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REGULAR BOARD MEETING — TOWN HALL
JANUARY 3, 1996 — 7:30 P.M.

Present were Councilman Josephine M. Davenport, Councilman Lisa M. Rood, Councilman Peter A. Walter, Councilman Damian P. Wiktor, Supervisor Richard L. Kennedy, and Highway Superintendent Eugene E. Ruchalski.

A motion was made by Councilman Walter and seconded by Councilman Davenport to adopt the minutes of the December 28, 1995 Special Board Meeting.

Councilman Davenport	Voting Aye
Councilman Rood	Voting Aye
Councilman Walter	Voting Aye
Councilman Wiktor	Voting Abstain
Supervisor Kennedy	Voting Aye

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

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to accept the Town Clerk's Monthly Report for December 1995.

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 #1, dated January 3, 1996 in the amount of $32,498.11 be paid.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport that the Highway Bills on Abstract #1, dated January 3, 1996 in the amount of $39,730.11 be paid.

five (5) Ayes — Carried

Received and filed notification that the Town of Boston Arts Council has been awarded a grant for $1,700.00 through the 1996 Decentralization/County Initiative Program funded by the NYS Council on the Arts State Wide Challenge Program, the County of Erie and the Rochester Community Savings Bank.

Received and filed notification that as of January 1, 1996, the New York State Commission on Cable Television will be merged with the New York State Department of Public Service.

REQUESTS FROM THE FLOOR

James Kosinski, 5535 George Drive, reported open trenches off Zimmerman Road toward Route 391 between George Drive and past Ravine Drive. He questioned whether the Town of Boston or Erie County is responsible to correct the situation.

Supervisor Kennedy commented that Mr. Doyka has a lawsuit pending against both the Town of Boston and the County of Erie, although Zimmerman Road is a County Road, because of damage sustained in the last storm. David Comerford, Erie County Deputy Commissioner of Highways, indicated the County would address this problem.

Highway Superintendent Ruchalski reported he met with David Comerford, Erie County Deputy Commissioner of Highways, and was assured the County would take care of the problem.

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to appoint Lucille Genzel to the position of Deputy Supervisor, term to expire December 31, 1996.

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
JANUARY 3, 1996 — 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to appoint Lucille Genzel to the position of Clerk, Part-time, term to expire December 31, 1996.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to appoint Jean Kleis to the position of Bookkeeper to the Supervisor, Part-time, term to expire December 31, 1996.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood to appoint Joyce Thurber to the position of Clerk to the Justices, term to expire December 31, 1996.

Councilman Davenport	Voting Nay
Councilman Rood	Voting Aye
Councilman Walter	Voting Aye
Councilman Wiktor	Voting Aye
Supervisor Kennedy	Voting Aye

four (4) Ayes — one (1) Nay — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to appoint Barbara Reilly to the position of Clerk to the Assessor, term to expire December 31, 1996.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to appoint Michael Perley to the position of Town Attorney, term to expire December 31, 1997.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to appoint Debra Bender to the position of Deputy Town Attorney/Prosecutor, term to expire December 31, 1997.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport to appoint John Politowski to the position of Court Officer, term to expire December 31, 1996.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter to appoint Karen Ellis to the position of Deputy Town Clerk, term to expire December 31, 1997.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport 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, 1996.

five (5) Ayes — Carried

A motion was made by Councilman Rood and seconded by Councilman Wiktor to appoint Gerald O'Brien to the position of Recreation Director, Part-time, term to expire December 31, 1996.

Councilman Davenport	Voting Nay
Councilman Rood	Voting Aye
Councilman Walter	Voting Nay
Councilman Wiktor	Voting Aye
Supervisor Kennedy	Voting Aye

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

REGULAR BOARD MEETING — TOWN HALL
JANUARY 3, 1996 — 7:30 P.M.

A motion was made by Councilman Wiktor and seconded by Supervisor Kennedy to appoint Dennis Kramer to the position of Code Enforcement Officer, Part-time, term to expire December 31, 1996.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to table until the January 17, 1996 Regular Town Board Meeting the appointment of Deputy Code Enforcement Officer, Part-time.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to appoint Richard Waszak to the position of Dog Control Officer, Part-time, term to expire December 31, 1996.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to table until the January 17, 1996 Regular Town Board Meeting, the appointment of Deputy Dog Control Officer and Enumerator, Part-time.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood to appoint Susan Boswell to the position of Nurse to the Seniors, term to expire December 31, 1996.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to appoint Dolores Seufert to the position of Senior Citizens Group Leader, term to expire December 31, 1996.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter to appoint Anna Sokolinski to the position of Nutrition Program Director, term to expire December 31, 1996.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter to appoint Patricia Rooney to the position of Assistant Nutrition Program Director, only compensated when acting as Substitute Director, term to expire December 31, 1996.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood to appoint Margaret Seider to the position of Cleaner, Part-time, Town Hall, term to expire December 31, 1996.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter to appoint Leo Jensen to the position of Laborer, Part-time, Town Hall, term to expire December 31, 1996.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood to appoint Margaret Edington to the position of Bingo Inspector, term to expire December 31, 1996.

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
JANUARY 3, 1996 — 7:30 P.M.

A motion was made by Councilman Wiktor and seconded by Councilman Rood to appoint Richard Brox to the position of Town Planner, term to expire December 31, 1996.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Davenport to appoint William Dzierzanowski to Laborer, Parks Part-time, Seven months (April 1 - October 31, 1996).

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to appoint Herbert Klein to the position of Cobblehill Cemetery Advisor to the Board, term to expire December 31, 1996.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to appoint David Shenk to the position of Records Management Officer, term to expire December 31, 1997.

five (5) Ayes — Carried

A motion was made by Councilman Rood and seconded by Councilman Davenport to appoint David Shenk to the position of Registrar of Vital Statistics, term to expire December 31, 1997.

five (5) Ayes — Carried

A motion was made by Councilman Rood and seconded by Supervisor Kennedy to appoint Karen Ellis to the position of Deputy Registrar of Vital Statistics, term to expire December 31, 1997.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to appoint Joyce Carr to the position of Marriage Officer, term to expire December 31, 1996.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood to appoint James Jehle to the position of Town Historian, term to expire December 31, 1996.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood to appoint Wayne Kreitzbender to the position of Highway Working Crew Chief, term to expire December 31, 1996.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport to appoint the following Patchin Fire Company Fire Police:

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

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
JANUARY 3, 1996 — 7:30 P.M.

A motion was made by Councilman Wiktor and seconded by Councilman Walter to appoint the following North Boston Fire Company Fire Police:

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

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood to appoint the following Boston Fire Company Fire Police:

James Cunningham, Edward Dzierzanowski, David Emerling, Dennis Emerling, Richard Emerling, Dennis Kramer, Richard Lepkowski, Mike Norton, Charles Pettit, Leroy Pfarner, Eugene Ruchalski, Dan Rychlik, Norman Seguin, Debbie Thiel, Nelson Thiel, Robert Weber, Robert Zwack.

five (5) Ayes — Carried

Michael F. Perley was sworn in as Town Attorney by Town Clerk David J. Shenk.

The new appointments were sworn in by Town Attorney Michael F. Perley.

Appointments of the Town Board Liaisons by Supervisor Kennedy for the year 1996 are as follows:

Councilman Wiktor	Fire Companies, Emergency Squad, Haz-Mat, Fireman's Benefit Plan Advisory Committee, Planning Board
Councilman Walter	Traffic Safety and Roadways, Street Lighting, Drainage, Insurance
Councilman Davenport	Parks & Recreation, South Boston Park Committee, Creative Playground, Christmas Lighting Committee
Councilman Rood	Senior Citizens, Conservation Advisory Council, Cable TV, Chamber of Commerce, Solid Waste and Refuse

Supervisor Kennedy made the following Committee Appointments for 1996:

AUDIT COMMITTEE

Town Board Members

TRAFFIC SAFETY AND ROADWAYS COMMITTEE

Councilman Walter-Chairman	James E. Coyle
Sgt. Don Gardon	Alan Carpenter

INSURANCE COMMITTEE

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

REGULAR BOARD MEETING
JANUARY 3, 1996

TOWN HALL
7:30 P.M.

Committee Appointments (Cont.):

CREATIVE PLAYGROUND COMMITTEE

Councilman Davenport-Chairman	Mike Mandeville
Judy Gutekunst	Leroy Pfarner
Barbara Wagner	Gregg K. Gibbs
Leo Jensen	

SENIOR CITIZENS COMMITTEE

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

INVESTMENT ADVISORY COMMITTEE

Councilman Wiktor-Chairman	Michael Perley
Mark Flaherty	Richard Kennedy

Designated Representatives of Boston, North Boston, and Patchin Fire Companies. All Town Board members.

SOLID WASTE AND REFUSE COMMITTEE

Councilman Rood	Debra Bender
Michael Perley	Reed Garver
Richard Kennedy	

CAPITAL IMPROVEMENTS

Supervisor Kennedy-Chairman	Charles Pettit
Peter Walter	Michael Reilly
Jerry O'Brien	Jean Kleis
Damian Wiktor	Michael Perley
Jean O'Connell (Grants person)	Vincent Bonerb

INSPECTION COMMITTEE

Code Enforcement Officer Kramer	Town Board Members
Deputy Code Enforcement Officer	

CABLE TV COMMITTEE

Councilman Rood-Chairman	Richard Kennedy
Michael Perley	Damian Wiktor

DRAINAGE COMMITTEE

Councilman Walter-Chairman	Eugene Ruchalski
Wayne Kreitzbender	Michael Kobiolka

CHRISTMAS LIGHTING COMMITTEE

Herbert Klein	Robert Ray	Dr. Michael Ehlers
James Jehle	Carol Bieler	Diane Helmbrecht
Maryann Jehle	Michele Jablonski	Frank Mazurowski
Barbara Ballachino	Albert Kumet	Eleanor Mazurowski
Ronald Fluker	Doris Pilato	Patricia Ryan
Charles Keesler	Jill Burkard	Chris Bonuito
Elwin Warner	Josephine Davenport	Margaret Edington
Karen Ellis	Robert Ryan	Benjamin White
Edward Cary	Duane Brock	Robert Marean

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

five (5) Ayes — Carried

REGULAR BOARD MEETING
JANUARY 3, 1996

TOWN HALL
7:30 P.M.

A motion was made by Supervisor Kennedy 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.

five (5) 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.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport to establish the following Salary Schedule for 1996:

Position	Term	Salary
Deputy Supervisor	12/31/96	2,500/Yr.
Clerk, PT	12/31/96	8.85/Hr.
Bookkeeper to Super., PT	12/31/96	11,000/Yr.
Clerk-Typist, PT		8.85/Hr.
Clerk to Justices	12/21/96	19,000/Yr.
Clerk to Assessor	12/31/96	8,300/Yr.
Town Attorney	12/31/97	21,000/Yr.
Dep. Attorney/Prosecutor	12/31/97	9,500/Yr.
Court Officer	12/31/96	3,200/Yr.
Deputy Town Clerk	12/31/97	19,000/Yr.
Sect. Pln. & Zn. Board	12/31/96	8.65/Hr.
Recreation Director, PT	12/31/96	6,600/Yr.
Code Enfor. Officer, PT	12/31/96	9,500/Yr.
Dep.Code Enfor. Off.,PT	12/31/96	4,600/Yr.
Dog Control Officer, PT	12/31/96	6,700.00
Dep. Dog & Enumerator,PT	12/31/96	4,450/Yr.
Nurse to the Seniors	12/31/96	25.00Mtg.
Sr Citizens' Group Leader	12/31/96	No Salary
Nutrition Prog. Director	12/31/96	6.00/Hr.
Asst. Nutrition Prog. Dir.	12/31/96	6.00/Hr.
*(only compensated when acting as Substitute Director)		
Cleaner, PT - Town Hall	12/31/96	6.75/Hr.
Laborer, PT - Town Hall	12/31/96	7.70/Hr.
Bingo Inspector	12/31/96	30.00 Per Insp. 42.00 Per Dbl Bingo
Town Planner	12/31/96	2,280/Yr. + 50.00/Hr. Addit. in excess of 4Hr. Per Mo.
Laborer, Parks - PT	Seven months (4/1 - 10/31)	7.25/Hr.
Cobblehill Cemet.Advisor/Brd	12/31/96	250.00/Yr.
Records Mgt. Officer	12/31/97	No Salary
Registrar of Vital Statistics	12/31/97	1.00/Yr.
Dep. Registrar of Vit. Stats	12/31/97	1.00/Yr.
Marriage Officer	12/31/96	No Salary
Town Historian	12/31/96	700.00/Yr.

REGULAR BOARD MEETING — TOWN HALL
JANUARY 3, 1996 — 7:30 P.M.

Salary Schedule (Cont.):

Election Inspectors - Per Day

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

Highway Department

Working Crew Chief	12/31/96	14.61/Hr.
M.E.O'S		13.68/Hr.
Truck Drivers		8.00-10.66/Hr.
M.E.O. Trainee		9.25-13.68/Hr.
Laborers		5.50- 7.75/Hr.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to reduce the salary of the Town Supervisor from $20,500 as approved in the 1996 Budget to a salary of $11,280.

five (5) Ayes — Carried

A motion was made by Councilman Rood and seconded by Supervisor Kennedy to set the payment of salaries for 1996 as follows:

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

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Davenport to set the limitation on expenditures for seminars at $800.00 maximum per Town Official for the fiscal year.

five (5) Ayes — Carried

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

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport 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 amt. secured by FDIC.

TOWN OF BOSTON

TOWN OF BOSTON

RESOLUTION 1996-01

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 3rd day of January 1996 at 7:30 P.M. Eastern Standard Time, there were:

Present:	Lisa M. Rood	Councilman
	Damian P. Wiktor	Councilman
	Josephine M. Davenport	Councilman
	Peter A. Walter	Councilman
	Richard L. Kennedy	Supervisor

Councilman Walter 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 1996:

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

All estimated public works contracts of (a) less than $20,000 but greater than $10,000 require a written RFP and fax/proposals from 3 contractors; or (b) less than $10,000 but greater than $3,000 require a written RFP and fax/proposals from 2 contractors; or (c) less than $3,000 but greater than $500 are left to the discretion of the Purchaser. Any written RFP shall describe the desired goods, quantity and the particulars of delivery. The Purchaser shall compile a list of all vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered.

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

TOWN OF BOSTON

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 Davenport** and duly put to a vote which resulted as follows:

Supervisor Kennedy	**Voting Aye**
Councilman Wiktor	**Voting Aye**
Councilman Rood	**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
JANUARY 3, 1996

TOWN HALL
7:30 P.M.

Investment Policy (Cont.):

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.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport to authorize the use of a signature stamp by the Supervisor during the month of January to allow time to purchase a check writer as required by the State Comptroller.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Rood to set the rate of $.25 cents per mile as paid by the Town for mileage.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to Schedule the Annual Audit Meeting for January 17, 1996 at 6:00 P.M..

five (5) Ayes — Carried

RESOLUTION 1996 - 1 PROCUREMENT POLICY

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

five (5) Ayes — Carried

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

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Supervisor Kennedy to appoint TVGA as the Town Engineering Firm with Charles Pettit as a liaison between the Town of Boston and the firm for $1,600, term to expire December 31, 1996 and to authorize Supervisor Kennedy to sign contracts.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood to appoint Richard Brox as Town Planner, for fee as described in salary schedule, term to expire December 31, 1996.

five (5) Ayes — Carried

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

five (5) Ayes — Carried

REGULAR BOARD MEETING
JANUARY 3, 1996

TOWN HALL
7:30 P.M.

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

Town Justices	8 Days / month
Councilman	8
Deputy Supervisor	3
Code Enforcement	15
Deputy Code Enforcement	7
Assessor	20
Town Attorney	18
Court Officer	5
Dep. Town Attorney/Pros.	12
Recreation Director	15
Assessment Clerk	13
Nutrition Director	13

and to assign the following work days to be reported to New York State Retirement for elected and appointed Town Personnel as full time based on a seven (7) hour work day for New York State Retirement purposes. Also direct the bookkeeper to assign fully paid employee medical and disability benefits only to these full time elected and appointed employees:

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

As per personnel rules adopted on 10/17/84. This motion does not apply to Highway employees.

Councilman Davenport	Voting Nay
Councilman Rood	Voting Aye
Councilman Walter	Voting Nay
Councilman Wiktor	Voting Aye
Supervisor Kennedy	Voting Aye

three (3) Ayes two (2) Nays Carried

Councilman Walter commented that at the last meeting medical coverage for the Town Assessor was approved and it becomes Town law. It was entered into the minutes and the minutes were approved.

Supervisor Kennedy noted it was a ploy on the part of the Board to incorporate $6,000 in salary to a position that didn't have that much money in its budget and the individual was aware of the benefit package when he applied for the job.

Town Attorney Perley responded that the motion is in order. The same legal principal by which former Town Attorney Reilly deemed the prior motion in order at the last meeting of the year applies to this meeting. The last meeting of last year approved an increase that was not budgeted and this meeting approves a decrease that is budgeted.

A motion was made by Councilman Walter and seconded by Councilman Rood 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

five (5) Ayes Carried

REGULAR BOARD MEETING
JANUARY 3, 1996

TOWN HALL
7:30 P.M.

A motion was made by Councilman Rood and seconded by Councilman Wiktor to set the following 1996 Holidays for the Town of Boston as follows:

January 1, 1996 - New Year's Day, January 15, 1996 - Martin Luther King, Jr., February 19, 1996 - Patriot's Day, April 5, 1996 - Good Friday, May 27, 1996 - Memorial Day, July 4, 1996 - Independence Day, September 2, 1996 - Labor Day, October 14, 1996 - Columbus Day, November 05, 1995 - Election Day, November 11, 1996 - Veteran's Day, November 28, 1996 - Thanksgiving Day, *December 24, 1996 - 1/2 Christmas Eve, December 25, 1996 - Christmas Day, *December 31, 1996 - 1/2 New Year's Eve.

*half day applies only to Town Hall employees. These half days are not observed by Town Highway Department employees; instead they receive one more Personal Day than Town Hall employees.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Walter to accept the resignation of Lisa M. Rood from the Conservation Advisory Council.

five (5) Ayes — Carried

Councilman Walter thanked Councilman Rood for her services and a job well done on the Conservation Advisory Council.

A motion was made by Councilman Rood and seconded by Councilman Wiktor to appoint Bruce Chamberlain to the Conservation Advisory Council, term to expire 3/1/97.

five (5) Ayes — Carried

The following bids were received for a snowthrower:

Ranco Equipment	Toro 521	$899.00
Barrett Equipment	Troy-Bilt	$765.68
Ray's Small Engine	Troy-Bilt	$789.00
Bar-Chel	John Deere	$865.00

A motion was made by Councilman Walter and seconded by Councilman Davenport to authorize the Supervisor to purchase a Troy-Bilt snowthrower from Barrett Equipment for $765.66.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to approve the Construction Specifications of the Town of Boston.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Walter to accept the following list of Officers for the Planning Board for 1996 and appoint as Chairman Fred Leydecker III:

Chairman	Fred Leydecker III
Vice Chairman	Paul Jusko
Secretary	Zintars Z. Zadins

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to refer to the Planning Board the Special Use Permit Application of John J. Braun Jr., 6556 Sherwood Lane.

five (5) Ayes — Carried

REGULAR BOARD MEETING
JANUARY 3, 1996

TOWN HALL
7:30 P.M.

TOWN CLERK REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to accept the Monthly Registrar of Vital Statistics Report for December 1995.

five (5) Ayes — Carried

Town Clerk Shenk congratulated Councilmen Lisa Rood, Damian Wiktor and Highway Superintendent Ruchalski and commented that he looked forward to an open and honest relationship with everyone. He noted that twice he has been privy to a smooth and professional transition between Town Attorney Michael Perley and former Town Attorney Michael Reilly and he complemented both noting their professionalism has been a benefit to this government and the Town of Boston. He encouraged all appointments to follow this practice.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Ruchalski reported that on January 8, 1996 the Highway Department will begin picking up Christmas trees and if residents wish they may bring them to the Highway Barn.

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to authorize the Highway Department to pick up christmas trees.

five (5) Ayes — Carried

TOWN ATTORNEY REPORT

Town Attorney Perley thanked the members of the Board for his appointment and noted he is looking forward to working with all members of the Board and all members of government as he has in the past. He anticipates an interesting two years and appreciates the time former Town Attorney Michael Reilly spent going over pending matters, transferring relevant files and offering to answer any questions that may come up during the course of the transition. Town Attorney Perley also welcomed Debra Bender as Deputy Town Attorney and noted she will primarily be occupied with being the Prosecutor and representing the Zoning Board of Appeals and will substitute for the Town Attorney in his absence.

Supervisor Kennedy commented that he had a good working relationship with former Town Attorney Reilly and respected the work he did and appreciates his service to the Town of Boston.

COUNCILMAN REPORT

Councilman Rood thanked everyone who helped her make the transition from second to first row. Councilmen Rood and Wiktor will be holding office hours on the second Saturday of every month in the Planning Board Room from 9:00 A.M. to 11:00 A.M. and welcomed Councilmen Walter and Davenport to join them.

Order forms are available in the Town Clerk's office from the Erie County Soil and Water Conservation for trees, shrubs and packages for attracting birds and butterflies. The orders are due by April 5, 1996 and the prices are reasonable.

Councilman Wiktor thanked all the Town of Boston residents who placed their trust in him as a Councilman and promised to carry out the duties and responsibilities entrusted to him. He looks forward to working with the Board members, the Town Clerk and his Deputy in taking the business of government for the Town of Boston to the residents of the Town.

REGULAR BOARD MEETING
JANUARY 3, 1996

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (Cont.):

Councilman Walter congratulated all the new appointees and commented that he knows they will all work together. He noted that the snow will melt and it is a good time to find all the bad spots. Should anyone have any problems they may call him at home.

Councilman Davenport reported the Nutrition Program is doing well and eighty-six (86) people have signed up in the last few days. The average has been thirty-five (35) to forty (40) people every day for lunch.

Councilman Davenport noted former Recreation Director Bonnie Clesse did a good job and put a lot of time in the Recreation program. She increased the Summer Concerts from five to seven spreading them over the summer every Tuesday night from July fourth to Labor Day. The grants have increased from $500 to $1,700.

Supervisor Kennedy requested the Town Clerk to send letters to all the people who were not reappointed, thanking them for their service to the Town.

CODE ENFORCEMENT OFFICER REPORT

A) Code enforcement Officer monthly report for December 1995 was received and on file in the Clerk's Office.

DEPUTY CODE ENFORCEMENT OFFICER REPORT

A) Deputy Code enforcement Officer monthly report for December 1995 was received and on file in the Clerk's Office.

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officer monthly report for December 1995 was received and on file in the Clerk's Office.

TOWN ENGINEER REPORT

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

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to adjourn the meeting in memory of former Boston Councilman Clayton Schunk, Lockport Supervisor Floyd Snyder and Elma Supervisor John DiJoseph at 8:50 P.M..

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING AND ANNUAL AUDIT MEETING — TOWN HALL
JANUARY 17, 1996 — 7:30 P.M.

Present were Councilman Josephine M. Davenport, Councilman Lisa M. Rood, Councilman Peter A. Walter, Councilman Damian P. Wiktor, Supervisor Richard L. Kennedy, and Town Attorney Michael F. Perley.

Absent: Highway Superintendent Eugene E. Ruchalski.

Reverend Gary Burdick opened the meeting with a prayer.

see correction page 19

A motion was made by Councilman Walter and seconded by Councilman Davenport to adopt the minutes of the January 3, 1996 regular monthly meeting.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Supervisor Kennedy that the General Fund and Special District Bills on Abstract #1A, dated January 17, 1996 in the amount of $109,344.63 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter that the Highway Bills on Abstract #1A, dated January 17, 1996 in the amount of $22,096.24 be paid.

five (5) Ayes — Carried

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

Received and filed an acknowledgment of receipt of the Town Board Resolution regarding the CHIPS Program from Governor George E. Pataki.

Received and filed an acknowledgment of receipt of the Town Board Resolution regarding the CHIPS Program from Senator Dale M. Volker.

Received and filed revisions to the 1996 County Tax Bill forms from the Erie County Sewer Board of Managers.

Received and filed notification from Erie County Department of Environment and Planning of the approval of $17,055 for the Town of Boston project, ADA - Various Public Buildings, from the 1996 Community Development Block Grant application.

Received and filed an explanation from Erie County Legislature Frederick J. Marshall for the delay in the distribution of the Town's share of the Mortgage Tax proceeds.

Referred to Highway Superintendent Ruchalski a request from the Niagara Frontier Transportation Authority for assistance with the "Bus Stop and Shelter Snow Removal Program."

A motion was made by Councilman Wiktor and seconded by Councilman Walter, on the recommendation of Highway Superintendent Ruchalski, to grant National Fuel an Annual Blanket Highway Work Permit for 1996.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter to approve the correction of the Transfer of Appropriations made at the December 28, 1995 Town Board Meeting as follows:

From:	Assessor, Cont	A1355.4	2,900.00
To:	Assessor, Equip	A1355.2	2,900.00

five (5) Ayes — Carried

EXTRACT OF MINUTES

Meeting of the Town Board of the Town of Boston,

in the County of Erie, New York

JANUARY 17, 1996

* * *

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 JANUARY 17, 1996, at 7:30 o'clock P.M. (Prevailing Time).

There were present: Hon. Richard L. Kennedy, Supervisor; and

Councilmembers: Josephine M. Davenport
Lisa M. Rood
Peter A. Walter
Damian P. Wiktor

There were absent:

Also present: David J. Shenk, Town Clerk

* * *

Councilman Davenport offered the following resolution and moved its adoption:

RESOLUTION 1996 - 2

RESOLUTION OF THE TOWN OF BOSTON, IN THE COUNTY OF ERIE, NEW YORK, ADOPTED JANUARY 17, 1996, DESIGNATING THE OFFICIALS TO ACT AT THE SPECIAL ELECTION TO BE HELD FEBRUARY 20, 1996.

RESOLVED BY THE TOWN BOARD OF THE TOWN OF BOSTON, IN THE COUNTY OF ERIE, NEW YORK:

Section 1. The following persons whose names are included on the list of election inspectors and ballot clerks previously designated for general election purposes, pursuant to the Election Law, are hereby appointed to act as Election Inspectors and Ballot Clerks at the Special Election of the qualified voters of the proposed Extension No. 2 to Water District No. 2, in the Town of Boston, in the County of Erie, New York, to be held at the Town Hall, 8500 Boston State Road, Boston, New York, on February 20, 1996, and to perform all duties and undertakings in relation thereto, as prescribed by the Town Law and the Election Law:

BARBARA REILLY

JOYCE JENSEN

Election Inspectors

and

JOYCE CARR

MARGARET EDINGTON

Ballot Clerks

Section 2. The Election Inspectors shall file with the Town Clerk of the Town a certificate setting forth the holding of

the Special Election, the total number of votes cast upon the Proposition submitted at such Special Election, and the number of votes for and against said Proposition, together with the name and address of every person voting at such Special Election upon such Proposition.

Section 3. This resolution shall take effect immediately.

* * *

The adoption of the foregoing resolution was seconded by Councilman Rood and duly put to a vote on roll call, which resulted as follows:

AYES: 5 (ayes)

NOES: 0 (none)

David J. Shank
DAVID J. SHANK, TOWN CLERK

The resolution was declared adopted.

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REGULAR BOARD MEETING AND ANNUAL AUDIT MEETING — TOWN HALL
JANUARY 17, 1996 — 7:30 P.M.

RESOLUTION 1996 - 2 **DESIGNATION OF ELECTION OFFICIALS - WATER DISTRICT #2 PUBLIC REFERENDUM TO BE HELD FEBRUARY 20, 1996**

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to appoint Town Clerk David J. Shenk as the Affirmative Action Officer for the Town of Boston, term to expire December 31, 1997.

five (5) Ayes — Carried

Supervisor Kennedy read a letter from Roger and Susan Duffett, 6693 Liebler Road and a notice sent to the neighboring property owners regarding their request for a second accessory building.

Town Attorney Perley noted the Town of Boston Zoning Law requires Town Board approval to construct a second accessory building. Town Board approval allows a second accessory building to be built in conformance with Town Law and Zoning Codes but does not convey any rights as to the size of the building. After Town Board approval the Zoning Board of Appeals gives specific approval for building size which constitutes an area variance. Mr. & Mrs. Duffett took title to the property with two parcels conveyed on the same deed which the Town Attorney deemed to be one parcel. If treated as two separate lots, approval of an accessory building would be denied for lack of a principal building on the lot. At the present time the property exists as two parcels for tax purposes.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to approve the request for a second accessory building for Roger and Susan Duffett, 6693 Liebler Road, contingent on the filing of a document satisfactory to the Town Attorney and submitted prior to obtaining a building permit, acknowledging the merging of the two parcels into one parcel. Notice of this motion is to be sent to the Zoning Board of Appeals and the Code Enforcement Officer.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood to grant the Boston Youth Baseball Association use of the Lions Shelter and baseball diamonds on August 3, 1996 from 8:00 A.M. to dusk, for the annual baseball picnic and All Star games.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport to grant the Boston Softball League use of the Lions Shelter and Community Room chairs and tables on July 20, 1996 from 9:00 A.M. to 3:00 P.M. for a picnic. The chairs and tables will be inspected by Town Hall Laborer Leo Jensen before and after use.

five (5) Ayes — Carried

A motion was made by Councilman Rood and seconded by Councilman Davenport to grant the Boston Welcome Wagon use of the Town Hall property and public restrooms on May 18, 1996 from 6:30 A.M. to 2:30 P.M. for their annual plant sale.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport, on the recommendation of the Town Attorney and Town Engineer, to authorize Supervisor Kennedy to sign an agreement with Niagara Mohawk Power Corp. regarding the proposed easement for the 12" water line crossing of the NMPC Gardenville - Homer Hill Line No. 152, Town of Boston.

five (5) Ayes — Carried

REGULAR BOARD MEETING AND ANNUAL AUDIT MEETING — TOWN HALL
JANUARY 17, 1996 — 7:30 P.M.

Town Attorney Perley recommended the Erie County Water Authority Lease Management Agreement not be executed at this time as it imposes upon the Town the obligation to refurbish the existing water tank. The model agreement directed the Water Authority to refurbish all lease-managed facilities within the district before turning over the responsibility to the Town. The Town is thus afforded the opportunity to budget appropriately for future refurbishing. Pending the receipt from the County of this agreement in writing and the schedule for the refurbishing of the Brown Hill tank, the Town Attorney recommends the execution of the Agreement be tabled until the first meeting in February.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor, on the recommendation of Town Attorney Perley, to table the Erie County Water Authority Lease Management Agreement until the February 7, 1996 Town Board meeting.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter to accept the resignation of Patricia Rooney, Assistant Nutrition Program Director.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to appoint Sondra Kadlubowski to the position of Assistant Nutrition Program Director, only compensated when acting as Substitute Director, rate of pay $6.00 per hour, term to expire December 31, 1996.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport to re-appoint Paul Sawicki to the position of Deputy Code Enforcement Officer, Part-time, term to expire December 31, 1996.

Councilman Davenport	Voting Aye
Councilman Rood	Voting Nay
Councilman Walter	Voting Aye
Councilman Wiktor	Voting Nay
Supervisor Kennedy	Voting Nay

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

A motion was made by Councilman Wiktor and seconded by Councilman Rood to appoint Frank Lisowski Jr. to the position of Deputy Code Enforcement Officer, Part-time, term to expire December 31, 1996.

Councilman Davenport	Voting Nay
Councilman Rood	Voting Aye
Councilman Walter	Voting Aye
Councilman Wiktor	Voting Aye
Supervisor Kennedy	Voting Aye

four (4) Ayes — one (1) Nay — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to appoint Philip Munger to the position of Deputy Dog Control Officer/Enumerator, Part-time, term to expire December 31, 1996.

Councilman Davenport	Voting Nay
Councilman Rood	Voting Aye
Councilman Walter	Voting Nay
Councilman Wiktor	Voting Aye
Supervisor Kennedy	Voting Aye

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

REGULAR BOARD MEETING AND ANNUAL AUDIT MEETING — TOWN HALL
JANUARY 17, 1996 — 7:30 P.M.

Supervisor Kennedy noted the Town of Boston Annual Audit was conducted by the Town Board of all Town Officials controlling funds and was deemed to be in order.

A motion was made by Councilman Rood and seconded by Councilman Wiktor to approve the Town Justices, Town Clerk, Tax Collector and Registrar of Vital Statistics Annual Reports for 1995.

five (5) Ayes — Carried

SUPERVISOR REPORT

A) Supervisor's monthly report for December 1995 was received and on file in the Clerk's Office.

Supervisor Kennedy noted a Public Hearing was conducted on January 11, 1996 for the proposed establishment of East Hill Water District No.3. Pamphlets were distributed by Nussbaumer and Clarke, Inc. and copies are available in the Town Clerk's Office. Upon completion of the SEQR process and declaration of the Town Board the date will be scheduled for the vote on the East Hill proposal.

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to appoint a Zoning Review Committee to examine the recommendations by the Planning Board and the Zoning Board of Appeals, on changes that would address problems in the current law, as follows:

Town Board Members — Town Planner Brox
Town Attorney Perley — Code Enforcement Officer
Designated Rep. of Planning Board
Designated Rep. of Zoning Board of Appeals

five (5) Ayes — Carried

A Zoning Review Committee meeting is scheduled for January 31, 1996, 7:00 P.M. in the Planning Board Room.

TOWN CLERK REPORT

Town Clerk Shenk noted that on February 1, 1996 the license fee for unspayed/unneutered dogs will be increased from $10.00 to $13.00.

TOWN ATTORNEY REPORT

Town Attorney Perley reported he will file a Stipulation of Discontinuance which finalizes the lawsuit of the Town vs. Fidelity of Maryland and Kostas Construction who defaulted on the bid for the Community Room project. The Town has received the money.

Regarding the proposed establishment of Water District No. 3, preparation has begun to send the appropriate SEQR notifications and prepare the Notice of Intent which addresses the extent the Water District will impact, encroach upon, or enter into the agricultural districts. It is the intent, with the approval of Nussbaumer & Clarke, to have the Notice of Intent completed and into a schedule allowing the Town Board to act the second meeting in February.

COUNCILMAN REPORT

Councilman Rood noted a few residents came to the Councilman office hours on Saturday, January 13, 1996, in the Town Hall Planning Board Room. The Councilman hours will be the second Saturday of every month, 9:00 A.M. to 11:00 A.M. in the Town Hall.

Councilman Wiktor reported it was suggested at the Planning Board meeting of January 9, 1996 that the codes for the Town of Boston be reviewed and revised if necessary.

REGULAR BOARD MEETING AND ANNUAL AUDIT MEETING — TOWN HALL
JANUARY 17, 1996 — 7:30 P.M.

COUNCILMAN REPORT (CONT.):

Councilman Wiktor attended the installation of the following Bosto.. Rescue Squad Officers on January 16, 1996:

President	Larry Stewart
Vice President	Casey Glogowski
Recording Secretary	Susan Keller
Correspondence Secretary	Audrey Frank
Treasurer	James Henry

correction on page 19

Councilman Wiktor will be working with Financial Consultant Mark Flaherty and Senator Volker's Office to explore the possibility of implementing a Service Award Program for the Rescue Squad and to review the proposed rules drafted by the State Comptroller's Office.

Councilman Wiktor and Engineer Ken Kloeber will schedule a workshop for the Town Board, Planning Board, Conservation Advisory Council and Zoning Board of Appeals regarding the new regulations and changes in the SEQR applications.

PLANNING BOARD REPORT

The Planning Board at their regular meeting of January 9, 1996 upon review of the application of John J. Braun Jr., 6556 Sherwood Lane, to make his existing attached car garage into an in-law apartment has a recommendation of approval with the provision that he apply for and be granted a building permit for an attached garage.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to schedule a Public Hearing for February 7, 1996 at 8:00 P. M. for the Special Use Permit Application of John J. Braun Jr., 6556 Sherwood Lane.

five (5) Ayes — Carried

CONSERVATION ADVISORY COUNCIL REPORT

A) Conservation Advisory Council's annual report for 1995 was received and is on file in the Clerk's Office.

Councilman Rood noted the Conservation Advisory Council received a Tree Trust Grant for $5,000 in 1995.

A motion was made by Councilman Wiktor and seconded by Councilman Rood to adjourn the meeting at 8:18 P.M..

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
FEBRUARY 7, 1996 — 7:30 P.M.

Present were Councilman Josephine M. Davenport, Councilman Lisa M. Rood, Councilman Peter A. Walter, Councilman Damian P. Wiktor, Supervisor Richard L. Kennedy, Town Attorney Michael F. Perley and Highway Superintendent Eugene E. Ruchalski.

Reverend Richard Siemann opened the meeting with a prayer.

A motion was made by Councilman Wiktor and seconded by Councilman Davenport to adopt the minutes of the January 17, 1996 regular monthly meeting with the following addition:

COUNCILMAN REPORT

Councilman Wiktor reported the Rescue Squad Members recognized eleven (11) members who compiled over one thousand (1,000) volunteer service hours for 1995.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Wiktor that the General Fund and Special District Bills on Abstract #2, dated February 7, 1996 in the amount of $46,221.81 be paid. see continued pg 75

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Supervisor Kennedy that the Highway Bills on Abstract #2, dated February 7, 1996 in the amount of $23,149.57 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport to accept the Town Clerk's Monthly Report for January 1996.

five (5) Ayes — Carried

Received and filed a Senior Citizen Alert from Erie County Department of Health regarding the solicitation of unauthorized hearing tests.

Received and filed notice from the Erie County Department of Environment and Planning of Community Forums regarding Housing and Community Development Grants.

Received and filed Erie County Sheriff's monthly Activity Report for January 1996.

Received and filed a letter of appreciation from the Erie County Sheriff's Office for support of grant applications for federal monies.

Received and filed a Buffalo City Clerk Resolution requesting the NYS Legislature extend the additional one percent (1%) NYS sales tax for Erie County for 1996.

Received and filed notification from NYS DEC of funding for a Salt Storage Facility through the 1995 NYS Non-Point Source Implementation Grants Program.

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to establish two (2) Nutrition Site Coordinator PT, PJC (Non-Competitive Class) positions, serving as temporary pending final approval from NYS.

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
FEBRUARY 7, 1996 — 7:30 P.M.

