SHENK: Karen Yormick, 6405 Deanna Drive.

MS. YORMICK: Hi, since my husband stole my speech, I just also oppose this. I bought the home ten years ago, like he said, R-2, that's the way we wanted it, that's the way it should be. Thank you.

TOWN CLERK SHENK: Michael Day, 7789 Back Creek Road.

MR. DAY: My home abuts the property on the other side of Eighteen Mile Creek and there has been a lot of speculation as to how it will affect adjoining properties. I am not a realtor, I don't have expert advice but what I do know, when I bought the home and property seven years ago, what was the largest single asset to me was the space, the privacy and the quiet involved in it and would I have looked at the home differently with a mobile home community directly across the creek from me,

absolutely, and do I think that a potential purchaser of my home now would look at it differently, yes, I do. I don't know that a reasonable third party would look at this and say that for the benefit of the single party, a large enough number of the other property owners should suffer possibly financially and certainly aesthetically. Would changing the rules in the middle of the game be fair to everyone around the project? I certainly don't think so. Thank you very much.

TOWN CLERK SHENK: Donna Bubar, 6162 Wildwood Drive.

MS. BUBAR: I have lived on Wildwood Drive for seventeen years. When we bought our home, we were told that the land behind us was undevelopable. It's sad to say it has been developed. We have been trying to sell our home for two and a half years. We had it on the market. We have since had it appraised by an independent appraiser. We have accepted an offer considerably less for what it's been appraised for. Unless the Town is willing to reimburse us for our loss or reduce our tax base, I don't think that will happen. I am generally

opposed to this expansion.

TOWN CLERK SHENK: Alma Dsilser, 36 Boston Hills. Bill Waite, 6476 Ludon Drive.

MR. WAITE: First and foremost, to permit this mobile home park would be spot zoning, would place a high density development right against a beautiful subdivision. This could be disastrous to the property values to the homeowner in the subdivision and would only benefit the landlord of the mobile home park.

The expansion of the mobile home court also works to the detriment of the taxpayer. A mobile home is assessed at far less the value than a single family home yet the structures that the developer proposes are larger than the existing single family homes in Town. Yet, the landlord only pays approximately twenty percent taxes that the regular homeowner pays. Also, the site plans submitted by Mr. Schunk had been previously approved as a subdivison. It should be developed as a subdivison within the zoning of the Town of Boston in which it's presently zoned R-2, small single family homes. This zoning would permit the development of the traditional

subdivison in town and would also permit the developer to build a closer knit subdivision within the Town.

He does not need to build a mobile home park in order to develop this property. This mobile home park is also contrary to the Master Plan. The Master Plan did not call for mobile home parks to extend all the way to existing subdivisions in the Town of Boston. The Master Plan construction of a new mobile home park has already been done when the developer expanded the existing park. He does not need to expand anymore.

This development would place an increased burden on emergency services, as well as the water supply in the town which is already extremely low.

The water supply to the south end of the Town is extremely low and the low pressure has prevented the progress of other developments in Town. Boston already has well over a hundred and twenty mobile units in a Town of over eight thousand people. Mobile units are not to be primary housing in the Town of Boston. To permit this development to go forward would ruin the beauty of the Town of Boston

Valley. It would destroy the Master Plan and the zoning.

As a result, the citizens of the Town of Boston urges the Boston Town Board to tell the developer no, it can't develop the Town of Boston the way he wants, no matter who it hurts.

TOWN CLERK SHENK: Jim Schunk, 7682 Boston State Road.

MR. SCHUNK: I have lived in the Town of Boston all my life and being a surrounding lane homeowner. I am opposed to this kind of housing anywhere. If it's so great, why not have the Falkides build it in Williamsville where they reside? Under R-2, it could be developed very successfully because my brother built a subdivison right down in there and it was very successful and this would have been developed except there were no sewers in Boston. Why should we change -- he would have built them if he could have. You know, if he was going to move out of the area -- and what happens, as Herb Klein says, is these leases go sky-high. I know if I have a bad tenant and I am a property owner, well I would raise the rent so they would move the hell out.

Now, if the rent gets so high, they have their own home to worry about.

MR. FALKIDES: I request thirty seconds to respond to that. I believe it's your brother or your father who sold the land?

MR. SCHUNK: My father has been dead for thirty years.

MR. FALKIDES: Okay, I believe it's your brother had full knowledge of what it was going to be used for.

SUPERVISOR KENNEDY: Let's have order. So far, everyone's behavior has been exemplary on a very emotional issue. I certainly appreciate the way you people have conducted yourself, both those in favor and those against. I don't want to see this breakdown now and have people bantering back and forth. I will ask Mr. Falkides to wait until everybody is done and then if you want an opportunity to speak, I will give you an opportunity to rebut. Go on to the next person.

TOWN CLERK SHENK: Mary Williams, 74 Boston Hills Homes.

MS. FALKIDES: Mary Williams asked me to read

this for her because she is with her children tonight in cheerleading and had to get home. She did not really want to leave them alone. I'm having a little trouble reading it. Dear Town of Boston Board Members, I am writing this letter to be read at the Public Hearing of manufactured homes in Boston because I cannot attend. Our country as a whole has a diversity of people unlike any other. Why then can't we accept the diversity in the Town of Boston? The opponent of manufactured homes say that the people who live in them are poor quality. I, myself, am quite frankly surprised at this but have encountered this from some of my friends who are citizens in the Town.

I am a single parent raising two children entirely by myself, financially, emotionally and in every way. I don't expect sympathy or help but I do expect to be treated equally as an individual with respect. As far as giving to the community, I belong to the American Legion Auxiliary, the Girl Scouts of America and my children are actively involved in the community. I also vote and am concerned with community services. I feel like I give

a lot and get a lot from Boston. I strongly support this proposed development. Sincerely, Mary Williams.

SUPERVISOR KENNEDY: Before you call the next person, I will just call to your attention those who were not able to make this Public Hearing, if you have any friends and neighbors, you can send letters to us and that will be included as part of the Public Hearing. If someone is not able to make the hearing today for whatever reason, they can certainly draft a letter to the Board. It would be included as part of that hearing so we won't have to read any more of the letters for people that were not able to be here. Let's go on to the next name.

TOWN CLERK SHENK: Jim Coniglio, 6730 Rollin Drive.

MR. CONIGLIO: Mr. Falkides, I don't know you so I cannot be discriminatory. What I see as the problem here is just everything is going to dump out on 391. I, my wife and oldest child which will be driving in a few years, travel that way every day and I cannot see, unless they are going to put in traffic lights in probably four turn lanes, some

turn lanes, where that is now is not going to be a safe route to travel anymore. As far as the law-suits go that you have put on some of our Board members, they are doing what we hired them to do. Basically, they are standing up for us. And, you should respect that. You are not from around here. They are doing what we want them to do and R-2, if you can do what you want to do in the R-2 zoning, why change the zoning unless you have alternative motives to proceeding further in the future since you won't state, to my belief, that you will stop at this seventy units or seventy-two units. If you are not going to be forthcoming to us, you know, we can't -- it seems like you are holding out on us and, you know, gentlemen, I support you if you will please stop them.