A motion was made by Councilman Wiktor and seconded by Supervisor Kennedy to authorize TVGA Engineering, Surveying, P.C. to incorporate (SCADA) a radio path study and report in the Chestnut Ridge Water Storage Tank contract for an estimated cost of between $2,250 and $2,750.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport stating no objection to the Town of Colden request for Lead Agency Status on the SEQRA Application of the Environmental Conservation law for the creation of Water District No. 1.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport to grant the Boston Democratic Club use of the Town Park and Town Hall facilities for the Annual Easter Egg Hunt on April 6, 1996 from 9:30 A.M. to 2:00 P.M..

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood to approve the 1996 Agreement for the Expenditure of Highway Monies for general repairs for the sum of $235,000 for the permanent improvement of Homestead, Old Orchard, Endress, Johns Terrace, Glenn Terranc and Kevin Drive.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to approve the updated Exhibit "A" for the Erie County Division of Highways Snow Removal Contracts.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport, on the recommendation of Town Attorney Perley, to authorize Supervisor Kennedy to sign the Erie County Water Authority Lease Management Agreement, contingent on prior Town Attorney approval.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to appoint Highway Superintendent Ruchalski as the Town of Boston delegate for the NYS Association of Towns 1996 Training School and annual meeting in New York City, from February 17th to February 21st 1996.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to amend the 1996 Water District #2 Budget as follows:

Appropriations	$117,717.00
Less Estimated Revenue	
Less Unexpended Balance	75,000.00
Amount to be raised by taxes	42,717.00

Summary totals for the Town of Boston as follows:

Appropriations	2,937,146.50
Less Estimated Revenue	865,900.00
Less Unexpended Balance	460,500.00
Amount to be raised by taxes	1,610,746.50

five (5) Ayes — Carried

REGULAR BOARD MEETING
FEBRUARY 7, 1996

TOWN HALL
7:30 P.M.

At 8:00 P.M. a Public Hearing was held for the purpose of hearing public comments on the application of John J. Braun Jr. for a Special Use Permit for an In-Law Apartment at 6556 Sherwood Lane. Supervisor Kennedy read the legal notice, letter of intent and letter sent to 19 neighboring property owners with an Assessor's map. A letter was read from the Planning Board recommending approval contingent on a building permit being granted for a garage. Supervisor Kennedy convened the Public Hearing.

LEGAL NOTICE
TOWN OF BOSTON
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston, Erie County, New York, will hold a Public Hearing at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on Wednesday, February 7, 1996 at 8:00 P.M., Eastern Prevailing Time, to consider the application of John J. Braun Jr. for a Special Use Permit for an In-Law Apartment at 6556 Sherwood Lane.

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

Dated: January 19, 1996
Published: January 25, 1996
BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK
1-25

Lorraine Bieron, 6557 Sherwood Lane: My husband Eugene and I live directly across the street from the Braun home. Their property is very well maintained and when they put their garage addition on it was very tastefully done so we have no concern about what this addition or change will do to their property. I am sure their new plans will be in very good taste too. We understand their need and we are sympathetic to it and we are not concerned about one member of the family living in an apartment there. Our concern is for the future. If Mr. Braun no longer needs an apartment for a family member or if they decide to sell altogether, could this then become a rental property? We would not want this to be a possibility. Extra traffic and cars on and around the property is not a good situation in this particular place. If you would look at the map you will notice that the Braun property is on a curve and we are directly across the street from it. Our driveway is on the east side of our property and it therefore is almost on the curve. The Braun's pine trees that surround the area of the proposed garage have made a very dangerous situation for us making a left hand turn into our driveway. In the past two or three years these trees have thinned a little to allow a fairly safe entrance. As I have said, it was at one time a very bad sight line so we would not want a garage to block our view now, depending on which way the garage would be situated. It could block our view from on-coming cars coming down Sherwood Lane from Fairlane. Most people drive down the middle of the street being a little country road and many of them whip by and it is not just Sherwood Lane property owners that use Sherwood. For some reason Fairlane property owners seem to use it too and we do get quite a bit of traffic. Again we are very sympathetic to the Braun's view but we are concerned for the future. We would like some sort of guarantee that the property would not be a rental property and secondly we are concerned with our safety. I think serious consideration should be given to a garage location and/or the removal of trees so that it will be a safe entry for us and for children playing on our property. We have grandchildren and if someone buys our property down the line I am sure they would be concerned.

Town Board views Assessor Map with Lorraine Bieron.

John J. Braun: First of all, I respect Mr. & Mrs. Bieron's viewpoint. I have lived in that house ever since I was a child. When my mother and father moved I bought it from them so I've lived there for thirty (30) years now. So for what it is worth I don't have any intention of moving. I understand their concerns if something happened and I had to leave. I have already spoken to Town Clerk Shenk about the fact that if it is necessary, I don't know what kind of stipulation you would have to do but I would be willing to do what I had to so the neighbors wouldn't have to be worried about me using it as income property. I don't know if that is required or not but I would be willing to do what I have to as far as that regard goes. As far as the location of the garage goes, I would be using my existing driveway. It's going to be

REGULAR BOARD MEETING
FEBRUARY 7, 1996

TOWN HALL
7:30 P.M.

PUBLIC HEARING (CONT.):

John J. Braun (Cont.): coming out right where it has since 1961. The garage is going to be right next to where it is now attached and we will still be backing out of the same place we have for all those years. I do have diagrams here of it if you would like to see them.

The Town Board reviews the diagrams with John Braun.

Rena Kaminski, 6556 Fairlane Road: I have been a resident at 6556 Fairlane Drive which is directly behind the Braun residence. We have been here for about thirty-four (34) years. We built the home that long ago. I understand what we are here for is to approve some kind of a garage structure for the Brauns. We were not invited or even notified of the Planning Board approach by the Braun family. This is my concern as nearly a lifelong resident of this area and I intend to stay here for a number of more years. I am concerned about the subdivision, as we built and lived here all these years, going from single family structure to now a multiple family structure. I understand, perhaps I don't know all the technical terms, that there is a SR provision of some sort in our subdivision which allows for extended space for family members but this structure which we haven't seen any drawings of, I am getting the impression just from the garage, and I know the size of the garage, has to be, you have to consider the amount of square feet. I was under the impression from someone I spoke to in the Town Hall earlier, I can't remember his name, but anyway, he gave me some square footage indications. I believe he said the apartment may not be smaller than six hundred (600) feet but may not exceed eight hundred (800) square feet. My question here is with the full size of the lower level of the garage and the upstairs extended with the dormer, are we staying within the boundaries of that provision? My concern is that we don't turn the subdivision by setting a precedent into multiple family dwellings. Adding on a room and perhaps a bathroom to accommodate another member of the family is one thing but to add an entire separate structure which could be accessed by a private entrance and in the future be used as rental property without some sort of prior determination, and that should be here and now, does not protect our subdivision or any people who want to buy and sell in the future. I hope I made myself clear. I wasn't prepared to say all this and I don't know all the terminology that goes into the Planning Board but I think I got the message across. I would be interested in the square footage that is one of the deciding factors in the Planning Board allowing this type of addition to be approved.

Supervisor Kennedy: I don't know, without some research myself, whether I would know offhand the answer to some of your questions. I know there is a provision within the R-2 zoning for a mother-in-law apartment to be constructed. I also have some of the same concerns that you have expressed in that once a unit has been converted and has the capacity of a separate entity, then there is always the possibility of abuse in the rental of that after the mother or father-in-law or who ever the in-laws are or your own mother or father who may be living with you leave. In our private conversations just a few moments ago the applicant said he would be willing to put something in the stipulation that if this were granted and it comes to the point where his mother is no longer with him, he would remove from that, in some capacity, so that it couldn't be utilized as a separate apartment or used as a multiple dwelling. I understand where you are coming from because we have one on our street where it is an upstairs apartment that was utilized by a mother-in-law. It really didn't disturb the integrity or the aesthetics of the single family home because it still looked just exactly like it does today. It looked like a single family home so in that capacity it didn't disturb me but there is always that consideration that there may be abuse somewhere down the line in the conversion of it to a rental unit.

REGULAR BOARD MEETING TOWN HALL
FEBRUARY 7, 1996 7:30 P.M.

PUBLIC HEARING (CONT.):

Supervisor Kennedy (Cont.): I think we could address that. I will refer to the Town Attorney for his comments because I am not certain.

Town Attorney Perley: There are a series of issues here that have to be determined. When Mr. Brox looked at the plans that were originally submitted by the applicant to the Planning Board, it was his opinion that the plans at that time fell within the square footage of R-2. Mr. Braun has indicated a willingness to enter into an agreement with respect to discontinuing the use of the accessory apartment. That issue I think can be separately addressed by private agreement. I think, in discussions with him if we agree upon terms that are satisfactory to the Board that a private agreement can be used here to protect the neighborhood. The third issue that really has to be looked at is whether or not there is total compliance with all the set back requirements. With what Mr.Braun brought this evening we can't determine that. So there are a series of things that still have to be looked at by the Board in my opinion and by the Code Enforcement Officer. As one aside and not to confuse the issue, were this not going to be an accessory apartment where this was just going to be an addition to the house, and if the proposed addition fell within all the guidelines of the code, he could build it. So the exterior development of the house is not the issue here. It is the interior development of the house that is the issue. The exterior development of the house is going to have to meet the Code. If it meets the Code it could be constructed as long as the use remains single family. So what we are dealing with here is an interior use. I think we can address that by way of a private agreement and I would be willing to discuss that with Mr. Braun and to bring back his ideas to the Board and see if those are agreeable to the Board in terms of procedure under which this use could be deemed he would agree to abandon the use conferred by the Special Permit under certain circumstances. I think that can be addressed. As long as there is an agreement on terms I think that portion of the concern brought up by Mrs. Kaminski could be dealt with. If the Board is looking for some guidance in that from a legal standpoint, I think that could be done. It would necessitate that after the Public Hearing were closed the matter be tabled. It would be my suggestion that the Board table it in any event because there is a series of items here that have to be addressed. Did that answer your question?

Supervisor Kennedy: It answered my questions. I don't know if the rest of the Board has any additional questions of the Attorney. Are there any other comments on the application itself?

Code Enforcement Officer Kramer: I'd just like to address the Board and Mrs. Kaminski. You called me on the phone. The day you called me I was very unfamiliar with the case as I explained to you. At that point I told you I was not aware of the square footage of the lot and so forth. A couple of your questions and concerns were how much of the lot could he cover. I think I told you at that point, fifteen percent. Then you asked me how big the house was and so forth. I had no blue prints or surveys at that point. I do have a copy of the survey and basically what we have if we compute the square footage of his lot is approximately 20,243 square feet. Now, he is entitled to use fifteen percent of that. So roughly if we do some easy math, if we use 20,000 square feet times fifteen that would allow him to build on 3,000 square feet or cover 3,000 square feet. His existing house with an attached garage as presently set is 1,924. He is asking for a new addition of approximately 484 feet. There is a shed on the property, ten by twelve which is 120 feet. This totals 2,528 square feet so he is well within the guidelines of lot coverage. The existing house when that was built required a thirty foot set back which he adequately has. The way the new garage was shown to me it will

REGULAR BOARD MEETING
FEBRUARY 7, 1996

TOWN HALL
7:30 P.M.

PUBLIC HEARING (CONT.):

Code Enforcement Officer Kramer (Cont.): continue in line with the house which would maintain that thirty foot set back. He would have thirty plus feet from the other road as it makes the bend.

Town Attorney Perley: I am concerned with a precise figure on that side lot though until we see a survey.

Code Enforcement Officer Kramer: I said approximately.

Town Attorney Perley: I know but that is the one that we don't really know yet.

Code Enforcement Officer Kramer: Definitely. I would agree with Mr. Perley in that if he would have just approached me and wanted to put an addition on to his house I would have to issue the permit. I think you have to give him a little credibility in that he is coming forward and saying that he would like to move his mother in with him. He could have gone ahead and done the project and moved her in and there isn't a lot we could do about it.

Supervisor Kennedy: It would be very difficult to see what somebody is doing to the interior of the building. If he presented you with plans to build a garage and then modified the inside of the structure as some people have, there is no way outside of infringing on people's privacy, we certainly can't go into houses and examine them. In that respect I do applaud the applicant also. We have had people who have done those things.

Code Enforcement Officer Kramer: I can forward those numbers to you, Mr. Perley.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to close the Public Hearing at 8:31 P.M..

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Walter to table the application of John J. Braun Jr., 6556 Sherwood Lane for a Special Use Permit until the February 21, 1996 Town Board Meeting.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Supervisor Kennedy to approve the correction of Transfers of Appropriations at the December 28, 1995 Town Board Meeting as follows:

FROM:	5130.2	Machinery, equip	8,640.00	
	5140.4	Misc, Brush/Weeds	500.00	
	9010.8	State Retirement	23,200.00	
	9040.8	Worker's Comp	3,063.00	
	9050.8	Unemployment Insur	1,000.00	
	9055.8	Disability	78.00	36,481.00
TO:	5142.1	Snow Removal, PS	14,003.00	
	5142.4	Snow Removal, Cont	4,526.00	
	5148.1	Srv Govt, PS	14,003.00	
	5148.4	Srv Govt, Cont	3,949.00	36,481.00

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to take no action to oppose the EC Sewer District #3 request for Lead Agency Status for the Valley Circle Sanitary Sewer and elimination of the Valley Circle Pumping Station.

five (5) Ayes — Carried

REGULAR BOARD MEETING
FEBRUARY 7, 1996

TOWN HALL
7:30 P.M.

SUPERVISOR REPORT

A) Supervisor monthly report for Highway Fund for January 1996 was received and on file in the Clerk's Office.

Supervisor Kennedy read a letter of resignation from Bookkeeper Jean Kleis effective February 6, 1996.

Supervisor Kennedy noted Jean Kleis will be missed and wished her the best during the recuperation from her illness.

Fox & Company has been retained to complete the Supervisor's Annual Report to the NY State Comptroller and the monthly report for the February 21, 1996 Town Board Meeting.

A motion was made by Councilman Wiktor and seconded by Councilman Walter to accept the resignation of Bookkeeper Jean Kleis, effective February 6, 1996.

five (5) Ayes — Carried

TOWN CLERK REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to accept the Monthly Registrar of Vital Statistics Report for January 1996.

five (5) Ayes — Carried

Supervisor Kennedy appointed the Safety Committee for the Town of Boston as follows:

David J. Shenk	-	Chairman - Injury Coordinator
Richard L. Kennedy	-	Town Hall
Gerald O'Brien	-	Recreation
Eugene Ruchalski	-	Highway
Dale Hess	-	Boston Fire Company
Keith Gannon	-	Boston Fire Company
William Schwab	-	Patchin Fire Company
Louise Manista	-	North Boston Fire Company
Sean Crotty	-	Boston Emergency Squad
P.E.R.M.A.	-	Peter Archbold

Records Committee for the Town of Boston:

David J. Shenk	-	Chairman
Richard L. Kennedy		
Karen A. Ellis		
Leo Jensen		

Town Clerk Shenk reported the 1996 Town and County tax bills will be mailed on February 15, 1996. The tax collection hours are:

Saturday Hrs.	February	24, 1996	9:00 A.M. - 3:00 P.M.
	March	2, 1996	9:00 A.M. - 3:00 P.M.
	March	9, 1996	9:00 A.M. - 3:00 P.M.

TOWN ATTORNEY REPORT

Town Attorney Perley noted he received and signed a Stipulation of Discontinuance from the Niagara Mohawk Power Corporation on the Article 7 proceeding brought against the Town of Boston. When returned from Niagara Mohawk Power Corporation, the Stipulation will be filed and a copy given to the Town Clerk.

REGULAR BOARD MEETING
FEBRUARY 7, 1996

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT

Councilman Rood announced the formation of second Senior Citizen Group. The organizational meeting will be held on March 8, 1996 at 1:00 P.M. in the Boston Town Hall Community Room. To join the Senior Group one must be a Boston resident and at least sixty (60) years old.

Councilman Wiktor reported the Zoning Review Committee met on January 31, 1996 and discussed seven areas of concern. The Town Attorney will review, prepare the preliminary language and present the concerns to the Zoning Review Committee for further discussion and input.

The North Boston Fire Company honored Rodney Carr as Firefighter of the Year and Herb Klein with the Outstanding Service Award at the Installation held on January 27, 1996.

Councilman Walter noted there were numerous calls after the severe flooding of January 18th & 19th, 1996. The foot of Colonial Drive was the most severe. The Highway Department completed work to correct the problem and the Patchin Fire Company will blow out culverts.

Complaints are received regarding sump pumps being pumped to neighboring property. Drainage in the Town is a problem and hopefully in the future there will be a drainage plan before a building permit is issued. Councilman Walter suggested anyone having drainage problems should call him and he will meet them at the site.

Councilman Davenport reported there are over one hundred (100) people registered for the Erie County Nutrition Program in the Town of Boston. The program will not run on February 19th, President's Day Holiday or March 7th, Presidential Primary Day.

The Creative Playground is in need of a bike rack as reported by Principal Gibbs.

CODE ENFORCEMENT OFFICER REPORT

A) Code enforcement Officer monthly report for January 1996 was received and on file in the Clerk's Office.

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officer monthly report for January 1996 was received and on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for January 1996 was received and on file in the Clerk's Office.

PLANING BOARD REPORT

A) Planning Board Annual report for 1995 was received and on file in the Clerk's Office.

A motion was made by Councilman Walter and seconded by Councilman Wiktor to adjourn the meeting at 8:52 P.M..

David J. Shenk

DAVID J. SHENK, TOWN CLERK

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1996-3

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 February, 1996 at 7:30 o'clock in the evening Eastern Prevailing Time there were:

Present:	**Richard L. Kennedy**	**Supervisor**
	Josephine M. Davenport	**Councilman**
	Lisa M. Rood	**Councilman**
	Peter A. Walter	**Councilman**
	Damian P. Wiktor	**Councilman**

Absent:

SUPERVISOR KENNEDY presented the following Resolution and moved its adoption:

WHEREAS: John J. Braun, Jr. and Ann Braun, his wife, have applied to the Town Board of the Town of Boston to construct an accessory apartment at premises situated in the Town of Boston at 6556 Sherwood Lane; and

WHEREAS: The Zoning classification of said property is R-2 is appropriate for the said applications; and,

WHEREAS: The applicants desire to construct an accessory apartment for the use of the mother of John J. Braun, Jr.; and

WHEREAS: The applicants do not desire to convert the property to a commercial two-family dwelling; and,

WHEREAS: The applicants have indicated a willingness to enter into an Agreement with respect to the termination of the accessory apartment; and

WHEREAS: A public hearing was held on the 7th day of February, 1996

NOW THEREFORE:

BE IT RESOLVED that the application of John J. Braun, Jr. and Ann Braun to construct an accessory apartment on premises locally known as 6556 Sherwood Lane in the Town of Boston be granted upon the following terms and conditions:

First: That the accessory apartment be converted back to ordinary residential living space when same is no longer occupied on a regular basis by the Mother of John J. Braun, Jr..

Second: That the property shall not be used as a commercial two family dwelling.

Third: That the applicants agree not to list, advertise or represent the property to be improved with an accessory apartment or as a commercial two family dwelling and that the applicants only list, advertise or represent the premises to be a single family dwelling in the event same is ever listed or advertised for sale.

Fourth: That the Code Enforcement Officer of the Town of Boston, or his/her designee be allowed access to the property at reasonable times upon the request of any interested person or organization; including a prospective purchase, mortgagee or upon the request of the Town Board of the Town of Boston to determine whether or not the applicants have complied with the terms and conditions of this Resolution.

Fifth: That for the purposes of this Resolution, the conversion of the property to ordinary residential living space, shall require the elimination of a functional kitchen in the accessory apartment.

Sixth: That, at any time after the expiration of this Special Use permit, the property may only be used in conformance with the Zoning Regulations that from time to time shall pertain to the property.

and,

BE IT FURTHER RESOLVED that the permit granted herein be and the same is hereby contingent upon the applicant obtaining a building permit for a garage addition to the premises; and,

BE IT FURTHER RESOLVED that this permit granted herein be and the same is hereby contingent upon the applicants agreeing to the terms and conditions hereof, in writing, and in a form capable of being recorded in the Office of the Erie County Clerk, and upon the Town Attorney of the Town of Boston approving the firm of said Agreement and receiving proof that same has been filed at the Applicant's expense in said Office.

Seconded by COUNCILMAN DAVENPORT and put to a vote which resulted as follows:

Supervisor Kennedy	Voting AYE
Councilman Davenport	Voting AYE
Councilman Rood	Voting AYE
Councilman Walter	Voting AYE
Councilman Wiktor	Voting AYE

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

David J. Shonk

David J. Shonk-Town Clerk

REGULAR BOARD MEETING — TOWN HALL
FEBRUARY 21, 1996 — 7:30 P.M.

Present were Councilman Josephine M. Davenport, Councilman Lisa M. Rood, Councilman Peter A. Walter, Councilman Damian P. Wiktor, Supervisor Richard L. Kennedy, and Town Attorney Michael F. Perley.

Absent: Highway Superintendent Eugene E. Ruchalski.

A motion was made by Councilman Walter and seconded by Councilman Davenport to adopt the minutes of the February 7, 1996 regular monthly meeting.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood that the General Fund and Special District Bills on Abstract #2A, dated February 21, 1996 in the amount of $34,355.48 be paid.

five (5) Ayes — Carried

Received and filed notification from Congressman Quinn of flood damage assistance available for flood damage incurred during the period of January 17-26, 1996.

A motion was made by Councilman Wiktor and seconded by Supervisor Kennedy to table until the March 6, 1996 Board Meeting, a request from the Animal Birth Control Society of W.N.Y. Inc. to lowering or dropping the Town of Boston adoption fee.

five (5) Ayes — Carried

Received and filed a response from Senator Dale M. Volker to a request from Supervisor Kennedy for a legislative initiative in the amount of $20,000 for assistance in the construction of a salt storage facility.

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to approve the Tour De Fran Bike Race on July 13, 1996 utilizing Trevett, Emerling and Brown Hill Roads.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to remove from the table the Special Use Application of John J. Braun, Jr., 6556 Sherwood Lane, tabled from the February 7, 1996 regular Town Board Meeting.

five (5) Ayes — Carried

Supervisor Kennedy read a letter from Mrs. Frank Lizak supporting the Special Use Application of John J. Braun Jr.,6656 Sherwood Lane.

Supervisor Kennedy reported that a meeting with Code Enforcement Officer Kramer and a site inspection by Town Board members determined that no sight distance problems would exist from the approval of a Special Use Permit at 6556 Sherwood Lane.

Town Attorney Perley presented the Town Board with the General Conditions to be incorporated into an Agreement between the Town of Boston and the applicant, John J. Braun,Jr..

RESOLUTION 1996 - 3 SPECIAL USE PERMIT 6556 SHERWOOD LANE

A motion was made by Councilman Walter and seconded by Councilman Wiktor to grant the Boston Lions Club use of the Lions Shelter the week of July 22 through July 27, 1996 for the Annual Oktoberfest.

five (5) Ayes — Carried

REGULAR BOARD MEETING
FEBRUARY 21, 1996

TOWN HALL
7:30 P.M.

A motion was made by Councilman Walter and seconded by Councilman Davenport to re-appoint Paul Sawicki to the Conservation Advisory Council, term to expire March 1, 1999.

five (5) Ayes — Carried

A motion was made by Councilman Rood and seconded by Councilman Wiktor to re-appoint Sylvia Wisher to the Conservation Advisory Council, term to expire March 1, 1999.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor, on the recommendation of Recreation Director O'Brien to appoint the following to the Boston Youth Advisory Board:

NAME	OFFICER	AREA OF INVOLVEMENT
Paul Becker	President	Concerned Parent
Patricia Maxwell	Vice-President	Concerned Parent
Betty Vara	Secretary	Alpine Skiing
Jerry Lindsey		Baseball
Galen Mussellman		Softball
Tina Frascella		Football
Jerry O'Brien		Rec. Director
Paul Rosiek		Soccer
Gary Vara		Concerned Parent
Jackie Russell		Summer Recreation
Kathy Rooney		Friday Night Recreation

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood to authorize Highway Superintendent Ruchalski to advertize specifications for one (1) 1996 Trailer Mounted Drum Style Brush Chipper.

five (5) Ayes — Carried

RESOLUTION 1996 - 4 GREENBRIAR TERRACE LIGHT STANDARD INCLUDED IN TOWN WIDE LIGHT DISTRICT

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to appoint Sondra Kadlubowski to the position of Bookkeeper, Part-time, annual salary of $11,000, term effective 2/12/96 to 12/31/96.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to retain Jean Kleis as a Consultant to the Bookkeeper and with continuation of her regular salary through February 29, 1996.

five (5) Ayes — Carried

SUPERVISOR REPORT

A) Supervisor's monthly report for January 1996 was received and on file in the Clerk's Office.

Supervisor Kennedy reported that the unofficial result of the West Hill Water Extension vote on February 20, 1996 was 93 ballots in favor and 93 ballots against the proposition. Affidavit ballots were prepared for twelve (12) people whose names appeared on deeds but were not listed on the Polling lists. These ballots are sealed and will be counted as soon as the validity of the affidavits are assured.

RESOLUTION 1996 - 04

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 February, 1996 at 7:30 P.M. Daylight Savings Time, there were:

PRESENT:	Richard L. Kennedy	Supervisor
	Josephine M. Davenport	Councilman
	Lisa M. Rood	Councilman
	Peter A. Walter	Councilman
	Damian P. Wiktor	Councilman

Councilman Wiktor presented the following resolution and moved its adoption:

BE IT RESOLVED, that the Town Board of the Town of Boston does hereby authorize New York State Electric & Gas to include the light standard in the Szalay Subdivision - Greenbriar Terrace - into the townwide light district.

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

Supervisor Kennedy	**Voting Aye**
Councilman Davenport	**Voting Aye**
Councilman Rood	**Voting Aye**
Councilman Walter	**Voting Aye**
Councilman Wiktor	**Voting Aye**

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

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
FEBRUARY 21, 1996 — 7:30 P.M.

SUPERVISOR REPORT (CONT.)

Supervisor Kennedy expressed disappointment in the number of residents opposed to the West Hill Water District Expansion. The package presented to the residents was the result of an extensive effort to bring forward the most cost effective plan to serve the West Hill with water.

TOWN CLERK REPORT

Town Clerk Shenk announced the Presidential Primary for the Republican Party is March 7, 1996. The Board of Elections has determined that the Clerks are eligible to consolidate Election Districts thus cutting costs. The approximate savings will be $1,020.00.

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to consolidate the Election Districts as follows:

Boston Town Hall	District 3 and 6 will merge
North Boston Fire Hall	District 2 and 7 will merge
Boston Valley School	District 5 and 1 will merge
St. John the Baptist	District 4 will remain the same

five (5) Ayes — Carried

TOWN ATTORNEY REPORT

Town Attorney Perley reported a Stipulation of Discontinuance on the Niagara Mohawk Article 7 proceeding against the Town has been executed and forwarded to Judge Howe for an Order.

The proposed revisions to the Erie County Water Authority Lease Management Agreement was forwarded to Debra Norton, Associate Attorney for ECWA.

The Town Attorney and Town Clerk will review and finalize the procedure with the Board of Elections under which the twelve (12) Affidavit Ballots will be opened for the West Hill Water Extension Referendum of February 20, 1996. There will be a formal canvas of the machine and the Affidavit ballots.

COUNCILMAN REPORT

Councilman Rood expressed disappointment at the number of residents opposed to the West Hill Water Expansion Proposal. A map was displayed that was recently distributed to residents voting on the West Hill Water Extension Referendum of February 20, 1996. The flyer and map were meant to be used in conjunction with the Public Hearing which was held in December 1995. Councilman Rood commented that the map distributed alone only served to confuse residents.

Councilman Wiktor reported the street light in the cul-de-sac in Greenbriar Terrace has been installed.

The Boston Planning Board is pleased with the formation of the Zoning Review Committee and is eagerly awaiting to work together.

Councilman Walter reported the drainage problems on Colonial Drive have been corrected. Park Drive, Southside Drive and Lower East Hill Road also have reported drainage problems that will be taken care of. Currently LuDon Drive has a drainage problem caused by the runoff from Omphalius Road. The records of the area will be studied and a determination made as to whether the Town or the County is responsible for correcting the problem.

Councilman Davenport also expressed disappointment in the number of residents opposed to the West Hill Water Expansion Proposal. The cost will never be lower than it is now.

REGULAR BOARD MEETING
FEBRUARY 21, 1996

TOWN HALL
7:30 P.M.

DEPUTY CODE ENFORCEMENT REPORT

A) Deputy Code Enforcement Officer's monthly report for January 1996 was received and on file in the Clerk's Office.

A motion was made by Councilman Walter and seconded by Councilman Rood to adjourn the meeting at 8:19 P.M..

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
March 6, 1996 — 7:30 P.M.

Present were Councilman Josephine M. Davenport, Councilman Lisa M. Rood, Councilman Peter A. Walter, Councilman Damian P. Wiktor, Deputy Supervisor Lucille Genzel, Town Attorney Michael F. Perley and Highway Superintendent Eugene E. Ruchalski.

Absent: Supervisor Richard L. Kennedy.

Thomas Kasprzyk, Pastoral Assistant, Saint John the Baptist Church opened the meeting with a prayer.

A motion was made by Councilman Davenport and seconded by Councilman Walter to adopt the minutes of the February 21, 1996 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 #3, dated March 6, 1996 in the amount of $49,143.74 be paid. see Correction Page 75

four (4) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter that the Highway Bills on Abstract #3, dated March 6, 1996 in the amount of $33,052.70 be paid.

four (4) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Wiktor to accept the Town Clerk's Monthly Report for February 1996.

four (4) Ayes — Carried

Received and filed notification of a change in programming from Adelphia Cable Communications.

Received and filed the Liquor License Renewal for the Boston Hotel, 9378 Boston State Road.

Received and filed a Erie County Legislature Resolution regarding the consolidation of services.

Received and filed notification from the Niagara Frontier Transportation Committee of a meeting on March 8, 1996 to facilitate on-going transportation planning and development in the region.

Received and filed notification from the Erie County Department of Emergency Services of a Spring Flood Preparedness Seminar on March 21, 1996.

A motion was made by Councilman Wiktor and seconded by Councilman Rood to grant Donna Pachan, 7394 Boston Cross Road, use of the Boston Town Park on June 29, 1996 for a graduation party. Liquor may not be served to those under twenty-one years old. A security deposit and certificate of insurance have been supplied.

four (4) Ayes — Carried

A motion was made by Councilman Rood and seconded by Councilman Wiktor to grant Gerald O'Brien, Recreation Director, permission to attend the annual New York State Parks and Recreation Conference in Syracuse, New York from April 27 through April 30, 1996. Fees to be paid by the Town of Boston.

four (4) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
March 6, 1996 — 7:30 P.M.

A motion was made by Councilman Rood and seconded by Councilman Walter to direct Town Clerk Shenk to schedule the bid opening for a 1996 Trailer-Mounted Drum Style Brush and Tree Chipper for March 18, 1996 at 1:00 P.M..

four (4) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter to direct Town Clerk Shenk to schedule the bid opening for the Bus Transportation Service for Summer Recreation and Ski Programs for March 18, 1996 at 10:00 A.M..

four (4) Ayes — Carried

Councilman Walter reported there will be a Southtowns Haz-Mat Team Board of Directors Meeting on March 9, 1996 to discuss the acceptance of applications for membership from persons who are not members of a Fire Company.

A motion was made by Councilman Walter and seconded by Councilman Davenport to table until the March 20, 1996 Town Board Meeting, a request from the Southtowns Haz-Mat Team to accept applications for membership from persons who are not members of a Fire Company.

four (4) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Walter to remove from the table the request from the Animal Birth Control Society of W.N.Y. to lower or eliminate the fees for the adopting of stray dogs, tabled at the February 21, 1996 Town Board meeting.

four (4) Ayes — Carried

Deputy Supervisor Genzel noted a letter was received from Mrs. Lee Fox Sheldon, a member of the Animal Birth Control Society of W.N.Y., who feels the Town of Boston's adoption fees to adopt a stray dog in the Town of Boston are excessive. Dog Control Officer Wasak supplied Town Board members with a report from 1993 to the present, as follows:

110 Dogs - Strays picked up
81 Dogs - Returned to owner
13 Dogs - Adopted (No complaints of excessive charges)
16 Dogs - Euthanasia (4 in each year) Most not adoptable

Charge of $60.00 includes $20.00 redemption fee, $10.00 license fee and a fee for shots and worming (Dr. Nowak charges $30.00). Mr. Wasak noted the $20.00 redemption fee often does not cover expenses incurred for the feeding and care of the dog prior to adoption. The dog must be retained a minimum of five days before it can be released for adoption. The Dog Control Officer deemed redemption fee of $20.00 is warranted.

A motion was made by Councilman Rood and seconded by Councilman Wiktor to direct Town Clerk Shenk to notify Mrs. Lee Fox Sheldon, Animal Birth Control Society of W.N.Y. that the Town of Boston adoption fees are warranted.

four (4) Ayes — Carried

A motion was made by Councilman Rood and seconded by Councilman Wiktor to grant the Boston Historical Society permission to use the Boston Town Hall Dining Room and Kitchen on May 7, 1996 and October 1, 1996 for meetings and dinner. A security deposit has been received.

four (4) Ayes — Carried

REGULAR BOARD MEETING
March 6, 1996

TOWN HALL
7:30 P.M.

TOWN CLERK REPORT

A motion was made by Councilman Davenport and seconded by Councilman Rood to accept the Monthly Registrar of Vital Statistics Report for February 1996.

four (4) Ayes — Carried

Town Clerk Shenk announced the extended hours for the collection of the Town and County taxes due March 15, 1996 are as follows:

Wednesday,	March 13, 1996	5:00 P.M. - 8:00 P.M.
Thursday,	March 14, 1996	5:00 P.M. - 8:00 P.M.
Friday,	March 15, 1996	5:00 P.M. - 9:00 P.M.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Ruchalski thanked the Town Board for approving his attendance as the Town of Boston Delegate at the Association of Towns annual meeting in New York City.

The first employee of the Highway Department was tested for drugs and alcohol under the Drug Random Testing Program. At least fifty percent of the employees must be tested per year.

The Town of Boston Brush Pickup Schedule is as follows:

April 1st	-	Until Completed
April 15th	-	Until Completed
May 6th	-	Until Completed
May 20th	-	Until Completed
June, July, August	-	No Pickup
September 3rd	-	Until Completed
October 7th	-	Until Completed
October 21st	-	Until Completed

Brush pick-up notices will be put in every pennysaver box and will be posted in store windows.

Councilman Rood noted flyers announcing the April Tire Drop-off can be delivered with the brush pick-up notices.

A motion was made by Councilman Wiktor and seconded by Councilman Rood to authorize Highway Superintendent Ruchalski to pick-up brush on the dates designated by the Highway Superintendent.

four (4) Ayes — Carried

Highway Superintendent Ruchalski congratulated Town Clerk Shenk on his promotion to Sergeant in the United States Army Reserves.

TOWN ATTORNEY REPORT

Town Attorney Perley reported a letter was written to the Erie County Water Authority regarding the proposed Chestnut Ridge Road Storage Tank in the Town of Boston, Water District #1. A response has not yet been received. A redesign is underway and a new survey is being developed to establish the service area extension along the East Hill.

COUNCILMAN REPORT

Councilman Rood announced the Senior Second Group Organizational meeting is March 8, 1996 at 1:00 P.M. in the Boston Town Hall Community Room. Boston residents sixty years old or older may attend.

REGULAR BOARD MEETING
March 6, 1996

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.):

Councilman Rood noted the vote for Extension No.2 for Water District No.2 passed by two (2) votes. The unofficial count on the day of the election was ninety-three (93) to ninety-three (93). The official result after the re-canvas was ninety-nine (99) in favor to ninety-seven (97) against.

Councilman Wiktor announced that Mr. Ken Kloeber of Kloeber Engineering will present a workshop on the (SEQR) State Environmental Quality Review regulations, updates, procedures and filings on March 26, 1996 at 7:30 P.M., in the Town Hall Community Room. The Supervisor, the Town Board, Planning Board Members, Conservation Advisory Council, Zoning Board of Appeals, Code and Deputy Code Enforcement Officers, Town Attorney and Town Planner will be invited to attend.

Councilman Walter read a letter of denial from the Erie County Division of Highways to a request for a four-way stop sign at Eckhardt and Taylor Roads. Councilman Walter noted there was another accident with injures on Taylor and Eckhardt Roads while this letter was in the mail. Town Attorney Perley will work with Councilman Walter to submit another request for a four-way stop sign at Taylor and Eckhardt Roads.

Councilman Davenport reported the Nutrition Program is serving fifty (50) dinners daily. A representative from the Boston Nutrition Program will participate with the Erie County Nutrition Council to attend monthly meetings.

CODE ENFORCEMENT OFFICER REPORT

A) Code enforcement Officer monthly report for February 1996 was received and on file in the Clerk's Office.

DEPUTY CODE ENFORCEMENT OFFICER REPORT

A) Deputy Code enforcement Officer monthly report for February 1996 was received and on file in the Clerk's Office.

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officer monthly report for February 1996 was received and on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for February 1996 was received and on file in the Clerk's Office.

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

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
March 20, 1996 — 7:30 P.M.

Present were Councilman Josephine M. Davenport, Councilman Lisa M. Rood, Councilman Peter A. Walter, Councilman Damian P. Wiktor, Supervisor Richard L. Kennedy, Highway Superintendent Eugene E. Ruchalski and Town Attorney Michael F. Perley.

A motion was made by Councilman Wiktor and seconded by Councilman Rood to adopt the minutes of the March 6, 1996 regular monthly meeting.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport that General Fund and Special District Bills on Abstract #3A, dated March 20, 1996 in the amount of $41,330.94 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Walter that the Highway Bills on Abstract #3A, dated March 20, 1996 in the amount of $13,261.13 be paid.

five (5) Ayes — Carried

Received and filed a copy of the Summary for the Draft Environmental Impact Statement (DEIS) for Completion of the West Valley Demonstration Project and Public Hearing Schedule from U.S. Department of Energy.

Received and filed the Erie County Sheriff's Monthly Activity Report for February 1996.

Received and filed a letter from Shirley Popoff, 6751 Hillcroft Drive, regarding the NYS Police consolidation of services and possible closing of the Boston Station to the public.

Supervisor Kennedy announced that a letter will be sent to the NYS Police Superintendent, Senator Volker and Assemblyman Pordum requesting the Boston State Police facility remain an active facility.

A motion was made by Councilman Wiktor and seconded by Councilman Davenport, on the recommendation of Recreation Director O'Brien, to grant use of the Lions Shelter and the Community Room as an alternate site on rain days for the "Concert in the Park" series from 6:00 P.M. to 9:00 P.M. on Tuesdays, July 2nd, 9th, 16th, 30th and August 6th, 13th, 20th and 27th 1996.

five (5) Ayes — Carried

Supervisor Kennedy announced the following candidates were interviewed by the Boston Councilmen on March 9, 1996:

Donald Sauer	Steve Tybor
Patricia Jerome	JoAnn Santonocito
David Unger	Hilda Hartman
John David Early	

A motion was made by Councilman Wiktor and seconded by Councilman Rood to appoint John David Early to the Boston Planning Board, term to expire February 1, 2003.

Councilman Davenport	Voting Nay
Councilman Rood	Voting Aye
Councilman Walter	Voting Nay
Councilman Wiktor	Voting Aye
Supervisor Kennedy	Voting Aye

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

REGULAR BOARD MEETING — TOWN HALL
March 20, 1996 — 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to re-appoint David Unger to the Boston Conservation Advisory Council, term to expire March 1, 1999.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to accept the resignation of Nancy E. Stetter from the Boston Conservation Advisory Council, effective March 20, 1996.

five (5) Ayes — Carried

Supervisor Kennedy directed Town Clerk Shenk to send a letter to Nancy E. Stetter thanking her for her years of service on the Boston Conservation Advisory Council.

A motion was made by Councilman Rood and seconded by Councilman Wiktor to appoint John David Early to the Conservation Advisory Council, term to expire March 1, 1998.

five (5) Ayes — Carried

On March 18, 1996 at 1:00 P.M. the following bid proposals were received and opened for a Brush Chipper:

COMPANY	PRICE	PRICE w TRADE (90'Eeger Beever/Chipper)
Lyons Equip. Co.(Morbark E-Z Model 17) P.O. Box 107, Rock City St. Little Valley, NY 14755	$27,100	$14,500
Bob Cat of Bflo (Brush Bandit 280XP) 6715 S. Transit Road Lockport, NY 14094	$26,000	$19,600

A motion was made by Councilman Walter and seconded by Supervisor Kennedy, on the recommendation of Highway Superintendent Ruchalski, to award the bid to Lyons Equipment Company for the Morbark E-Z Model 17 brush chipper with the trade-in of the 1990 Eeger Beever Chipper for $14,500.

five (5) Ayes — Carried

Supervisor Kennedy announced that the request of the Southtowns Haz-Mat team for a change in membership qualifications tabled from the March 6, 1996 Town Board Meeting will remain tabled.

RESOLUTION 1996 - 5 REFUSE LICENSE - B.F.I. OF NEW YORK, INC.
REFUSE LICENSE - MAPLE CITY DISPOSAL SERV.INC.
REFUSE LICENSE - C.I.D. REFUSE SERVICE, INC.

SUPERVISOR REPORT

A) Supervisor's monthly report for February 1996 was received and on file in the Clerk's Office.

A motion was made by Councilman Wiktor and seconded by Councilman Rood to utilize part of the Supervisor's salary for the training and transition of a bookkeeper up to a maximum cost of $8,252.00.

five (5) Ayes — Carried

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Ruchalski announced that the townwide brush pick-up will begin March 25, 1996, weather permitting.

Highway Superintendent Ruchalski reported on the Town of Boston salt consumption for the 1995-1996 season.

TOWN OF BOSTON

RESOLUTION 1996 - 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, NY 14217 (716) 383-5185

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 3/20/96

David J Hunt
Town Clerk

BFI of New York, Inc.
(type-in Company Name)

By: [signature]

Title: District Manager Date: 1/9/96

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 X COMMERCIAL GENERAL LIABILITY CLAIMS MADE / X OCCUR OWNER'S & CONTRACTOR'S PROT	RHQL1211065-TX RHQL1211064-All Other States	5/01/95	5/01/96	GENERAL AGGREGATE PRODUCTS - COMP/OP AGG PERSONAL & ADV INJURY EACH OCCURRENCE FIRE DAMAGE (Any one fire) MED EXP (Any one person)	$ $ 2500000 $ 2500000 $ 2500000 $ 50000 $ 5000
B	AUTOMOBILE LIABILITY X ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS	Self Insured	5/01/95	5/01/96	COMBINED SINGLE LIMIT BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE	$ 5000000 $ $ $
	GARAGE LIABILITY ANY AUTO				AUTO ONLY - EA ACCIDENT OTHER THAN AUTO ONLY: EACH ACCIDENT AGGREGATE	$ $ $
A	EXCESS LIABILITY X UMBRELLA FORM OTHER THAN UMBRELLA FORM	CLM3089766	5/01/95	5/01/96	EACH OCCURRENCE AGGREGATE	$ 7500000 $ 7500000 $
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY THE PROPRIETOR PARTNERS EXECUTIVE OFFICERS ARE: X INCL / EXCL	SELF INSURED	5/01/95	5/01/96	X STATUTORY LIMITS EACH ACCIDENT DISEASE - POLICY LIMIT DISEASE - EACH EMPLOYEE	 $ 2500000 $ 2500000 $ 2500000
	OTHER					

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

See attached endorsement.

CERTIFICATE HOLDER

Town of Boston
8500 Boston State Road
Boston, NY 14025

CANCELLATION

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

AUTHORIZED REPRESENTATIVE
Michael B. Dennis

ACORD 25-S (3/93)

© ACORD CORPORATION 1993

Sedgwick

Sedgwick James of Georgia, Inc.
500 Atlanta Financial Center, South Tower 3333 Peachtree Road, NE Atlanta, Georgia 30326-1043
Telephone (404) 237-3444 Telex 804193 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

BROWNING-FERRIS INDUSTRIES

Buffalo District

April 30, 1996

Town of Boston
8500 Boston State Road
Boston, NY 14025

Dear Sir/Madam:

Enclosed please find our updated Insurance Certificate for the period of 05/01/96 to 05/01/97. This replaces the Certificate you have on file.

If you have any questions, please contact this writer. Thank you.

Very truly yours,

Mary Bremer

Mary Bremer
Safety Administrator
(716) 693-5185, ext. 343

/mb

Browning-Ferris Industries of NY, Inc.
2321 Kenmore Avenue, P.O. Box 571, Kenmore, NY 14217 • (716) 693-5185 • Fax (716) 873-7531

MARSH & McLENNAN, INC.

CERTIFICATE OF INSURANCE

CERTIFICATE NUMBER: # 37132

PRODUCER

Marsh & McLennan, Incorporated
1166 Avenue of the Americas
New York, NY 10036-2774

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER OTHER THAN THOSE PROVIDED IN THE POLICY. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES LISTED HEREIN.

COMPANIES AFFORDING COVERAGE

COMPANY LETTER	A NATIONAL UNION FIRE INS. CO.
COMPANY LETTER	B NATIONAL UNION FIRE OF LOUISIA
COMPANY LETTER	C
COMPANY LETTER	D

INSURED

BFI of New York, Inc.
P.O. Box 571
2321 Kenmore Avenue
Kenmore, NY 14217

COVERAGES

THIS IS TO CERTIFY THAT POLICIES OF INSURANCE LISTED HEREIN HAVE BEEN ISSUED TO THE INSURED NAMED HEREIN FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THE CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES LISTED HEREIN IS SUBJECT TO ALL THE TERMS, CONDITIONS AND EXCLUSIONS 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	RMGL 121-67-86	5/01/96	5/01/97	GENERAL AGGREGATE	$ 10000000
	[X] COMMERCIAL GENERAL LIABILITY				PRODUCTS-COMP/OP AGG	$ 2500000
	[ ] CLAIMS MADE [X] OCCUR.				PERSONAL & ADV INJURY	$ 2500000
	[X] OWNER'S CONTRACTOR'S PROT.				EACH OCCURRENCE	$ 2500000
	[X] Contractual Lia				FIRE DAMAGE (Any one fire)	$ 250000
					MED. EXPENSE (Any one person)	$ 10000
A	AUTOMOBILE LIABILITY	RMCA 135-32-34	5/01/96	5/01/97	COMBINED SINGLE LIMIT	$ 5000000
B	[X] ANY AUTO	RMCA 135-32-35(TX)	5/01/96	5/01/97		
	[ ] ALL OWNED AUTOS				BODILY INJURY (Per person)	$
	[ ] SCHEDULED AUTOS				BODILY INJURY (Per accident)	$
	[ ] HIRED AUTOS				PROPERTY DAMAGE	$
	[ ] NON-OWNED AUTOS					
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT	$
	[ ] ANY AUTO				OTHER THAN AUTO ONLY	
					EACH ACCIDENT	$
					AGGREGATE	$
A	EXCESS LIABILITY	BE 9320740	5/01/96	5/01/97	EACH OCCURRENCE	$ 7500000
	[X] UMBRELLA FORM				AGGREGATE	$ 7500000
	[ ] OTHER THAN UMBRELLA FORM					
	WORKERS' COMPENSATION AND EMPLOYERS LIABILITY				STATUTORY LIMITS	
					EACH ACCIDENT	$
					DISEASE - POLICY LIMIT	$
					DISEASE - EACH EMPLOYEE	$
A	OTHER EXC WORK COMP	RMWX 017-45-46	5/01/96	5/01/97	Statutory Limits	

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

(SEE REVERSE AND/OR ATTACHED)

CERTIFICATE HOLDER

Town of Boston
8500 Boston State Road
Boston, NY 14025

CANCELLATION

SHOULD ANY OF THE POLICIES LISTED HEREIN BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE INSURER AFFORDING COVERAGE WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED HEREIN, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER AFFORDING COVERAGE, ITS AGENTS OR REPRESENTATIVES, OR THE ISSUER OF THIS CERTIFICATE.

MARSH & McLENNAN, INCORPORATED
BY:

MMI 1 (3/95) VALID AS OF: 4/25/96

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

CERTIFICATE #37132 (CONTINUED)

INSURED : BFI of New York, Inc.

HOLDER : Town of Boston
8500 Boston State Road
Boston, NY 14025

State certified self insurer for workers' compensation and employers liability. Policy period is 5/1/96-97. Limit of liability is statutory for workers' compensation and $2,500,000 each accident/$2,500,000 disease-policy limit/$2,500,000 disease-each employee for employers liability.

Certificate holder is named as an additional insured.
Waste collection and disposal.

TOWN OF BOSTON

RESOLUTION 1996 - 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:

C.I.D. Refuse Service, Inc.

10860 Olean Road

Chaffee, New York 14030-9799

716/496-5000

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. Recycling Center, 10860 Olean Road, Chaffee, NY

MSW - C.I.D. Landfill, Inc., 10860 Olean Road, Chaffee, NY

B) INDUSTRIAL customers

i. Manner of Collection:

Recyclables - separate containers and truck

MSW - packer truck

ii. Manner and Place of Disposal:

Recyclables - C.I.D. Recycling Center, 10860 Olean Road, Chaffee, NY

MSW - C.I.D. Landfill, Inc., 10860 Olean Road, Chaffee, NY

- TOWN OF BOSTON -

APPLICATION FOR LICENSE TO COLLECT AND DISPOSE
OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS

2. (Cont'd.)

C) COMMERCIAL customers

i. Manner of Collection:

Recyclables - separate containers and truck

MSW - packer truck

ii. Manner and Place of Disposal:

Recyclables - C.I.D. Recycling Center, 10860 Olean Road, Chaffee, NY

MSW - C.I.D. Landfill, Inc., 10860 Olean Road, Chaffee, NY

D) RESIDENTIAL customers (excluding Town contract)

i. Manner of Collection:

Recyclables - none

MSW - none

ii. Manner and Place of Disposal:

Recyclables - 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 3/20/96.

David J. Shaw
Town Clerk

C.I.D. Refuse Service, Inc.
(type-in Company Name)

By: Edward L. Fluker
Edward L. Fluker

Title: Operations Section Manager Date: 1/17/96

ACORD. CERTIFICATE OF INSURANCE

CSR MR
CIDR-01

DATE (MM/DD/YY)
01/24/96

PRODUCER

Lawley Service Inc
120 Delaware Avenue
Buffalo NY 14202

Phone No. 716-849-8618 Fax No.

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 A: United States Fire Ins. Co.
COMPANY B: North River Ins.
COMPANY C: State Insurance Fund
COMPANY D:

COVERAGES

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

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A	GENERAL LIABILITY [X] COMMERCIAL GENERAL LIABILITY [ ] CLAIMS MADE [X] OCCUR [ ] OWNER'S & CONTRACTOR'S PROT	5030690652	01/01/96	01/01/97	GENERAL AGGREGATE PRODUCTS - COMP/OP AGG PERSONAL & ADV INJURY EACH OCCURRENCE FIRE DAMAGE (Any one fire) MED EXP (Any one person)	$ 2,000,000 $ 2,000,000 $ 1,000,000 $ 50,000 $ 5,000 $
B	AUTOMOBILE LIABILITY [X] ANY AUTO [ ] ALL OWNED AUTOS [ ] SCHEDULED AUTOS [X] HIRED AUTOS [X] NON-OWNED AUTOS	1336064274	01/01/96	01/01/97	COMBINED SINGLE LIMIT BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE	$ 1,000,000 $ $ $
	GARAGE LIABILITY [ ] ANY AUTO				AUTO ONLY - EA ACCIDENT OTHER THAN AUTO ONLY: EACH ACCIDENT AGGREGATE	$ $ $
A	EXCESS LIABILITY [X] UMBRELLA FORM [ ] OTHER THAN UMBRELLA FORM	5530206087	01/01/96	01/01/97	EACH OCCURRENCE AGGREGATE 	$ 5,000,000 $ 5,000,000 $
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY THE PROPRIETOR/ PARTNERS/EXECUTIVE OFFICERS ARE: [X] INCL [ ] EXCL	10739985	01/01/96	01/01/97	[X] STATUTORY LIMITS EACH ACCIDENT DISEASE - POLICY LIMIT DISEASE - EACH EMPLOYEE	 $ 100,000 $ 500,000 $ 100,000
	OTHER					

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

CERTIFICATE HOLDER

BOST-04

Town of Boston
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

William Lawley

ACORD 25-S (3/93)

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TOWN OF BOSTON

RESOLUTION 1996 - 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:

MAPLE CITY DISPOSAL SERVICE, INC.

10667 RT. 16 P.O. BOX 370

DELEVAN, N.Y. 14042 716-492-7480

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 SPARATION 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 3/20/96.

David J. Black
Town Clerk

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

By: [signature]

Title: PRESIDENT Date: 3/5/96

ACORD. CERTIFICATE OF INSURANCE

CSR NI HAPL-06 | ISSUE DATE (MM/DD/YY) 07/21/95

PRODUCER

Lawley Service Inc
120 Delaware Avenue
Buffalo NY 14202

716-849-8618

INSURED

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

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 Reliance Insurance

COMPANY LETTER B State Insurance Fund

COMPANY LETTER C

COMPANY LETTER D

COMPANY LETTER E

COVERAGES

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

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
	GENERAL LIABILITY					
A X	COMMERCIAL GENERAL LIABILITY	JK2673796	07/01/95	07/01/96	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					
A X	ANY AUTO	JK2673796	07/01/95	07/01/96	COMBINED SINGLE LIMIT	$ 1,000,000
	ALL OWNED AUTOS				BODILY INJURY (Per person)	$
	SCHEDULED AUTOS					
	HIRED AUTOS				BODILY INJURY (Per accident)	$
	NON-OWNED AUTOS					
	GARAGE LIABILITY				PROPERTY DAMAGE	$
	EXCESS LIABILITY					
	UMBRELLA FORM	*Excess Liab.			EACH OCCURRENCE	$ 1,000,000
A X	OTHER THAN UMBRELLA FORM	KR2670359	07/01/95	07/01/96	AGGREGATE	$ 1,000,000
B	WORKER'S COMPENSATION AND EMPLOYERS' LIABILITY	10845634	07/01/95	07/01/96	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 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

ACORD 25-S (7/90)

© ACORD CORPORATION 1990

REGULAR BOARD MEETING — TOWN HALL
March 20, 1996 — 7:30 P.M.

TOWN ATTORNEY REPORT

Town Attorney Perley noted the Erie County Water Authority has not yet voted regarding their contribution of $251,000 toward the construction of a concrete tank in Water District #1. TVGA has undertaken to redesign the 700,000 gallon concrete water tank and the ultimate cost to the District is almost the same as it would have been with a steel tank at 500,000 gallons. This will now eliminate the Brown Hill tank from service.

COUNCILMAN REPORT

Councilman Rood announced the Chamber of Commerce is accepting nominations for "Citizen of the Year" award until March 22, 1996.

The second seniors group elected officers at an organizational meeting on March 8, 1996. Betty Cunningham is the leader of the second senior group. The group will be named "The Boston's Young at Heart". Fifty-six (56) people attended and forty-four (44) people joined and paid dues. Room is available for additional members. The second meeting will be held on March 22, 1996.

The Tire Drop-off is scheduled for April 20, 1996, 9:00 A.M. to 2:00 P.M. behind the Boston Town Hall. No businesses are allowed to bring tires.

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to authorize payment from the Refuse and Garbage account to Huron Recovery of New York for the annual collection of tires not to exceed two (2) tires per resident.

five (5) Ayes — Carried

Councilman Wiktor announced he met with Dean Messing, Erie County Deputy Commissioner Disaster Preparedness regarding the Town of Boston's membership and position on the Southtowns Haz-Mat team. The Town of Boston has three (3) representatives, two (2) of which are volunteer fireman who serve on this team. The next meeting will be June 8, 1996 and will clarify the issue of non-fireman being members of the Haz-Mat team.

April 13, 1996, 9:00 A.M. to 11:00 A.M. is the Councilman meeting hours in the Boston Town Hall Planning Board Room.

Councilman Walter reported he and Town Attorney Perley are working on the four way stop sign on Eckhart and Taylor Roads.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to accept the resignation of Sondra Kadlubowski, as Assistant Nutrition Program Director, effective immediately.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Supervisor Kennedy to appoint Anna Hahn to the position of Assistant Nutrition Program Director, rate of $6.00 per hour, term to expire December 31, 1996.

five (5) Ayes — Carried

Councilman Davenport noted applications for the Summer Recreation Program should be made available to the residents in the Town Clerk's office rather than the Recreation Director's home.

A motion was made by Councilman Davenport and seconded by Councilman Walter to have applications for Town of Boston employment available in the Town Hall.

five (5) Ayes — Carried

REGULAR BOARD MEETING
March 20, 1996

TOWN HALL
7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to adjourn the meeting at 8:09 P.M..

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
April 3, 1996 — 7:30 P.M.

Present were Councilman Josephine M. Davenport, Councilman Lisa M. Rood, Councilman Peter A. Walter, Councilman Damian P. Wiktor, Supervisor Richard L. Kennedy, Town Attorney Michael F. Perley and Highway Superintendent Eugene E. Ruchalski.

A motion was made by Councilman Walter and seconded by Councilman Davenport to adopt the minutes of the March 20, 1996 regular monthly meeting.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter that the General Fund and Special District Bills on Abstract #4, dated April 3, 1996 in the amount of $45,553.55 be paid. see Correction pg. 75

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter that the Highway Bills on Abstract #4, dated April 3, 1996 in the amount of $7,912.95 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport to accept the Town Clerk's Monthly Report for March 1996.

five (5) Ayes — Carried

Received and filed a request from Nancy A. Naples, County Comptroller to remove President Clinton's Tax-Exempt Bond Provision from the President's budget proposal.

Supervisor Kennedy announced a letter has been sent to Senator D'Amato and Senator Moynihan requesting the Tax-Exempt Bond Provision be deleted from President Clinton's budget proposal.

Received and filed the NYS Board of Real Property Services Certificate of the Final State Equalization Rate of 82.04 for the new Town of Boston Assessment Roll.

Received a request from Jeanine Kiec to support a proposal to reduce the high school drop-out rate by rescinding driving privileges of school drop-outs under the age of eighteen (18) years old. The Town Clerk was directed to send Ms. Kiec a letter applauding her efforts but noting the Town Board rejects suspending driving privileges of high school drop-outs.

Received and filed a request from County Executive Gorski to grant "Essential Worker" status to Bethlehem Steel Corporation employees when issuing future emergency travel bans. Town Clerk Shenk was directed to send a letter of compliance to County Executive Gorski.

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to appoint David Wells to the position of Laborer PT for the Parks Department, rate $6.75 hr., term April 1, - October 31, 1996.

five (5) Ayes — Carried

The following bids were opened on March 18, 1996 at 10:00 A.M. the Recreation Department bus transportation as follows:

NAME	SUMMER bus/per day	SKI bus/per day	FIELD TRIPS
Laidlaw Transit	$106.95	$129.00	$114.50
America's First	$112.35	$119.50	$133.58
Niagara Scenic	$115.00	$121.00	$120.41

REGULAR BOARD MEETING — TOWN HALL
April 3, 1996 — 7:30 P.M.

A motion was made by Councilman Wiktor and seconded by Councilman Davenport, on the recommendation of Recreation Director O'Brien, to grant the bus transportation bid to Laidlaw Transit for $106.95 for the summer schedules, $129.00 for the Ski Schedule, $114.50 (average) for Field Trips.

five (5) Ayes — Carried

Supervisor Kennedy read letters from Paul Morrison Taylor and JoAnn Santonocito requesting appointment to the Zoning Board of Appeals.

A motion was made by Councilman Rood and seconded by Councilman Walter to appoint Jo Ann Santonocito to the Zoning Board of Appeals, term to expire April 1, 2001.

five (5) Ayes — Carried

RESOLUTION 1996 - 6 WATER DIST.#2 EXT.-PRESERVE AGRICULTURAL DIST.

A motion was made by Councilman Walter and seconded by Councilman Wiktor to credit Charles (Bob) Pettit fifty (50) points for his Service Award Program during his period of disability beginning February 10, 1996.

five (5) Ayes — Carried

Referred the Soil Removal Permits of Roy L. Emerling and Joseph Simmeth to the Inspection Committee.

RESOLUTION 1996 - 7 TENNIS/BASKETBALL COURT RESTRICTIONS

SUPERVISOR REPORT

Supervisor Kennedy appointed Michael J. Pohl to the Capital Improvement Committee.

Supervisor Kennedy noted a light fixture directed on the flagpole in the rear of the Town Hall was vandalized and needs replacing.

Supervisor Kennedy met with State Police Captain Gallivan and was assured of the presence of the State Police in the Town of Boston. A State Police representative will be invited to speak at a future Town Board meeting to alleviate concerns of Boston residents.

TOWN CLERK REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor accept the Monthly Registrar of Vital Statistics Report for March 1996.

five (5) Ayes — Carried

TOWN ATTORNEY REPORT

Town Attorney Perley reported the application for the State Comptroller's approval of Water District No. 2 is being prepared. The situation is at the point that either a Lease Management Agreement is needed or a letter of assurance from the Erie County Water Authority that the Town of Boston will have water for the Water No. 2 extension or both. The Commissioner's approval of the tank contribution is expected shortly.

COUNCILMAN REPORT

Councilman Rood reminded residents of the Tire Drop-off on April 20, 1996, 9:00 A.M. to 2:00 P.M. between the Lions Shelter and the Highway Garage. There is a two (2) tire limit per resident (no businesses) with rims removed.

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1996-6

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York , held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 3rd day of April, 1996 at 7:30 o'clock in the evening Eastern Prevailing Time there were:

Present:	**Richard L. Kennedy**	**Supervisor**
	Josephine M. Davenport	**Councilman**
	Lisa M. Rood	**Councilman**
	Peter A. Walter	**Councilman**
	Damian P. Wiktor	**Councilman**
Absent:		

Councilman Rood presented the following Resolution and moved its adoption:

WHEREAS: Prior hereto, the Town Board of the Town of Boston has, by Order formed Extension No.2 to Water District No. 2 (the "Extension") in the Town of Boston, New York, subject to a permissive referendum; and,

WHEREAS: The formation of the Extension was approved at a Referendum held in accordance with the Town Law of the State of New York; and,

WHEREAS: The boundaries of the Extension contain lands that are currently in an Agricultural District established pursuant to the Agriculture and Markets Law of the State of New York; and,

WHEREAS: That Town of Boston has filed a Preliminary Notice of Intent with The Commissioner of Agriculture and Markets of the State of New York; and,

WHEREAS: Concerns have been raised concerning the possible impact of increased development in the Eden-Langford Agricultural District (the "District") due to the formation of the Extension; and,

WHEREAS: The initial phase of construction of facilities in the Extension does not include construction in the District; and

WHEREAS: It is not anticipated that there will be any construction in the Extension until 1997 or 1998 due to the fact that the Extension will require the approval of the New York State Comptroller's Office and financing through RECD; and,

WHEREAS: The entire are of the Extension is not served by municipal waste sewers and all waste water is disposed of through private septic systems; and

WHEREAS: The land which are presently in the District have been zoned R-A (Residential - Agricultural) by the Town of Boston on its Official Zoning Map which requires a minimum of three (3) acres of land for construction of a single family dwelling; and

WHEREAS: The Town of Boston Master Plan states among the planning goals of the Town of Boston:

-Preserve and protect the rural character of the Town of Boston

-Maintain the Town's strong agricultural presence ; and,

WHEREAS: The Town Board adopted the Order to form the Extension based upon the demonstrated need for municipal water service in the Extension and not for the purpose of promoting development.

NOW THEREFORE:

BE IT RESOLVED, that the Town Board of the Town of Boston hereby states its intention to adhere to the provisions of the Master Plan with respect to the Eden-Langford Agricultural Districts; and,

BE IT FURTHER RESOLVED, that the Town Board of the Town of Boston agrees that it will not actively promote residential development in the District, except for good cause shown, and it will maintain the present R-A Zoning classification of the District until circumstances warrant the re-zoning thereof.

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

Supervisor Kennedy	Voting Yes
Councilman Davenport	Voting Yes
Councilman Rood	Voting Yes
Councilman Walter	Voting Yes
Councilman Wiktor	Voting Yes

AYES: 5 NOES: 0 ABSENT: 0

David J. Shank-Town Clerk

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1996-7

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York , held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 3rd day of April, 1996 at 7:30 o'clock in the evening Eastern Prevailing Time there were:

Present:	**Richard L. Kennedy**	**Supervisor**
	Josephine M. Davenport	**Councilman**
	Lisa M. Rood	**Councilman**
	Peter A. Walter	**Councilman**
	Damian P. Wiktor	**Councilman**
Absent:		
	Damian P. Wiktor	**Councilman**

Supervisor Kennedy presented the following Resolution and moved its adoption:

WHEREAS: The Town of Boston has developed recreational facilities of the property of the Town of Boston at the Boston Town Hall; and,

WHEREAS: The Town Board of the Town of Boston has specifically developed a tennis court/basketball court area on the said property; and

WHEREAS: The Town Board intended the tennis/basketball court area to be used specifically for the playing of those sports in that facility; and

WHEREAS: The Town Board has been advised that the tennis/basketball court facility has been used for purposes other than playing of basketball and/or tennis; and

WHEREAS: The use of the tennis/basketball court for purposes other than the playing of basketball or tennis interferes with the availability of that facility for its intended use by the citizens of the Town of Boston, may involve the risk of injury to individuals, and may result in damage to the facility itself:

NOW THEREFORE:

BE IT RESOLVED by the Town Board of the Town of Boston hereby restricts the use of the tennis/basketball court facility at the Town Hall to the playing of tennis, basketball and related games; and

BE IT FURTHER RESOLVED that a sign or signs indicting such restriction be placed at appropriate locations at or near the tennis/basketball court facility.

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

Supervisor Kennedy	Voting Yes
Councilman Davenport	Voting Yes
Councilman Rood	Voting Yes
Councilman Walter	Voting Yes
Councilman Wiktor	Voting Yes

AYES: 5 **NOES: 0** **ABSENT: 0**

David J. Shenk - Town Clerk

REGULAR BOARD MEETING
April 3, 1996

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.)

Councilman Rood reported the Boston's Young at Heart senior group has sixty-nine (69) members.

Councilman Rood met with John Hoskins from Congressman Jack Quinn's office seeking aid to obtain the Town of Boston's status from the RECD on funding for the West Hill Water District No. 2 Extension.

Councilman Wiktor announced the SEQR Workshop conducted by Ken Kloeber on March 26, 1996 was attended by sixteen (16) members of the following Boards of the Town: Town Board, Planning Board, Zoning Board of Appeals and the Code Enforcement Office. Mr. Kloeber provided background on SEQR and contrasted the new and old regulations and demonstrated how SEQR affects local projects. Each member was provided with a book of regulations.

On March 27, 1996 Councilman Wiktor attended a Fire Chief's meeting with Emergency Squad members. The major points of the meeting were the clarification of procedures on emergency calls regarding traffic control and communication procedures.

A motion was made by Councilman Wiktor and seconded by Councilman Rood to authorize the Boston Emergency Squad to sell two (2) port-a-power units to the Boston Fire Co. Inc. for the sum of $150.00.

five (5) Ayes — Carried

Councilman Walter reported a letter will be sent to Erie County Deputy Commissioner of Highways, David P. Comerford enclosing information obtained from Town Attorney Perley regarding the request for a four way stop sign at Eckhart and Taylor roads.

Councilman Davenport announced the employment applications for the summer Recreation Program are in the Town Clerk's Office.

The Erie County Nutrition Program had seventy-five (75) participants for the Easter dinner menu.

The Annual Boston Easter Egg Hunt is Saturday, April 6, 1996 at 1:00 P.M.. There will be prizes and a raffle.

CODE ENFORCEMENT OFFICER REPORT

A) Code enforcement Officer monthly report for March 1996 was received and on file in the Clerk's Office.

DEPUTY CODE ENFORCEMENT OFFICER REPORT

A) Deputy Code enforcement Officer monthly report for March 1996 was received and on file in the Clerk's Office.

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officer monthly report for March 1996 was received and on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for March 1996 was received and on file in the Clerk's Office.

A motion was made by Councilman Wiktor and seconded by Councilman Rood to adjourn the meeting at 8:25 P.M..

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
April 17, 1996 — 7:30 P.M.

Present were Councilman Josephine M. Davenport, Councilman Lisa M. Rood, Councilman Peter A. Walter, Councilman Damian P. Wiktor, Supervisor Richard L. Kennedy, Highway Superintendent Eugene E. Ruchalski and Town Attorney Michael F. Perley.

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to adopt the minutes of the April 3, 1996 regular monthly meeting.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport that General Fund and Special District Bills on Abstract #4A, dated April 17, 1996 in the amount of $51,750.63 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter that the Highway Bills on Abstract #4A, dated April 17, 1996 in the amount of $3,149.31 be paid.

five (5) Ayes — Carried

Received and filed the Erie County Sheriff's Monthly Activity Report for March 1996.

Received and filed a Liquor License renewal, Old Liberty Tavern, 9368 Boston State Road.

Received and filed 1994-1995 Christmas Lighting Fund Financial Report.

Received and filed notification of the new Zoning Board of Appeals Chairman, Gerald Hice.

A motion was made by Councilman Wiktor and seconded by Councilman Davenport to grant $250 to the AMVETS Boston Post #219 and $400.00 to the V.F.W. Post #2556 for the Memorial Day Services to be held on May 27, 1996.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood to approve a third accessory building and refer to the Zoning Board of Appeals the application of Douglas and Lori Hellman, 7772 Eddy Road.

five (5) Ayes — Carried

The following bids were received for the Microfilm Vendor Award:

NAME	ORIGINAL MICROFILM 16MM	35MM	DIAZO DUPLICATES 16MM	35MM	TURN-AROUND TIME
MICRO-PRO*	.028/EXP	.0475/PG	6.25	10.25	2 WEEKS
BIEL'S	.028/EXP	.05/PG	6.50	10.50	3 WEEKS

*Included in the Mirco-Pro bid is free prepping of the materials to be microfilmed.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor, on the recommendation of Town Clerk Shenk, to award the Microfilm Vendor Award to Micro-Pro, Inc., total not to exceed $5,000. Funds for the award have been acquired fron a Records Management Grant.

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
April 17, 1996 — 7:30 P.M.

A motion was made by Councilman Wiktor and seconded by Councilman Walter, on the recommendation of Recreation Director O'Brien, to appoint Michelle Lenox as Recreation Director PT, Friday evenings at a rate of $5.50 per hour, effective immediately and expiring on May 31, 1996.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter, on the recommendation of the Code and Deputy Code Enforcement Officers, to approve the Soil Removal Permits of Joseph Simmeth, 8010 Boston State Road and Roy Emerling, 7957 Boston State Road, tabled from the April 3, 1996 meeting.

five (5) Ayes — Carried

SUPERVISOR REPORT

A) Supervisor's monthly report for March 1996 was received and filed.

Supervisor Kennedy received an invitation from Attorney General Dennis Vacco to attend a "State of the Environment" forum to discuss critical environmental issues affecting NY State.

Supervisor Kennedy addressed the Environmental Management Council on April 16, 1996 informing them of the projects the Town is currently involved in, such as researching the playground to make it handicap accessible, the Water Districts and a Salt Storage Barn of which the size and scope will be considered at a Capital Improvements meeting on April 22, 1996.

Supervisor Kennedy noted there will be a meeting at the Town Hall on April 25, 1996 at 7:00 P.M. for residents on Chestnut Ridge Road, Liebler Road and Omphalius Road that fall within the area that can be served if and when the pump station and water tank are constructed in the Chestnut Ridge Road area. A cost analysis has been worked out with Mr. Pettit of TVGA Engineering and will be presented to the affected residents. If 51% of the property owners sign a petition in favor of the Water District extensions they will be included as alternate bids when the Water Tank and the Pump Station are bid for the Chestnut Ridge Road booster station that will increase water pressures in the southern end of the community.

TOWN CLERK REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to accept the Tax Collector's monthly report for March 1996.

five (5) Ayes — Carried

Town Clerk Shenk announced eight (8) Safety Committee members will be attending a Regional Loss Control Meeting sponsored by PERMA on April 25, 1996.

COUNCILMAN REPORT

Councilman Rood reported the "Young at Heart" Senior Group has eighty-three (83) members.

Councilman Rood noted the Spring Tire Drop-off is Saturday, April 20, 1996 from 9:00 A.M. to 2:00 P.M. behind the Boston Town Hall and is limited to two (2) tires (without rims) per resident and no businesses.

Councilman Wiktor announced that upon response to letters sent to the three (3) Fire Companies, J. O'Connell Grants Consultants will process the Rural Community Fire Protection Grants.

REGULAR BOARD MEETING
April 17, 1996

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.)

Councilman Wiktor noted the Planning Board is working on a number of secretarial filing records improvements such as applicant and Planning Board check lists and a secretarial file folder for record keeping. Upon completion, this material will be presented to the Town Board for review.

Councilman Walter reported a letter was sent to David P. Comerford, Deputy Commissioner of Highways, regarding the installation of a four way stop sign at Eckhardt and Taylor Roads.

Councilman Walter noted calls were received from residents on Keller, Taylor and Backcreek Roads as a result of the recent heavy rainfall. An area of Backcreek Road was severely flooded.

The Annual Easter Egg Hunt sponsored by the Democratic Club was a great success.

Councilman Davenport announced that seventy (70) Senior Nutrition Program attenders held an Easter Parade and awarded prizes for the funniest, largest and most creative outfits. Daily dining attendance is running between fifty (50) and sixty (60) people.

A motion was made by Councilman Wiktor and seconded by Councilman Rood to adjourn the meeting at 8:09 P.M..

David J. Shenk

DAVID J. SHENK, TOWN CLERK

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1996-8

Revised boundaries of Proposed Water District No. 3

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 29th day of April, 1996 at 8:00 o'clock in the evening Eastern Prevailing Time there were:

Present:	**Richard L. Kennedy**	**Supervisor**
	Josephine M. Davenport	**Councilman**
	Lisa M. Rood	**Councilman**
	Peter A. Walter	**Councilman**
	Damian P. Wiktor	**Councilman**
Absent:		

Supervisor Kennedy presented the following Resolution and moved its adoption:

WHEREAS: By Order of the Boston Town Board adopted on December 20, 1995 the Town Board of the Town of Boston conducted a public hearing *In the Matter of the Proposed Establishment of the 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.:* and

WHEREAS: Since the conclusion of the Public Hearing it has come to the attention of the members of the Town Board of the Town of Boston that certain properties located in the Proposed East Hill Water District No. 3 can obtain service by way of an extension to Water District No. 1 in the Town of Boston.

NOW THEREFORE:

BE IT RESOLVED that the Town Board of the Town of Boston find and determine that not all of the property owners of the proposed Water District No. 3 will be benefited by the Establishment of the said Proposed District for the reasons set forth above; and be it further

RESOLVED: That the Town Board hereby directs the Town Attorney to prepare an appropriate Order calling a further public hearing *In the Matter of the Proposed Establishment of the 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, for the purpose of modifying the boundary of said Proposed District so that all of the property owners situated in the said proposed district will be benefited by the establishment thereof.

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

Supervisor Kennedy	Voting:	Aye
Councilman Davenport	Voting:	Aye
Councilman Rood	Voting:	Aye
Councilman Walter	Voting:	Aye
Councilman Wiktor	Voting:	Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk-Town Clerk

SPECIAL TOWN BOARD MEETING
April 29, 1996

TOWN HALL
8:00 P.M.

Present were Councilman Josephine M. Davenport, Councilman Lisa M. Rood, Councilman Peter A. Walter, Councilman Damian P. Wiktor, Supervisor Richard L. Kennedy, and Town Attorney Michael F. Perley.

Absent: Highway Superintendent Eugene E. Ruchalski.

A notice of the April 29, 1996 Special Town Board Meeting was sent to Town Board members and the media on April 24, 1996 by Supervisor Kennedy. The notice was posted on the Town Clerk's bulletin board.

Town Attorney Perley described the areas of Liebler, Omphalius and Chestnut Ridge Roads affected by the proposed extension to Water District No. 1.

Supervisor Kennedy presented an update on the status of the Water District No. 3 project.

RESOLUTION 1996-8 REVISED BOUNDARIES OF PROPOSED WATER DISTRICT #3

A motion was made by Councilman Walter and seconded by Councilman Rood to adjourn the meeting at 8:05 P.M..

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
May 1, 1996 — 7:30 P.M.

Present were Councilman Josephine M. Davenport, Councilman Lisa M. Rood, Councilman Peter A. Walter, Councilman Damian P. Wiktor, Supervisor Richard L. Kennedy, and Town Attorney Michael F. Perley.