TOWN CLERK SHENK: Sue Prentki, 6474 Willow Drive.

MS. PRENTKI: I have been a property owner for over eighteen years on Willow Drive. We purchased our property in good faith and ask the Town Board to consider the future possibilities of Boston. A rapid development of a mobile park is not in the

best interests of the town at this time. The single family owned housing is the answer for the development of Boston. Don't destroy my American dream and that of our children and in the future families hoping for a place to live and own property in Boston. Don't submit to wealthy landowners overcrowding status stuns the growth of community. Don't rezone, save Boston for the future. My husband and I own property and plan to retire here in Boston. We plan to continue owning and paying taxes. We do not want to move into a crowded area. If we did, the City of Buffalo and Lackawanna are available. Don't rezone, save Boston for the future. Thank you.

TOWN CLERK SHENK: Dick Deloto, 5387 Valley Circle.

MR. DELOTO: I just want the Board to know I am against this rezoning. If the Falkides are so intent on making the Town a better place to live, they should be able to do it under the present zoning R-2.

TOWN CLERK SHENK: Ron Bell, 13 Boston Hills Homes.

MR. BELL: Hello, my name is Ron Bell and I have lived in this Town for thirty-one years except for the time I served in the Air Force. My parents and I, we moved into the park in 1964 and the place at the time was, you know, really run down. It was not managed very well. As far as the owners, I don't recall ever seeing one owner the whole time I lived there. They were just non-existent. They had, you know, a regular Park Manager. The Park Manager was drunk half the time and did not really care too much about what was going on. The Falkides have changed the park, given it a new image and a better place. Now, I went to this school here, my old kindergarten through sixth and this very school, the Principal at that time called me trailer trash, referred to all of the kids that lived in the park as trailer trash, even said that to my father. We were always treated that way and, just listening to all the applauding tonight on both halves, I don't think any of it is necessary. I have not applauded once for, no matter what statement. I am a Christian. I don't feel this has been very Christian-like. A lot of people come up here and say they go

to this church and that church. I think you should really evaluate some of the issues that you are talking about here. The Planning Board meetings, I attended all of them. I thought the prejudice against us has improved throughout the nation, sexual and racial prejudices have improved. I thought that we were respected a little bit more but being at those Planning Board Meetings showed me that we weren't. I felt very prejudiced against, discriminated against. We were called drug dealers, I believe, by one of the ladies that just spoke recently here and you know, I lived in this town all of my life. I know a lot of people. And, I could go to about twenty percent of the homes and find drugs in this town. Just because something happened in our park should not label all of us as drug dealers. Like I said, I grew up in this town. I really love this town and I bought my father's home when he moved out. It was the only way I could remain in this town because there was not enough affordable housing in this town. My sister lives in this town. She's a homeowner with her husband I also have a step- sister and her husband who are renters in a

home owned by the Schunks here in this town and I know a lot of friends that I grew up with and some of those that moved in the park because they did not want to leave the Town of Boston. They lived there until they were able to afford a house somewhere in the Town of Boston and some who couldn't find an affordable one here, they had to move out to Angola and other places but there are some of us who loved this town and stayed in this town and remained in this town until we can find the means to afford these expensive homes that was talked about, I am for, more affordable housing and I just wish all the clapping and prejudice would just stop.

TOWN CLERK SHENK: Our last speaker is Linda Smolarek, 6696 Liebler Road.

MS. SMOLAREK: Good evening. My name is Linda Smolarek. My family origins in Boston date back to the 1890's which I feel gives me the right to be a concerned citizen here tonight.

I want to tell you a bit of a story. Manufactured housing is new to the Town of Boston. The street is not always silver lined. I feel the Town of Boston needs to be protected. The story is, my

parents who are winter Florida residents live with us in the summer. After their rental rates at Brooks Garden Estates manufactured community in Hamburg escalated three hundred percent in a matter of six to nine years. This is making it difficult for them on a fixed income. Manufactured housing is only limitedly protected by New York State Laws. Our parents along with other community residents at Brook Gardens petitioned State and Government local agencies along with the assistance of Councilman Frank Pordum, with no success to limit the rental rates on the land on which their owned houses are located.

Our parents, unfortunately, are on vacation this evening. They would love to have told you it's not always the way it starts out to be, unfortunately. After our experience with Brook Gardens, we protected our limited income and retired residents. Our parents were only able to sell their home after they were able to assume the mortgage, okay, it couldn't go through the bank. Not all of their friends were able to do this, okay, if you are on limited income, you are not always able to assume

your mortgage. Currently, Brook Gardens has sixty homes out of four hundred and fifty. A lot of people are stuck in these communities. I think we need some assurances from the Falkides that that type of thing will not happen in our community. According to our family, the big winner in this game is the developer who owns the land that your home is set upon and whose rates are being affixed by them. This house has to also be bought through them. I want the Town of Boston to consider the protection of our residents through the zoning and make sure that the residents do not fall in the same situation. Thank you for your time.

SUPERVISOR KENNEDY: Is there anyone that came in late that wishes to speak that has not signed in? We certainly would like to hear from everyone that has something to say. Would you identify yourself when you come to the microphone.

MR. HAWKINS: My name is Richard Hawkins and my family and I just moved into Boston three weeks ago. I thought this was a very important issue and that's why I'm here tonight. I moved out of Cheektowaga and because of the closeness and everything else

that was there and I understand these people back here that are elderly and teachers and this gentleman who has lived most of his life in this area, they can't afford $100,000.00 homes and they live in a trailer park and that's what their finances can afford, but for years I'm sure people in Boston fought to keep the zoning the way it was and keep things -- if these people want to put the trailer park in, leave it at R-2. If there's a problem -- I just moved a lady out of a trailer park, her rent raised tremendously so she had to leave. Let's just leave it the way it is. I spent a lot of money to move out for privacy and home atmosphere at Boston. If they want to build, leave it zoned the way it is. That's all I have to say. Thank you.

SUPERVISOR KENNEDY: Anyone else have any comments they would like to bring before the Board? Young lady.

TOWN CLERK SHENK: Could you give us your name and address.

MS. SOXIE: My name is Patricia Soxie, I live at 6041 Thornwood Drive. I am a resident of Boston

and although I grew up here and very much wanted to move back here with my husband, we began our search for our house in April of '94. And, at that time, we did notice there were houses on Deanna Drive that were affordable and were for sale but didn't move and we knew nothing about this rezoning at this time.