Absent: Highway Superintendent Eugene E. Ruchalski.

A motion was made by Councilman Walter and seconded by Councilman Davenport to adopt the minutes of the April 17, 1996 regular monthly meeting and the minutes of the April 29, 1996 Special meeting.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Wiktor that the General Fund and Special District Bills on Abstract #5, dated May 1, 1996 in the amount of $12,524.11 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Wiktor that the Highway Bills on Abstract #5, dated May 1, 1996 in the amount of $26,139.21 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 April 1996.

five (5) Ayes — Carried

Received and filed confirmation from New York State Police that the Boston Police Station will remain open.

Received and filed 1996 Tentative Special Franchise Assessments from NYS Office of Real Property Services. These amounts are down from last year.

Received and filed NYSDOT guidelines for the SEQRA (State Environmental Quality Review Act).

Received and filed Erie County Association of Town Superintendents of Highways Inter-Municipal Mutual Aid Agreement Update.

Town Attorney Perley distributed copies of an Order Calling for a Public Hearing for the proposed establishment of the East Hill Water District No. 3 to Town Board members. Town Attorney Perley noted a Public Hearing is necessary due to the proposed formation of the Water District Water No. 1 extension based upon a petition signed by numerous residents in the Town. He has reviewed the petition and determined it to be valid. To modify the district boundaries in Water District No. 3 and allow these areas to be served out of Water District No. 1 Extension it was necessary to make, by resolution, a determination that not all the property owners in the proposed Water District No. 3 were benefitted. A Public Hearing can then be scheduled to hear the reasoning behind the modification and the boundaries. The findings can be reviewed and an appropriate order entered to form the district and schedule the referendum in September.

Supervisor Kennedy noted only the changes in the boundary description of Water District No. 3 will be discussed at the Public Hearing as the merits of the formation of Water District No. 3 were reviewed at a previous Public Hearing.

RESOLUTION 1996-10 ORDER CALLING FOR A PUBLIC HEARING ON MAY 22, 1996 AT 7:00 P.M. FOR THE PROPOSED ESTABLISHMENT OF AN EAST HILL WATER DISTRICT NO. 3

At a regular meeting of the Boston Town Board of the Town of Boston, in the County of Erie, State of New York, held at the Town Hall, in the Town of Boston on the 1st day of May, 1996.

PRESENT:

Hon. Richard L. Kennedy,	Supervisor
Peter A. Walter,	Councilman
Josephine M. Davenport,	Councilman
Lisa M. Rood,	Councilman
Damian P. Wiktor,	Councilman

---X

In the Matter :

of the :

Proposed Establishment of an 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. :

---X

ORDER CALLING PUBLIC HEARING

RESOLUTION 1996-10

WHEREAS, the Town Board of the Town of Boston (hereinafter referred to as the "Town Board" and the "Town" respectively), in the County of Erie, State of New York, had by Order dated December 20, 1995 called a public hearing with respect to the creation of proposed Water District No. 3 in the Town of Boston, Erie County, New York, based upon a map, plan and report prepared by Nussbaumer & Clarke, Inc., competent engineers, licensed by the State of New York for the proposed establishment of East Hill Water District No. 3 (hereinafter referred to as the "District"), in the Town of Boston, which said Order has been duly filed in the office of the Town Clerk of the Town of Boston, and, which said Order is incorporated by reference as if

fully and completely set forth herein, and which said Order is available for public inspection during the normal office hours of the Town Clerk at the Boston Town Hall, Boston, New; and

WHEREAS, the said Public Hearing was duly held, pursuant to said Order on January 11, 1996 at 7:00 o'clock in the afternoon thereof, Easter prevailing time, to consider the proposed establishment of the District described in said Order; and

WHEREAS, all persons interested in said the subject matter of said Order, concerning the same and for such action on the part of the Town Board with relation thereto were duly heard thereat; and

WHEREAS, the Town Board has duly considered all of the information presented at said meeting and after consultation with the engineers has determined, by Resolution adopted on the 29th day of April, 1996 that the not all of the property located in the said proposed District will be benefited thereby, and

WHEREAS, the Town Board and the Town have determined there property originally located in the said proposed District which will not be benefited thereby and desire to modify the boundaries of the District so that all of the property located therein will be benefited thereby; and

WHEREAS, the proposed District, as modified pursuant to the Resolution adopted by the Town Board , 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 585; 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.

Excepting therefrom the following described property to the extent that same encroaches within the boundaries hereinabove described:

All that tract or parcel of land, situate in the Town of Boston, County of Erie, State of New York, being part of Lots 14 and 22, Township 8, Range 7 of the Holland Land Company's Survey and being more particularly bounded and described as follows:

Beginning at a point in the centerline of chestnut Ridge Road, said point being the northeast corner of lands now or formerly owned by Joseph Skuplen (211.00-4-19).

thence southerly along the said centerline of Chestnut Ridge Road, a distance of about one hundred thirty feet (130'±) to the northwest corner of lands now or formerly owned by Eugene and Dawn Overfield (212.00-4-2);

thence easterly along the north line of said lands of Overfield, a distance of about five hundred feet (500'±) to the northeast corner of said lands of Overfield;

thence southerly along the east line of said lands of Overfield, a distance of about three hundred twenty feet (320'±) to the southeast corner of said lands of Overfield; said point being in the north line of lands now or formerly owned by Kurt Sedlmeier (227.00-1-5.1);

thence easterly along the said north line of lands of Sedlmeier, a distance of about one thousand four hundred thirty feet (1430'±) to the northeast corner of said lands of Sedlmeier;

thence southerly along the various courses of the east line of said lands of Sedlmeier, a distance of about nine hundred feet (900'±) to the southeast corner of said lands of Sedlmeier;

thence westerly along the south line of said lands of Sedlmeier, a distance of about five hundred eighty feet (580'±) to the northeast corner of lands now or formerly owned by Kurt Sedlmeier (227.00-1-2.111);

thence southerly along the east line of said lands of Sedlmeier and continuing southerly along the east line of lands now or formerly owned by James and Carol Dutchman (227.00-1-2.112), a distance of about eight hundred thirteen feet (813'±) to the southeast corner of said lands of Dutchman;

thence westerly along the south line of said lands of Dutchman, a distance of about six hundred thirty-one feet (631'±) to the southwest corner of said lands of Dutchman;

thence northerly along the west line of said lands of Dutchman and continuing northerly along the various courses of the east line of lands now or formerly owned by Niagara Mohawk Power Corporation (226.02-6-14), a distance of about one thousand sixty-seven feet (1067'±) to the southeast corner of a permanent easement to New York State Department of Transportation for Highway purposes Map 87R-1, P.103;

thence westerly along various courses of the south line of said easement, a distance of about one hundred sixty-seven feet (167'±) to the southwest corner of said easement; said point being on the west line of said lands of Niagara Mohawk Power Corporation and on the east line of the Town of Boston Water District No. 1;

thence northerly along the west line of said lands of Niagara Mohawk Power Corporation and the east line of the Town of Boston Water District No. 1, a distance of about one hundred fifty feet (150'±) to the northwest corner of said easement;

thence easterly along the north line of said easement, seventy-six feet (76'±) to the northeast corner of said easement;

(CON'T)

thence northerly along the west line of said lands of Rozborski and the east line of the Town of Boston Water District No. 1, a distance of about four hundred twenty feet (420'±) to the point or place of beginning.

ALSO

All that tract or parcel of land situate in the Town of Boston, County of Erie, State of New York, being part of Lot 13, Township 8, Range 7, and being more particularly described as follows:

Beginning in the northwest corner of lands now or formerly owned by Wallace and Debra Salter (227.00-5-20); said point being on the east line of lands now or formerly owned by Niagara Mohawk Power Corporation (227.00-5-28);

thence easterly along the various courses of the north lines of said lands of Salter, a distance of about one thousand nine hundred twenty-five feet (1925'±) to the northeast corner of said lands of Salter;

thence southerly along the east line of said lands of Salter, a distance of about eight hundred feet (800'±) to the southeast corner of said lands of Salter;

thence westerly along the various courses of the south lines of said lands of Salter,a distance of about eight hundred forty-six feet (846'±) to the northeast corner of lands now or formerly owned by Ronald and Audrey R. Hillman (227.00-5-16);

thence southerly along the east line of said lands of Hillman and continuing southerly along the east line of lands now or formerly owned by Chester and Pat Rosinski (227.00-5-33), a distance of about seven hundred ninety-eight feet (798'±) to the southeast corner of said lands of Rosinski;

thence westerly along the south line of said lands of Rosinski and continuing westerly along the south line of lands now or formerly owned by Donna Wolecki (227.00-5-31 & 227.00-5-32), a distance of about five hundred feet (500'±) to the southwest corner of said lands of Wolecki;

thence northerly along the west line of said lands of Wolecki a distance of about two hundred eighty-four feet (284'±) to the south line of Leibler Road;

thence westerly along the south line of Liebler Road, a distance of about ninety-one feet (91'±) to a point on the west line of said Niagara Mohawk Power Corporation lands and east line of the Town of Boston Water District No. 1;

thence northerly along the west line of said lands of Niagara Mohawk Power Corporation and the east line of said Town of Boston Water District No. 1, a distance of about sixty-six feet (66'±) to a point on the north line of Leibler Road;

thence easterly along the north line of Liebler Road, a distance of about eighty feet (80'±) to the southwest corner of said lands of Salter;

thence northerly along the various courses of the west line of said lands of Salter and the east line of said lands of Niagara Mohawk Power Corporation, a distance of about one thousand feet (1000'±) to the point or place of beginning.

(CON'T)

thence northerly along the east line of said lands of Niagara Mohawk Power Corporation , a distance of one hundred thirty feet (130'±) to the north line of Lot 14, T8, R7;

thence easterly along the said north line of Lot 14 and along the north line of lands now or formerly owned by Peter and Paul Stumpf (226.02-8-15) a distance of about four hundred thirty feet (430'±) to the southwest corner of lands now or formerly owned by Kenneth and Yvonne Wallace (211.00-4-21);

thence northerly along the west line of said lands of Wallace and continuing northerly along the west line of lands now or formerly owned by Judith I. Wolf (211.00-4-20) and the west line of said lands of Skupien a distance of about four hundred feet (400'±) to the northwest corner of said lands of Skupien;

thence easterly along the north line of said lands of Skupien, a distance of about seven hundred thirty feet (730'±) to the point or place of beginning.

ALSO

All that tract or parcel of land situate in the Town of Boston, County of Erie, State of New York, being part of Lot 14, Township 8, Range 7 and being more particularly bounded and described as follows:

Beginning at a point in the centerline of Omphalius Road on the east line of the Town of Boston Water District No. 1 at the northwest corner of lands now or formerly owned by Larry Rozborski (226.02-7-3.1);

thence easterly along the centerline of Omphalius Road, a distance of about one thousand twenty-seven feet (1027'±) to the northeast corner of lands now or formerly owned by Ruth Musser (227.00-6-6.1);

thence southerly along the various courses of the east lines of said lands of Musser, a distance of about three hundred fifteen feet (315'±) to a point on the north line of said lands of Musser;

thence easterly along the said north line of lands of Musser, a distance of about two hundred feet (200'±) to a point on the east line of said lands of Musser;

thence southerly along the said east line of lands of Musser, and continuing southerly through the said lands of Musser, a distance of about eight hundred feet (800'±) to a point on the south line of said lands of Musser, said point being about four hundred fifty feet (450'±) east of the southwest corner of said lands of Musser;

thence westerly along the south line of said lands of Musser a distance of about four hundred fifty feet (450'±) to the southwest corner of said lands of Musser;

thence northerly along the various courses of the west lines of said lands of Musser a distance of about four hundred sixty and no hundredths feet (460'±) to a point;

thence southwesterly along the south line of said lands of Musser, a distance of about one twenty-six feet (126'±) to the southeast corner of lands now or formerly owned by Lawrence M. Rozborski and wife (226.02-7-03.31);;

thence westerly along the various courses of the south line of said lands of Rozborski and continuing westerly along the south line of lands now or formerly owned by Lawrence M. Rozborski and wife (226.02-7-3.2) and said lands now or formerly owned by Larry Rozborski (226.02-7-3.1); a distance of about five hundred twenty-three feet (523'±) to the southwest corner of said lands of Larry Rozborski;

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 obtaining through Rural Economic and Community Development;

NOW, THEREFORE, BE IT

DETERMINED AND STATED that the estimated cost of hookup 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 22nd day of May, 1996, at 7:00 o'clock P.M. (Eastern 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 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: May 1, 1996

TOWN BOARD OF THE TOWN OF BOSTON

Richard L. Kennedy - Supervisor

Damian P. Wiktor - Councilman

Lisa M. Rood - Councilman

Peter A. Walter - Councilman

Josephine M. Davenport
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

CERTIFICATE

STATE OF NEW YORK }
COUNTY OF ERIE }
TOWN OF BOSTON }

I, DAVID J. SHENK, Town Clerk of the Town of Boston, Erie County, New York do hereby certify that attached hereto is a true and complete copy of an Order adopted by the Town Board of the Town of Boston on the 1st day of May, 1996 pursuant to a motion made by Supervisor Kennedy, seconded by Councilman Walter and unanimously adopted..

In said testimony whereof I appear and set my hand and affix the Seal of the Town of Boston, New York on this 2nd day of May, 1996.

David J. Shenk - Town Clerk

SEAL:

TOWN OF BOSTON

TOWN OF BOSTON

RESOLUTION 1996 - 09

SOUTH BOSTON PARK LIGHTS

At a Regular Town Board Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 1st day of May, 1996 at 7:30 P.M. Prevailing Time, there were:

PRESENT:	Richard L. Kennedy	Supervisor
	Josephine M. Davenport	Councilman
	Lisa M. Rood	Councilman
	Peter A. Walter	Councilman
	Damian P. Wiktor	Councilman

Supervisor Kennedy presented the following resolution and moved its adoption:

BE IT RESOLVED, that the Town Board of the Town of Boston does hereby authorize New York State Electric & Gas to install and maintain two (2) 24700 Lumen (250 Watt) High Pressure Sodium Flood Lights on two (2) poles installed and owned by the Town of Boston and located in the South Boston Park off Boston Cross Road.

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

Supervisor Kennedy	**Voting Aye**
Councilman Davenport	**Voting Aye**
Councilman Rood	**Voting Aye**
Councilman Walter	**Voting Aye**
Councilman Wiktor	**Voting Aye**

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

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
May 1, 1996 — 7:30 P.M.

Town Attorney Perley requested the Town Board accept and authorize Supervisor Kennedy to sign the EAF so a copy can be forwarded with the Notice of Intention To Be Lead Agency. After the expiration date of June 1, 1996, (expiration date for Agency Status and comment period), and upon adoption of the final order the Negative Declaration can also be adopted.

A motion was made by Councilman Rood and seconded by Councilman Wiktor to accept and authorize Supervisor Kennedy to sign the EAF (Environmental Assessment Form) for the Proposed Establishment of Water District No. 3.

five (5) Ayes — Carried

Town Attorney Perley will forward the EAF documents to the Towns of Colden and Orchard Park, the Erie County Department of Highways, the Erie County Water Authority, the Erie County Department of Environment and Planning, NYS Agriculture and Markets and the NYS Department of Environmental Conservation. A certificate will be filed attesting to the mailings.

A motion was made by Councilman Wiktor and seconded by Councilman Walter to authorize Supervisor Kennedy to enter into a contract with TVGA Engineering, Surveying, P.C. to prepare the contract documents for the construction of a wooden salt storage barn for the lump sum fee of $1,000.

five (5) Ayes — Carried

Received a request from Betty Cunningham, President of the second group of Senior Citizens, "Boston Young at Heart Seniors" for financial funding.

A motion was made by Councilman Rood and seconded by Councilman Wiktor to authorize the General Fund Transfer of Appropriations for the "Boston Young at Heart Seniors" group as follows:

From: A1990.4 Cont. $3,500 to: A7620.4 Adult Rec. $3,500

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Supervisor Kennedy, on the recommendation of Assessor Eagan, to schedule a Public Hearing for May 15, 1996 at 8:00 P.M. for the following adoption of a new schedule for the Senior Citizen Exemption:

Income up to	$15,000 -	50%
	$15,001 - $15,600	45%
	$15,601 - $16,200	40%
	$16,201 - $16,800	35%
	$16,801 - $17,400	30%
	$17,401 - $18,000	25%
	$18,001 - $18,600	20%
	$18,601 - $19,850	15%
	$19,851 - $20,700	10%

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport to authorize Fox & Company to perform a program audit of federal monies received by the Town of Boston for 1995 at a cost of $2,000.

five (5) Ayes — Carried

RESOLUTION 1996-9 SOUTH BOSTON PARK LIGHTS

REGULAR BOARD MEETING
May 1, 1996

TOWN HALL
7:30 P.M.

A motion was made by Councilman Wiktor and seconded by Councilman Walter to refer the Building Permit Application for Charlap's Dairy to the Planning Board for review and recommendation.

five (5) Ayes

Carried

SUPERVISOR REPORT

Supervisor Kennedy reported a Special Meeting was held on April 29, 1996 regarding the adoption of a Resolution changing the boundaries of the Proposed Water District No. 3. The residents in attendance agreed the referendum date for the Proposed Water District No. 3 should be in September to allow votes from vacationing residents.

Supervisor Kennedy announced a recent Buffalo News article indicated the Water Authority was willing to accept some of the responsibilities for the City of Buffalo. In response, Supervisor Kennedy serving on a Water Committee with East Aurora Supervisor William Green and Orchard Park Supervisor Dennis Mill in conjunction with Erie County Association of Governments requested a meeting with the Erie County Water Authority to discuss the degree of aid and money expended to Buffalo.

Received notification from NYS Office of Real Property Services, County of Erie, that seventy-two (72) sales between 8/1/94 and 7/31/95 in the Town of Boston were reviewed. The Residential Assessment Ratio was determined to be 76.37% of value of property. This ratio is comparable to the Towns of Hamburg and Orchard Park.

TOWN CLERK REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to accept the Monthly Registrar of Vital Statistics Report for April 1996.

five (5) Ayes

Carried

Received and filed notification from the Erie County Division of Budget, Management and Finance of a Certificate of Attendance for Paul J. Becker for the Board of Assessment Review Training.

A motion was made by Councilman Davenport and seconded by Councilman Walter to grant Town Clerk Shenk permission to attend the Annual Tax Collector's Conference on June 9, 1996 to June 11, 1996, all appropriate expenses to be paid by the Town.

five (5) Ayes

Carried

TOWN ATTORNEY REPORT

Town Attorney Perley announced Lori Bistis, an Orchard Park High School Senior Honors Government Student, has been interning with him on the formation of the Extension of Water District No. 1 project.

A Public Hearing on June 5, 1996 at 8:00 P.M. will begin the process for the formation of the Extension of Water District No. 1. The properties of Dr. Salter and Eugene May have been included in the description. Preliminary inquires to a lender has established that money can be borrowed for twelve (12) years at 5.05% with equal bond payments of $7,864 per year. As this is an ad valorem district it is required to demonstrate to the Comptroller that this project falls within the threshold for the formation of a Water District and under the Comptroller guidelines so approval is not required. Approval is required for any amount of money exceeding $523 for a typical property . A typical property is deemed to be assessed at $70,000, have annual water costs of $130.00 and district taxes of $22.00 per year. The annual taxes in the

At a regular meting of the Town Board of the Town of Boston, in the County of Erie, State of New York, held at the Boston Town Hall, in the Town of Boston on the 1st day of May, 1996

PRESENT: Richard L. Kennedy, Supervisor
Lisa M. Rood, Councilman
Damian P. Wiktor, Councilman
Peter A. Walter, Councilman
Josephine M. Davenport, Councilman

In the Matter :

of the : ORDER CALLING PUBLIC HEARING

Establishment of the Chestnut Ridge/Omphalius/ Liebler Road Extension No. 1 to the Town of Boston Water District No. 1 pursuant to Article 12 of the Town Law :

RESOLUTION 1996-11

WHEREAS, a written Petition dated April 25, 1996 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, State of New York for the establishment of the Chestnut Ridge/Ompahlius/Liebler Road Extension Number 1 to Water District No. 1 in the said Town of Boston (hereinafter "the Extension") to be bounded and described as shown on Exhibit "A" attached hereto and made a part hereof, and

WHEREAS, the improvements proposed consist of the installation of 1850 linear feet of 8 inch diameter waterpipe on Chestnut Ridge Road, Liebler Road and Omphalius Road in the Town of Boston, New York; and

WHEREAS, the said Extension, involving three separate roads, arises out of the extension of a common facility known as Water District No. 1 in the Town of Boston and consists of a common extension of a pressure zone within the Town of Boston based upon available pressure facilities therein; and

WHEREAS, the maximum amount proposed to be expended for the said improvement as stated in the Petition is $69,500.00; and

WHEREAS, the said amount proposed to be expended for the construction of the said extension is planned to be financed by the issuance of serial bonds in the Town of Boston and the assessment, levy and collection of the special assessments from the several lots and parcels of land within the district on the basis of their assessed valuation, to pay the principal and interest on said bonds as same shall become due and payable.

NOW, THEREFORE BE IT

DETERMINED AND STATED that the estimated cost of the Extension to a Typical Property as defined in the Town Law of the State of New York is as follows:

Annual Water Cost:	$130.00
Annual District Taxes:	22.00
Annual Taxes in the Extension:	244.00
Total	$396.00

and that the cost of tap-in fees to obtain service from the Erie County Water Authority for said typical property is $750.00, and the Town Board has heretofore caused to be prepared and filed

for public inspection with the Town Clerk, a detailed explanation of how adjustments were computed and further that the cost of the District to such typical property is below the average estimated cost to the typical properties for the establishment of similarly typed Districts as computed by the State Comptroller; and be it

ORDERED that a meeting of the Town Board of the Town of Boston be held at the Town Hall in said Town on the 6 day of June, 1996 at 8:00 P.M., Eastern Prevailing Time, to consider the proposed establishment of the extension to Water District No. 1 of the Chestnut/Omphalius/Liebler Road Extension No. 1 to Water District No. 1 is 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 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 the Springville Journal , a newspaper published in Springville, New York , heretofore having been designated as the official newspapers of the Town of Boston, and posted on the sign board of the Town of Boston 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 10 nor more than 20 days before the date 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 for the State of New York on or about the date of publication of a copy of this Order.

Richard L. Kennedy

Richard L. Kennedy - Supervisor

Lisa M. Rood - Councilman

Damian P. Wiktor - Councilman

Peter A. Walter - Councilman

Josephine M. Davenport - Councilman

[SEAL]

Members of the Town Board
of the Town of Boston

David J. Shenk - Town Clerk

EXHIBIT A

All that tract or parcel of land, situate in the Town of Boston, County of Erie, State of New York, being part of Lots 14 and 22, Township 8, Range 7 of the Holland Land Company's Survey and being more particularly bounded and described as follows:

Beginning at a point in the centerline of chestnut Ridge Road, said point being the northeast corner of lands now or formerly owned by Joseph Skuplen (211.00-4-19).

thence southerly along the said centerline of Chestnut Ridge Road, a distance of about one hundred thirty feet (130'±) to the northwest corner of lands now or formerly owned by Eugene and Dawn Overfield (212.00-4-2);

thence easterly along the north line of said lands of Overfield, a distance of about five hundred feet (500'±) to the northeast corner of said lands of Overfield;

thence southerly along the east line of said lands of Overfield, a distance of about three hundred twenty feet (320'±) to the southeast corner of said lands of Overfield; said point being in the north line of lands now or formerly owned by Kurt Sedlmeier (227.00-1-5.1);

thence easterly along the said north line of lands of Sedlmeier, a distance of about one thousand four hundred thirty feet (1430'±) to the northeast corner of said lands of Sedlmeier;

thence southerly along the various courses of the east line of said lands of Sedlmeier, a distance of about nine hundred feet (900'±) to the southeast corner of said lands of Sedlmeier;

thence westerly along the south line of said lands of Sedlmeier, a distance of about five hundred eighty feet (580'±) to the northeast corner of lands now or formerly owned by Kurt Sedlmeier (227.00-1-2.111);

thence southerly along the east line of said lands of Sedlmeier and continuing southerly along the east line of lands now or formerly owned by James and Carol Dutchman (227.00-1-2.112), a distance of about eight hundred thirteen feet (813'±) to the southeast corner of said lands of Dutchman;

thence westerly along the south line of said lands of Dutchman, a distance of about six hundred thirty-one feet (631'±) to the southwest corner of said lands of Dutchman;

thence northerly along the west line of said lands of Dutchman and continuing northerly along the various courses of the east line of lands now or formerly owned by Niagara Mohawk Power Corporation (226.02-6-14), a distance of about one thousand sixty-seven feet (1067'±) to the southeast corner of a permanent easement to New York State Department of Transportation for Highway purposes Map 87R-1, P.103;

thence westerly along various courses of the south line of said easement, a distance of about one hundred sixty-seven feet (167'±) to the southwest corner of said easement; said point being on the west line of said lands of Niagara Mohawk Power Corporation and on the east line of the Town of Boston Water District No. 1;

thence northerly along the west line of said lands of Niagara Mohawk Power Corporation and the east line of the Town of Boston Water District No. 1, a distance of about one hundred fifty feet (150'±) to the northwest corner of said easement;

thence easterly along the north line of said easement, seventy-six feet (76'±) to the northeast corner of said easement;

(CON'T)

thence northerly along the west line of said lands of Rozborski and the east line of the Town of Boston Water District No. 1, a distance of about four hundred twenty feet (420'±) to the point or place of beginning.

ALSO

All that tract or parcel of land situate in the Town of Boston, County of Erie, State of New York, being part of Lot 13, Township 8, Range 7, and being more particularly described as follows:

Beginning in the northwest corner of lands now or formerly owned by Wallace and Debra Salter (227.00-5-20); said point being on the east line of lands now or formerly owned by Niagara Mohawk Power Corporation (227.00-5-26);

thence easterly along the various courses of the north lines of said lands of Salter, a distance of about one thousand nine hundred twenty-five feet (1925'±) to the northeast corner of said lands of Salter;

thence southerly along the east line of said lands of Salter, a distance of about eight hundred feet (800'±) to the southeast corner of said lands of Salter;

thence westerly along the various courses of the south lines of said lands of Salter,a distance of about eight hundred forty-six feet (846'±) to the northeast corner of lands now or formerly owned by Ronald and Audrey R. Hillman (227.00-5-16);

thence southerly along the east line of said lands of Hillman and continuing southerly along the east line of lands now or formerly owned by Chester and Pat Rosinski (227.00-5-33), a distance of about seven hundred ninety-eight feet (798'±) to the southeast corner of said lands of Rosinski;

thence westerly along the south line of said lands of Rosinski and continuing westerly along the south line of lands now or formerly owned by Donna Wolecki (227.00-5-31 & 227.00-5-32), a distance of about five hundred feet (500'±) to the southwest corner of said lands of Wolecki;

thence northerly along the west line of said lands of Wolecki a distance of about two hundred eighty-four feet (284'±) to the south line of Leibler Road;

thence westerly along the south line of Liebler Road, a distance of about ninety-one feet (91'±) to a point on the west line of said Niagara Mohawk Power Corporation lands and east line of the Town of Boston Water District No. 1;

thence northerly along the west line of said lands of Niagara Mohawk Power Corporation and the east line of said Town of Boston Water District No. 1, a distance of about sixty-six feet (66'±) to a point on the north line of Leibler Road;

thence easterly along the north line of Liebler Road, a distance of about eighty feet (80'±) to the southwest corner of said lands of Salter;

thence northerly along the various courses of the west line of said lands of Salter and the east line of said lands of Niagara Mohawk Power Corporation, a distance of about one thousand feet (1000'±) to the point or place of beginning.

2/c.Surv-desc/960053

(CON'T)

thence northerly along the east line of said lands of Niagara Mohawk Power Corporation , a distance of one hundred thirty feet (130'±) to the north line of Lot 14, T8, R7;

thence easterly along the said north line of Lot 14 and along the north line of lands now or formerly owned by Peter and Paul Stumpf (226.02-6-15) a distance of about four hundred thirty feet (430'±) to the southwest corner of lands now or formerly owned by Kenneth and Yvonne Wallace (211.00-4-21);

thence northerly along the west line of said lands of Wallace and continuing northerly along the west line of lands now or formerly owned by Judith I. Wolf (211.00-4-20) and the west line of said lands of Skupien a distance of about four hundred feet (400'±) to the northwest corner of said lands of Skupien;

thence easterly along the north line of said lands of Skupien, a distance of about seven hundred thirty feet (730'±) to the point or place of beginning.

ALSO

All that tract or parcel of land situate in the Town of Boston, County of Erie, State of New York, being part of Lot 14, Township 8, Range 7 and being more particularly bounded and described as follows:

Beginning at a point in the centerline of Omphalius Road on the east line of the Town of Boston Water District No. 1 at the northwest corner of lands now or formerly owned by Larry Rozborski (226.02-7-3.1);

thence easterly along the centerline of Omphalius Road, a distance of about one thousand twenty-seven feet (1027'±) to the northeast corner of lands now or formerly owned by Ruth Musser (227.00-6-6.1);

thence southerly along the various courses of the east lines of said lands of Musser, a distance of about three hundred fifteen feet (315'±) to a point on the north line of said lands of Musser;

thence easterly along the said north line of lands of Musser, a distance of about two hundred feet (200'±) to a point on the east line of said lands of Musser;

thence southerly along the said east line of lands of Musser, and continuing southerly through the said lands of Musser, a distance of about eight hundred feet (800'±) to a point on the south line of said lands of Musser, said point being about four hundred fifty feet (450'±) east of the southwest corner of said lands of Musser;

thence westerly along the south line of said lands of Musser a distance of about four hundred fifty feet (450'±) to the southwest corner of said lands of Musser;

thence northerly along the various courses of the west lines of said lands of Musser a distance of about four hundred sixty and no hundredths feet (460'±) to a point;

thence southwesterly along the south line of said lands of Musser, a distance of about one twenty-six feet (126'±) to the southeast corner of lands now or formerly owned by Lawrence M. Rozborski and wife (226.02-7-03.31);;

thence westerly along the various courses of the south line of said lands of Rozborski and continuing westerly along the south line of lands now or formerly owned by Lawrence M. Rozborski and wife (226.02-7-3.2) and said lands now or formerly owned by Larry Rozborski (226.02-7-3.1); a distance of about five hundred twenty-three feet (523'±) to the southwest corner of said lands of Larry Rozborski;

CERTIFICATE

STATE OF NEW YORK }
COUNTY OF ERIE }
TOWN OF BOSTON }

I, DAVID J. SHENK, Town Clerk of the Town of Boston, Erie County, New York do hereby certify that attached hereto is a true and complete copy of an Order adopted by the Town Board of the Town of Boston on the 1st day of May, 1996 pursuant to a motion made by Supervisor Kennedy, seconded by Councilman Wiktor and unanimously adopted..

In said testimony whereof I appear and set my hand and affix the Seal of the Town of Boston, New York on this 2nd day of May, 1996.

David J. Shenk - Town Clerk

SEAL:

REGULAR BOARD MEETING
May 1, 1996

TOWN HALL
7:30 P.M.

TOWN ATTORNEY REPORT (CONT.)

extension would be $244.00 per year and would amount to $396 for the first year of operation plus a $750 tap-in fee. This falls within the Comptroller's guidelines.

RESOLUTION 1996-11 ORDER CALLING FOR A PUBLIC HEARING ON JUNE 5, 1996 AT 8:00 P.M. FOR THE ESTABLISHMENT OF THE CHESTNUT RIDGE/OMPHALIUS/LIEBLER ROAD EXTENSION NO.1 TO THE TOWN OF BOSTON WATER DISTRICT NO. 1

The Town Clerk is directed to publish, post and file a copy with the State Comptroller of the Order Calling for a Public Hearing on June 5, 1996 at 8:00 P.M. for the Establishment of the Chestnut Ridge/Omphalius/Liebler Road Extension No. 1 to the Town of Boston Water District No. 1 pursuant to Article 12 of the Town Law.

Town Attorney Perley noted the documents necessary to convene a Public Hearing for the second meeting in June on the increase in facilities (tank project) will be available for the Town Board meeting of May 15, 1996 so the project can go to bid.

COUNCILMAN REPORT

Councilman Rood thanked Conservation Advisory Council members, Chairman Chris Bifaro, Paul Sawicki, David Early and Bruce Chamberlain for helping load tires at the tire drop-off on April 20, 1996. A total of 13.26 tons of tires were collected. The total price was $921.57 ($69.50 a ton) compared to $2,268.70 ($95.00 a ton) for 1995. In 1995 the Highway Department was employed to help load and this year the loading was done by volunteers and two men sent by the Huron Recovery Company at no extra cost.

Congressman Jack Quinn has promised to aid in the quest to determine where the Town of Boston stands on the Rural Economic and Community Development Priority list for loans regarding the Water District No. 2 Extension on the West Hill.

Upon information that Keller Road did not have cable service between Zimmerman and Feddick Roads, Councilman Rood contacted Town Attorney Perley who contacted Adelphia Cable and cable is now installed up to 5348 Keller Road.

On April 27, 1996 the Chamber of Commerce distributed booklets to Boston residents encouraging support for the listed area businesses.

Councilman Wiktor reported the Awards Program for the Rescue Squad members has been finalized. Pertinent information has been supplied to the Town Assessor for a determination of cost to the Town.

At the last Planning Board meeting the members and the Town Attorney discussed the changes and additions to sections of the Town's zoning laws.

Councilman Wiktor notified Deputy Code Enforcement Officer Lisowski of a report of hazardous conditions at the walk-in refrigerator/cooler next to Keen's market on Boston State Road. Deputy Code Enforcement Officer Lisowski responded the matter has been addressed.

On April 26, 1996 Councilman Walter and Highway Superintendent Ruchalski visited problem drainage areas on Back Creek and Homestead roads. It will take an effort between the Town and the Erie County Highway Department to solve the problem. Chestnut Lane is in rough shape. Culverts are flooding over and causing water in the basements of residents.

REGULAR BOARD MEETING
May 1, 1996

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.)

Councilman Walter noted a resident reported a problem with a light on Greenbriar Terrace. Wires are exposed and although safe the residents are concerned. Councilman Wiktor will notify the residents.

Councilman Walter reported the drainage problem on Thornwood Drive has been solved.

Councilman Davenport announced the Creative Playground and parks will be inspected as soon as the weather permits.

The attendance at the Friday Night Recreation program is up to eighty one (81) children.

CODE ENFORCEMENT OFFICER REPORT

A) Code enforcement Officer monthly report for April 1996 was received and on file in the Clerk's Office.

DEPUTY CODE ENFORCEMENT OFFICER REPORT

A) Deputy Code enforcement Officer monthly report for April 1996 was received and on file in the Clerk's Office.

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officer monthly report for April 1996 was received and on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for April 1996 was received and on file in the Clerk's Office.

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

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
May 15, 1996 — 7:30 P.M.

Present were Councilman Josephine M. Davenport, Councilman Lisa M. Rood, Councilman Peter A. Walter, Councilman Damian P. Wiktor, Supervisor Richard L. Kennedy, Highway Superintendent Eugene E. Ruchalski and Town Attorney Michael F. Perley.

A motion was made by Councilman Walter and seconded by Councilman Wiktor to adopt the minutes of the May 1, 1996 regular monthly meeting.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport that General Fund and Special District Bills on Abstract #5A, dated May 15, 1996 in the amount of $51,748.82 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Supervisor Kennedy that the Highway Bills on Abstract #5A, dated May 15, 1996 in the amount of $13,367.92 be paid.

five (5) Ayes — Carried

Received and filed the Erie County Sheriff's Monthly Activity Report for April 1996.

Referred to Conservation Advisory Council a letter from Christopher F. Misztal regarding brush pickup and brush chippings.

Received and filed a response from Congressman Jack Quinn regarding the priority status of the Town of Boston Rural Economic and Community Development loan application.

Received and filed a letter from Congressman Jack Quinn to U.S. Department of Agriculture Rural Economic and Community Development regarding the Town of Boston loan application.

Received and filed a Notice of Preapplication Review Action from U.S. Department of Agriculture confirming that the Town of Boston is eligible for funding but does not have the priority necessary for further consideration at this time.

Referred to Councilman Wiktor a request to notify Emergency Services personnel of NYSEG Live-Line Demonstration, July 17, 1996.

Received and filed an invitation for the dedication of the Jeremy Colin Potter Memorial on June 8, 1996 at the Boston Town Park.

Received and filed a letter of appreciation from Dr. Greg K. Gibbs, Principal of Boston Valley Elementary School.

Received and filed franchise fees from Adelphia Cable for $18,365.45 for the period from July 1 through December 31, 1995.

Received and filed a schedule of Public Hearings from Legislator Marshall regarding the proposed smoking ban in all indoor places.

A motion was made by Councilman Wiktor and seconded by Councilman Davenport to appropriate $247.50 to the Boston Town Band for Memorial Day Celebration expenses.

five (5) Ayes — Carried

REGULAR BOARD MEETING
May 15, 1996

TOWN HALL
7:30 P.M.

A motion was made by Councilman Davenport and seconded by Councilman Rood, on the recommendation of Recreation Director O'Brien, to appoint the following for the Summer Recreation Department effective immediately and to expire on August 31, 1996:

Jackie Russell	Summer Supervisor	$2,500 for Summer
Jerry Lindsey	Recreation Leader	$1,150 for Summer
Andrew Appenheimer	Recreation Attendant	$4.35 per Hour
Jennifer Burroughs	Recreation Attendant	$4.50 per Hour
Julie Edwards	Recreation Attendant	$4.35 per Hour
Chris Emerling	Recreation Attendant	$4.65 per Hour
Jessica Kobiolka	Recreation Attendant	$4.50 per Hour
Mandi Malchoff	Rec.Att/Lifeguard	$4.35/$6.50 Hr
Doris Pilato	Arts/Crafts Supervisor	$6.00 per Hour
John Polowski	Recreation Attendant	$4.35 per Hour
Kathy Rooney	Administrative Asst.	$7.25 per Hour
Karl Siebert	Recreation Attendant	$4.50 per Hour
Keith Steward	Recreation Attendant	$4.35 per Hour
Audrey Torno	Asst. Site Supervisor	$6.50 per Hour
Rebecca Vara	Recreation Attendant	$4.35 per Hour

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor, on the recommendation of Recreation Leader Gerald Lindsey, to appoint the following for the 1996 Summer Baseball season:

President	Jim Frascella
1st Vice President	Greg Burroughs
2nd Vice President	Tim Dinse
Secretary	Jim Gastle
Treasurer	Kevin Elsaesser

Coaches and Assistants:

Dawn Sayler	Tom Kaleta
Dennis Hagner	Ron Pachan
Karen Wendling	Bob Cymerman
Richard Schrecehgost	Doug Bellanti
Roger Jackson	Dan Woodrow
Michael Kobiolka	Andy Woodrow
Mike Fairl	Dick Delotto
Tom Lanham	Tim Dinse
Larry Philipps	Greg Borroughs
Jim Nabozny	Mike Hacker
Jerry May	Jim Gastle
Carl Emerling	Kevin Elsaesser
Pat Thompson	John Marron
Jeff Sullivan	Michael Kozina
Mike Ehlers	Jim Frascella
Robert Andrzejewski	Mark Warnke
Dan Vieden Zahariev	Bob Monczynski
Charles Sienk	

five (5) Ayes Carried

Referred to TVGA Engineering a request from Erie County Water Authority for a time frame for the proposed Boston Water District No. 1, Chestnut Ridge Road tank so the capital plans of the ECWA can be modified to make payments to Boston in 1997.