We did find there was affordable housing in the Town of Boston. We made six offers. The first four offers were in the Town of Boston and unfortunately were contingent offers because our own home at the time was not sold. When we finally did sell our house and made our fifth offer in the Town of Boston, unfortunately, it was not contingent but we lost it to someone on Deanna Drive who very desperately wanted to move and drop their contingency. Finally, we did purchase a home on Thornwood Drive in the Town of Boston and again we purchased it because we wanted to live in the Town of Boston very much. We wanted to own the property and I just want to say there is no reason to rezone. Manufactured housing is wonderful, but young couples such as ourselves want to own the property as well as the

house. Thank you.

SUPERVISOR KENNEDY: Anyone else? Have you spoken before, sir?

MR. MARRON: No I haven't. My name is John Marron, I live at 6470 Kevington. I used to live at 6390 Deanna Drive. Same thing, I have been out here seventeen years. When I bought the property it was zoned R-2. I was at the meeting when you guys, when the Planning Board and everybody else came out with a Master Plan and we were told it was just a corner lot that will be zoned for multiple housing and everything that was R-2 was supposedly to remain the same. I have spoken to you, Mr. Kennedy, about it before and this is my feeling, if the people on Deanna Drive, when I was a resident there, we bought the house, we invested a lot of time and effort into this. I feel the Planning Board, their rejection should stand by the Town and remain the way it is, R-2. If they want to put up manufactured housing, that's fine, put it up as R-2 like it's rated. Thank you.

SUPERVISOR KENNEDY: Mr. White, do you want to say anything?

MR. WHITE: I was not going to say anything tonight, you know who I am, Ben White, 9031 Back Creek Road. Now, I'm not up here to knock these houses. These are nice little houses and I think the whole point here is that somebody wants to re-zone and I don't think we should rezone. If you are going to rezone, why don't you throw them damn books away and forget about them. Just let everybody do what they want to. Go read the papers, every time you read the papers there is somebody getting it rezoned. There is nothing wrong with them putting the houses there as long as you stay with what is called for on R-2. Thank you.

SUPERVISOR KENNEDY: Anyone else?

MR. KACZYNSKI: My name is Jim Kaczynski and I'm a new resident within the past year. And I live at the end of George Drive. I just want to share a thought to these people whether you develop or don't develop, that's the issue of drainage. I have not heard that word yet. There are, from what I understand, the Town Drainage Committee but my experience, unfortunately, last August 29th, we had a little rain down here, I was in the process of doing

some extensive landscaping to complete my dream and I got wiped out. I was just wondering, if you have Eighteen Mile Creek there and Back Creek there and people know about culverts, and what would be the effects of another downpour on a community this tight and what would be the flood control issue and how the Department of Environmental Conservation, who I now know about, the New York State Drainage Laws effect a project such as this. So, I sat here and appreciate your time. It's just a thought that I felt was a little bit different than sewers. Thank you.

MR. FITTSNER: My name is Michael Fittsner and I'm going to build a home on Highwood Drive in North Boston here. I've been in building for over twenty years. I am a developer. My family owns rental property and I'm sure that the people who live there are very beautiful people. I have no problem with that. But, when I go to develop a piece of property, I buy it for what it is. My family has been in building all their life through our generations. When I purchased the land up here, I talked to Joanne at the time about developing the property

in Boston. You're tough, you're tough, I heard that more and more but I want to come to Boston and I want to live in Boston because you are tough. And, the manufactured part of it, everybody has talked about it's such a bad thing, they have developed, so far, they are beautiful structures. They have come so far, they are beautiful homes. But, I disagree with what you are doing. I am -- I own rental property, my family owns rental property and I think you should build it the way it's zoned.

SUPERVISOR KENNEDY: I think we have had a fair representation both of those speaking for and those speaking against and have noted the concerns of the individual property owners as well as people that are residents of the mobile home park and fairly expressed their views. I will let Mr. Falkides speak for five minutes in reply and I hope that does not upset anyone. I want to be as far as possible.

MR FALKIDES: Thank you, Supervisor Kennedy. I would like to speak for one minute and let our engineer speak for two minutes and then we will be done.

First of all, on behalf of my parents, John and Katie Falkides, thank you everyone. They did not

come to hear one-sided comments, neither did I and neither did the Town Board. Whether your comments were for or against, as I learned the hard way at the Town Planning Board Meeting, we all have the right to speak and thank you for coming regardless of what your comments were.

Second of all, I want to make just two quick comments. The Brook Garden situation is a situation that the New York Manufactured Housing Association, of which the two gentlemen who spoke earlier are Directors of, is very concerned about. There is one glaring factor that is present there that is not present here and wouldn't be. And that my clients would be happy to agree to in writing with anyone who wished. Brook Gardens Park is owned by a company out of the State of Washington that owns thirteen or fourteen parks. They really couldn't care less about a development that is three thousand miles away. The other thing that happened there, that people aren't aware of, as I am because I'm a Zoning Attorney, that there is in New York State a Bill of Rights, it's called the Mobile Homeowner's Bill of Rights. It's a very new statute. It came into

force two years ago. Other parts of it that might have protected the Brooks Garden people came into force last year. This is now in place and was not fully in place when the Brooks Garden situation occurred.

The other point I want to make is that someone made a statement that Boston contained more manufactured homes than several other Towns around. Well, that's true because none of them contain any. The problem is, in 1990 when this Town rezoned itself, it created a situation that forces spot zoning. Before 1990, there was no land in the Town of Boston zoned R-4. None. Not even the two existing mobile home parks were zoned R-4. Mr. Perley and the other members of the Town Board, at that time, took the two existing mobile home parks and rezoned them into conformance which was the right thing to do as he saw it and they are in conformance with the current zoning. Other than that land which is fully occupied, there is no land in the Town of Boston zoned R-4. The code is set up now with a floating zone contract. If you want R-4, you must buy a piece of land and petition the Town Board to change the

zoning. There is no land in Boston zoned R-4, where you can develop such a park as a matter of right.

Thank you all for coming again. Mr. Metzger would like to speak and then I believe we are finished.

SUPERVISOR KENNEDY: I would also like to express my appreciation on behalf of the Board on the behavior of everyone tonight. You did a fine job of presenting views both for and against. As I mentioned previously, if your friends or neighbors did not have an opportunity to be here, if they wish to have something recorded for or against this rezoning, certainly have them address that correspondence to either myself or the Town Clerk so they can forward it to all the Board members so they can receive all the comments.

MR. METZGER: Listening to all the comments from tonight, there is many, many issues I would like to speak on. Obviously I don't have enough time to do it. I would like to key in on a few things. Some of the issues I would like to speak on are pertaining to traffic and water and sewer, we have addressed through some engineering studies and

reports. Something that has not been previously discussed that this gentleman here brought up I would like to speak on, just to help alleviate some of his concerns and maybe some concerns that may have arisen from his comments. And, that's pertaining to the drainage issue.

There is, within this area of the Town of Boston, the Federal Emergency Management Agency has mapped and studied the flood plains. There is a one hundred year flood plain located on the subject property but it's well outside the limits downstream of any of the proposed development area on the project. That is the theoretical one hundred year flood will not come even remotely close to any of the project area. In addition to that, the plans provided that this project could go through. The plans would be prepared and drainage computations prepared in accordance with Town standards, so that there would be a system in place to transmit any stone water runoff and also recently within the past year and a half or so, some new guidelines pertaining to soil erosion and erosion control and water quality issue through the Environmental Protection

Agency and New York State DEC, there are very strict guidelines that need to be followed, plans need to be prepared and reviewed by the Town Engineer so we don't experience any mass tests of sediments off-site following the water. It's very tightly controlled now.

A couple of other things I wanted to talk about, number one is one of the letters that the Supervisor read at the onset of the hearing referred to projects -- this project possibly not fitting because of the fact we need to think about conservation of natural resources. We need to think about a community feeling that should be generated from new development. I guess I can't let it not be said that a project of this nature being in some people's eyes too dense, what it does really on the subject of conservation of natural resources, it really, it helps, there's a lot less land area that is affected by a project. It's not a suburban sprawl that we have gotten into. There's a large shift in the planning industry, in the whole planning community where planners are starting to realize that post-World War II development practices were not the

best. There has been some visual picture surveys that were done where various scenes have been to a study group up on a screen and, you know, some of them, some of the shots are densely populated Village-type atmospheres, something you might see in East Aurora or Williamsville and then other shots that show what I call suburban sprawl where there's been maybe a shopping plaza with parking out front and projects of that nature. By far, what catches people's attention and gives them a good feeling is a project where it's a close-knit community. That's the type of community and community feeling that you would have with this type of a project. It warms my heart to hear some of the stories about people who help each other out and good neighbors in the existing parks in the Town of Boston. That's the type of thing that you would have. It would, in essence, give you that community feeling for the people who reside there.

And, one more thing that I want to speak on is someone mentioned how the rezoning process in the Town is a long arduous process and there is much debate on it. I am sure that the Master Plan

project that went on in 1984 that resulted in the revision of 2010 was equally long and drawn out with a lot of public comment. I have to reiterate that anyone taking a close examination of the Master Plan with some of the points that Mr. Falkides made tonight on it really point towards this type of a project happening in the area that is being proposed. That it was a well thought out plan, I am sure it took a lot of time and a lot of debate. And it resulted in the conclusion that this type of project is appropriate for that land and I think we all need to keep that in mind and I hope the Town Board keeps that in mind when they make their decision.

MRS. MATYAS: Can I ask a question?

SUPERVISOR KENNEDY: Make it brief.

MS. MATYAS: If we have a flood here like we had last summer and one of the mobile homes is floating into my backyard, can I keep it?

UNIDENTIFIED SPEAKER: What would stop your parents from selling the Boston Hills Park to a corporation in Washington?

SUPERVISOR KENNEDY: I think we have given

everybody a chance to be heard tonight and this is being transcribed and the Board members will have an opportunity to review them. We would anticipate, at the next meeting, in September we would have a ruling on the valid Petitions that were submitted by Mr. Yormick. Hopefully, we will have a long form SEQR that can be reviewed by the Town Engineer to make certain that everything is in order before this Board makes its decision. So, I want to thank you all for coming here tonight and if there is nothing else, I would like to move that we close the Public Hearing.

COUNCILMAN WALTER: Seconded.

Five (5) Ayes. Carried.

SUPERVISOR KENNEDY: Motion to adjourn the meeting at 10:05 P.M.

COUNCILMAN DAVENPORT: Seconded.

Five (5) Ayes -- carried.

(WHEREUPON, PUBLIC HEARING CONCLUDED.)

CERTIFICATE OF REPORTER

I, WENDY ROYCE MC CANN, hereby certify that I did report in machine shorthand the foregoing proceedings had in the above-entitled matter, at the time and place hereinbefore set forth; I do further certify that the transcript consisting of 98 pages, is a true and correct transcript of my said stenographic notes.

Wendy Royce McCann

WENDY ROYCE MC CANN

EXTRACT OF MINUTES
Meeting of the Town Board of the Town of Boston
in the County of Erie, New York

December 19, 1995

A meeting of the Town Board of the Town of Boston, in the County of Erie, New York was held at the Town Hall, in the Town of Boston, on December 19, 1995, at 7:00 P.M. (Prevailing Time).

There were present: Hon. Richard L. Kennedy, Supervisor

Councilpersons: Mark W. Flowers
Don A. Wohlhueter
Josephine M. Davenport
Peter A. Walter

Also present: Michael E. Reilly, Town Attorney
Charles R. Pettit, Town Engineer
David J. Shenk, Town Clerk

At 7:00 P.M. (Prevailing Time) the Town Clerk stated that a Public Hearing had been called for this meeting at the Town Hall in the Town of Boston, in the County of Erie, New York, at 7:00 P.M. (Prevailing Time) to consider the proposed extension of Water District No. 2 in the Town of Boston, New York. The Town Clerk presented the affidavits showing that certified copies of the Order Calling said Public Hearing had been published, posted and filed pursuant to the provisions of Article 12-A of Town Law.

The Supervisor stated that the Public Hearing on the proposed extension of Water District No. 2 in the Town of Boston, was now open and asked if there was any interested person who desired to be heard. The following comments were made:

Supervisor Kennedy: Before we begin the Public Hearing I would like to summarize some of the procedures gone through by the Capital Improvement Committee to arrive at this particular juncture. The Boston Capital Improvement Committee authorized two separate mailings to homeowners on the West Hill. The initial letters were sent with a list of questions regarding water needs as well as an Income Survey to determine income levels in the proposed area. The second mailing included the Engineer's projected costs to construct the pump station and tank that will be needed to service the area as well as water mains that will be constructed in the first phase of the project. The homeowners were asked whether or not they favored the Town to proceed with the project at the cost described in the letter. Copies of these two mailings are included (in the hand-out packet) as well as some of the comments received. In the Income Survey we sent out there were one hundred eight-nine (189) letters. One hundred thirty-six (136) were returned, which was 72%. Two (2) were returned from the Post Office because of wrong addresses. We received information from Rural Preservation that 62% was the total required to qualify for Grant Funds. We were trying to see if we were eligible in the Town of Boston, on the West Hill, to apply for Grant monies through the Federal Government. A total of 46% of the respondents that we surveyed were qualified. This was not enough to qualify us for Grant monies. There were sixty-seven (67) individuals over sixty-two (62) years of age in the proposed area. The comments that we received on need concerned poor water quality, inadequate amounts of water, salt or saline in a few of the wells, a need to purchase drinking water and to wash clothes at the laundromats in the summer months. Because of a limited water supply and storage ponds on the West Hill we had two barn fires and a garage fire during the past year that resulted in a complete loss to the homeowners. Fortunately these weren't homes as an inadequate water supply makes it extremely difficult to fight fires using pumper trucks because they are required to go considerable distances for refills. The