A motion was made by Councilman Walter and seconded by Councilman Davenport to direct the Town Clerk to schedule the bid opening for the Salt Storage Barn for June 3, 1996 at 10:00 A.M..

five (5) Ayes Carried

1996 - 12

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 15th day of May, 1996 at 7:30 P.M. Eastern Daylight Savings Time there were

Present:	Richard L. Kennedy	Supervisor
	Josephine M. Davenport	Councilman
	Lisa M.Rood	Councilman
	Peter A. Walter	Councilman
	Damian P. Wiktor	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
211.00-3-14.212	Walter Kozlowsky Jr.	6203 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 Rood** and duly put to a vote which resulted as follows:

Supervisor Kennedy	**Voting Aye**
Councilman Davenport	**Voting Aye**
Councilman Rood	**Voting Aye**
Councilman Walter	**Voting Aye**
Councilman Wiktor	**Voting Aye**

AYES: 5 NOES: 0 ABSENT: 0

Karen A. Ellis

Karen A. Ellis, Deputy Town Clerk

TOWN OF BOSTON

1996 - 13

SENIOR TAX EXEMPTION

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 15th day of May, 1996 at 8:00 P.M. Eastern Daylight Savings Time there were

Present:	Richard L. Kennedy	Supervisor
	Josephine M. Davenport	Councilman
	Lisa M.Rood	Councilman
	Peter A. Walter	Councilman
	Damian P. Wiktor	Councilman

Councilman Davenport presented the following resolution and moved the adoption:

WHEREAS, Section 467 of the Real Property Tax Law of the State of New York provides that after publication and public hearing, the Town Board of the Town of Boston may adopt a resolution granting certain tax exemptions for owners of real property within the Town of Boston, age 65 or over, who do not have a gross income in excess of $20,700 per annum, and

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

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Boston after a public hearing, hereby grants taxpayers within the Town of Boston, 65 years of age or over, exemption from real property taxation within the town, with gross income as follows:

Income up to:	% Assessed Valuation Exempt from Taxation
$15,000 -	50%
$15,001 - $15,600	45%
$15,601 - $16,200	40%
$16,201 - $16,800	35%
$16,801 - $17,400	30%
$17,401 - $18,000	25%
$18,001 - $18,600	20%
$18,601 - $19,850	15%
$19,851 - $20,700	10%

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

Motion seconded by **Councilman Rood** and duly put to a vote which resulted as follows:

Supervisor Kennedy	**Voting Aye**
Councilman Davenport	**Voting Aye**
Councilman Rood	**Voting Aye**
Councilman Walter	**Voting Aye**
Councilman Wiktor	**Voting Aye**

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk

David J. Shenk, Town Clerk

REGULAR BOARD MEETING — TOWN HALL
May 15, 1996 — 7:30 P.M.

A motion was made by Councilman Wiktor and seconded by Councilman Davenport to approve the General Fund transfer of appropriations as follows:

A1220.1 (Supv Salary) to H7550.4 (Christmas Lighting Fund)

A1990.4 (Contingency) to A7620.4 (2nd Senior Citizen Group)

five (5) Ayes — Carried

RESOLUTION 1996 - 12 OUT OF DISTRICT WATER SERVICE

A motion was made by Councilman Wiktor and seconded by Councilman Walter to grant use of the Town Park and Lions Shelter to the Demonstration Day Committee on June 2, 1996 from 11:30 A.M. to 3:39 P.M.. No alcoholic beverages will be served, deposit received.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Rood to grant People Inc. use of the Lions Shelter on August 17, 1996 for a family picnic. No alcoholic beverages will be served, deposit received.

five (5) Ayes — Carried

At 8:02 P.M. a Public Hearing was held for the purpose of hearing public comments on the adoption of a new schedule for the Senior Citizen Exemption.

Supervisor Kennedy read the legal notice and proposed Resolution including the following new schedule for Senior Citizen Exemptions:

Income up to	$15,000 -	50%
	$15,001 - $15,600	45%
	$15,601 - $16,200	40%
	$16,201 - $16,800	35%
	$16,801 - $17,400	30%
	$17,401 - $18,000	25%
	$18,001 - $18,600	20%
	$18,601 - $19,850	15%
	$19,851 - $20,700	10%

Supervisor Kennedy noted Town Assessor Eagan recommended citizens in the income category of $19,000 - $20,700 be included in the new exemption schedule and action be taken prior to June 1, 1996 for the completion of the Assessment Rolls.

The Public Hearing was convened.

There were no comments.

Legal Notice
Town of Boston

PLEASE TAKE NOTICE, that the Town Board of the Town of Boston, Erie County, New York on Wednesday, May 15, 1996 at 8:00 p.m. prevailing time at the Boston Town Hall, 8500 Boston State Road, will hold a public hearing to consider the adoption of a resolution pursuant to Section 467 of the Real Property Tax Law of the State of New York whereby certain tax exemptions up to 50 percent of assessed valuation may be granted to real property owners within the Town of Boston of 65 years of age or over, all in accordance with provisions of Section 467 of the Real Property Tax Law.

TAKE FURTHER NOTICE, this proposal may be examined and copied by any interested persons at the Town Clerk's Office, 8500 Boston State Road, Boston, New York, during regular business hours, Monday thru Friday, 9:00 a.m. — 5:00 p.m. and Tuesday Evening 5:00 p.m. — 8:00 p.m. At said public hearing all interested persons shall be heard for or against said resolution.

Dated: May 1, 1996
By Order of the Town Board
David J. Shenk, Town Clerk
1w 5/2/96

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to close the Public Hearing at 8:07 P.M..

five (5) Ayes — Carried

RESOLUTION 1996 - 13 SENIOR TAX EXEMPTION

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to grant Highway Superintendent Ruchalski permission to attend the Association of Towns 1996 Highway School at Ithaca College June 2-5, 1996, expenses paid within budget limits.

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
May 15, 1996 — 7:30 P.M.

Regarding the May 4, 1992 Building Permit Application of Glenn & Alfons Wetzl, 6748 Pin Oak Drive: Town Attorney Perley has stated that in his opinion a new application, new fee and new documents for site plan approval be referred to the Planning Board pursuant to Section 154 of the Town of Boston Zoning Laws adopted in 1991. The Law states, a Building Permit is effective if construction is commenced within six (6) months of the date of issuance and completed within one (1) year thereafter.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to direct the Town Clerk and Code Enforcement Officer to require a new application for site plan approval and a Building Permit Application to be submitted with fee for Glenn and Alfons Wetzl, 6748 Pin Oak Drive. After determination by the Code Enforcement Officer that the application is complete it is to be referred to the Planning Board.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood to refer to the Planning Board, a Building Permit Application from Burke Bros. Construction Co., for the construction of 32 Garden Apartments with Garages at 7281 Boston State Road (adjacent 4+/-acres vacant).

five (5) Ayes — Carried

SUPERVISOR REPORT

A) Supervisor's monthly report for April 1996 was received and filed.

TOWN CLERK REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to accept the Tax Collector's monthly report for April 1996.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Supervisor Kennedy to grant Town Clerk Shenk permission to attend the NYALGRO (Records Management) conference in Albany from June 2-4, 1996, expenses to be paid within budget limits.

five (5) Ayes — Carried

HIGHWAY SUPERINTENDENT REPORT

A motion was made by Councilman Wiktor and seconded by Councilman Rood to authorize Highway Superintendent Ruchalski to purchase a Drag Paver for $9,897.00.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport to authorize Supervisor Kennedy to enter into an agreement with Mecca Krull Inc. for the purchase of a John Deere Loader, model #544G, pursuant to State Contract and further authorize the Highway Superintendent to offer the 1995 Loader for bid with the agreement that Mecca Krull Inc. will bid $69,000.

five (5) Ayes — Carried

Highway Superintendent Ruchalski attended the PERMA Safety Seminar at Lake George, NY on May 2-3, 1996. The Town of Boston was the only town presented with an award "For the Achievement of a Loss Ratio under 20% for the 1994-1995 Year".

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1996-14

Resolution adopting an Order re: Increase in facilities in Water District No. 1

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York , held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 15th day of May, 1996 at 7:30 o'clock in the evening Eastern Prevailing Time there were:

Present:	**Richard L. Kennedy**	**Supervisor**
	Josephine M. Davenport	**Councilman**
	Lisa M. Rood	**Councilman**
	Peter A. Walter	**Councilman**
	Damian P. Wiktor	**Councilman**
Absent:		

Supervisor Kennedy presented the following Resolution and moved its adoption:

BE IT RESOLVED that the Town Board of the Town of Boston adopt the annexed Order calling a Public Hearing on the 19th day of June, 1996, *In the Matter of the Proposed Increase in facilities in Water District No. 1, in the Town of Boston, in the County of Erie, New York, pursuant to Section 202-b of the Town Law.*

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

Supervisor Kennedy	Voting - Aye
Councilman Davenport	Voting - Aye
Councilman Rood	Voting - Aye
Councilman Walter	Voting - Aye
Councilman Wiktor	Voting - Aye

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

David J. Shenk

David J. Shenk-Town Clerk

At a regular meeting of the Boston Town Board of the Town of Boston, in the County of Erie, State of New York, held at the Town Hall, in the Town of Boston on the 15th day of May, 1996.

PRESENT:

Richard L. Kennedy	Supervisor
Peter A. Walter	Councilman
Josephine M. Davenport	Councilman
Lisa M. Rood	Councilman
Damian P. Wiktor	Councilman

In the Matter
of the

Proposed Increase in Facilities in Water District No. 1, in the Town of Boston, in the County of Erie, New York, pursuant to Section 202-b of the Town Law.

ORDER CALLING PUBLIC HEARING JUNE 19, 1996

WHEREAS, the Town Board of the Town of Boston previously engaged the firm of TVGA Engineering, Surveying, P.C.., competent engineers, licensed by the State of New York to prepare a map plan and report pertaining to the construction of the water storage tank in the Town of Boston for the purpose for providing increased water capacity and improved service to the Town of Boston Water District No. 1, including the construction of a booster pumping station, located at, or near, the intersection of Boston State Road and Chestnut Ridge Road in the Town of Boston, a 700,000 gallon ground level storage tank to be located in Lower Crestwood Circle in the Town of Boston and the construction of a 12 inch water line from the Boston State

Road to the pumping station, a six inch water line from the pumping station of Chestnut Ridge Road to the storage tank on Lower Crestwood Circle and a 10" waterline from the tank to the existing 12" water line on Boston State Road, said water line to be installed in highway rights of way and/or with an easement secured for said purposes and removal of the Brown Hill Road Tank from service upon completion of the said project, and;

WHEREAS, the said engineering firm of TVGA Engineering, Surveying, P.C. has determined that the proposed facilities will increase service pressure and fire flow capacity in areas of Water District No. 1 which are located at a higher elevation, will increase storage capacity for Water District

No. 1 and any future expanded district areas and will have the capability to extend Water District No. 1 easterly to provide water service to residents on portions of Omphalius, Liebler and Chestnut Ridge Roads, and;

WHEREAS, the maximum amount proposed to be expended for the completion of the construction of said improvement and facilities is $950,000.00 to be financed as follows:

Contribution from Erie County Water Authority:	$251,000.00.
Available funds in Water District No. 1:	$149,000.00.
Amount to be raised by issuance of serial bonds:	$550,000.00

and;

WHEREAS, the proposed increase in facilities involves the acquisition of lands at or near the intersection of Chestnut Ridge Road and Boston State Road in the Town of Boston for purposes of constructing a pumping station and for further acquisition of lands in Lower Crestwood Circle for the purpose of construction the 700,000 gallon ground level storage tank;

NOW, THEREFORE, IT IS ORDERED that a meeting of the Town Board of the Town of Boston shall be held on the 19th day of June, 1996 at 8:00 p.m., eastern prevailing time to consider the proposed increase in facilities 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

IT IS FURTHER ORDERED that the Town Clerk be and hereby is directed will publish this Order least once in the Hamburg Sun, a newspaper published in Hamburg, New York and 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 the Section 30 of the Town law a copy of this Order certified by the Town Clerk, the first publications of said posting to be not less than 10 no more than 20 days before the date designated for such public hearing as aforesaid.

Dated: May 15, 1996

Boston, New York

TOWN BOARD OF THE TOWN OF BOSTON

Richard L. Kennedy - Supervisor

Lisa M. Rood - Councilman

Damian P. Wiktor - Councilman

Peter A. Walter - Councilman

Josephine M. Davenport - Councilman

(SEAL)

Members of the Town Board of the Town
of Boston, in Erie County, New York

David J. Shenk - Town Clerk

REGULAR BOARD MEETING
May 15, 1996

TOWN HALL
7:30 P.M.

TOWN ATTORNEY REPORT

Town Attorney Perley noted under Section 202-b of Town Law, in order for there to be an increase in facilities of an existing Water District, it is necessary for the Town Board to call a Public Hearing. An order has been prepared based upon the map plan and report submitted by TVGA Engineering which calls for an increase in facilities to increase service pressure, fire flow capacity, and increase storage capacity in Water District No. 1 at a cost of $950,000. The Erie County Water Authority contribution is $251,000 and available funds in Water District No. 1 are $149,000, leaving a finance amount of $550,000.

RESOLUTION 1996 - 14 **ORDER CALLING FOR PUBLIC HEARING ON JUNE 19, 1996 AT 8:00 P.M. FOR INCREASE IN FACILITIES IN WATER DISTRICT NO. 1**

Town Attorney Perley noted there was a redesign of the water line system when the tank was changed pursuant to the redesign specifications in conjunction with Erie County Water Authority. As a result, the proposed water line crossing of Niagara Mohawk Power Corporation's right-of-way has changed.

A motion was made by Councilman Rood and seconded by Councilman Wiktor to authorize Supervisor Kennedy to execute the modified easement agreement with Niagara Mohawk Corporation.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Walter to authorize Supervisor Kennedy to sign the Short Environmental Assessment Form for Water District No. 1 Increase in Facilities.

five (5) Ayes Carried

A motion was made by Councilman Rood and seconded by Councilman Davenport to authorize Supervisor Kennedy to sign the Short Environmental Assessment Form for Water District No. 1 Chestnut Ridge, Omphalius, Liebler Roads Extension.

five (5) Ayes Carried

COUNCILMAN REPORT

Councilman Rood announced the Boston Chamber of Commerce recognized Al Rettig of Rucker Lumber as the Citizen of the Year at a dinner on May 4, 1996 at the Dock of the Bay Restaurant.

Councilman Wiktor thanked the Code Enforcement Officers for their expeditious work on the Keen's Market refrigeration problem.

Councilman Walter reported the water problem on Cloverfield Drive has been reported to Erie County and they will cooperate with the Town to correct this problem and a problem with a culvert crossing Abbott Road, north of Herman Hill Road. The Highway Superintendent contacted the Town of Hamburg to clean plugged culverts further down Abbott Road. The water problems on Northside, South Greenbriar Terrace and Rollin Drive need addressing. The ditch that was put in on Colonial Drive is working well.

Councilman Davenport reported a new addition is being put on Boston Valley School so a new location must be found for the bike rack.

REGULAR BOARD MEETING
May 15, 1996

TOWN HALL
7:30 P.M.

PLANNING BOARD REPORT

Supervisor Kennedy read the Boston Planning Board recommendation of approval regarding the application of John G. Szalay for a four (4) unit apartment building at the corner of Rollin Drive and Boston State Road. The application approval is contingent on the Drainage Committee receiving copies of the plans and consultation with the Town Board if necessary. Prior to the issuance of a Building Permit the Planning Board requests the conditions of the Szalay Subdivision project be met including completion of seeding, grading and lighting of the cul de sac.

Supervisor Kennedy noted a survey has not been provided.

Bart Ciambella, Civil Engineer acknowledged that he represents Mr. Szalay's interest and was informed by Mr. Szalay that an updated survey is a requirement for a Building Permit.

Town Attorney Perley advised the Town Board to refrain from voting until a survey is submitted showing where the building is located, including the building dimensions and set backs. The final site plan is to be accompanied by the Building Permit application.

Supervisor Kennedy read a letter from Robert DiCesare Jr., 8930 Greenbriar Terrace, requesting immediate attention to the substandard condition of Mr. Szalay's subdivision project.

Supervisor Kennedy responded that outside lighting has been provided but the condition of the cul de sac remains a concern. Mr. Szalay expressed a desire to do all the grading and seeding at one time on his project as well as the cul de sac. The Town Board is concerned that it may be a year until completion of the building and the cul de sac will remain unimproved.

Councilman Rood stated that the first project should be completed satisfactorily before moving to another project.

Councilman Wiktor noted that it was the consensus of the Planning Board to refer this proposal to the Drainage Committee which would act in an advisory capacity.

Bart Ciambella stated that the legal survey gives a description of the property that is going to be developed and the plans provided show the location of the building and the set backs.

Councilman Wiktor commented that it was also agreed that three (3) additional final copies of the plans would be submitted before a recommendation is made, one for the Town Attorney, one for filing and one for the Town Engineer.

Bart Ciambella responded that he has the plans.

Code Enforcement Officer Kramer stated there is confusion because a site plan was presented to the Planning Board. A survey shows that the property is now one parcel and must be divided showing the parcel the unit will be built on and proof that there is the required square footage. Without that information a Building Permit cannot be issued. A Building Permit can be issued contingent on the set back shown on the site plan which is quite commonly done. Basically a site plan is nothing more than a survey with proposed buildings and proposed set backs and if the minimum is met we accept them. The surveyor makes a spot survey after the foundation is in place and provides the actual dimensions of the building. Mr. Szalay has to survey a parcel large enough to satisfy the square footage requirements for a four (4) family unit. That is what has not been done. It is the opinion of Code Enforcement Officer Kramer that a deed should accompany the survey.

REGULAR BOARD MEETING
May 15, 1996

TOWN HALL
7:30 P.M.

PLANNING BOARD REPORT (CONT.)

Councilman Walter noted a survey is required because there are two (2) separate zonings on the parcel, commercial and residential.

Bart Ciambella questioned whether a conditional approval could be granted pending a satisfactory survey being submitted.

Town Attorney Perley commented it would take approximately two weeks to get a survey and the Board will meet again in three weeks.

Supervisor Kennedy commented that the consensus of the Town Board is to have the grading and seeding of the cul de sac done immediately. In three weeks the Drainage Committee will have been provided with the copies of the plans agreed upon by the Highway Superintendent and the Engineer to address the drainage problems. In the past the Town Engineer drew up a drainage plan with the proper receivers. It was acceptable to the Highway Superintendent. The Town Engineer, who in Supervisor Kennedy's opinion has more expertise in drainage than anybody on the Drainage Committee, recommended approval of the plan. Therefore Supervisor Kennedy would be more inclined to take the recommendation of the Town Engineer than a layman member of the Drainage Committee.

Councilman Walter responded that he would like it recorded that he has been in the business for forty-three (43) years and has more expertise than the Town Engineer regarding drainage.

A motion was made by Councilman Wiktor and seconded by Councilman Walter to table the application of John Szalay for a four (4) unit apartment building until the June 5, 1996 Town Board Meeting, when the requirements of a survey, legal description of the property, a recommendation from the Drainage Committee, three (3) sets of final plans and the grading and seeding of the Szalay cul de sac have been satisfied.

Councilman Davenport	Voting	Aye
Councilman Rood	Voting	Aye
Councilman Walter	Voting	Aye
Councilman Wiktor	Voting	Aye
Supervisor Kennedy	Voting	Nay

four (4) Ayes one (1) Nay Carried

Supervisor Kennedy read the Planning Board recommendation of approval on the Building Permit Application of Henry N. Charlap dba Charlap's Dairy and a determination from TVGA Engineering that the application is not subject to a further SEQR review.

Town Attorney Perley noted this is a non-conforming building however the proposed addition does not create any increase in the non-conformity of the building. The non-conformance aspect of this building is the set back from the right-a-way and this addition does not decrease that setback so no variance is required.

A motion was made by Councilman Wiktor and seconded by Councilman Davenport to grant a Building Permit Application to Henry N. Charlap dba Charlap's Dairy for an addition of 7 X 26 square feet, to the west front corner of the existing building.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood to adjourn the meeting at 8:57 P.M..

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
June 5, 1996 — 7:30 P.M.

Present were Councilman Josephine M. Davenport, Councilman Lisa M. Rood, Councilman Damian P. Wiktor, Supervisor Richard L. Kennedy, Highway Superintendent Eugene E. Ruchalski and Town Attorney Michael F. Perley.

Absent: Councilman Peter A. Walter.

A motion was made by Councilman Davenport and seconded by Councilman Rood to adopt the minutes of the May 15, 1996 regular monthly meeting and the minutes of the May 22, 1996 Public Hearing.

Correction to May 15, 1996 Regular Town Board Meeting Minutes:

From: A motion was made by Councilman Wiktor and seconded by Councilman Davenport to approve the General Fund transfer of appropriations as follows:

A1220.1 (Supv Salary) to H7550.4 (Christmas Lighting Fund)
A1990.4 (Contingency) to A7620.4 (2nd Senior Citizen Group)

To: A motion was made by Councilman Wiktor and seconded by Councilman Davenport to approve the General Fund transfer of appropriations as follows:

$1,500 from A1220.1 (Supv Salary) to H7550.4 (Christmas Light Fund)
$1,000 from A1990.4 (Contingency) to A7620.4 (2nd Senior Group)

ALSO

From: Resolution 1996 - 12 To: Resolution 1996 - 14

four (4) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor that the General Fund and Special District Bills on Abstract #6, dated June 5, 1996 in the amount of $22,754.57 be paid.

four (4) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Davenport that the Highway Bills on Abstract #6, dated June 5, 1996 in the amount of $14,884.39 be paid.

four (4) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to accept the Town Clerk's Monthly Report for May 1996.

four (4) Ayes — Carried

Received and filed notification from Adelphia Cable Communications of new rates and programming adjustments.

Supervisor Kennedy announced Town Attorney Perley has arranged for representatives from Adelphia Cable Communications to talk with Town Board members prior to the July 3, 1996 Town Board meeting.

Received and filed notification of a Public Hearing in Buffalo on June 12, 1996 concerning Casino Gambling in New York State.

Referred to Councilman Walter, Drainage Chairman, a letter from John P. O'Shea regarding drainage conditions on Meadow Drive.

Received and posted on the Town Hall bulletin board an invitation for the community to line the route and watch the 1996 Olympic Torch Relay on June 11, 1996

REGULAR BOARD MEETING — TOWN HALL
June 5, 1996 — 7:30 P.M.

The following bids were received and publicly opened on June 3, 1996 at 10:00 A.M. for the Salt Storage Shed:

40' X 60' BUILDING:	All State Development	$ 59,595.00
	Miller Enterprises	$ 61,000.00
	Cloverbank Construction	$ 74,000.00
	Park Lane Construction	$ 78,600.00
	Norcar Const Management, Inc.	$ 83,639.00
50' X 80' BUILDING:	All State Development	$ 82,828.00
	Miller Enterprises	$ 81,000.00
	Cloverbank Construction	$ 97,500.00
	Park Lane Construction	$ 98,600.00
	Norcar Const Management, Inc.	$114,369.00

A motion was made by Councilman Wiktor and seconded by Councilman Rood, on the recommendation of TVGA Engineering, to award Miller Enterprises the contract for a 50' X 80' Salt Storage Shed for the amount of $81,000.

four (4) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood to authorize Town Clerk Shenk to advertise for Bids for the Pump Station and Tank for Water District No. 1 and the extensions on Liebler and Omphalius Roads to be received July 1, 1996 at 2:00 P.M. and awarded at the July 3, 1996 Town Board meeting.

four (4) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Wiktor to authorize the Supervisor to enter into an agreement with the Town Engineer to prepare specs for the Trevett Road Creek Crossing.

four (4) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to schedule July 3, 1996 and August 7, 1996 at 7:30 P.M. for the Summer Town Board Meetings.

four (4) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Davenport, on the recommendation of Recreation Leader Gerald Lindsey, to appoint the following coaches and assistants for the 1996 softball season:

President	Galen Musselman
1st Vice President	Leigh Emerling
2nd Vice President	Jim Salvalzo
Secretary	Cindy Moran
Treasurer	Michael Agliata
Coaches and Assistants:	
Margaret Rosinski	Molly Rosinski
Jodi Jusiak	Bob Ehlers
Wayne Krieger	Adam Renzi
Bonnie Renzi	Lucille Werth
Martin White	Jim Salvalzo
Henry Abramowski	Paul Ketzer
Lou Matricardi	Galen Musselman
JoAnna Guenther	Chris Couell
Chris Guenther	Bob Kobiolka
Michael Agliata	Jennifer Russell
Shelly Miller	Amy Thill
Annette Accordino	Leigh Emerling
Kevin Hesse	Mary Partridge
Maureen O'Rourke	Sara Reimondo
Susan Lanham	Dawn DeGroff

four (4) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
June 5, 1996 — 7:30 P.M.

A motion was made by Councilman Wiktor and seconded by Councilman Rood to grant the Patchin Volunteer Fire Company use of the Lions Shelter on July 28, 1996 for their annual chicken barbecue. A deposit was received. Alcohol will be served and a Certificate of Insurance will be provided.

four (4) Ayes — Carried

Received a Special Permit Application from Martin A. Ballowe, to bring sand and gravel fill for property at 8073 Back Creek Road.

Town Attorney Perley noted that based upon the representation that only sand and gravel would be transported into the Town of Boston, it is his opinion that the application does not need to be filed for a special permit. The Town Board was referred to Section 123-126b of the Town Code which is in the Zoning Law. When the Zoning Law was passed, Local Law No. 6 for the Year 1990, the prior provision was incorporated restricting the importation of certain materials into the Town of Boston. Nowhere in this law does it refer to sand and/or gravel as being subject to a Special Permit Application.

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to authorize Town Clerk Shenk to refund the Special Permit Application fee to Martin A. Ballowe, 8073 Back Creek Road as a Permit is not needed to bring sand/gravel into the Town of Boston.

four (4) Ayes — Carried

At 8:00 P.M. a Public Hearing was held for the purpose of considering the proposed establishment of the Chestnut Ridge/Omphalius/Liebler Road Extension No. 1 to the Town of Boston Water District No. 1. in the Town of Boston, New York.

Supervisor Kennedy read Resolution 1996-11, Order Calling For Public Hearing in the Matter of the Establishment of the Chestnut Ridge/Omphalius/Liebler Road Extension No. 1 to the Town of Boston Water District No. 1. Pursuant to Article 12 of the Town Law.

Supervisor Kennedy convened the Public Hearing.

Supervisor Kennedy: What the Town has done is with the construction of the new water tank and the facilities on Chestnut Ridge Road, it was found that we could service other areas of the community so that has been proposed and the estimated cost of that is annual water costs of $133, district taxes of $22, annual taxes of $244 for a total of $396.00.

Ruth Musser, Omphalius Road Cabins: I was wondering the way I read it the way it was printed in the paper it looks like they are going to go across our land into the land. I drew a little map following the way it was written. Three hundred and fifteen (315) feet into our land and then two hundred (200) more, then eight hundred (800) more. I can't figure out whether they're going all the way down into our land back by the cabins.

Supervisor Kennedy: This is the legal description that you read, is that what you are saying?

Ruth Musser: Yes.

Supervisor Kennedy: Well I will defer that to the Town Attorney because I am not sure what the legal description says.

Ruth Musser: Will I be taxed each year according to each of those cabins?

LEGAL NOTICE
TOWN OF BOSTON

At a regular meeting of the Town Board of the Town of Boston, in the County of Erie, State of New York, held at the Boston Town Hall, in the Town of Boston on the 1st day of May, 1996.

PRESENT:

Richard L. Kennedy,	Supervisor
Lisa M. Rood,	Councilman
Damian P. Wiktor,	Councilman
Peter A. Walter,	Councilman
Josephine M. Davenport,	Councilman

ORDER CALLING
PUBLIC HEARING
In the Matter
of the
Establishment of the Chestnut Ridge/ Omphalius/Liebler Road Extension No. 1 to the Town of Boston Water District No. 1 pursuant to Article 12 of the Town Law.

RESOLUTION 1996-11

WHEREAS, a written Petition dated April 25, 1996 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, State of New York for the establishment of t: Chestnut Ridge/ Omphalius/Liebler Road Extension Number 1 to Water District No. 1 in the said Town of Boston (hereinafter "the Extension") to be bounded and described as shown on Exhibit "A" attached hereto and made a part hereof, and

WHEREAS, the improvements proposed consist of the installation of 1,850 linear feet of 8 inch diameter waterpipe on Chestnut Ridge Road, Liebler Road and Omphalius Road in the Town of Boston, New York; and

WHEREAS, the said Extension, involving three separate roads, arises out of the extension of a common facility known as Water District No. 1 in the Town of Boston and consists of a common extension of a pressure zone within the Town of Boston based upon available pressure facilities therein; and

WHEREAS, the maximum amount proposed to be expended for the said improvement as stated in the Petition is $69,500.00; and

WHEREAS, the said amount proposed to be expended for the construction of the said extension is planned to be financed by the issuance of serial bonds in the Town of Boston and the assessment, levy and collection of the special assessments from the several lots and parcels of land within the district on the basis of their assessed valuation, to pay the principal and interest on said bonds as same shall become due and payable.

NOW, THEREFORE BE IT

DETERMINED AND STATED that the estimated cost of the Extension to a Typical Property as defined in the Town Law of the State of New York is as follows:

Annual Water Cost:	$130.00
Annual District Taxes:	22.00
Annual Taxes in the Extension:	244.00
Total	$396.00

and that the cost of tap-in fees to obtain service from the Erie County Water Authority for said typical property is $750.00, and the Town Board has heretofore caused to be prepared and filed for public inspection with the Town Clerk, a detailed explanation of how adjustments were computed and further that the cost of the District to such typical property is below the average estimated cost to the typical properties for the establishment of similarly typed Districts as computed by the State Comptroller; and be it

ORDERED that a meeting of the Town Board of the Town of Boston be held at the Town Hall in said Town on the 5th day of June, 1996 at 8.00 P.M., Eastern Prevailing Time, to consider the proposed establishment of the extension to Water District No. 1 of the Chestnut/ Omphalius/Liebler Road Extension No. 1 to Water District No. 1 is 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 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 the Springville Journal, a newspaper published in Springville, New York, heretofore having been designated as the official newspapers of the Town of Boston, and posted on the sign board of the Town of Boston 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 10 nor more than 20 days before the date designated therein for said public hearing as aforesaid; and be it further

ORDERED, that the Town Clerk file a certified copy of this Order with the Controller for the State of New York on or about the date of publication of a copy of this Order.

Richard L. Kennedy - Supervisor
Lisa M. Rood - Councilman
Damian P. Wiktor - Councilman
Peter A. Walter - Councilman
Josephine M. Davenport - Councilman
[SEAL]

Members of the Town Board
of the Town of Boston
David J. Shenk - Town Clerk

Exhibit A

All that tract or parcel of land, situate in the Town of Boston, County of Erie, State of New York, being part of Lots 14 and 22, Township 8, Range 7 of the Holland Land Company's Survey and being more particularly bounded and described as follows:

Beginning at a point in the centerline of Chestnut Ridge Road, said point being the northeast corner of lands now or formerly owned by Joseph Skupien (211.00-4-19).

thence southerly along the said centerline of Chestnut Ridge Road, a distance of about one hundred thirty feet (130'±) to the northwest corner of lands now or formerly owned by Eugene and Dawn Overfield (212.00-4-2);

thence easterly along the north line of said lands of Overfield, a distance of about five hundred feet (500'±) to the northeast corner of said lands of Overfield;

thence southerly along the east line of said lands of Overfield, a distance of about three hundred twenty feet (320'±) to the southeast corner of said lands of Overfield; said point being in the north line of lands now or formerly owned by Kurt Sedlmeier (227.00-1-5.1);

thence easterly along the said north line of lands of Sedlmeier, a distance of about one thousand four hundred thirty feet (1430'±) to the northeast corner of said lands of Sedlmeier;

thence southerly along the various courses of the east line of said lands of Sedlmeier, a distance of about nine hundred feet (900'±) to the southeast corner of said lands of Sedlmeier;

thence westerly along the south line of said lands of Sedlmeier, a distance of about five hundred eighty feet (580'±) to the northeast corner of lands now or formerly owned by Kurt Sedlmeier (227.00-1-2.111);

thence southerly along the east line of said lands of Sedlmeier and continuing southerly along the east line of lands now or formerly owned by James and Carol Dutchman (227.00-1-2.112), a distance of about eight hundred thirteen feet (813'±) to the southeast corner of said lands of Dutchman;

thence westerly along the south line of said lands of Dutchman, a distance of about six hundred thirty-one feet (631'±) to the southwest corner of said lands of Dutchman;

thence northerly along the west line of said lands of Dutchman and continuing northerly along the various courses of the east line of lands now or formerly owned by Niagara Mohawk Power Corporation (226.02-6-14), a distance of about one thousand sixty-seven feet (1067'±) to the southeast corner of a permanent easement to New York State Department of Transportation for Highway purposes Map 81R-1, P.103;

thence westerly along various courses of the south line of said easement, a distance of about one hundred sixty-seven feet (167'±) to the southwest corner of said easement; said point being on the west line of said lands of Niagara Mohawk Power Corporation and on the east line of the Town of Boston Wester District No. 1;

thence northerly along the west line of said lands of Niagara Mohawk Power Corporation and the east line of the Town of Boston Water District No. 1, a distance of about one hundred fifty feet (150'±) to the northwest corner of said easement;

thence easterly along the north line of said easement, seventy-six feet (76'±) to the northeast corner of said easement;

thence northerly along the west line of said lands of Rozborski and the east line of the Town of Boston Water District No. 1, a distance of about four hundred twenty feet (420'±) to the point or place of beginning.

ALSO

All that tract or parcel of land situate in the Town of Boston, County of Erie, State of New York, being part of Lot 13, Township 8, Range 7, and being more particularly described as follows:

Beginning in the northwest corner of lands now or formerly owned by Wallace and Debra Salter (227.00-5-20); said point being on the east line of lands now or formerly owned by Niagara Mohawk Power Corporation (227.00-5-26);

thence easterly along the various courses of the north lines of said lands of Salter, a distance of about one thousand nine hundred twenty-five feet (1925'±) to the northeast corner of said lands of Salter;

thence southerly along the east line of said lands of Salter, a distance of about eight hundred feet (800'±) to the southeast corner of said lands of Salter;

thence westerly along the various courses of the south lines of said lands of Salter, a distance of about eight hundred forty-six feet (846'±) to the northeast corner of lands now or formerly owned by Ronald and Audrey R. Hillman (227.00-5-16);

thence southerly along the east line of said lands of Hillman and continuing southerly along the east line of lands now or formerly owned by Chester and Pat Rosinski (227.00-5-33), a distance of about seven hundred ninety-eight feet (798'±) to the southeast corner of said lands of Rosinski;

thence westerly along the south line of said lands of Rosinski and continuing westerly along the south line of lands now or formerly owned by Donna Wolecki (227.00-5-31 & 227.00-5-32), a distance of about five hundred feet (500'±) to the southwest corner of said lands of Wolecki;

thence northerly along the west line of said lands of Wolecki a distance of about two hundred eighty-four feet (284'±) to the south line of Liebler Road;

thence westerly along the south line of Liebler Road, a distance of about ninety-one feet (91'±) to a point on the west line of said Niagara Mohawk Power Corporation lands and east line of the Town of Boston Water District No. 1;

thence northerly along the west line of said lands of Niagara Mohawk Power Corporation and the east line of said Town of Boston Water District No. 1, a distance of about sixty-six feet (66'±) to a point on the north line of Liebler Road;

thence easterly along the north line of Liebler Road, a distance of about eighty feet (80'±) to the southwest corner of said lands of Salter;

thence northerly along the various courses of the west line of said lands of Salter and the east line of said lands of Niagara Mohawk Power Corporation, a distance of about one thousand feet (1000'±) to the point or place of beginning.

thence northerly along the east line of said lands of Niagara Mohawk Power Corporation, a distance of one hundred thirty feet (130'±) to the north line of Lot 14, T8, R7;

thence easterly along the said north line of Lot 14 and along the north line of lands now or formerly owned by Peter and Paul Stumpf (226.02-6-15) a distance of about four hundred thirty feet (430'±) to the southwest corner of lands now or formerly owned by Kenneth and Yvonne Wallace (211.00-4-21);

thence northerly along the west line of said lands of Wallace and continuing northerly along the west line of lands now or formerly owned by Judith I. Wolf (211.00-4-20) and the west line of said lands of Skupien a distance of about four hundred feet (400'±) to the northwest corner of said lands of Skupien;

thence easterly along the north line of said lands of Skupien, a distance of about seven hundred thirty feet (730'±) to the point or place of beginning.