Supervisor Kennedy (Cont.): second letter we sent out was the authorization to proceed with the project. We sent out one hundred ninety (190) letters to the people in the area. We received responses from one hundred forty-one (141) people, ninety-one (91) voted favorably for the costs quoted. Fifty (50) voted against proceeding. Forty-nine (49) didn't reply. We, in the Capital Improvements Committee assumed from the evidence that we received, the results that were submitted to us and the calls that were made to the Supervisor's office that the homeowners were in favor of going forward as soon as possible with the project. Therefore, we contacted TVGA to prepare a map plan and report of the area and to bring us up to date as to the cost. We also at that time forwarded our application to the Rural Economic and Community Development in Salamanca, that is the Federal Government. We received this reply: "Dear Mr. Kennedy, we have received your application and determined that the project is eligible for loan only assistance." (In other words we are not eligible for grant monies.) "Enclosed is your D6-22. However, because of inadequate priorities to compete for limited funds you are not authorized to file a formal application at this time. As funds become available you will be invited to file a formal application." We received this in September and the Federal Government's budget begins in October so that at that particular juncture they weren't aware as to how much money they would have available for Federal funding, so we haven't filed a formal application and we won't do so until after the formal vote is taken. The reply continues, "You are advised against incurring obligations that would limit the range of the alternatives to be considered which cannot be fulfilled without Rural Economic and Community Development Funds until the funds are actually made available." In other words, we can't build any of the water line until such time as the Rural Economic and Community Development indicates that the funds would be available to us because this project is dependent upon that funding. That particular framework of financing goes out as far as thirty-eight (38) years. "Therefore, you should refrain from initiating legal work, engineering or taking actions which have an adverse affect on the environment, taking options on land rights, developing detailed plans or inviting construction bids until notified by the RECD to proceed." That is the background information of what has been done up to the present time by the Capital Improvements Committee and the Town Board. We are here tonight to hear your comments and your questions regarding the formation of an extension to Water District #2. We have with us tonight the Town Engineer from TVGA that has helped to prepare the packet that was distributed when you came in and of which I hope you've had an opportunity to review. I ask Mr. Charles Pettit if he would step up and point out some factors that are included in the map plan and report that everyone has.

Town Engineer Pettit described on a map both the current Water District #2 and the proposed extension to Water District #2.

Town Engineer Pettit described in detail the cost of the project, which was outlined on page 2 of the handout and the yearly cost per parcel, outlined on page 3. The hook-up charges and one time fees were detailed.

Supervisor Kennedy: This project is only a go if we receive a low interest loan from the government.

Frank Lisowski Jr., 5461 Shero Road: How many homes is that water line extension going to serve?

Town Engineer Pettit: Four-four (44) houses will be within the district and fourteen (14) vacant parcels.

Frank Lisowski Jr.: What is the total number of houses within that extension along Rockwood, Shero and Feddick?

Town Engineer Pettit: I believe the number is in the neighborhood of one hundred seventy (170).

Norman Horschel, 8866 Feddick Road: This water isn't going to do us any good if it isn't put in right away. We are going to be paying for something that is not going to be used for the next ten years. What good is it going to do us? How many other homes are in there that are paying for something? You said forty (40) homes are getting water. There is another one hundred (100) that isn't getting anything and they still have to pay for something they are not getting any use of.

Supervisor Kennedy: I would call your attention to Water District #2 when it was originally constructed. We went back and put a number of extensions in there from Patchin Road across the creek to the other side of Back Creek. We did two different extensions on Back Creek Road and we did an extension on Taylor Road. There are numerous extensions that get put in later. I have people call me about water and I ask them if they are in a water district. Town law is structured that if you are within the district you can spend district monies to service your home. If you are not in a water district we can't service your home with water. There is nothing to prohibit us from appropriating Town monies, subject to a Permissive Referendum, for a water improvement. We have done this and we would probably do the same once again. There is a thirty day (30) period where people in the rest of the community have an opportunity to circulate a petition in opposition against spending Town monies in a special district. A special district is an area that only benefits the people living in that particular area. It has been my consensus in my experience in Town government, that most of the time people aren't going to object if there are surplus monies of unexpended balance that are appropriated to a district. I would assume that the Board, if there is unexpended balance to be had, will appropriate the unexpended balance on both the East and the West Hills. The East Hill has the same problems that you have on the West Hill. They are soon going to have a Public Hearing also. There is going to be a lot of that area that is not going to be immediately served with water. That is the way it is when any district is created. You can't serve every area. You try and serve the densest part of the area first. In order to construct the tank at an elevation sufficient to service all the area that Mr. Pettit described, we have to put the tank on Zimmerman Road or on Polish Hill Road somewhere. The cost has to be spread out to everyone who will benefit in the future. There is a lot of money incurred in legal expenses, going through audit and control, and preparing the district for submission. All of these things are costs incurred in the formation of a district. When you say, "I don't get anything because I am not going to get water right away", realize if you are not included in the district you are never going to get water. That's the way it is so we are trying to make the district as large as we are able to serve in the area that is encompassed. It will be built in stages. There is no doubt you are not all going to get water at one time. As you can see, even with the monies that have been appropriated here, it is a tremendous amount of money but it doesn't get any cheaper. It keeps getting more and more expensive each year. We thought it was a lot of money when they formed Water District #2 and it cost the homeowner somewhere around $175.00. That was somewhere around fifteen or twenty years ago. In Water District #1, when they first put it in the valley it was $40.00 a year. So it isn't going to get any cheaper and the longer we wait the more it is going to cost. The Capital Improvement Committee and the Town Board has put a lot of work in this but it is really up to you people if you want the water district. We're trying to make it as affordable as possible and present it to you in the best financial plan that we possibly can. It is really up to the people that are going to be affected in the tax structure as to whether you want to accept it or not. There are definite advantages of being in a water district. I would say on an average it increases the value of your home at least $10,000. If you have water problems, if you have salt migrating into your wells, if you have an inadequate amount of water where you can't wash your dishes, your clothes, your car, it means a big difference whether you have water or not if it is a

Supervisor Kennedy (Cont.): salable piece of real estate. We're trying to put the best foot forward at these Public Hearings but it is really going to be up to you people to decide if it is a benefit to you.

Audience member: Do we get to vote on this?

Supervisor Kennedy: Absolutely. That is what we said. We did an assessment on this and the reason we proceeded this far and expended the money that we have is because the early replies we got showed it ran about two to one in favor of it or else we wouldn't have proceeded to this particular point.

Audience member: So you are going to assess our houses about $10,000 more and that will make our taxes go up.

Supervisor Kennedy: I am not going to assess your house more. I am saying when you sell your house it will be worth more.

Councilman Flowers: Your having water or the ability to get water will not change the assessment on your house. It will change your ability to sell your house for $10,000 more than a house that does not have city water.

Audience member: If it is valued more you will assess it more.

Supervisor Kennedy: It is a more marketable piece of real estate.

Audience member: It will end up getting assessed for more.

Councilman Flowers: No it won't.

Audience member: Will you put it in writing that it won't be assessed more?

Supervisor Kennedy: No we won't put it in writing.

Audience member: No you won't because you know you will assess it for more.

Councilman Davenport: But you can also sell it for more.

Audience member: What good does that do if you're not going to sell your house?

Assessor Eagan: What the Supervisor is trying to reply is whether it is $5,000 more or $10,000 more your assessment is not going up. All he is saying as a matter of point is that there is an added value besides the convenience of having Public water. Some of us may never sell our houses. What he is trying to say is that having Public services available is like having a house with no electricity. How much is it worth if you do bring it in? It doesn't mean that your house will get assessed for more. No Assessor can go out and randomly assess your house.

Audience member: Yes, but you can do a whole district.

Assessor Eagan: You can do a whole town but that is not the point. Why would we penalize you? I have to pay taxes just like you do. When I moved out here I was paying for a water district without even having water, a sewer tax without even being hooked up to the sewer. My assessment didn't go up because I had public sewers at my house. There is no reason to do that. All the Supervisor is trying to say to you is that by having a public utility available to you, the value of your home is of greater interest to the buyer who says, "I don't want well water, I want public water, I don't want propane, I want gas." It is the same thing as if you didn't have gas coming down your street. Your market to potential buyers is limited if you didn't have gas or public water. I have no interest in raising your assessment.

Supervisor Kennedy: Let's not get into an argument over assessment tonight. We are trying to hear the arguments that are directly applicable to water.

Councilman Flowers: There is one thing I would like to say about this. I live in this proposed district and without water my house is worthless. When I run out of water in the summertime my house is worthless. To be in a position to have water become available means a lot.

George Aiple, 8412 Zimmerman Road: I would like to know if we decide to put this tank in, when would it start and when would we start paying the assessment for the water district?

Supervisor Kennedy: I wish we could give you an exact time frame. This whole proposal is contingent upon the Federal Government's approval of our application for an intermediate loan through the Rural Economic and Community Development. We have been pretty much assured that if we are only asking for loan money we have a very good chance of acquiring it. There is a time frame of six to nine months after the formal vote, and the vote won't take place until late February. If it was approved, we would then submit a formal application to New York State Audit and Control. They are the ones who determine if any individual homeowner is able to pay the assessment that would be required to fund this district. They review the whole package of what it is going to cost the homeowner and based on the income levels that they receive from the Census Bureau and a number of other factors, they make a determination as to whether or not they feel the homeowner can afford it. They review the whole application. If they throw it out, it never gets built. They are going to review it and say, "yes, I think the people up there can afford to pay $470 or whatever it may be in addition to probably a water bill that is going to cost them $200 a year."

George Aiple: How long after you get the loan does it take to build the holding tank? Any idea? Once you start construction, from the time you get the approval of the loan to the time you finish the tank and start the water district, what is the time frame?

Supervisor Kennedy: I will defer to the Town Engineer because we are going to build one next year for Water District #1, a tank and a pump station.

Town Attorney Pettit: You are probably looking at a minimum of a year to design the project, get the approvals, order the materials, hire a contractor, and do all the testing.

George Aiple: So you are talking probably two years before you even get the tank built?

Councilman Flowers: Eighteen months to two years.

Supervisor Kennedy: I would say eighteen months to two years, yes.

Councilman Flowers: And that is very aggressive.

David Rood, 8798 Zimmerman Road: If they put the tower and the proposed water storage tank and extension to service the rest of the houses in the area, are they going to have to put another storage tank in for the extension area?

Town Engineer Pettit: Yes. Unfortunately in the West Hill area, as you go south on Zimmerman Road, the land keeps rising and because there are long stretches of that road with little or no development, it is not economically feasible to go way out there. This tank won't service all those properties.

David Rood: So for the whole area you are talking ... [illegible] percent of the cost of the tank?

Town Engineer Pettit: Actually, $8,900 a year is the actual allocation that goes for the balance of the district. People who live on Zimmerman and Shero are paying something like $20,000 a year.

David Rood: So it definitely benefits the people in the extension to put the tank in?

Town Engineer Pettit: The extension of the district [illegible] year, all inclusive and with amortization costs.

Councilman Flowers: This benefits everyone not just a certain area.

John Arnold, 5343 Keller Road: We are in an existing water district right now. Does this affect us in the same way as far as the amount we would pay?

Supervisor Kennedy: What the Town Engineer has said is that I don't really see any increase in the amount of money [illegible] in Water District #2 to what they're currently paying. [illegible] an obligation to service Keller Road with water. To the people here in the proposed District #2, this is a primary benefit because regardless of whether we construct the tank outside the district which is what we have proposed in order to serve a great and large geographic area, we will put a tank in somewhere within Water District #2 to service Keller Road sooner or later. And it will only service a small area. It will boost the pressures on Hywood and benefit Keller Road but we still have to put a pump station and a tank in. So for those areas in this proposed extension outside of Water #2, it will be a long long time before they can afford a pump station and tank on their own.

John Arnold: So that is the reason why we never [illegible] any type of information on it?

Supervisor Kennedy: Keller Road has a hump in it between Feddick and Zimmerman so it is impossible to feed that area. That is the only major part of Water #2 that is not now serviced. If you are in a water district you are eventually going to be served. We have an obligation now. We've built up some surplus in Water #2 and it is going to have to be used to serve those people that aren't served. It is stupid to put a tank there to serve such a small area because it is going to cost just as much for the tank there as it is going to cost if we put the tank out here. The only difference is the cost of the line from the existing water district out to that tank. That will serve not only your road, Keller Road, and boost the pressures like the Engineer said on Hywood and the extremities of Feddick Road, but it will also serve this large geographic area that cannot really afford a pump station and tank on their own. We did a consensus and the Engineer will tell you that in just formulating a new Water District #2, south of Water #1 the costs were between $1,000 and $1,100 a home. It is not economically feasible. When we went back to the drawing board and the Capital Improvements Committee, it was the consensus that this was the best way to serve this area with water and give them an opportunity because otherwise it is going to be a long time. Another guy says maybe it is going to be two three, four or five years before he gets water. It may be twenty years if we don't do this.