ALSO

All that tract or parcel of land situate in the Town of Boston, County of Erie, State of New York, being part of Lot 14, Township 8, Range 7 and being more particularly bounded and described as follows:

Beginning at a point in the centerline of Omphalius Road on the east line of the Town of Boston Water District No. 1 at the northwest corner of lands now or formerly owned by Larry Rozborski (226.02-7-3.1);

thence easterly along the centerline of Omphalius Road, a distance of about one thousand twenty-seven feet (1027'±) to the northeast corner of lands now or formerly owned by Ruth Musser (227.00-6-6.1);

thence southerly along the various courses of the east lines of said lands of Musser, a distance of about three hundred fifteen feet (315'±) to a point on the north line of said lands of Musser;

thence easterly along the said north line of lands of Musser, a distance of about two hundred feet (200'±) to a point on the east line of said lands of Musser;

thence southerly along the said east line of lands of Musser, and continuing southerly through the said lands of Musser, a distance of about eight hundred feet (800'±) to a point on the south line of said lands of Musser, said point being about four hundred fifty feet (450'±) east of the southwest corner of said lands of Musser;

thence westerly along the south line of said lands of Musser a distance of about four hundred fifty feet (450'±) to the southwest corner of said lands of Musser;

thence northerly along the various courses of the west lines of said lands of Musser a distance of about four hundred sixty and no hundredths feet (460'±) to a point;

thence southwesterly along the south line of said lands of Musser a distance of about one twenty-six feet (126'±) to the southeast corner of lands now or formerly owned by Lawrence M. Rozborski and wife (226.02-7-3.31);

thence westerly along the various courses of the south line of said lands of Rozborski and continuing westerly along the south line of lands now or formerly owned by Lawrence M. Rozborski and wife (226.02-7-3.2) and said lands now or formerly owned by Larry Rozborski (226.02-7-3.1); a distance of about five hundred twenty-three feet (523'±) to the southwest corner of said lands of Larry Rozborski;

5-23

REGULAR BOARD MEETING
June 5, 1996

TOWN HALL
7:30 P.M.

PUBLIC HEARING (CONT.):

Town Attorney Perley: No, you will not be taxed each year based upon the cabins. You will be taxed each year based upon the assessed value of the property. This is known as an ad valorem district in other words this district levies taxes the same way the town levies taxes. You don't pay the tax based upon the number of users. The reason for that is that Water District No. 1 currently is an ad valorem district. Any extension to Water District No. 1 must also be an ad valorem district. You will be taxed based upon the assessed value of your property as described within the description of the extension.

Town Attorney Perley studies the map of Mrs. Musser.

Supervisor Kennedy: The existing water district all through the valley is an ad valorem district. People are assessed according to the value of their property. Since that time and the creation of other districts we have created them on a benefit basis which means there is a unit charge but because there is an extension of an existing district which was formed back in the late fifties early sixties, it has to be based on the value of your property.

Town Attorney Perley shows Ruth Musser where the water will be on her map.

Town Attorney Perley: It is the responsibility of every land owner to take the water from the main to their house or however many structures are going to be served. That is the landowners responsibility. The district only can take the water up the highway and place it in front of your property. After that it becomes the landowners responsibility to connect and transmit the water from the main to whatever facilities they are going to use it in.

Ruth Musser: In other words the description is just to let us know what would be covered.

Town Attorney Perley: Who is eligible to obtain the water from the main. This description, Mrs. Musser, is based upon not only the legal description of the land but upon the Engineer's calculation depending on topography that the area that is described and the areas that are currently improved on that property can be served by the pressure in the main. So we do not incorporate and property or any improvement into the district that would not be capable of obtaining service. It is your responsibility to take it from the main to whatever facility you are going to use.

Ruth Musser: If we did put a line back to these cabins, would it have to be more than one line?

Town Attorney Perley: That is a matter between you and the Water Authority.

Supervisor Kennedy: I think what you should do is to contact the Water Authority and indicate to them how many units you wish to serve. They will allow you to put some kind of a meter pit at the roadway. If you were going to serve a number of the cabins I would expect that you would have to put a two inch (2") service in. I am just guessing but I would think that maybe that is what they would require and if they do then we would make the 2" tap at the water main at the time that the line is being installed which would save u considerable monies because then you would not have to pay the Water Authority the full amount for the 2" tap because the contractor would then put the 2" tap in and you would be responsible then to run it from that valve through your metering mechanism which would probably be a meter pit. If you are going to serve more than one of those cabins they very well may require of you that you run a 2" line from a meter pit back and then break it

REGULAR BOARD MEETING TOWN HALL
June 5, 1996 7:30 P.M.

PUBLIC HEARING (CONT.):

Town Attorney Perley (Cont): off into a 3/4" services because unless you own frontage on the roadway they won't bill you. So if you are the owner and you own the frontage on the roadway, you would be responsible for all those individual dwellings on your property through one service.

Ruth Musser: In case any of them were sold we would have to arrange some way of dividing up the bill.

Supervisor Kennedy: You would have to somehow give the one that would be sold frontage to the Omphalius Road or something. I think you will have to work that out with the Water Authority because they won't bill anyone that doesn't have a street address. Now you have one address up there, one number for all the cabins, don't you? I think you probably do. I think they are all A,B,C,D but there is usually only one designated number because you own all that property.

Ruth Musser: We have two driveways actually.

Supervisor Kennedy: I know you do and since there is one of those properties that have been sold they are going to have to make arrangements with the Water Authority and with you to access that property.

Ruth Musser: I talked to my lawyer and he said I should contact Mr. Nawotka and have him see his lawyer up papers.

Supervisor Kennedy: Some kind of a permanent easement or whatever so that he can access the road because I don't think he owns frontage on that roadway.

Ruth Musser: He has a right of way through my upper driveway but he would rather bring it from the lower driveway.

Supervisor Kennedy: Probably all those cabins have basically the same address and the reason being when the Town Clerk assigns numbers to dwellings within the community, they have to own frontage on the road in order to get an address.

Thomas Segalla, 7719 Omphalius Road: Is there a map available that shows what roadways are affected? Will I be encompassed? I own property at 7719 Omphalius Road.

Supervisor Kennedy: We would like to serve higher up on Omphalius Road but as the Town Attorney has indicated in his remarks, we are limited by the location and elevation of the tank to only serve to the areas that he feels can be properly served in conformance with Erie County Health Department regulations and requirements which mean you have to maintain certain pressure, certain flow and you can only reach the altitudes that tank will serve. So anything above Mrs. Musser's property we are unable to serve from this tank because of the elevation of it. Is it possibly the same elevation as the Brown Hill tank which is located in the southern end of the community. Once this is constructed the Brown Hill tank will be taken out of service. It is appreciably going to increase the pressures south of Chestnut Ridge Road whereas most property owners will probably be required, once this tank goes into service to put pressure reducing valves on the incoming lines until they reach the southern end of the community when the pressures dissipate a certain amount. That has allowed us then to service higher up the hill than what our previous pressures were in this area. That is the only reason that we're able to serve the areas of Chestnut Ridge Road and Liebler Road to that elevation because of the location of this new tank. It will not, I don't think, reach your property. Do you know where he lives Lucille?

REGULAR BOARD MEETING TOWN HALL
June 5, 1996 7:30 P.M.

PUBLIC HEARING (CONT.):

Deputy Supervisor Genzel: He would be in the proposed district #3.

Supervisor Kennedy: Are there any other questions or comments?

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to close the Public Hearing at 8:14 P.M..

four (4) Ayes Carried

Town Attorney Perley: This evening there is no further action that can be taken by the Board. The timetable is to adopt an order to establish this district ideally at the next Town Board Meeting on June 19, 1996. At that time the Town will be able to accept this position as Lead Agency under SEQR and adopt the necessary SEQR findings not only with respect to the extension but also with respect to the increase in facilities. I will have prepared for the Board on June 19, 1996, orders in both matters. We are also awaiting word from the State Comptroller which I anticipate will be favorable concerning the extension and the necessity for Comptroller approval. I don't believe it will be necessary. I believe these numbers are clearly under. I will call the Comptroller's office before the next Town Board meeting if we haven't heard. This will leave us on schedule with respect to the bids and the bid openings on July 1, 1996 and the potential for our award on July 3, 1996. By that time I expect the extension to be in place. I expect the order with respect to the Increase in Facilities to be in place and then the Board can act legally on behalf of the Districts at that time. The project will still be on the schedule that we've established tonight by authorizing the Town Clerk to advertise for bids.

Supervisor Kennedy: In the communication that we received as Lead Agency from the DEC, there were a couple of items I understand you made the Town Engineer aware that we have to address these items because of the archaeologically sensitive area.

Town Attorney Perley: I did talk to Mr. Pettit and we believe the issues raised by the DEC can be adequately addressed. Mr Pettit is still of the opinion that we can, after taking a hard look at the environmental factors, adopt Negative Declarations or Declarations of Non Significance in both the Increase of Facilities and the Extension and proceed to adopt orders after that.

Received and filed a letter of resignation from Margaret A. Seider, part-time cleaner at the Boston Town Hall, effective July 1, 1996.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to appoint Kim Rados to the position of part-time cleaner, rate of $6.75 per hour, term effective July 1, 1996 and to expire December 31, 1996.

four (4) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood to authorize the Supervisor to enter into a contract with TVGA Engineering for the North Boston Stadium proposed Soccer Field for a sum of $1,225.00.

four (4) Ayes Carried

A motion was made by Councilman Davenport and seconded by Councilman Wiktor to remove from the table the Building Permit Application of John and Susan Szalay, to construct a four unit apartment building on Rollin Drive, tabled from the May 15, 1996 Town Board Meeting.

four (4) Ayes Carried

REGULAR BOARD MEETING — TOWN HALL
June 5, 1996 — 7:30 P.M.

Supervisor Kennedy noted Mr. Szalay has conformed to all the requirements requested by the Town Board at the Town Board meeting of May 15, 1996 in preparation of his Building Permit Application. The property is zoned C-1 except five feet which is zoned R-2. The entire parcel must be consistent with the use.

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to direct the Town Clerk to refer to the Planning Board and publish the legal notice for a Public Hearing on July 3, 1996 at 8:00 P.M., the Rezoning Application of John and Susan Szalay to rezone the rear five (5) feet of the parcel located at the corner of Rollin Drive and Boston State Road from R-2 to C-1.

four (4) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to approve the Building Permit of John and Susan Szalay for a four unit apartment building on Rollin Drive contingent on the Certificate of Occupancy being withheld until the entire parcel is zoned C-1.

Councilman Davenport	Voting Aye
Councilman Rood	Voting Aye
Councilman Walter	Voting Absent
Councilman Wiktor	Voting Nay
Supervisor Kennedy	Voting Aye

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

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to appoint Joseph Boswell as Laborer part-time, $6.00 per hour, term effective May 30 - August 31, 1996.

four (4) Ayes — Carried

Received and filed a letter of resignation from Philip Munger, Deputy Dog Control Officer.

Received a letter from Michael Brown and Patrick Kennedy requesting consideration for the Deputy Dog Control Officer position.

A motion was made by Councilman Wiktor and seconded by Supervisor Kennedy to table the Deputy Dog Control Officer appointment until the June 19, 1996 Town Board meeting.

four (4) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport, on the recommendation of Recreation Director Gerald O'Brien, to appoint the following for employment with the Summer Recreation program, term effective immediately to 8/31/96:

Rebecca Dubicz Site	Supervisor	$7.25hr
Eric Krajewski Site	Supervisor	$7.25hr
Jamie Cole	Site Supervisor	$7.25
Margaret Rosinski	Asst. Site Supv	$6.50
Melissa Wilson	Asst. Site Supv	$6.50
Christine Bubar	Arts&Crafts Supv.	$5.50
Julie Remmington	Arts&Crafts Supv.	$5.50
Jamie Kummer	Recreation Attend	$4.50
Amy Boswell	Recreation Attend	$4.50
Julie Pavlovic	Rec/Lifeguard	$4.50/6.50
Jennifer Genzel	Rec Attend	$4.35
Eric Hice	Rec Attend	$4.35
Megan McCormack	Rec Attend	$4.35
Colleen Klein	Rec Attend	$4.50
Jessica Keel	Rec Attend	$4.35
Nathan Potter	Rec Attend(Sub)	$4.35
Michelle Clesse	Rec Attend	$4.35

four (4) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
June 5, 1996 — 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to refer to the Planning Board and schedule a Public Hearing on July 3, 1996 at 8:30 P.M. to consider the Erie County Water Authority request to install a Repeater Station and Tower on Ward Road.

four (4) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Davenport to authorize Supervisor Kennedy the transfer of appropriations of $50,000 from the Risk Retention fund to the Highway Fund.

four (4) Ayes — Carried

SUPERVISOR REPORT

A motion was made by Councilman Davenport and seconded by Councilman Wiktor to authorize Supervisor Kennedy, on the recommendation of Town Attorney Perley, to sign a lease agreement with St. John the Baptist Church.
four (4) Ayes — Carried

A) Supervisor monthly report for May 1996 was received and on file in the Clerk's Office.

Direct Highway Superintendent Ruchalski to notify Erie County that notification was received from the North Boston Volunteer Fire Company of a serious safety situation on the corner of North Boston and Feddick Roads.

TOWN CLERK REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to accept the Monthly Registrar of Vital Statistics Report for May 1996.

four (4) Ayes — Carried

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Ruchalski reported the Ithaca College four (4) day Seminar he attended was informative.

TOWN ATTORNEY REPORT

Town Attorney Perley announced that this is the last night of the Honors Government internship of Lori Bistis, an Orchard Park High School Senior. Town Attorney Perley thanked the Town Board members and the Planning Board for making Ms. Bistis feel welcome. Ms. Bistis was given an advanced copy of the Order Establishing the Extension of Water District No. 1. which completes what was worked on during the course of her internship. Town Attorney Perley thanked Ms. Bistis and hoped this experience was beneficial to her.

COUNCILMAN REPORT

Councilman Rood announced applications for the Boston Advisory Council Beautification Contest are available in the Town Clerk's Office. The applications need to be returned by June 15, 1996 and site visits will be in the last week of July.

Councilman Rood will be on Rockwood Road seeking signatures on a petition to National Fuel to service the area with natural gas.

Councilman Wiktor attended the Southern Tier West Local Government Conference at Houghton College on May 16, 1996. Information was gained and experiences were shared with newly elected Officials and State Officials from the DEC and the Attorney General's Office.

REGULAR BOARD MEETING
June 5, 1996

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.):

Councilman Wiktor (CONT.): On May 22, 1996 Councilman Wiktor, the three (3) Boston, Colden, East Eden Fire Companies attended the Fire Council meeting held at the Patchin Fire Company. Areas of discussion were the Demonstration Day Project, upgrading the Air Bank system employed by the Volunteer Fireman, the new Erie County Fire Training Center, a County wide map showing location of Volunteer Fire stations is delayed due to budgets. The social calendar was completed for the year.

Councilman Wiktor reported on the Town of Boston Demonstration Day activities on June 2, 1996.

Councilman Davenport attended the Southern Tier West Local Government Conference at Houghton College on May 16, 1996.

Councilman Davenport was a member of the committee which judged the eight (8) poster winners from Boston Valley School for the Erie County "Clean Water Week Project".

CODE ENFORCEMENT OFFICER REPORT

A) Code enforcement Officer monthly report for May 1996 was received and on file in the Clerk's Office.

DEPUTY CODE ENFORCEMENT OFFICER REPORT

A) Deputy Code enforcement Officer monthly report for May 1996 was received and on file in the Clerk's Office.

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officer monthly report for May 1996 was received and on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for May 1996 was received and on file in the Clerk's Office.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to adjourn the meeting at 8:58 P.M. in memory of former Town Clerk Dewitt Stutzman who served this Town between 1964 and 1971. The flag will remain at half mast till the end of the week in his honor.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
JUNE 19, 1996 — 7:30 P.M.

Present were Councilman Josephine M. Davenport, Councilman Lisa M. Rood, Councilman Peter A. Walter, Councilman Damian P. Wiktor, Supervisor Richard L. Kennedy, and Town Attorney Michael F. Perley.

Absent: Highway Superintendent Eugene E. Ruchalski

A motion was made by Councilman Rood and seconded by Supervisor Kennedy to adopt the minutes of the June 5, 1996 regular monthly meeting.

five (5) Ayes — Carried

See correction 108' 95

A motion was made by Councilman Wiktor and seconded by Councilman Walter that General Fund and Special District Bills on Abstract #6A, dated June 19, 1996 in the amount of $48,571.30 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood that the Highway Bills on Abstract #6A, dated June 19, 1996 in the amount of $10,039.65 be paid.

five (5) Ayes — Carried

Received and filed an update from Congressman Jack Quinn on the status of the Rural Economic & Community Development Application.

Received and filed an invitation from the Kingdom Bound Ministries to the Celebration '96.

Received and filed a letter from Nancy Walczyk, 6572 Hillcroft Drive, regarding the Hillcroft Drive Bridge area.

Supervisor Kennedy: I have a file at least 1 1/2 inches thick on the Hillcroft Bridge which indicates the correspondence I've had with the Army Corps of Engineers. I was the one who initiated the Army Corps of Engineers to undertake a section 14 study of this area after I spoke with both Fred Yoder and Nancy Walczyk.

Supervisor Kennedy read a letter he wrote to the Department of the Army, Corps of Engineers in response to Mrs. Walczyk's letter.

Nancy Walczyk, 6572 Hillcroft Drive: I would ask Town Attorney Perley if he feels there is any legitimacy to that map?

Town Attorney Perley: I haven't reviewed that map and if the Town had any jurisdiction in that creek at any time in the past it is long since gone. This is a protected stream. I believe it is also considered to be a navigable water of the United States and jurisdiction now does not lie with the Town of Boston.

Nancy Walczyk: I feel that the Town is still responsible for trying to have something done. If they can't do it they ought to be finding out who can do it.

Supervisor Kennedy: That is the reason that we appealed to the Army Corps of Engineers. You are certainly privy to all the maps and information that was forwarded to us showing the rip rap that they intended to put on both sides of the bridge to protect all adjacent property owners. The Army Corps was ready to proceed when we received a letter saying the T14 funds were no longer available to do the job.

Nancy Walczyk: I realize you wrote the letter and I thank you for that. I am not going to wait six months.

Supervisor Kennedy: I hope I come back with some positive information. We will continue to pursue it and any correspondence will be forwarded to you.

REGULAR BOARD MEETING — TOWN HALL
JUNE 19, 1996 — 7:30 P.M.

Received and filed a Lease Agreement with the Diocese of Buffalo for the Recreation Program use of Saint John the Baptist Church. Supervisor Kennedy directed Town Clerk Shenk to send a letter of appreciation to the Diocese of Buffalo.

Received and filed the Erie County Sheriff's Monthly Activity Report for May 1996.

Received and filed notification from Erie County of approval for a Community Development Block Grant in the Amount of $17,055.00 for the ADA - Various Public Buildings Project in January 1996. This grant will depend on the amount of funding from HUD.

REQUESTS FROM FLOOR:

Glenn Orser, 7147 Chestnut Ridge Road: Can we have an update on Water District #3 and do you know anything about the one hundred (100) foot tower they intend on putting next to the Ward Road tank and how that impacts on the Water District?

Supervisor Kennedy: We had a request and we scheduled a tentative Public Hearing pending further information to be supplied by the Erie County Water Authority for a tower. I would like to know if this whip that they are talking about installing on this tower could possibly be installed on one of the existing towers like we have on Cole Road. What they are looking for is some communication system and they want to locate it adjacent to the existing tank that now sits on Ward Road because Orchard Park indicated they have no objections. If there is someway we could accommodate their needs without the construction of an additional tower, that is what we would like to do.

Town Attorney Perley: In regard to Water District #3, the plan has always been to conduct a referendum after Labor Day to allow people to return from vacations and maximize the ability of people to turn out to vote. Immediately after the Primary Election on September 10, 1996 the voting machine can be reconfigured for the referendum to be held on September 17, 1996. The window we have is no less than sixty (60) and no more than seventy-five (75) days from July 3, 1996 to hold the referendum pursuant to the Order. The Order is being prepared by Bond Counsel and should be finalized and presented to the Board on July 3, 1996. The Negative Declaration under SEQR can be adopted and we can proceed to the referendum on September 17, 1996.

Supervisor Kennedy: It is the consensus of the Town Board that absentee ballots be allowed so that the greatest participation be afforded to the landowners.

Town Attorney Perley: We are going to have a special registration for this election. The Town Clerk will provide a base roll of eligible voters. Those additional people who feel they should be eligible to vote can then apply. We will then be set up for absentee ballots on September 17, 1996. Emergency ballots will be available so we can maximize the participation in this election.

Glen Orser: Is Audit and Control giving us an OK on this?

Town Attorney Perley: Audit and Control doesn't get into this until after the referendum.

Supervisor Kennedy: We are going to continue to pursue our application with Rural Economic Development.

At 8:00 P.M. a Public Hearing was held for the purpose of considering the proposed increase in facilities in Water District No. 1, pursuant to Section 202-b of the Town Law.

REGULAR BOARD MEETING
JUNE 19, 1996

TOWN HALL
7:30 P.M.

Supervisor Kennedy read the Order Calling for the Public Hearing on June 19, 1996.

Supervisor Kennedy convened the Public Hearing.

LEGAL NOTICE
TOWN OF BOSTON

At a regular meeting of the Boston Town Board of the Town of Boston, in the County of Erie, State of New York, held at the Town Hall, in the Town of Boston on the 15th day of May, 1996.

PRESENT:

Richard L. Kennedy	Supervisor
Peter A. Walter	Councilman
Josephine M. Davenport	Councilman
Lisa M. Rood	Councilman
Damian P. Wiktor	Councilman

ORDER CALLING
PUBLIC HEARING
JUNE 19, 1996
In the Matter
of the
Proposed Increase in Facilities in Water District No. 1, in the Town of Boston, in the County of Erie, New York, pursuant to Section 202-b of the Town Law.

WHEREAS, the Town Board of the Town of Boston previously engaged the firm of TVGA Engineering, Surveying, P.C., competent engineers, licensed by the State of New York to prepare a map plan and report pertaining to the construction of the water storage tank in the Town of Boston for the purpose for providing increased water capacity and improved service to the Town of Boston Water District No. 1, including the construction of a booster pumping station, located at, or near, the intersection of Boston State Road and Chestnut Ridge Road in the Town of Boston, a 700,000 gallon ground level storage tank to be located in Lower Crestwood Circle in the Town of Boston and the construction of a 12 inch water line from the Boston State Road to the pumping station, a six inch water line from the pumping station of Chestnut Ridge Road to the storage tank on Lower Crestwood Circle and a 10" waterline from the tank to the existing 12" water line on Boston State Road, said water line to be installed in highway rights of way and/or with an easement secured for said purposes and removal of the Brown Hill Road Tank from service upon completion of the said project, and;

WHEREAS, the said engineering firm of TVGA Engineering, Survey, P.C. has determined that the proposed facilities will increase service pressure and fire flow capacity in areas of Water District No. 1 which are located at a higher elevation, will increase storage capacity for Water District No. 1 and any future expanded district areas and will have the capability to extend Water District No. 1 easterly to provide water service to residents on portions of Omphalius, Liebler and Chestnut Ridge Roads, and,

WHEREAS, the maximum amount proposed to be expended for the completion of the construction of said improvement and facilities is $950,000.00 to be financed as follows:

Contribution from Erie County Water Authority: $251,000.00.

Available funds in Water District No. 1: $149,000.00.

Amount to be raised by issuance of serial bonds: $550,000.00

and;

WHEREAS, the proposed increase in facilities involves the acquisition of lands at or near the intersection of Chestnut Ridge Road and Boston State Road in the Town of Boston for purposes of constructing a pumping station and for further acquisition of lands in Lower Crestwood Circle for the purpose of constructing the 700,000 gallon ground level storage tank;

NOW, THEREFORE, IT IS ORDERED that a meeting of the Town Board of the Town of Boston shall be held on the 19th day of June, 1996 at 8.00 p.m., eastern prevailing time to consider the proposed increase in facilities 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

IT IS FURTHER ORDERED that the Town Clerk be and hereby is directed to publish this Order at least once in the Hamburg Sun, a newspaper published in Hamburg, New York and 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 publications of said posting to be not less than 10 nor more than 20 days before the date designated for such public hearing as aforesaid.

Dated: May 15, 1996
Boston, New York

TOWN BOARD OF THE
TOWN OF BOSTON
Richard L. Kennedy - Supervisor
Lisa M. Rood - Councilman
Damian P. Wiktor - Councilman
Peter A. Walter - Councilman
Josephine M. Davenport - Councilman
(SEAL) Members of the Town Board
of the Town of Boston,
in Erie County, New York
David J. Shenk - Town Clerk

66

Victor Antonelli, 6496 Omphalius Road: Basically just reaffirming that what is being presented tonight was discussed when we had the Hearing for the Liebler, Omphalius, Chestnut Ridge Road meeting.

Supervisor Kennedy: One of the facets of this entire project, is the extensions on Liebler, Omphalius and Chestnut Ridge Roads as well as construction of the pump station and the tank.

Victor Antonelli: Is this all being bid at the same time?

Supervisor Kennedy: It is all being bid at the same time.

Victor Antonelli: The other thing I have a question about is that I saw in the Springville Journal that bids would be received by July 1st. Will the Board be taking action on awarding the bids at the July 3rd meeting?

Town Attorney Perley: That is what we anticipate. I don't anticipate that there will be a problem. It has to do with the State Comptroller's Office agreeing that they do not have to review the financing proposal for the Extension for Water District #1. I will check on that sometime after this week. We should hear by then so we can adopt the Order to Establish the Extension on July 3, 1996 and the plan is that evening, if the bids are in order and acceptable and within the cost estimates that have been prepared by the Engineer, we will be in a position to award them. I guess the answer is kind of a maybe. Mostly we expect these factors to iron themselves out.

REGULAR BOARD MEETING TOWN HALL
JUNE 19, 1996 7:30 P.M.

PUBLIC HEARING (CONT.):
Victor Antonelli: We have had a lot of maybe's before and we seem closer than ever. That is what we are trying to find out.

Town Attorney Perley: These matters are much more within our control than the formation of Water District #3. I do not anticipate that there will be a problem. I cannot guarantee that we will be legally in a position to accept the bids.

Victor Antonelli: That is all within the parameters. Also I wanted to thank you for replying. The correspondence you sent me on some question I had was very timely and most appreciated.

Town Attorney Perley: Not a problem. Happy to do it.

Victor Antonelli: I just hope the Board seriously votes on this issue after all these years. At least we have one step towards getting water for affected residents up there. There is still much more to be done but at least we are getting one foot ahead.

Supervisor Kennedy: I think the Board feels collectively the same as you. We have been working on this project for a long time and we certainly would like to see it come to fruition as soon as possible now. As the Town Attorney has indicated, unless we run into some problems with Audit and Control or the State Comptroller, we don't anticipate any problems because it does fall within the framework of allowable work without going through the process. We are just waiting for confirmation from them in that regard. Are there any other questions as to what we are doing up there? I know I see Mr. Heusinger here. We are doing some tree trimming on your roadway going back there on lower Crestwood Circle. As you can see they have marked out the right-of-way parameters. I have indicated to the individual that is cutting the smaller trees on the west side of the roadway so he stays within the framework of the right-of-way. What has happened is that they are going to run a line in there to take care of Mr. Boguslawski's cabin rather than going down Crestwood Circle to Braunbachs to Burgrassers and then coming back, they are going to discontinue the pole that is in the rear of that property because it sits almost where the tank site is. They are going instead to come in from Chestnut Ridge Road to Mr. Boguslawski's property and feed him in that way because it is fed around the horn now. That is why those have to be cut down. There will have to be some widening of that roadway anyway in order to get the tractor trailers in there and the facilities that are going to have to come in there in order to construct the tank. It is a concrete tank. As we've indicated in the Order that we read in here it was originally designed that they were going to put a steel tank in there. After conversations with the Water Authority and the refurbishing that they were going to have to do on the Brown Hill tank, they indicated to us that they would make an in-like contribution if we put a concrete tank rather than a steel up there because of the longevity of the concrete tank. It was indicated a brown or green tank, I think a green tank which is mixed with a final mortar cement so that the tank itself will more logically blend into the green landscape up there. We are trying to minimize it by the planting of trees adjacent to the tank and we have relocated the small housing that has to be for the meter and some of the transmission equipment to the rear of the tank. We have done everything to minimize the aesthetics so that it is not anymore noticeable that it has to be. It is at the elevation that is necessary for us to serve. It is a 1060 or whatever it is and that is the elevation we need. That is why it is being put where it is being put.

Mark Heusinger, 7523 Chestnut Ridge Road: Are they exactly sure of the height? I am wondering about the cutoff of the district.

Supervisor Kennedy: The cutoff of the district? I am having trouble hearing you.

REGULAR BOARD MEETING — TOWN HALL
JUNE 19, 1996 — 7:30 P.M.

PUBLIC HEARING (CONT.):
Mark Heusinger: When I was reading the Springville Journal and they gave a description of the properties, how factual is it going to be? You mentioned my neighbor right below me. Was that before or after they increased the size of the tank? I was just wondering how definitive that line is?

Town Attorney Perley: The line for the increase in the extension of the district?

Mark Heusinger: Yes.

Town Attorney Perley: Very definitive.

Supervisor Kennedy: The Town Engineer reviewed that twice and he took sightings in conformance with what is required by the Erie County Health Department. In other words to maintain certain pressures and the district boundary lines were defined by what would be acceptable to the Erie County Health Department. It is a little higher tank but it is sitting a little deeper into the ground to minimize the height. In order to serve either your home or Mr. Boguslawski's who lives right beside the tank, the tank would actually have to be elevated. This is more or less a storage tank and not a pressure tank. A pressure tank you only use a small portion of the top of the tank as it is drawn out each time. You are a plumber and you know more about it than I do.

Mark Heusinger: I was just curious because these people are about six feet different in elevation from me.

Supervisor Kennedy: If there was anyway we could serve you I would be happy to do so.

Town Attorney Perley: I can't tell you how seriously that was looked at to maximize the extension and to meet acceptable criteria with the Water Authority. They ran that computer model five or six times just to make sure. The gradient goes down as you get further away from the tank. The elevation continues to decrease as you go from Chestnut Ridge to Omphalius to Liebler. It was done as precisely as possible with the intent to maximize the service area.

Mark Heusinger: It is just that I knew they increased the size.

Town Attorney Perley: The increase in size really didn't affect the height to any realistic degree.

Supervisor Kennedy: It wasn't that much greater. Are there any other questions?

Joanne Noack, 6634 Omphalius Road: The last I heard that you were just going partly up Omphalius with the Water District.

Supervisor Kennedy: That is all we can do. As the Town Attorney has just mentioned we have maximized the amount of homes that we are able to serve by the installation of this water tank. That takes us up to somewhere near Musser's cabins is the last property that can be served. If we could go to the top of the hill we would. Everybody would be happy but you are going to have to wait until we get this Water District #3 created and we can come from the top down.

Joanne Noack: There would have to be another tank at the top to bring water down? The tanks at the bottom aren't able to pump all the way up?

Town Attorney Perley: You can't supply consistent water service out of a pump station without a tank. It has got to go somewhere in order to create the consistency of service. I am not an engineer but I know that much about it. What we've done in Water

REGULAR BOARD MEETING TOWN HALL
JUNE 19, 1996 7:30 P.M.

PUBLIC HEARING (CONT.):
Town Attorney Perley (Cont): #1 to extend the Water #1 up on these three hills is to, we're on a very precise computer model, calculated the increase in pressure of that tank under very specific conditions. For us to go any higher would mean that we would have to place a tank higher and if there is a tank at a higher elevation there is going to be a tank in a new district.

Supervisor Kennedy: See the way it is now we are serving people who are on the State Road out of this tank. From the Chestnut Ridge Road going south to the other side of Patchin there is going to have to be pressure reducers put on people's water services. We are going to have about one hundred and fifteen pounds of pressure immediately south of this tank. Now if you want to blow up your water tank or your washing machine you will without a pressure reducer on where it comes into the house. Now they are not going to put this tank at another elevation which would allow them to serve say your home because that would increase this pressure even greater. You know what I am saying, for the people down here in the valley. We have already maximized it. It is the same height as the Brown Hill tank. In Boston itself being fed immediately from the Brown Hill tank there are areas down there in excess of a hundred pounds which require pressure reducers on your incoming service. You have a limitation as to how much pressure you can put on the existing water system.

Joanne Noack: Is this existing tank that you are speaking of on Chestnut Ridge is that, are you talking about the one on Ward Road?

Supervisor Kennedy: There is no existing tank there. There is an existing tank on Brown Hill Road way down in Boston. You go off Trevett Road and go up there toward Emerling's potato farm there is an elevated tank. That is setting at the same elevation as this tank will be here. When that tank up on Chestnut Ridge Road is completed they will take the steel elevated tank off Brown Hill Road right out of service. That is the reason the Erie County Water Authority is willing to contribute $250,000 because they were obliged to refurbish that tank which means that it had to be sandblasted and painted and it was going to cost them almost $200,000. This way they are assured that we are going to have a concrete tank the longevity of which is much greater than steel. It will last much longer than I will. I know it is frustrating. It is frustrating to everyone that needs water. I am very happy that we have had, in deference to a lot of people, it has been nice that we have had lots of water because it has taken some of the pressure off some of the people who have marginal wells. We have had an extremely wet April, May and June. If we had some of the dry summers that we have had in the past we would be in trouble. The water table is probably now as high as I've ever seen it in the latter part of June.

Joanne Noack: It is not only quantity it is quality too. Ours isn't potable.

Supervisor Kennedy: If it is heavy sulfur it is not potable.

Town Attorney Perley: Don't be mislead by the fact that we were able to increase the size of Water District #1. This tank is not being installed for the purpose of increasing pressure. The primary purpose of this tank is water supply because it increases the supply dramatically in the valley and supply from the middle of the valley south has been critical.

Supervisor Kennedy: Pressures in the southern end of the community also where fire fighting apparatus on Greenbriar and Pinehurst and all those at the end of those streets. The fire flow there is negligible right now.

REGULAR BOARD MEETING TOWN HALL
JUNE 19, 1996 7:30 P.M.

PUBLIC HEARING (CONT.):
Town Attorney Perley: It is only a by product of the location of the proximity of this tank to the areas of these three roads that gives us the opportunity to create this little extension. It came about as a coincidence. It was nothing that was planned. The rationale behind the design of this tank is to improve the water supply in the valley and improve the quality of the way the water is handled in an existing water district. So you see in the tank there it is not a pressure tank it is for storage and supply.

Supervisor Kennedy: The water pressures north of Chestnut Ridge Road will be different than they are south of Chestnut Ridge Road when this tank is completed. There will be a valve set up there where we could back flow towards North Boston in the event we lost our water supply coming over from East Eden pump station. We could go both ways with the water if we had to until we exhaust the capacity of the tank. Normally that would be at a different pressure north of Chestnut Ridge Road. Are there any other questions?

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to close the Public Hearing at 8:23 P.M..

five (5) Ayes Carried

Supervisor Kennedy read a letter from Charles Pettit, TVGA Engineering, Project Engineer on the Water District No. 1 Increase of Facilities Waterline Extensions, stating the proposed improvements should not result in any significant adverse environmental impacts.

A motion was made by Councilman Rood and seconded by Councilman Wiktor, that the Town Board of the Town of Boston, as Lead Agency, having taken a hard look at the many potential environmental impacts with respect to the project named "Increase in Facilities" in the Short Environmental Assessment Form filed with the Town of Boston, New York, hereby determines that there are no significant adverse environmental impacts associated with the said project and hereby adopts a Negative Declaration pursuant to 6 NYCRR Part 617 adopted pursuant to Article 8 of the Environmental Conservation Law of the State of New York and authorized the Supervisor and/or the Town Clerk to prepare and execute any and all documents required to notify interested agencies.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor, that the Town Board of the Town of Boston, as Lead Agency, having taken a hard look at the many potential environmental impacts with respect to the project named "Chestnut Ridge/Omphalius/Liebler Road Extension #1" in the Short Environmental Assessment Form filed with the Town of Boston, New York, hereby determines that there are no significant adverse environmental impacts associated with the said project and hereby adopts a Negative Declaration pursuant to 6 NYCRR Part 617 adopted pursuant to Article 8 of the Environmental Conservation Law of the State of New York and authorized the Supervisor and/or the Town Clerk to prepare and execute any and all documents required to notify interested agencies.

five (5) Ayes Carried

RESOLUTION 1996 - 15 INCREASE IN FACILITIES IN WATER DISTRICT #1

A motion was made by Councilman Wiktor and seconded by Councilman Rood to remove from the table the appointment of Deputy Dog Control Officer.

five (5) Ayes Carried

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1996-15

Resolution adopting an Order re: Increase in facilities in Water District No. 1

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York , held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 19th day of June, 1996 at 7:30 o'clock in the evening Eastern Prevailing Time there were:

Present:	**Richard L. Kennedy**	**Supervisor**
	Josephine M. Davenport	**Councilman**
	Lisa M. Rood	**Councilman**
	Peter A. Walter	**Councilman**
	Damian P. Wiktor	**Councilman**

Absent:

Supervisor Kennedy presented the following Resolution and moved its adoption:

BE IT RESOLVED that the Town Board of the Town of Boston adopt the annexed Order approving the increase in facilities, *In the Matter of the Proposed Increase in facilities in Water District No. 1, in the Town of Boston, in the County of Erie, New York, pursuant to Section 202-b of the Town Law.*

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

Supervisor Kennedy	Voting	AYE
Councilman Davenport	Voting	AYE
Councilman Rood	Voting	AYE
Councilman Walter	Voting	AYE
Councilman Wiktor	Voting	AYE

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

David J. Shenk

David J. Shenk-Town Clerk

At a regular meeting of the Boston Town Board of the Town of Boston, in the County of Erie, State of New York, held at the Town Hall, in the Town of Boston on the 17th day of June, 1996.

PRESENT:

Richard L. Kennedy	Supervisor
Peter A Walter	Councilman
Josephine M. Davenport	Councilman
Lisa M. Rood	Councilman
Damian P. Wiktor	Councilman

In the Matter
of the

Proposed Increase in Facilities in Water District No. 1, in the Town of Boston, in the County of Erie, New York, pursuant to Section 202-b of the Town Law.