John Arnold: On Keller Road we wouldn't vote on this extension?

Supervisor Kennedy: You won't vote on this but you are affected so it is good you are here this evening.

Lisa Rood, 8798 Zimmerman Road: So what you are basically saying is that at this point, going with this project Water District #2, the existing is going to share in the cost for the extension, so there is no way it is ever going to get any cheaper than what is going on here now. Never. It will be twice, three times the cost if you ever come back ten years down the road and say we want water now. Am I right?

Supervisor Kennedy: Well the Town Engineer says it is going to fund seventy percent of the cost of the pump station and the tank which is the major expense when you extend a water line. In addition to that I might add, on the East Hill we are going to put a pump station and tank. The Water Authority is willing to contribute money to that but in order for them to contribute money to that they are going to ask one and one half times as much for the water that they sell as what we are paying in the valley. In other words, instead of paying $200 it will cost them $300 for the water because the Water Authority is putting an investment in that tank and pump station. They are going to pay for that for a long time. In this, if we fund it ourselves through Water #2 and the extension, you are going to get the water at the same cost as the people do where it is pumped one time. What they are trying to do is impose a sur-charge on water that is pumped more than four times. That is what their proposal is on the East Hill. It's pumped more than four times from the time it leaves the lake. There are electricity charges for all these pumps to pump that water from lake level to a thirteen hundred feet elevation. At each stage that it is pumped it costs the Water Authority money so they are saying that they would like to charge the people at a higher elevation, after it is pumped a forth time, a different rate than the people in the valley. I don't think that is equitable but that is what they have done.

Frank Lisowski Jr.: The plan is great and I am glad they are finally getting water on the hill but has some consideration been made to service Feddick and Rockwood Roads? What would the cost be if we did it now? The interest rates according to this are relatively reasonable. Has that kind of study been made? Have you checked into the feasibility of serving the other one hundred thirty (130) houses within that proposed extension?

Town Engineer Pettit: No we did not estimate the costs of those extensions. At the present time I believe the cost of the water lines would raise the cost of the whole project.

Frank Lisowski Jr.: More than the assessment shown in here?

Town Engineer Pettit: That is right.

Frank Lisowski Jr.: By serving another one hundred thirty (130) houses?

Town Engineer Pettit: Yes.

Supervisor Kennedy: The densest part of the district would be the most appropriately served once this is initiated. It would going down Shero and probably Rockwood is the densest part of this district. That would probably get first priority. That is something that would be discussed somewhere along the line by the Capital Improvement Committee, the Town Board and the people in the district.

Town Engineer Pettit: This project affords us the opportunity to come south on Feddick without the initial stage of connecting Shero because there are very few residents on Shero between Rockwood and Feddick. By boosting the pressure here we could easily come out Feddick. There is quite a bit of density on Feddick south of Shero.

Phil Torre, 8320 Zimmerman: When I came here I had no idea where this project was headed and where it was going to start. I'll look everyone in the eye and say that if it was not my street and it was your street I would do anything to get water up on that hill. We have got to be adults here. We can't vote like kids. This is a start and we have to take it. We need water up there. If we are going to end up voting the one hundred forty (140) who aren't going to have it right away against the forty (40) that are, we are never going to get water. This is a start and we have got to take it. I am telling you honestly if this wasn't my house I'd be more than glad to go positive on this thing. We've got to have water. If we don't get water soon I am moving. I can't live the way I an living.

Steve Manning, 8755 Zimmerman Road: I know my mother-in-law will run me out of water this Christmas. She does it every year. My wife gets mad at me and for five hundred bucks I'll try it.

Gail Waldeck, 8360 Zimmerman Road: In addition to the concerns already voiced, I think we need to consider the health and safety aspect of having water available for fire. I think we have had a higher than average instance of cancer in the area up on Zimmerman, Shero, and Rockwood. I lost a son to cancer and other people have lost mothers and wives to cancer. Is it the water? Nobody knows. Is it a possibility? Yes. I worry about the young families and people with young kids growing up there. I think we need to get city water that has been treated. I think that perhaps our ground is tainted up there. I don't know. Having been through what I've been through, I have that concern and I think we have to consider that. I know that there are going to be people that are retired and people on fixed incomes and it is going to hurt. If I have my way in about a year and a half I am going to be in that group. I still think it is an important thing. I think we need to get it for the families we have there and to continue to build and issue building permits. Keller Road itself in the last three or four years has had five houses built. All these houses are going to have young kids in them. We need this water. If not for me then for the next generation.

Lisa Rood: Keeping in line with what he just said too, all these houses that are being built are all into the water source. I mean, they are building without water. Steve Manning, when he built his house, he is kiddy corner to me, came to me before he even bought the property and said "How's the water?" I said, "It's terrible and there isn't any." He said, "Oh, I am used to that, I lived in the desert for a couple of years." I wouldn't intentionally go and build a house if I knew there wasn't water there. So they are all dipping into the water source and as a water driller explained to me, the earth is like a big orange and you can only fit so many straws into it to draw juice out. That is the same as it is with the earth and the development that is going on.

Mary Jane Quinn, 8788 Zimmerman Road: Is it a fair assessment to say that the brunt of the cost is being borne by the people in those forty-four (44) homes in the Keller Road area so that it will be less expensive for people later on to benefit from it?

Town Engineer Pettit: As I said before, $29,000 is required to pay the amortization on the note for the extension. $20,000 of it a year is paid by the forty-four (44) residents and fourteen (14) vacant parcels on Zimmerman and Shero Roads. The other $8,900 is paid by all the other parcels in the balance of the area. We felt that was the best way to do it.

David Rood: And when they get water?

Town Engineer Pettit: When those people get water then they are charged for it.

David Rood: It happens until the loan is paid off?

Town Engineer Pettit: It sure would for thirty-eight (38) years.

Lisa Rood: And the more that build, they are also paying so it will go down.

Supervisor Kennedy: You have a surplus so you can build in the rest of the district. You don't cut the taxes until the majority of the rest of the district is built. We adhered to that premise in Water District #2 and in Water District #1 and there isn't that much difference in the taxes from when they first started paying them. The money is worth less.

Town Engineer Pettit: It builds some capital there for additional projects.

Mary Jane Quinn: At what point in the project will we actually see this on our tax bill?

Supervisor Kennedy: It would be completed before you receive anything on your tax bill. You would probably have water in your house before it was on your tax bill.

Lisa Rood: If you break it down it works out on the average, I think, of over the thirty-eight (38) year period, that you are contributing $15,000 or so for that thirty-eight (38) year period. If you went to sell your house, the figure I heard was that it would raise the valuation of your house $15,000, if you went to sell it. So, if you sold your house before that thirty-eight (38) year term was up you would be making out.