ORDER APPROVING INCREASE IN FACILITIES WATER DISTRICT # 1

WHEREAS, by Order dated May 15, 1996, duly adopted by the Town Board of the Town of Boston, a Public Hearing was called on June 19, 1996 at 8:00 p.m., prevailing time, in the Town Hall of the Town of Boston to consider the proposed increase in facilities for Water District No 1 involving the acquisition of lands at or near the intersection of Chestnut Ridge Road and Boston State Road in the Town of Boston for purposes of constructing a pumping station and for the further acquisition of lands situate on Lower Crestwood Circle in the Town of Boston for the purpose of constructing a 700,000 gallon ground level storage tank; and

WHEREAS, the maximum proposed to be expended for the completion of the increase in facilities in $950,000.00 to be financed as follows:

Contribution from Erie County Water Authority; $251,000.00

Available funds in Water District No. 1; $149,000.00

Amount to be raised by issuance of serial bonds; $550,000.00; and

WHEREAS, said Notice of Public Hearing was duly published and posted as required by law;

WHEREAS, the firm of TVGA Engineering and Surveying, competent engineers licensed by the State of New York have heretofore prepared a map plan and report outlining the plan for the increase in facilities dated May, 1996 and;

WHEREAS, an environmental assessment form has been completed and a coordinated review conducted by the Town of Boston pursuant to Article 8 of the Environmental Conservation Law and regulations promulgated thereunder;

WHEREAS, the Town Board of the Town of Boston having been designated lead agency pursuant to Article 8 of the Environmental Conservation Law and regulations promulgated thereunder as heretofore determined that the construction of the increase in facilities will not have a significant adverse environmental impact and has issued a declaration of non-significance in connection thereto.

NOW, THEREFORE, BE IT

Lisa M. Rood - Councilman

Damian P. Wiktor - Councilman

Peter A. Walter - Councilman

Josephine M. Davenport - Councilman

Members of the Town Board of the Town
of Boston, in Erie County, New York

(SEAL)

David J. Shenk - Town Clerk

ORDERED AND DETERMINED that the proposed increase in facilities be and hereby is designated to be in the public interest as required in Section 202-b of the Town Law of the State of New York; and be it further

ORDERED AND DETERMINED that the maximum amount to be expended for the proposed increased in facilities be $950,000.00 to be financed as follows:

Contribution from Erie County Water Authority:	$251,000.00
Available funds in Water District No. 1:	$149,000.00
Amount to be raised by issuance of serial bonds:	$550,000.00; and it is further

ORDERED AND DETERMINED that the acquisition of lands at or near the intersection of Chestnut Ridge Road and Boston State Road in the Town of Boston and on Lower Crestwood Circle for the construction of the proposed pumping station and 700,000 gallon ground storage tank be and the same is hereby approved and confirmed and it is further;

ORDERED AND DETERMINED that the TVGA Engineering and Surveying be and they are hereby Ordered to prepare final drawings and specifications and to notice for bids as previously directed by the Town Board of the Town of Boston with bids to be opened on July 1, 1996.

Dated: June 19, 1996
Boston, New York

TOWN BOARD OF THE TOWN OF BOSTON

Richard L. Kennedy - Supervisor

STATE OF NEW YORK

COUNTY OF ERIE

TOWN OF BOSTON

I, DAVID J. SHENK, Town Clerk of the Town of Boston, Erie County, New York DO HEREBY CERTIFY that I have compared the preceding resolution attached hereto with the original thereof filed in my office in Boston, New York on the 19 day of June, 1996 and that same is a true and correct copy of the said original and of the whole thereof.

In testimony whereof, I have hereunto set my hand and seal and have affixed the seal of the Town of Boston this 19 day of June, 1996

David J. Shenk - Town Clerk

[SEAL]

REGULAR BOARD MEETING — TOWN HALL
JUNE 19, 1996 — 7:30 P.M.

A motion was made by Councilman Rood and seconded by Councilman Wiktor to appoint Michael Brown as Deputy Dog Control Officer and Enumerator, Part-time at $4,450 per year, term to expire December 31, 1996.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to direct the Town Clerk to send notices for the Mobile Home Parks Annual Licenses and schedule the annual inspection for Saturday June 29, 1996 at 10:00 A.M..

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Wiktor, on the recommendation of Recreation Director O'Brien, to delete the following for the Summer Recreation Department effective immediately:

Andrew Appenheimer	Recreation Attendant	$4.35 per Hour
Jessica Keel	Recreation Attendant	$4.35 per Hour
Margaret Rosinski	Asst. Site Supervisor	$6.50 per Hour

and appoint the following for the Summer Recreation Department effective immediately and to expire on August 31, 1996:

Matthew Wilson	Recreation Attendant	$4.35 per Hour
Greg Kummer	Recreation Attendant	$4.35 per Hour

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Supervisor Kennedy to correct the General Fund Abstracts as follows:

Abstract #2, Voucher #122, Gerald O'Brien
From A7620.4 To: A7140.4

Abstract #3, Voucher #203, TVGA
From SW18340.4 To: SW18340.2

Abstract #3, Voucher #209, Service Office Supply
From A1220.4 $1,989.04 To: A1220.2 $1,859.00
A1220.4 $ 130.04

Abstract #4 Voucher #4, Signal Service Corp
From: SW18340.4 To: SW18340.2

Abstract #5A Voucher #395, Gerald O'Brien
From: $15.00 To: $37.95

Gen Fund Total From: $ 6,099.95 To: $ 6,122.90

Total Abstract From: $51,748.82 To: $51,771.77

five (5) Ayes — Carried

SUPERVISOR REPORT

Supervisor Kennedy reported that trees are being cut down in the vicinity of Lower Crestwood Circle for the area of the Water Tank.

Supervisor Kennedy reported the lights at the South Boston Park are installed.

Supervisor Kennedy reported the riprap bank stabilization project has been completed at Anthony Gulf Stream near the Boyd Mobile Home Park.

REGULAR BOARD MEETING
JUNE 19, 1996

TOWN HALL
7:30 P.M.

TOWN CLERK REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to accept the Tax Collector's monthly report for May 1996.

five (5) Ayes — Carried

A motion was made Councilman Wiktor and seconded by Councilman Walter, on the recommendation of Town Clerk Shenk, to grant Biel's Information Technological Systems, Inc. the contract for a 16/35 MM Motorized Roll Film Carrier for the Town's existing Minolta 600Z Reader Printer at a cost of $1,340.

five (5) Ayes — Carried

Town Clerk Shenk has scheduled a Safety Committee Meeting for Wednesday, June 26, 1996 at 3:30 P.M..

Town Clerk Shenk attended the Records Management Conference in Albany on June 2 - 4, 1996 and the Tax Collector Conference at Lake George on June 9 -11, 1996 and found both conferences to be informative.

COUNCILMAN REPORT

Councilman Rood reported the Chamber of Commerce will be co-sponsoring a "5 K" race with Springville Habitat for Humanity on August 24, 1996.

Councilman Rood reported arrangements are being made to transport a donated piano to the town hall for the Boston Seniors and Kazoo Band.

Councilman Wiktor reported that the South Towns Haz-Mat has received grant money for their building and furniture. September 12, 1996 the Haz-Mat Team will hold a Local Emergency Planning Commission Exercise and on September 21, 1996 they will be holding a Haz-Mat/West Seminar for the 13 Western New York Counties. June 20, 1996 the Haz-Mat Team will be voting on a By-Law change regarding membership.

Councilman Walter reported the drainage problems on Kevin, Ripple and Zimmerman Roads are being addressed.

Councilman Davenport reported the Journal ran an article recognizing the eight Boston Valley School poster winners for the Erie County "Clean Water Week Project".

Councilman Davenport reported she will meet with Principal Gibbs to put the requested bike rack in place.

The Nutrition Program will provide ninety (90) dinners on June 20, 1996 to seniors and twenty (20) site managers who will inspect the Boston facility.

The Creative playground is in need of repair and will be addressed when the weather permits.

Councilman Rood announced the Boston Summer Concert Schedules are available in the Town Clerk's Office.

PLANNING BOARD REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Rood, on the recommendation of the Planning Board to grant Glenn Wetzl a building permit for a duplex at 6748 Pin Oak Drive.

five (5) Ayes — Carried

REGULAR BOARD MEETING
JUNE 19, 1996

TOWN HALL
7:30 P.M.

PLANNING BOARD REPORT (CONT.):

Received and filed a letter from the Planning Board recommending the Code Enforcement Officer review all projects to determine if they need S.E.Q.R.. Supervisor Kennedy directed Town Attorney Perley to meet with the Planning Board to discuss this matter.

Received and filed the summer schedule of the Planning Board as follows: July 23, 1996 and August 27, 1996 at 7:30 P.M..

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

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
JULY 3, 1996 — 7:30 P.M.

Present were Councilman Josephine M. Davenport, Councilman Lisa M. Rood, Councilman Peter A. Walter, Councilman Damian P. Wiktor, Supervisor Richard L. Kennedy, and Town Attorney Michael F. Perley.

Absent: Highway Superintendent Eugene E. Ruchalski.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to adopt the minutes of the June 19, 1996 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 #7, dated July 3, 1996 in the amount of $188,437.09 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter that the Highway Bills on Abstract #7, dated July 3, 1996 in the amount of $10,492.84 be paid.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to accept the Town Clerk's Monthly Report for June 1996.

five (5) Ayes — Carried

Received and filed Department of Environment & Planning Block Grant Award Status of $17,055 for ADA - Various Public Buildings project.

Received and filed State Education Department award of Local Government Records Management Grant in the amount of $14,900.

Received and filed notification from Rural Community Development that the Town of Boston request to increase the West Hill Project Priority Points from 65 to 90 is being considered.

Referred to Councilman Walter, Drainage Chairman, and Erie County Highway Department, a letter from Dolores Smith, E7099 Boston Cross Road regarding drainage problems.

A letter was received from Mrs. Frydych, 5674 Herman Hill Road, regarding the proposed Parkside Drive turnaround. Supervisor Kennedy and Councilman Walter noted the compliant of Mr. Meindl, 7189 Parkside Drive, of Town vehicles using his driveway as a turnaround is currently under study.

Received and filed notification from NYS Board of Real Property Services a Certificate of Final Special Franchise Assessments.

Received and filed notification of Plan Approval and an Approval Permit from Erie County Health Department regarding the Water District No. 1 construction of a Water Storage Tank, Pump Station and Water Line Extensions.

REQUESTS FROM FLOOR:

Thomas Mercurio, 7186 Parkside Drive spoke in opposition of a Town proposal to put a turnaround a the end of Parkside Drive.

Supervisor Kennedy will be in contact with Mr. Mercurio when this project progresses.

REGULAR BOARD MEETING — TOWN HALL
JULY 3, 1996 — 7:30 P.M.

George Gleason, 9831 Zimmerman Road submitted a petition with fifty-six (56) signatures stating:

"We the undersigned, demand that something be done to clean up the premises of Glenn McKillen of 9296 Zimmerman Road, Town of Boston. The above premises have been unoccupied for two (2) years and the area is a safety and sanitary hazard. There is abandoned vehicles, piles of scrap wood and metal, and falling down out-buildings and fences. Wild animals have taken up residence, and rabies, being so rampant, is a common concern to us and our small children. The yard is totally unmaintained and is also an eyesore. Please notify us of your action as soon as possible".

Supervisor Kennedy noted the McKillen issue is scheduled for agenda discussion under the Code Enforcement Officer Report.

At 8:05 P.M. a Public Hearing was held for the purpose of rezoning .015 acres of property at the corner of Rollin Drive and Boston State Road from R-2 to C-1. Supervisor Kennedy read the legal notice and a Memo sent to 28 neighboring property owners with an Assessor's map and a copy of a letter of intent from John and Susan Szalay. Supervisor Kennedy requested the Town Attorney point out the property to be rezoned on a map.

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 3, 1996 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 the following Local Law.

LOCAL LAW NO. 1
OF THE YEAR 1996

A LOCAL LAW TO REZONE APPROXIMATELY .015 acres of land from R-2 (Single-Family Residents District) to C-1 (Local Retail Business District).

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF BOSTON AS FOLLOWS:

Section I.

Local Law No. 1 of the Year 1996 shall amend Local Law No. 6 of the Year 1990, any amendments thereto and the Town of Boston zoning map, by rezoning .015 acres of real property from R-2 to C-1; such property being described as Town of Boston, Erie County, New York, Lot 4, 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 Rollin Road, as is more fully described as follows:

BEGINNING at a point located approximately 238.05 feet east of the center line of the Boston State Road along a course plotted at 588-18'-05" E and 133.98' south of the farmer south boards of the Neher Farm along a course plotted 503-36'-56" E from said south bounds and running thence northerly a distance of 133.98' to the farmer south bounds of the Neher Farm; running thence westerly a distance of 5 feet along the line of the farmer south bounds of the Neher farm, running thence southerly along a course plotted at 803-36'-56" E 133.98 feet to the line of the first course herein described and running thence westerly 5 feet to the place of beginning.

Section II.

If any provision of this Local Law shall be 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: JUNE 17, 1996
Published: JUNE 20, 1996
BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK
6-20

Town Attorney Perley: This involves the completion of the final Sight Plan Approval that was adopted by the Town Board at the first meeting in June. At the time this matter came up, having been recommended for approval after some lengthy Hearings, I had an opportunity to look at a survey and compare it with a zoning map. I made a determination at that time based upon the legal description of the property, the easterly five (5) feet of the property that Mr.Szalay intended to use for the site plan and which had been approved to be incorporated as part of the site plan was not zoned C-1. It was zoned R-2 and as a result of that it was only permitted for single family dwellings. It was my opinion that it would be appropriate for the Board to bring the site plan and zoning into conformance with each other. I suggested to the Board that a rezoning application needed to be filed for that limited purpose. The fact that this zoning area existed in R-2 was something that was disclosed by the applicant to the Planning Board over the course of the Site Plan Review. However, as I understand it, the primary thrust of the Planning Board was to address some drainage problems in the area and Mr. Szalay worked closely with the Town Board on that. I think in the process, it wasn't until the survey came out that this issue resurfaced.

Town Attorney Perley pointed to the five (5) feet of depth in the C-1 zone on the map.

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JULY 3, 1996

TOWN HALL
7:30 P.M.

PUBLIC HEARING (CONT.):
Town Attorney Perley: The five (5) feet is right at the very eastern boundary of a piece that we are insisting Mr. Szalay dedicate for the purpose of the four (4) dwelling unit building that is to be located on this property and this property can thereafter be used for no other purpose. Just so you are aware by way of history, this zoning line of C-1, the existing line that is there now is a line that is drawn from the Kuhn Carpet Store and the rear line of the Kuhn carpet store was drawn as the base line for this C-1 zone. The Kuhn carpet rear line does not run parallel to the road. As you go north off of that line the distance of the C-1 zone decreases slightly and that line was used as a demarkation line as a matter of convenience when the map was drawn. I can attest to that because I drew the map. In fact the C-1 zone, the map on which that zone was located ends at the boundary of another farm. The notched area that is being used is zoned entirely C-1 so the actual C-1 zone on the adjoining map drops back a little deeper which is more in conformance with the zoning before 1991 when three hundred (300) feet from the road was zoned what was called RRB at that time. We reduced this zone to approximately two hundred (200) feet. I say approximately because we didn't maintain a precise measurement. It might have been two hundred twenty-five (225) or two hundred fifty (250) feet. That is measured from the edge of the roadway by the way and not from the center line. When this came up I informed Mr.Szalay that in my opinion we should bring the zoning in conformance with the use and therefore he filed the application for this five (5) foot area. You can look at it on a number of different maps. I have prepared a map for the Town Board based upon the survey that was presented and that outlines the area that was described. It has been highlighted. It is basically a five (5) foot sliver. That is the history behind it. That is the area to be rezoned and the purpose of the rezoning is to bring the zoning and the site plan in to consistency with each other for purposes of this development and to establish this development line.

Supervisor Kennedy noted the Commercial Zoning Application Pending Sign was placed on the property. TVGA Engineering reviewed the Short Assessment Form and determined the Szalay rezoning to be an Unlisted Action and will have no adverse impact on the environment and a Negative Declaration can be filed by the Town Board acting as Lead Agency.

Supervisor Kennedy convened the Public Hearing.

Robert DeCesare, 8930 Greenbriar Terrace: Let me start out by addressing Mr. Perley with a couple of questions. At the first Planning Board meeting held in June, it was determined that there was a section of this. He is already shaking his head so maybe he wants to address this right now.

Town Attorney Perley: It is Section 91 but you have to read Section 91 closely. Section 91 says, "that where you have an existing lot and there is a non-conformance in the zoning, there is a split zone in an existing lot", to rezone less than twenty-five feet of the depth of that existing lot was necessary, it was waived. The term there that is really important is the term "existing lot". This law is quite tight. Because I insisted and the Town Board insisted that Mr.Szalay establish a dedicated lot for this project, he created a new lot. An existing lot is a lot that existed on January 21 in 1991 and was not changed or altered in any fashion. This is not an existing lot so the rezoning is required. That provision would have applied to this lot however had it existed in exactly this form at the time the zoning law was in enacted.

Robert DeCesare: So the twenty-five (25) foot buffer exists? There is no application of that? I don't understand how you can have the twenty-five (25) foot buffer.

PUBLIC HEARING (CONT.):
Town Attorney Perley: No, it is not a twenty-five (25) foot buffer.

Robert DeCesare: Well, a twenty-five (25) foot space that allows a variance on a property.

Town Attorney Perley: It is where there is a split zone. "Lots Divided by District Boundaries. When a lot is divided in any zoning district boundary so as to be more than one district and where such lot was an existing lot where such district boundary was established". This lot didn't exist at that time. "A conforming use occupying fifty percent (50%) or more of the area of the lot and having street frontage in the district (where permitted) may be extended on such lot no more than twenty-five (25) feet, measured perpendicular to the district boundary in any district where such use is not permitted". This is not an existing lot. That section doesn't apply.

Robert DeCesare: Ok. So the twenty-five (25) feet isn't necessary for this lot?

Town Attorney Perley: No, the twenty-five (25) feet has no relevance at all. Forget the twenty-five (25) feet. It has no relation to anything here. This provision does not apply to this application. It does not apply to this project because this is not an existing lot. This is a lot that is being created. It was necessary from my standpoint that the lot and the zoning be brought into conformance with each other.

Robert DeCesare: Ok. Let me continue if I may. At first myself and a number of residents on Rollin Drive and Greenbriar Terrace were pretty ticked off when we found out the date of this meeting because when you look at it, this is a day when most people, many people go away from their homes, as would have been the case with ours. Although as Mr. Wiktor can attest we had thirteen, fifteen people at the last Planning Board meeting when this was addressed. We keep going back and forth on whether the twenty-five (25) feet means something or not but that is neither here nor there. We were pretty upset because this doesn't give the people of Boston, the people who are going to be affected by this project, a chance to voice their concerns really. What this does is give a business man from Orchard Park a chance to go in here when he can encounter basically the least resistance. And that is what he is going to encounter tonight. We have people here, we have the representation here, and we also have homeowners from our area who are on vacation as I am supposed to be right now and stayed here to go to this meeting tonight. I have a neighbor who came back today to go to this meeting tonight. I am a journalist by profession and I am pretty cynical because of that, I guess. But then I sat back and thought about this and I said, "Well why would you want to have a meeting on July 3rd?" And I said, "Actually July 3rd is probably the ideal time for this town to have a meeting". Because what this topic concerns is the people of the Town of Boston and here we are in a country that tomorrow will celebrate it's two hundred and twentieth (220th) birthday. A country that was founded for the people, by the people with representation for the people that are most affected by the topics that arise in their communities, in their states, in their country. And we come out here and we get a chance to speak. And we get a chance to say, "What is important here?" Is the lot too small for this apartment? Is a lot that leads on to a residential street, that has homes up top that has homes developed by the Developer up top, is this lot too small for this apartment complex? It is! It is, right? I mean we are rezoning here tonight. We have a Hearing to rezone because this is too small. This is a huge building facing on a residential street, access on to a residential street. And it is too big for the lot! Basic fundamental fact, it's too big for the lot! That is why we have to have a rezoning here. Because we have to say, "can we give

PUBLIC HEARING (CONT.):
Robert DeCesare (Cont): this guy, this sliver, and I don't care if it is six (6) inches or five (5) feet or twenty-five (25) feet or whatever it is, but we've got to give this guy, this developer, the room to build a monstrous apartment complex at the foot of a residential street that leads into a residential neighborhood. That is the question. Are we going to serve the people of Boston, the residents in that area that say, " the last thing we want to see is a huge building". Can he build there? Sure, he can build there. Can he make a smaller building and fit it on the existing lot? Sure, he can make a smaller building and fit it on the existing lot. That is the question. The question is, are we going to go out of our way as a Board that represents the people in this Town on the eve of the 220th anniversary of this county, are we going to go out of our way to give a Developer from Orchard Park, New York clearance to supersede the wishes of the people of Boston, New York? Now, to me the answer to that question is pretty obvious. If the building is too big, it is too big. If he wants to build a building in there that conforms to the lot size, we have no problem with that. Because this is a great country and when you do buy a piece of commercial property you can build on it. But when you buy a piece of commercial property that abuts a residential street, you don't have free reign to just expand it because what you want to build there is just a little bit bigger than what fits on that lot. So when you render a decision on this remember you have to think of the people of Boston. The people in this community, the people who live on that residential street and ask yourselves, "if that were my street do I want it there? Do I want to allow it to be just that little bit bigger? Because I mean it is only five (5) feet". Well it is. It is only one hundred forty (140) foot long apartment building that is being jammed on this corner lot. That we have gone back and forth on site plans for and tried to attend this and tried to go to Planning Board meetings and tried to monitor this thing and it goes back and forth and we are not sure what is what. But the basic fundamental fact is the building is too big for the lot and the people of Boston know the building is too big for the lot and it doesn't matter whether you live on Rollin or whether you live way down Boston or if you live on Zimmerman or where. Do people want to see those kinds of things wedged in their neighborhoods? The answer is no. I hope you remember that and remember we are talking about everybody on the eve of the birthday of our country that was founded, by the people for the people. I thank you for your time.

Mark Williams, 6718 Rollin Drive: I live two doors down from the proposed building and that is going to be a difficult act to follow. My problem is I don't think the building should be going there at all, although I am a little late I understand. It is a residential street. The homes are all single family residential. I just don't feel on that corner we need to jam a big multiple family dwelling. Between Charlap's dairy and Rollin Drive there are already fifteen (15) duplexes. Those duplexes weren't there ten years ago. Only one. One. There is also several multiple unit buildings in the Town already. I think we have enough. I really do. I hate to see that corner go for a giant building. That is my opinion. Thank you.

Supervisor Kennedy: I guess probably what you are saying is that many of these people have attended the Planning Board meetings when this was discussed.

Supervisor Kennedy read a letter from the Planning Board recommending approval of the Szalay four unit apartment building with conditions.

Supervisor Kennedy: This area that we are speaking of now is already zoned commercial. There is a small section, like you say, that is in question today. It doesn't mean that they couldn't build a commercial building on there because they certainly could.

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PUBLIC HEARING (CONT.):
Supervisor Kennedy (Cont): If you look at the corner of Thornwood where I live, there are two or three large apartment complexes and I deem that to be a very nice and very attractive residential street. So it doesn't mean that if a building is there it necessarily detracts something from the street itself because I think we have a very nice street on Thornwood Drive and yet there are two multi-family units that sit on the corner.

Robert DeCesare: What you are trying to say is that you have already made up your mind.

Supervisor Kennedy: I am not saying anything. I listened to you didn't I? Don't I have an opportunity to speak also? I didn't like your inference that we manufactured this meeting on the 3rd of July with the hopes that nobody would be here because people on this Board as well as the people where you live take summer vacations. We only have one meeting in July which we scheduled in the beginning of July and one in August which we scheduled in the beginning of August. There were no ulterior motives.

Robert DeCesare: If I may, what I said in the beginning was the cynic in me said I put that together and if you noticed I later withdrew that saying that this is a perfect day to have a meeting. I think we ought to hold one on July 4th. I am not being sarcastic here. I am saying it is a great day. What better day to hold it. I am not being cynical here.

Roger Jackson, 8890 Greenbriar Terrace: Even though it is a small part, is it true that Mr. Szalay has a Building Permit for this lot currently? And the site plan has been approved and everything prior to the rezoning? Is that true?

Town Attorney Perley: The site plan was approved by the Town Board because this came up and Mr. Szalay was allowed a Building Permit with the understanding that if this property were not rezoned he wouldn't get a certificate of occupancy.

Roger Jackson: Ok, so he has got the ok to go ahead and build.

Town Attorney Perley: At his risk.

Roger Jackson: A four unit apartment complex based on the decision tonight.

Supervisor Kennedy: At his risk.

Roger Jackson: Yes, I understand that.

Supervisor Kennedy: The reason being is that this was reviewed by the Planning Board for a number of months and the maps and the information that the Planning Board had did adequately describe the property in question and detailed it very precisely. This is back maybe sixteen months ago and those same maps were carried forward. For some reason no one discovered that the five (5) feet that was incorporated in that parcel wasn't part of the part that was already commercially rezoned.

Roger Jackson: Whose job is that to obtain that information?

Town Attorney Perley: It was actually disclosed by the applicant in all the applications.

Roger Jackson: To the Planning Board?

Town Attorney Perley. To the Planning Board.

Supervisor Kennedy: Yes it was and it was reviewed by the Planning Board under those premisses.

PUBLIC HEARING (CONT.):
Roger Jackson: And who was in attendance at the last Town Board meeting when this was approved?

Supervisor Kennedy: Who was attending?

Roger Jackson: Who was here and who was not here at the last Town Board meeting and how did you vote?

Supervisor Kennedy: I think they were all here.

Councilman Walter: The night that this was voted upon I was absent. I was away on a planned vacation that had been planned nine (9) months previously.

Supervisor Kennedy: I thought you were here.

Councilman Walter: I was not here at that meeting.

Roger Jackson: What was the vote at that meeting? Was it three to one? Three to two?

Town Attorney Perley: It was three to one.

Supervisor Kennedy: Three to one.

Councilman Walter: Wasn't this referred to the Planning Board?

Town Attorney Perley: Yes it was.

Councilman Walter: The rezoning?

Town Attorney Perley: The rezoning was referred to the Planning Board.

Councilman Walter: What was their action on it? It was tabled, correct?

Town Attorney Perley: Their first response was that they didn't think it was required. I discussed that with them and my opinion was that it should be done. It is tabled until their July meeting. They haven't made a determination.

Councilman Walter: They haven't made a determination and we usually abide by what the Planning Board says.

Town Attorney Perley: This Board is a policy making Board.

Councilman Walter: It is a policy making Board but we have a Planning Board to advise us and guide us properly.

Town Attorney Perley: You don't need to vote tonight. Tonight is to receive public comment.

Councilman Walter: Just that it was tabled by the Planning Board and not approved.

Councilman Davenport: Did the Planning Board ever say that the structure was too large for the lot? That is the first I heard of that.

Town Attorney Perley: When I got into this the only item that I knew of, come January, was the drainage issue. That was discussed occasionally and the Planning Board looking at the dedicated land, understand Mr. Szalay owns a lot more land than this, the Planning Board when looking at the dedicated size of the lot determined that the lot met the area and both requirements of our zoning law. So the area dedicated meets the Planning and bulk requirement. It leaves a conforming lot next to it so the area and bulk REGULAR

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PUBLIC HEARING (CONT.):

Town Attorney Perley (Cont): requirements for the office building/converted frame house that Mr. Szalay uses for his business is situated on a conforming lot meeting every area and bulk requirement for that lot. Then there is the remainder of the property in the back that Mr.Szalay still owns. We are requiring him to dedicate these lots for the purpose of demonstrating his conformity with the area and bulk requirements of our law. If that answers your question.

Supervisor Kennedy: You are saying the area that he now has his insurance building on is also a commercial zoning?

Town Attorney Perley: It is a commercial zoning and it is a conforming lot. He meets all the required set backs, he meets all the required dimensional requirements for the lot, and frontage. He is required to do that. In order to maintain the integrity of the entire parcel is the reason that we are looking at this five (5) feet.

Roger Jackson: I have another question. In listening to your conversation we were at the last Planning Board meeting maybe eleven, twelve, thirteen, fourteen or however many of us, and I am not sure whether it was Mr. Leydecker or Mr. Boltz who did say "yes". In answer to your question, they did say "yes, the building is too large for the lot" at which point I addressed either one of those, I cannot remember which one it was, but Mr. Wiktor was present at that Board and we turned around and we said, "if he were to build a three unit apartment complex, could he conform to that?", "yes" was the answer. I asked, I believe Mr. Boltz, on the Planning Board, I said, "what is the problem with decreasing the size of the four unit?", and I was told that he doesn't come into conformity with the minimum apartment size or whatever kind of restrictions are on that. So in answer to your question, yes, at the Planning Board they have made almost that exact statement, that yes, the building is too large. So I figured I would help you out with that statement.

Code Enforcement Officer Kramer: I an the Building Inspector and if I could just address the Town Board and the audience. In answer to your question as to whether a Building Permit has been issued. There has been no permit applied for to my office so therefore there has been no permit issued on this project, to set the record straight.

Robert Jackson: Did the Town Board approve a Building Permit?

Code Enforcement Officer Kramer: I have to approve the Building Permit Application. It has not been submitted to me yet. I haven't even seen a plan for the building.

Town Attorney Perley: The Town Board approved a site plan. That site plan allows the construction of a building in conformance with the dimensions of a site plan and in conformance with the application for site plan approval, subject to the specific approval of the Code Enforcement Officer who has to approve the design of the building. The applicant is free to apply for a Building Permit but the building itself, in other words the number of windows, the required fire walls, all the items that go into the construction still have to be separately approved by the Code Enforcement Officer in accordance with the Town Code and the Building and Fire Codes. He will actually take a nuts and bolts application literally and approve a Building Permit on that basis. So if there hasn't been an application for a Building Permit, certainly Mr. Szalay can apply for one. It is not guaranteed he will get one if his plans don't meet the Building and Fire Code requirements of the State of New York.

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PUBLIC HEARING (CONT.):

Councilman Rood: Mr. Perley, could you explain to the audience how the line was drawn for the C-1 zoning when it was rezoned?

Town Attorney Perley: I wish I would have brought the map up. I tried to explain it before. Just drive down the street to Kuhn's Carpet store or Valley Carpets. The rear lot line at Kuhn's runs at a slight angle to the street and when I drew the C-1 line we had taken the RRB, to back up a little further, there was an old RRB strip that was three hundred (300) feet and that was reduced. RRB was taken out and that is where your duplexes came from. That problem we attempted to address in 1991. When we reduced the strip I established a bench mark for that strip using the Valley Carpet because that was an existing commercial establishment. It was the determination of the Board and Zoning Committee at that time to continue that strip at C-1 to Rollin Drive and by the way, that specific item along with the rest of the zoning was presented at four separate Public Hearings and I've got the name of everybody that was there at each Public Hearing and there are more people in this room tonight. That line was drawn based upon the bench mark at Kuhn's Carpet but since I'd taken the rear line at Kuhn's Carpet which didn't run parallel to the street, as this line went north the dimension of the C-1 zone got smaller. As I've indicated before, if you look at the site plan, (Town Attorney Perley shows site plan) this area up here which is also part of the site is C-1. It would be just as logical from a planning standpoint to have continued the line from Kuhn's Carpet to this line except that the maps I was working with, this is the edge of the map and these dimensions were very hard to read so I didn't. We dropped this line down. This line runs at a slight angle to the street and if it was continued it would eventually meet the street if it went straight. So this C-1 zone is actually deeper at the insurance office than it is here. What happened was using Kuhn's Carpet as a bench mark and as having a reasonable dimension for C-1 we began to reduce the dimension of the C-1 zone based on the rear lot line because we used the rear lot line as a bench mark.

Councilman Rood: So if Kuhn's Carpet property would have been five (5) foot longer...

Town Attorney Perley: Or if the line were straight.

Councilman Rood: Then we wouldn't even be here.

Town Attorney Perley: No we wouldn't be here.

Supervisor Kennedy: The zoning that was created that was RRB ran parallel with the road and was measured three hundred (300) and some feet. It was the same distance no matter what the configuration of the road was. That is the way the original zoning was drafted.

Councilman Rood: So his C-1 zoning originally went three hundred (300) feet back.

Town Attorney Perley: RRB went three hundred (300) feet back.

Councilman Rood: And now it has been reduced to two hundred (200)?

Town Attorney Perley: Correct.

John Szalay, 8873 Boston State Road: I would just like to take the opportunity to point out to the Board that I've gone through the application process in good faith for approximately fourteen (14) to sixteen (16) months. We have, as Mr. Perley said, divulged by architect, engineer etc. right from the beginning, that it was R-2 property that abutted and there was approximately five (5) foot in the proposed parcel that was being used. It was discussed at the

PUBLIC HEARING (CONT.):
John Szalay (Cont.): Planning Board. They were aware of it. In fact if I'm not mistaken, at one point in time it was suggested that we move that line to give us sufficient square footage. We have enough square footage even in our adjoining parcel but there has been a lot of dollars spent developing the plans the way they sit. I don't think a lot of the people here realize and maybe again they probably don't care because it is my problem but we have spent thousands and thousands of dollars in having architects and engineers design plans and do drainage plans. We had the parcel surveyed as was proposed. We had a surveyor come in and had the survey done. Now to start moving lines again and have a new survey, a new developer, a new architect, I think that is unfair to me because we have done everything in good faith from day one. We are talking about five (5) foot, less than about seven hundred and fifty (750) square foot of space that needs to be rezoned. Mr. DeCesare brings out today is Independence Day, well again and I am not crying, I am not complaining, but when I purchased this property in 1990 it was in fact zoned three hundred (300) feet deep RRB. We wouldn't again be standing here discussing this issue. It would be a mute point. I would obviously request the Board to consider the application and hopefully be approved so we can take care of this last item. Thank you.

Mark Delle Donne, 8910 Greenbriar Terrace: The question I am a little confused with is, why do we need to rezone this? Is there a reason for it? Is just to keep the lines straight or is it because the building too big? If the building will fit in the commercial zoning right now, what is the reason to rezone? I don't understand that. What is the big issue here? Why do we need to rezone this five (5) feet? For what reason? Just to have a straight line? If somebody could answer that I would appreciate it.

Councilman Rood: You can't have multiple zoning on a parcel that you are building on.

Supervisor Kennedy: You can't have two separate zonings on one piece of property.

Councilman Wiktor: The original application lists one building to be located partly in one zoning area and partly in another zoning area. It should be listed either all in one or in all in the other but not to have a split decision.

Mark Delle Donne: So he couldn't build there unless we rezone? Is that what you are saying?

Town Attorney Perley: You could break out a line in the back and pick up the square footage probably.

Mark Delle Donne: So we really don't need to rezone then? You said that there is a technicality of only five (5) feet but that five (5) feet could be the difference of having a massive building there or not.

Town Attorney Perley: I haven't looked at the project from that angle. My only recommendation to the Town Board was to create a consistent zoning within the lot.

Mark Delle Donne: I am sure everybody on this Board if they lived right next door to this complex would be feeling the way that we are. My dream house is up there right now. I waited twenty-five years to build up there. I bought from Mr. Szalay, one of his lots up there. I have been kind of mislead because he never told me about all these future plans down the road here. If I had known what I know now I wouldn't have built my dream house up there. So if nobody thinks these things don't make a difference, you are fooling yourself. It does make a difference. I'll tell you now.

REGULAR BOARD MEETING — TOWN HALL
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PUBLIC HEARING (CONT.):
A motion was made by Councilman Wiktor and seconded by Councilman Davenport to close the Public Hearing at 8:48 P.M..

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to table the rezoning application until the August 7, 1996 Town Board Meeting.

five (5) Ayes — Carried

At 8:50 P.M. a Public Hearing was held for the purpose of considering an Erie County Water Authority request for a Special Use Permit to construct a Vehicle Radio System Tower on Ward Road in the Town of Boston. Supervisor Kennedy read the legal notice and a Memo sent to 13 neighboring property owners in the Town of Boston and 13 neighboring property owners in the Town of Orchard Park with an Assessor's map, a letter of intent from the Erie County Water Authority, and a diagram of the tower. Supervisor Kennedy read the letter of intent from the Erie County Water Authority and a letter from the Boston Planning Board expressing a concern for a lack of land should the tower collapse and a lack of a visual barrier to the property owners in the area. The Planning Board requests further information so a recommendation can be made. Supervisor Kennedy noted the map that was sent to property owners shows the maximum height of the tower to be 320 feet when the request was to construct a 100 foot tower. TVGA Engineering reviewed the Full Environmental Assessment Form and determined the project will have no adverse environmental impacts to the lands or area. There is visual impact on surrounding areas.

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 3, 1996 at 8:30 p.m., Eastern Prevailing Time, to consider the application of the Erie County Water Authority for a Special Use Permit for a Vehicle Radio System Radio Tower between 7173 and 7207 Ward Road.

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

Dated: June 24, 1996
Published: June 27, 1996

BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK
6-27

Supervisor Kennedy: A letter was received from the Erie County Water Authority and read at the last Board meeting reporting that specifications were being prepared for this new radio system which will enhance voice communications and give 95% reliability throughout the service area. That is what they are striving to do. I asked Robert Niederpruem from the Erie County Water Authority to tell us exactly why, and the reasoning behind the request from the Water Authority to construct this transmission tower.

Robert A. Niederpruem, Senior Production Engineer, Erie County Water Authority: Thank you Mr. Supervisor and members of the Board and the Public. The reason we have made this application as we have stated in the letter is that we value the communication between the Authority and the Town Board. Let me just start by saying that the real purpose for this radio tower is that right now our radio communications between our vehicles and between our service center in Cheektowaga has been outdated. The radio structure that is in service right now was installed in 1960. Since then our service area has doubled. Right now if we had a leak in the Boston Valley it would be very difficult for our vehicles to talk to each other only because our repeater station is presently located on Lake Avenue in Orchard Park. At the time that was the center of our distribution area but as the areas of the Town of Boston have grown we're extending services into the far eastern extremities of Erie County. That system presently is not capable of transmitting those great distances. Add to that the improvement in technology, present day digital radio communication will as the letter stated, provide us with 95% communication. Our vehicles will be able to talk from one corner of the County to the

PUBLIC HEARING (CONT.):
Robert A. Niederpruem (Cont.): other. We've taken into account the fact that we do have services that stretch as far south as Chautauqua County, all the way to the far north eastern corner of the Town of Newstead. That is what this system is designed for. I apologize that the diagram that went out was a rather generic slip that noted a three hundred and twenty (320) foot tower. That is the maximum height that tank can be constructed. The tower we have planned is only one hundred (100) feet tall. Let me tell you why we selected that site. Presently the Ward Road tank site is the tallest ground elevation of any site that the Authority presently operates. We have a lease management agreement with the Town of Orchard Park who owns that tank so we do have control of that site. By control of that we have access, egress, we're responsible for cutting the grass, we're responsible for plowing the snow to get in and out of there and importantly it is on a regular run that our roving operators will at least visit that site once a day. So it makes sense for us to try and locate that tower, number one, on the highest point that we operate control and also at a point that is on a regular scheduled stop for our operators. The site survey as I said, ninety-five percent (95%) reliability. We are going to be able to communicate. We had a site survey done by Motorola Radio Communications that has verified that. We have gone to the extent to apply for a F.C.C. license to operate the tower at that site. The tower as I said is 100 feet tall. It is a triangular shape tower. It's grounded on all three corners by a twelve (12) foot ground rod which is the manufacture's recommendation. It will have an eleven (11) foot whip antenna, as it is referred to, that will be at the top of the antenna. That weighs approximately twenty-five (25) pounds. That is the only communication device that we will be putting on this tower. There is a letter from the Town of Orchard Park Town Attorney stating that was their only wish is to have just our radio communication up on that site only. The tower as it presently sits right now is the highest point. It is a fifty (50) foot water level tank with a fifty-five foot to the very top of the dome. That is counting the very top of the arch. Our plan is to put the tower behind the tank. All that will be showing will be the top forty-five (45) feet of the radio tower. It will be low power with no guide wires. As I previously stated no guide wires or other communication devices will be on the tower.