Town Engineer Pettit: Think of it in terms of a utility bill. Look at what you pay for your electric bill and if you pay $609 a year for all the water that comes out of your tap, that is cheap compared to electric.

Lisa Rood: Another thing I know that was brought up at a Capital Improvement Committee meeting was that the projected annual water cost was $163 on a $70,000 assessed house. People that I know and myself know how to conserve water because we don't have any. I am sure it would be much lower than that. This is an average person who is used to city water, and that is used to running the shower the whole time you are in it.

Supervisor Kennedy: You don't get your water free even if you have a well. There are certain costs that you incur each year in having a well. Especially those people that have had to go and fracture the well or whatever they do in order to increase the pressure or pressurize the well or put water softeners in or have corrosion in the pipes like they do on the other hill. There is a cost incurred in electricity costs. I noticed that after I got city water. I don't even know why I put the city water in because I had a good well. When I did, I noticed the difference in my electrical costs. I had seven children and when that pump was running all the time, you certainly incur some costs. You don't get your water free even though you have a well. You do incur some costs each year. It is not as great maybe as the city water but it certainly is not as convenient. I noticed I had showers full of iron and, we were always putting iron stuff in the dishwashers to clean it or trying to clean the grout in the shower. Believe you me there is a cost with city water but there is an awful lot of conveniences too. You can run the dishwasher and you don't have to worry about it. It makes a big difference.

Tony Devito, 8544 Zimmerman Road: I just want to say that I have had the experience where in the last four years I have put $4,000 in my water system. When I bought the house eight years ago they told me it had a low recovery well. I have had to have it blasted. First I had to have it water vacuumed, then blasted and then there was so much iron in it that I had to have a rust buster put in it. Then, because the old pump ran so long for so many years, twenty-

Tony Divito (Cont.): five years, I had to get a submergible pump so I am in to it for $4,300. That is just my experience in the Town of Boston. Mother here doesn't want to leave. The thing I want to ask is how much does the Town get because we're not in the water district? Someone made a comment tonight that if we have money left over and another water district needs something that money is moved over to the other district. Correct? We are in a sense losing by not being in a district because I think the Supervisor said something about that if there was money left over we as a district might benefit from that.

Supervisor Kennedy: We can't make direct appropriations from the General Fund to a special district but we can create what they call a water improvement. Correct me if I am wrong, Town Attorney, because we did discuss this. We can create a water improvement within the existing district which they did in Hamburg because there were a lot of places where they wanted to tie everything together and so they did it. That is subject to a Permissive Referendum. In other words, the reason for this rational is, here is Water District #1 and they have paid for all the pumps and water lines that were necessary to bring water initially to the valley. When it came over Keller Road, those people up there paid for all that water line and the upgrading of the station on East Eden Road jointly with Eden in order to supply that water source. Say they paid special water district taxes for fifteen or thirty years. Thirty years in #1 and fifteen years in #2. The rational is they shouldn't pay for water costs outside their own areas now. That is the reason why when you appropriate General Fund monies, General tax revenue to a special district, it is subject to a Permissive Referendum even in a water improvement. The people in this town recognize the need and if there is surplus monies they've never objected to that. They could circulate a petition and say they didn't want General Fund monies appropriated to a special district but we have never had that occur.

James Fitzsimmons, 8773 Rockwood Road: After the initial line is in, how long after that might Rockwood get water, approximately?

Supervisor Kennedy: I do not even know what the composition of the Board is going to be or what determinations are going to be made three or four years down the road because I probably won't be here. I would expect they will make every effort as that district grows and where there is water there will be more money available and it will build a little surplus in the district itself. I would expect the town is in a position now where we do have unexpended balance so we could appropriate monies at the current time at least maybe $75,000 on the East Hill and $75,000 on the West Hill. Now how much water line does $75,000 build? It builds about 200 feet. It doesn't build very much. It would build 200 feet so maybe that would be enough to go down from Zimmerman to the corner of Rockwood one time. Then you are in a position that you could start down Rockwood or wherever the densest part of the district is. That would be a decision made somewhere in the future. I really can't give you a time limit because I really don't know what kind of growth we are going to get up there.

James Fitzsimmons: Roughly maybe five years?

Supervisor Kennedy: I would say within five years. I would say that is reasonable to expect. I wouldn't want to say any less than that. The big cost we have in Boston is getting it pumped to the top of the hill. If we were level like Amherst all we would have to do is build the lines. When you have to build pump stations and storage tanks that is where the real costs come from. We pay for the scenic view we have. Are there any other questions for the Town Engineer? Does anyone want to make comments? You certainly can make comments either way because that is the purpose of this meeting. Does everyone feel you have a clear explanation of what is going to take place? I know it was a bad night and some of the people didn't get down here. I hope you can share some information

Supervisor Kennedy (Cont.): with them. We will send a summary page out prior to the scheduled vote. Do you know when the vote will be Michael?

Town Attorney Reilly: The vote is tentatively scheduled for February 20, 1996 and when it comes to that vote the owners of taxable real property within the district extension will be the people who will be eligible to vote. It will come down to who has the majority of that vote. If the majority votes yes, it will be approved.

Supervisor Kennedy: It has been asked of me that if my wife and I are on the same deed do we both get a chance to vote? Certainly you do, that is two votes. That is the way it is structured. If you are joint tenants on a deed, you both can vote, isn't that right Michael?

Town Attorney Reilly: That is correct. It is property owners so that if two names are on the deed each would have one vote. If there were five names, each would have one vote.

Supervisor Kennedy: That is not a determination that Town Attorney Reilly made, that is the State of New York law.

Frank Lisowski Jr.: What if I owned five parcels within that proposed district? Can I vote five times?

Town Attorney Reilly: The maximum vote one property owner can have is one vote.

Supervisor Kennedy: It doesn't seem equitable but that is the law.

Frank Lisowski Jr.: Are there absentee ballots?

Town Attorney Reilly: They have considered that in different court cases but there are no absentee ballots allowed in this election. You will have to be present to vote. For corporations, once again, it is one vote.

Supervisor Kennedy: For the record, these are not laws that this Town Board established. This is the State of New York so don't take it out on us.

The Supervisor inquired as to whether there were any other persons present who wished to be heard. No one appeared, whereupon the Supervisor declared the Public Hearing closed.

A motion was made by Councilman Flowers and seconded by Councilman Davenport to close the Public Hearing at 8:12 P.M..

five (5) Ayes Carried

CERTIFICATE

I David J. Shenk, Town Clerk of the town of Boston, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed abstract from the minutes of a meeting of the Town Board of said Town duly called and held on December 19, 1995 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Town of Boston this 19th day of February 1996.

David J. Shenk, Town Clerk