Supervisor Kennedy: The Town Attorney told me this is a small tower. What are we talking about in size at the base?

Robert Niederpruem: Wesley Dust is Senior Distribution Engineer and he has some specifications.

Wesley Dust, Erie County Water Authority Senior Distribution Engineer: The legs are on a fifteen foot tripod. I have some photographs of the exact same tower that we have erected in Cheektowaga.

Supervisor Kennedy: Would you bring them up so the Board can take a look at them so they understand exactly what it looks like?

Wesley Dust shows the Town Board photographs of the proposed tower.

Wesley Dust: This one picture shows a microwave dish which would not be on the other one and this one is in Amherst.

Robert Niederpruem: That tower that you are looking at, there are two pictures. There is a picture of a tower at the Cheektowaga Service Center which if anyone has been to our Service Center on Union Road, it is in a residential area. The second tower is at the Ball Pumping Station which is off Sweet Home Road in Amherst. We also operate five other tower sites that are similar in design to that for our Supervisory Control and Data Acquisition System that sends the tank levels and pump station statuses back to our

REGULAR BOARD MEETING
JULY 3, 1996

TOWN HALL
7:30 P.M.

PUBLIC HEARING (CONT.):
Robert A. Niederpruem (Cont.): service center. One tower that is very close to this area is the tower on East Eden Road which is the Eden One Pump Station which is where all of the water from the Town of Boston comes from. That tower was constructed in 1989.

Wesley Dust: From a structural aspect the towers that are in that picture are generic towers because they don't design specifically for one antenna system. That 100 foot tower there would be designed to take the load of a dish antenna, microwave type antenna and ice loads and things like that. Right now the tower is an overkill for the 25 pound whip that we are going to put up there but that is the generic size of the tower and that is where we got into trouble with that sketch. What you do is that sketch is for a 300 foot tower and what they normally do is the top 100 foot would be all what we're erecting. Just to give a little more information, it's a 800 mega-hertz band. I really don't understand what that means, our radio people do. The big thing as Bob was stating is that our old system is an analog system and this is now a digital system and will be capable of transmitting data over the air waves which we feel is going to be important in the next ten years because we have been having computers and different type of machinery in the trucks going to this radio system. We really need to go to it and again it is on a site that we control and basically that is why that site was picked because it was the best site where we had control.

Councilman Wiktor: You mentioned the other day that the tower would have a wind sustaining capability of 125 plus/minus miles per hour.

Wesley Dust: That is correct.

Councilman Wiktor: And as far as ice build up?

Wesley Dust: It is designed for 1/2 inch radial ice load meaning the whole tower has 1/2 inch of ice caked around all of it's members which is a standard type load for this area.

Councilman Rood: Has any consideration been given to putting the whip on an already existing tower so you don't have to put up another tower on the hill?

Wesley Dust: To be quite honest with you we were looking at things that we have control over. To get the height that we needed, we needed 100 foot tower to get the range that we needed. That is what Motorola came up with from the site survey that they had done. In addition to the tower there is a little ten (10) by ten (10) fiberglass prefabricated structure that gets put up that has the radio repeater equipment and the battery back-up system in it too. So again, we didn't look at other sites we were just basically looking at a site we could just come in and build something.

Councilman Rood: What consideration would the Water Authority give the Town of Boston if we could come up with an alternative site meeting all the needs that you have requested?

Wesley Dust: Do you mean, would we consider another site?

Councilman Rood: Yes.

Wesley Dust: If it could meet all of our expectations, I don't see why not and if it didn't affect the survey. One thing is that we would have to reapply for a license and the only reason that we started that process was that it takes a long time to get the license and we needed to get started ahead of time before we even got the specifications put together. We would probably have to reapply for a license but I don't think that would be a major problem.

REGULAR BOARD MEETING
JULY 3, 1996

TOWN HALL
7:30 P.M.

PUBLIC HEARING (CONT.):
Councilman Rood: So you're open to the suggestion?

Wesley Dust: Yes we are open to it but we would prefer the Ward Road site only from the standpoint that we go there everyday.

Councilman Rood: What if we could give you one higher?

Town Attorney Perley: What conditions, specific specifications or requirements would you have for a site that you did not own?

Wesley Dust: We would still like to erect our own tower. If it is a higher site it may not have to be 100 foot. We would have to take a look at that. We would still have a need to put up a pre-fab fiberglass building and we would have to have a power source that we could run power in to run the system. Hopefully if there was another site, if it was someplace that was plowed and that had regular access that we could get to it *fairly readily, I don't see* that would be a major problem.

Councilman Walter: What is the approximate cost of this tower?

Wesley Dust: The tower I don't know. I haven't gotten a price on that. The budget for the whole system right now is $595,000. That is for the truck re-do. We have to change everything.

Councilman Walter: When we talked with Bob (Robert Niederpruem) the other night we said "why don't you wait until after September 17th and see if Water District #3 is created. Property would be purchased at a site in excess of two hundred (200) feet higher than the present site. You could put a whip antenna on top of the new water tower. No need for any tower whatsoever just an eleven (11) foot whip, end to end, on top of there and the small building constructed behind the tower at a savings in all probability in excess of $100,000. I would say that is a good savings to the people who draw water from the Erie County Water Authority.

Wesley Dust: I don't disagree with that.

Councilman Walter: These figures that I used sounded alright didn't they?

Wesley Dust: I think the tower is probably more in the $50,000 to $60,000 range. The timing is the issue. What we are trying to do is get this system up and running before the major leak season this winter. It is going to take a while to get everything going. Again, when would that tank be erected?

Councilman Walter: You wouldn't have to erect it on the tank. Even if you constructed a tower at that site on the rear of the property that is purchased for the new tank which has to be done rather than have this gaudy looking thing sticking up in the air. Orchard Park gave you permission, yes, because it is not in their town. It is Orchard Park's tower in the Town of Boston. We don't want a tower up there really.

Councilman Rood: As I understand it, there is already an existing tower on Cole Road that is used for the Fire Department and the Emergency Squad that has all the requirements that's needed.

Town Attorney Perley: Has anyone from the Authority had the time to inspect the Cole Road site? I gave you the coordinate sometime back, Bob (Robert Niederpruem).

Robert Niederpruem: I took a look at it on the way here tonight. Our concern is, correct me if I am wrong, if it is a fire hall it has to be public property. Is that site plowed? We are going to have to go through the expense of another Line of Site Survey which is going to cost us some more money.

REGULAR BOARD MEETING — TOWN HALL
JULY 3, 1996 — 7:30 P.M.

PUBLIC HEARING (CONT.):

Supervisor Kennedy: It would be plowed. There would always be access.

Town Attorney Perley: They have to get the fire truck out.

Councilman Walter: It is always plowed and it is private property. It is not public.

Supervisor Kennedy: We could negotiate with them somehow to provide the electricity. Right now the Emergency Squad houses their repeater inside their building so I am sure they would be responsive to that. They would want some compensation for that.

Wesley Dust: Are we suggesting that the existing tower may be capable of holding our antenna also? We would have to have somebody look at that.

Supervisor Kennedy: Well, I don't know. It would have to be examined structurally. That is just an alternative site to explore between now and our meeting in August. I can understand why you still want to pursue your own acquisition or tower. Councilman Walter has a point but the point is when I look down the road at Pete's suggestion I would rather explore existing towers because first it is an if come situation if the Water District is approved. Secondly, we haven't actually purchased the land up there yet where the tower is going to be situated. Having had that experience with attorneys, that may take a couple of months just to purchase the land and it would be winter time before we have land up there where you could house a tower.

Town Attorney Perley: I appreciate the suggestion but the time frame doesn't work.

Councilman Walter: Then we are talking Cole Road, the Patchin Fire Hall, which is privately owned by the Patchin Fire Company. I think you could come to an agreement with the company. You could construct a separate tower right in the rear.

Councilman Rood: Why can't they use the existing tower?

Councilman Walter: If they didn't want to use the existing one. The road is always plowed.

Supervisor Kennedy: If it wasn't structurally sound they would explore the soundness of the existing structure to see if it would support the whip antenna that they need first of all.

Robert Niederpruem: I think we are speculating on this tower. I had about five minutes to take a look at it. To me it looked like it had quite a bit of equipment on it. We need some experts to take a look at it and examine first of all what frequency they are operating on out there. Is there room for our facilities on it? I think if the Town would be willing to work with us on it we would be willing to take a look at it. Keep in mind this is going to cost us more money and this is something that will have to go back to our Board and tell our Board that the suggestion was made.

Supervisor Kennedy: If we are successful in providing some facility it may ultimately cost less money.

Councilman Rood: It will save you money in that you won't have to put up a tower.

Supervisor Kennedy: We just want to explore that possibility in this month's time frame and if not then we are going to have to act on your application.

PUBLIC HEARING (CONT.):
Wesley Dust: We can do that. We can take a look at it. Who owns the tower specifically?

Town Attorney Perley: Does Patchin Fire and Community Association?

Councilman Walter: That is correct.

Town Attorney Perley: Well the tower may be owned by the Town but the property is owned by the Patchin Fire Company.

Supervisor Kennedy: The tower was erected with town funds so I think probably the Patchin Fire Company gave us permission to erect the tower.

Wesley Dust: I am just trying to figure out who to call.

Councilman Walter: Why don't I take care of the situation with the Patchin Fire Company? I am a member of the company.

Wesley Dust: We have no problems taking a look. If we don't have to erect another tower that would be great. Again, for us time is of the essence and to be quite honest with you the tower is probably the long lead item in all of this so if we don't have to erect the tower that may even help us out even more.

Councilman Walter: What time do you want to look at the site?

Wesley Dust: What I would like to do is to arrange something for Monday or Tuesday.

Councilman Walter: Monday morning would be great.

Wesley Dust: We could meet up at the Fire Hall.

Councilman Walter: We could meet right there and look at the facility and see if it is capable of handling it. It is 100 feet higher isn't it?.

Supervisor Kennedy: I think it is probably that much higher than the present elevation of the Ward Road tank.

Wesley Dust: 9:30 A.M. Monday morning.

Robert Niederpruem: When you are using the term fire hall, that building just contains a garage for a truck. It is not in the conception that there are other facilities in conjunction with it?

Wesley Dust: We would probably still want to erect our own ten (10) by ten (10) fiberglass structure. As long as that would be agreeable if things work out.

Councilman Walter: In the meantime I will check with members of the Patchin Fire Company and see whether it is ok with them and we could accelerate the whole thing and if it works, fine.

Robert Niederpruem: Just one last question, does the Town have any signed agreement with the Patchin Fire Company seeing as how it is a private entity?

Town Attorney Perley: We have a contract with them. We pay them about $80,000 a year. We have an ongoing contractual relationship with all of the fire companies that are situated within the Town of Boston Fire Protection District. We don't have districts here in the sense that you might have where you live. We have a protection district. It is the whole town. There are three zones that have been established by mutual agreement among the fire companies. We contract with each one individually. We have an ongoing relationship with each company.

DDH529

REGULAR BOARD MEETING — TOWN HALL
JULY 3, 1996 — 7:30 P.M.

PUBLIC HEARING (CONT.):

Robert Niederpruem: We would be looking for the same rent free space as we would be getting at the Ward Road tank site.

Town Attorney Perley: Before we leave this however, you're aware of the determination from the Town Engineer that this is a Type 1 - Action. The current application. You have filed a Determination of Significance and I read it to be a Notice of Intent that you want to be Lead Agency based on the Full Environmental Assessment Form. Type 1-Action, in my opinion, requires coordinated review. We're an interested Agency, you're involved. I would request that if the Authority wants to be Lead Agency we can tie this up on Monday. If you want to take the position that you are applying to be Lead Agency I believe the Town of Orchard Park should be forwarded a copy of this, Erie County Department of Highways and the Erie County Department of Environment and Planning so that if we reach the point that we've got to make a decision on this project, that we've dotted the I's and crossed the T's as far as we're concerned with the SEQR process here.

Supervisor Kennedy: We received that letter from Charles Pettit (TVGA Engineering) regarding the SEQR process. It says, "we have reviewed the Full Environmental Assessment Form, including Appendix B, as prepared by Erie County Water Authority for the proposed radio tower at the Ward Road tank site. The Ward Road site is presently zoned RA, Residential-Agricultural. The Town's zoning law for RA Zoning has no height restrictions on structures. Permits for towers are granted and controlled by the Town Board using a Special Use Permit. The Erie County Water Authority tower can be classified as Type 1-Action which includes the following: Any structures exceeding 100 feet above original ground level in a locality without any zoning regulation pertaining to height. The Full EAF along with attachments call for one hundred (100) foot tower mounted on concrete piers. In all likelihood the total height will slightly exceed 112 feet from the ground surface (Foundation + Tower + Whip Antenna). Since the height is not regulated by zoning, this makes the project a Type 1-Action. The Town Board would be the Lead Agency since it issues "Special Use Permits" under the Zoning Law. In lieu of the Erie County Water Authority submitting an Environmental Impact Statement (EIS), I requested the Full EAF,plus Appendix "B" for evaluation, because the tower was submitted as 100 feet. After a conservation with ECWA personnel, it is apparent the total height will exceed the SEQR stated height. The proposed project will have no adverse environmental impacts to the lands or area. There is a visual impact because the tower will extend above the tree tops of the area. It should not be noticeable from passing motorists on Ward Road because it will be located more then 300 feet from Ward Road, however it will be visual to the immediate neighbors. The only one structure located within the fall zone of the tower is the existing ECWA water storage tank". It is signed Charles R. Pettit.

Town Attorney Perley: It is obviously the Engineer's recommendation. Monday morning we will have to sort out whether or not the Engineer should be followed and we should seek Lead Agency Status because it is on the boundary of our town or you should seek Lead Agency, have a coordinated review, and try to reach an agreement and if you are going to double track this to keep this project on your time frame so that the Board can vote in a timely manner whichever way they're going to vote. At least they will vote in a timely manner. So just put that in the back of your mind that we should talk Monday morning and decide how we are going to handel this.

Wesley Dust: So we will just proceed along two lines at the same time. Ok, that is what we will plan on doing.

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REGULAR BOARD MEETING — TOWN HALL
JULY 3, 1996 — 7:30 P.M.

PUBLIC HEARING (CONT.):
Marjorie Vega, 7173 Ward Road: I am glad to hear that there may be an alternative site and I am also glad to here that it is not going to be 320 feet tall. We were also concerned about the radio frequency radiation. Some people say it exists, some people say it doesn't. Our driveway and our garage is parallel right next to the water tower road which isn't plowed every day in the winter. Sometimes it is not plowed for a week. I also don't believe that there is somebody up there every day checking it. I can see if they pull in or out. My dog is a very good watch dog. She lets me know the minute anybody pulls back into that area. At this time I don't think there is someone up there checking it every single day. It would be an eyesore. The water tower is bad enough but it is green and the trees are getting taller now so it is not quite so bad. I am also a volunteer fire person and first aid. When they constructed the whip antenna that have now on the water tower which was a few years back, ever since then whenever I walk outside with my fire radio, it sets it off. It doesn't actually set off the tone but it sets that off. I think it has also affected our TV reception and whatever. So I am just wondering how much more this will affect things. I am hoping that another site can be found. It is going to be right in my back yard. My parents have owned the land and when they first moved up there that was the only structure on that end of Ward between Cole and Sheriff. It is getting fairly built up and I really don't want a tower in my back yard.

DDH529

Mark Armbrust, 7340 Ward Road: I live across the street from this water tank. I am opposed to construction of the water tower. I think the Water Authority can find an alternative site. I think it is going to be an aesthetic eyesore for us and our neighbors.

Paul Sawicki, Boston Conservation Advisory Council: I am opposed to the construction of the tower. I feel that another tower would be unsightly especially on such a beautiful hill as the East Hill. There is an alternative site which I do hope the Water Authority will investigate.

A motion was made by Councilman Wiktor and seconded by Councilman Rood to close the Public Hearing at 9:23 P.M.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to table the Erie County Water Authority Special Use Permit request for a Vehicle Radio System Tower on Ward Road until the August 7, 1996 Town Board Meeting.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to approve the corrections to General Fund Abstracts as follows:
Abstract #6, June 6, 1996 Voucher #459 Boston Town Band
From H7550.4 to A7550.4

Abstract #6A, June 19, 1996 Voucher #499 ENY Correction Facility
From H1620.2 to H7110.2

Voucher #488 Delete
Abstract #6A Total From $48,571.30 to $48,509.67

five (5) Ayes — Carried

A motion was made Councilman Wiktor by and seconded by Councilman Davenport to grant Cheryl L. Sparcino, 6857 Boston Cross Road use of the South Boston Park on July 7, 1996 for a Birthday Party. No alcohol will be served.

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
JULY 3, 1996 — 7:30 P.M.

RESOLUTION 1996 - 16 STOP DWI PROGRAM

RESOLUTION 1996 - 17 AUTHORIZATION FOR SALT STORAGE BARN CONTRACT

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to refer to the Planning Board the Building Permit Application of the North Boston Mobil Station on behalf of the Mobil Oil Corporation.

five (5) Ayes — Carried

RESOLUTION 1996 - 18 ORDER ESTABLISHING EXTENSION TO WATER DISTRICT NO.1

The following bids were received and publicly opened on July 1, 1996 at 2:00 P.M. for:

Lower Crestwood Circle Water Storage Tank:

Engineer's Estimate	$484,500.00	
Natgun Corporation	$525,640.00	Bid Bond/Non-Collusive Certificate
Preload Inc.	$537,580.00	Bid Bond/Non-Collusive Certificate

Supervisor Kennedy: Charles Pettit from TVGA Engineering indicated this was a favorable bid on the tank and asked if there was anyway that we could lock this bidder in. It is my understanding that we could withhold action on the tank bid until the August Town Board meeting awaiting a commitment from the lowest bidder that they would be willing to extend the time element of the contract until late January or early February of 1997. If the low bidder was willing to provide an extension of his bid, the Board could act on it if they so desire at the August Meeting which would give them an opportunity to review it.

The following bids were received for the Chestnut Ridge Road, Omphalius Road and Liebler Road Waterlines:

Engineer's Estimate	$360,000.00	
Butler Const.	$616,039.00	Bid Bond/Non-Collusive Certificate
Dorsch Const.	$822,946.50	Bid Bond/Non-Collusive Certificate
Fairway Const.	$582,347.21	Bid Bond/Non-Collusive Certificate
Lucian Visone,Jr.	$794,882.60	Bid Bond/Non-Collusive Certificate

Supervisor Kennedy: Each Town Board member has a packet from TVGA Engineering and I am sure you will all want to review it to see where the differences occurred in the Engineer's estimate and what was bid. I am sure one factor was an unfavorable time to go to bid. The low bid exceeded what we projected as the cost for constructions. The tank bid was in line when you consider the $20,000 or more appurtenances that were added to the tank to conform with the wishes of the Erie County Water Authority. The pump station and the waterline construction, with the exception of the Liebler, and Omphalius Road extensions, far exceeded the Engineer's estimate.

Town Attorney Perley: The project of the Increase of Facilities cannot be funded in an amount in excess of that which was disclosed at the Public Hearing. Since this project would exceed the maximum amount to be expended as set forth in our notice for Public Hearing and as adopted in our order approving the Increase in Facilities it is necessary for the Board to hold a second Public Hearing increasing the maximum amount to be extended and to take public comment on that issue. You don't have to take public comment on the issue of the other areas for Increase of Facilities whether or not it is in the public interest or etc. To take comment on that issue and then adopt an Order that would allow this project to be re-bid potentially to those bidders, unless we could reach an independent agreement with favorable bidders and to re-bid the project. So you are looking at a time frame in order to move this project of, earliest case, if we started tonight, being able to

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TOWN OF BOSTON

TOWN OF BOSTON

RESOLUTION 1996-16

STOP DWI GRANT PROGRAM

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 3rd day of July 1996 at 7:30 P.M. Eastern Standard Time, there were:

Present:	Richard L. Kennedy	Supervisor
	Josephine M. Davenport	Councilman
	Lisa M. Rood	Councilman
	Peter A. Walter	Councilman
	Damian P. Wiktor	Councilman

Councilman Rood 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, 1996 through December 31, 1996.

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

Supervisor Kennedy	**Voting**	**Aye**
Councilman Davenport	**Voting**	**Aye**
Councilman Rood	**Voting**	**Aye**
Councilman Walter	**Voting**	**Aye**
Councilman Wiktor	**Voting**	**Aye**

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

David J. Shenk

DAVID J. SHENK, TOWN CLERK

TOWN OF BOSTON

TOWN OF BOSTON

RESOLUTION 1996-17

APPENDIX D

NONPOINT SOURCE POLLUTION ABATEMENT AND CONTROL PROJECT
SALT STORAGE BARN 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 3rd day of July 1996 at 7:30 P.M. Eastern Standard Time, there were:

Present:	Richard L. Kennedy	Supervisor
	Josephine M. Davenport	Councilman
	Lisa M. Rood	Councilman
	Peter A. Walter	Councilman
	Damian P. Wiktor	Councilman

Councilman Wiktor presented the following resolution and moved its adoption:

RESOLUTION

Resolution authorizing the making of an application and the signing of a State contract for a nonpoint source pollution abatement and control project under the appropriate laws of the State of New York and the United States of America.

WHEREAS, THE TOWN OF BOSTON, herein called the "Project Sponsor", has determined that it is has the legal status necessary to enter into a State Contract and that certain work, as described in the State Contract, herein called the "Project", is desirable and in the public interest; and

WHEREAS, under Article 17, Title 14, Section 17-1409 of the Environmental Conservation Law (ECL), the State is authorized to make financial assistance available to Project Sponsors, by means of a written agreement, for Projects to abate and control nonpoint source water pollution; and

WHEREAS, the Project Sponsor has examined and duly considered Article 17, Title 14, Section 17-1409 of the ECL and deems it to be in the public interest and benefit under this law to enter into a contract therewith;

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

1. That **RICHARD L. KENNEDY** is authorized as the official representative to act in connection with any contracts between the Project Sponsor and the State and directed to provide such additional information as may be required;

2. That the Project Sponsor agrees that it will fund its portion of the cost of the Project;

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

4. That this Resolution take effect immediately.

TOWN OF BOSTON

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

Supervisor Kennedy	Voting Aye
Councilman Davenport	Voting Aye
Councilman Rood	Voting Aye
Councilman Walter	Voting Aye
Councilman Wiktor	Voting Aye

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

David J. Shenk

DAVID J. SHENK, TOWN CLERK

At a regular meting of the Town Board of the Town of Boston, in the County of Erie, State of New York, held at the Boston Town Hall, in the Town of Boston on the 3rd day of July, 1996

PRESENT: Richard L. Kennedy, Supervisor
Lisa M. Rood, Councilman
Damian P. Wiktor, Councilman
Peter A. Walter, Councilman
Josephine M. Davenport, Councilman

In the Matter :

of the : ORDER ESTABLISHING EXTENSION TO WATER DISTRICT NO. 1

Establishment of the Chestnut Ridge/Omphalius/ Liebler Road Extension No. 1 to the Town of Boston Water District No. 1 pursuant to Article 12 of the Town Law :

RESOLUTION 1996 - 18

WHEREAS, a Petition for the Creation of an extension to Water District No. 1 be known as the "Chestnut Ridge/Omphalius/Lieber Road Extension No. 1 to Water District No. 1" in the Town of Boston, Erie, New York being dated the 25th day of April, 1996 was duly presented to this Town Board together with the necessary map and plan dated May, 1996, and

WHEREAS an Order was duly adopted by the Town Board of the Town of Boston on the 1st day of May, 1996 reciting the filing of said Petition, the improvements proposed, the boundaries of the proposed district and the estimated expense thereof and specifying June 5, 1996 at 8:00 P.M.. Prevailing Time at the said Town Hall in the Town of Boston as the place where said Board will meet to consider the Petition and hear all persons interested in the subject thereof, concerning the same; and

WHEREAS, such Order was duly posted and published as required by law and,

WHEREAS, a hearing in the matter was duly held by the Town Board of the Town of Boston on the 5th day of June, 1996 commencing at 8:00 p.m., prevailing time in the Town Hall of the Town of Boston where at all person desiring to be heard and having been duly heard including the petitioners and persons and various other persons speaking in favor of the establishment of the proposed district,

NOW, THEREFORE, upon the evidence given at such public hearing and upon the Motion of **Councilman Wiktor** duly seconded by **Councilman Rood** and unanimously adopted, it is

RESOLVED AND DETERMINED, that the Petition aforesaid is:

A. signed and acknowledged or approved as required by law and duly complies with the requirements of §191 of the Town Law with respect to the required number of signers and is otherwise sufficient;

B that all the property and property owners within the proposed district are benefited thereby;

C. that all the property and property owners are included within the limits of the proposed districts; and

D. it is in the public interest to grant in whole the relief sought and it is further resolved and determined that the establishment of the Water District as proposed in said Petition; with the approvement therein mentioned by constructed and the service therein mentioned by provided for upon the required funds being made available and provided for and that such extension shall be designated and known as the Chestnut Ridge/Omphalius/Liebler Road Extension No. I to Water

District No.1 and shall be bounded and described on Exhibit A attached hereto and made a part hereof; and

IT IS FURTHER RESOLVED AND DETERMINED that the property herein above described, comprising the said Chestnut Ridge/Omphalius/Liebler Road Extension No. 1 to Water District No. 1 is part of the common system of mains and water service and that each area described in said Extension is contiguous to the existing Water District No. 1 and is served by the common main, pump station, tanks and other facilities of said District; and

IT IS FURTHER RESOLVED AND DETERMINED that the proposed improvement including the costs of rights of way, construction costs, legal fees and other expenses shall be financed by the issuance of Serial Bonds in the amount of $69,500.00 and the assessment, levy and collection of the special assessments from the several lots and parcels of land within the said Extension on the basis of their assessed valuation, to pay the principal and interest on said bonds as same shall become due and payable; and

IT IS FURTHER RESOLVED AND DETERMINED that the Town Clerk of the Town of Boston shall within 10 days after the adoption of this resolution file certified copies thereof in duplicate in the office of the State Department of Audit and Control in Albany, New York; and

IT IS FURTHER RESOLVED AND DETERMINED that the Town of Boston has 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 of the Town of Boston, and the Town Board has heretofore issued a Declaration of Non-Significance with respect to the project, which said Negative Declaration has been duly filed in the Office of the Town Clerk of the Town of Boston, New York, and

IT IS FURTHER RESOLVED AND DETERMINED that no application for permission of the State Comptroller to create said District is required pursuant to §193 of the Town Law as the State Comptroller's Office has previously hereto determined that the cost of said improvement for a typical property does not exceed the average estimated cost as established by the Office of the Comptroller of the State of New York.

Richard L. Kennedy - Supervisor

Lisa M. Rood Councilman

Damian P. Wiktor - Councilman

Peter A. Walter - Councilman

Josephine Davenport - Councilman

[SEAL]

Members of the Town Board
of the Town of Boston

David J. Shenk - Town Clerk

TOWN OF BOSTON
WATER DISTRICT NO. 1 EXTENSION

All that tract or parcel of land, situate in the Town of Boston, County of Erie, State of New York, being part of Lots 14 and 22, Township 8, Range 7 of the Holland Land Company's Survey and being more particularly bounded and described as follows:

Beginning at a point in the centerline of Chestnut Ridge Road, said point being the northeast corner of lands now or formerly owned by Joseph Skupien (S.B.L. 211.00-4-19).

thence southerly along the said centerline of Chestnut Ridge Road, a distance of about one hundred thirty feet (130'±) to the northwest corner of lands now or formerly owned by Eugene and Dawn Overfield (S.B.L. 212.00-4-2);

thence easterly along the north line of said lands of Overfield, a distance of about five hundred feet (500'±) to the northeast corner of said lands of Overfield;

thence southerly along the east line of said lands of Overfield, a distance of about three hundred twenty feet (320'±) to the southeast corner of said lands of Overfield; said point being in the north line of lands now or formerly owned by Kurt Sedlmeier (S.B.L. 227.00-1-5.1);

thence easterly along the said north line of lands of Sedlmeier, a distance of about one thousand four hundred thirty feet (1430'±) to the northeast corner of said lands of Sedlmeier;

thence southerly along the various courses of the east line of said lands of Sedlmeier, a distance of about nine hundred feet (900'±) to the southeast corner of said lands of Sedlmeier;

thence westerly along the south line of said lands of Sedlmeier, a distance of about five hundred eighty feet (580'±) to the northeast corner of lands now or formerly owned by Kurt Sedlmeier (S.B.L. 227.00-1-2.111);

thence southerly along the east line of said lands of Sedlmeier and continuing southerly along the east line of lands now or formerly owned by James and Carol Dutchman (S.B.L. 227.00-1-2.112), a distance of about eight hundred thirteen feet (813'±) to the southeast corner of said lands of Dutchman;

thence westerly along the south line of said lands of Dutchman, a distance of about six hundred thirty-one feet (631'±) to the southwest corner of said lands of Dutchman;

thence northerly along the west line of said lands of Dutchman and continuing northerly along the various courses of the east line of lands now or formerly owned by Niagara Mohawk Power Corporation (S.B.L. 226.02-6-14), a distance of about one thousand sixty-seven feet (1067'±) to the southeast corner of a permanent easement to New York State Department of Transportation for Highway purposes Map 87R-1, P.103;

thence westerly along various courses of the south line of said easement, a distance of about one hundred sixty-seven feet (167'±) to the southwest corner of said easement; said point being on the west line of said lands of Niagara Mohawk Power Corporation and on the east line of the Town of Boston Water District No. 1;

thence northerly along the west line of said lands of Niagara Mohawk Power Corporation and the east line of the Town of Boston Water District No. 1, a distance of about one hundred fifty feet (150'±) to the northwest corner of said easement;

EXHIBIT "A"

thence easterly along the north line of said easement, seventy-six feet (76'±) to the northeast corner of said easement;

thence northerly along the east line of said lands of Niagara Mohawk Power Corporation , a distance of one hundred thirty feet (130'±) to the north line of Lot 14, T8, R7;

thence easterly along the said north line of Lot 14 and along the north line of lands now or formerly owned by Peter and Paul Stumpf (S.B.L. 226.02-6-15) a distance of about four hundred thirty feet (430'±) to the southwest corner of lands now or formerly owned by Kenneth and Yvonne Wallace (S.B.L. 211.00-4-21);

thence northerly along the west line of said lands of Wallace and continuing northerly along the west line of lands now or formerly owned by Judith I. Wolf (S.B.L. 211.00-4-20) and the west line of said lands of Skupien a distance of about four hundred feet (400'±) to the northwest corner of said lands of Skupien;

thence easterly along the north line of said lands of Skupien, a distance of about seven hundred thirty feet (730'±) to the point or place of beginning.

ALSO

All that tract or parcel of land situate in the Town of Boston, County of Erie, State of New York, being part of Lot 14, Township 8, Range 7 and being more particularly bounded and described as follows:

Beginning at a point in the centerline of Omphalius Road on the east line of the Town of Boston Water District No. 1 at the northwest corner of lands now or formerly owned by Larry Rozborski (S.B.L. 226.02-7-3.1);

thence easterly along the centerline of Omphalius Road, a distance of about one thousand twenty-seven feet (1027'±) to the northeast corner of lands now or formerly owned by Ruth Musser (S.B.L. 227.00-6-6.1);

thence southerly along the various courses of the east lines of said lands of Musser, a distance of about three hundred fifteen feet (315'±) to a point on the north line of said lands of Musser;

thence easterly along the said north fine of lands of Musser, a distance of about two hundred feet (200'±) to a point on the east line of said lands of Musser;

thence southerly along the said east line of lands of Musser, and continuing southerly through the said lands of Musser, a distance of about eight hundred feet (800'±) to a point on the south line of said lands of Musser, said point being about four hundred fifty feet (450'±) east of the southwest corner of said lands of Musser;

thence westerly along the south line of said lands of Musser a distance of about four hundred fifty feet (450'±) to the southwest corner of said lands of Musser;

thence northerly along the various courses of the west lines of said lands of Musser a distance of about four hundred sixty and no hundredths feet (460'±) to a point;

thence southwesterly along the south line of said lands of Musser, a distance of about one twenty-six feet (126'±) to the southeast corner of lands now or formerly owned by Lawrence M. Rozborski and wife (S.B.L. 26.02-7-03.31);

thence westerly along the various courses of the south line of said lands of Rozborski and continuing westerly along the south line of lands now or formerly owned by Lawrence M. Rozborski and wife (S.B.L.

226.02-7-3.2) and said lands now or formerly owned by Larry Rozborski (S.B.L. 226.02-7-3.1); a distance of about five hundred twenty-three feet (523'±) to the southwest corner of said lands of Larry Rozborski;

thence northerly along the west line of said lands of Rozborski and the east line of the Town of Boston Water District No. 1, a distance of about four hundred twenty feet (420'±) to the point or place of beginning.

ALSO

All that tract or parcel of land situate in the Town of Boston, County of Erie, State of New York, being part of Lot 13, Township 8, Range 7, and being more particularly described as follows:

Beginning in the northwest corner of lands now or formerly owned by Wallace and Debra Salter (S.B.L. 227.00-5-20); said point being on the east line of lands now or formerly owned by Niagara Mohawk Power Corporation (S.B.L. 227.00-5-26);

thence easterly along the various courses of the north lines of said lands of Salter, a distance of about one thousand nine hundred twenty-five feet (1925'±) to the northeast corner of said lands of Salter;

thence southerly along the east line of said lands of Salter, a distance of about eight hundred feet (800'±) to the southeast corner of said lands of Salter;

thence westerly along the various courses of the south lines of said lands of Salter,a distance of about eight hundred forty-six feet (846'±) to the northeast corner of lands now or formerly owned by Ronald and Audrey R. Hillman (S.B.L. 227.00-5-16);

thence southerly along the east line of said lands of Hillman and continuing southerly along the east line of lands now or formerly owned by Chester and Pat Rosinski (S.B.L.. 227.00-5-33), a distance of about seven hundred ninety-eight feet (798'±) to the southeast corner of said lands of Rosinski;

thence westerly along the south line of said lands of Rosinski and continuing westerly along the south line of lands now or formerly owned by Donna Wolecki (S.B.L. 227.00-5-31 & S.B.L. 227.00-5-32), a distance of about five hundred feet (500'±) to the southwest corner of said lands of Wolecki;

thence northerly along the west line of said lands of Wolecki a distance of about two hundred eighty-four feet (284'±) to the south line of Leibler Road;

thence westerly along the south line of Liebler Road, a distance of about ninety-one feet (91'±) to a point on the west line of said Niagara Mohawk Power Corporation lands and east line of the Town of Boston Water District No. 1;

thence northerly along the west line of said lands of Niagara Mohawk Power Corporation and the east line of said Town of Boston Water District No. 1, a distance of about sixty-six feet (66'±) to a point on the north line of Leibler Road;

thence easterly along the north line of Liebler Road, a distance of about eighty feet (80'±) to the southwest corner of said lands of Salter;

thence northerly along the various courses of the west line of said lands of Salter and the east line of said lands of Niagara Mohawk Power Corporation, a distance of about one thousand feet (1000'±) to the point or place of beginning.

2/c:Surv-desc/960053

TOWN OF BOSTON

RESOLUTION 1996-19

SENIOR CITIZEN CAPITAL PROJECT FUND

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 July 1996 at 7:30 P.M. Eastern Standard Time, there were:

Present:	Richard L. Kennedy	Supervisor
	Josephine M. Davenport	Councilman
	Lisa M. Rood	Councilman
	Peter A. Walter	Councilman
	Damian P. Wiktor	Councilman

Councilman Walter presented the following resolution and moved its adoption:

NOW THEREFORE:

BE IT RESOLVED, that the Town Board of Boston hereby authorizes the bookkeeper to officially close out the Capital Project Fund for the Senior Citizen Addition Project (addendum to the Town Hall) and transfer the remaining funds, which amount to $189.54, to the General Fund.

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

Supervisor Kennedy	**Voting Aye**
Councilman Davenport	**Voting Aye**
Councilman Rood	**Voting Aye**
Councilman Walter	**Voting Aye**
Councilman Wiktor	**Voting Aye**

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

David J. Shenk

DAVID J. SHENK, TOWN CLERK

Town Attorney Perley (Cont.): collect bids commencing somewhere around October 15th. It is the Engineer's opinion that the project has to be looked at and that we have to look at modifications and perhaps reapportionment of the work and this matter should be under study for a period of time. Further it doesn't seem to be in the Town's best interest at the moment to reject the bids but rather to determine whether or not there are some bids they wish to enter into independent agreements on if that is possible.

Supervisor Kennedy: Some items could be deleted from the bid package as it was originally submitted. We could independently do the Trevett Road Creek Crossing which we are going to have to do before adverse weather anyway. The construction of the roadway could be done by highway personnel because those bids were very high. The bid package would have to be evaluated because contractors often put a heavy emphasis on the first money they draw and if they bid that portion high and that was completed they would be eligible to draw that much of the bid monies. Normally they don't subtract that portion of the bids.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to table taking action on the Water District No. 1 Pump Station, Tank and Trevett Road Creek Crossing construction project until the August 7, 1996 Town Board Meeting.

five (5) Ayes Carried

A motion was made by Councilman Rood and seconded by Councilman Davenport to authorize Town Clerk Shenk to issue a license for the operation of a Mobile Home Park to the Boston Hills Homes and Estates and a 90 day temporary license to Sprague Mobile Home Park to correct the violations cited during the Town Board inspection.

five (5) Ayes Carried

Supervisor Kennedy directed Town Clerk Shenk to send Richard Boyd of Sprague Mobile Home Park a list of violations and recommendations for the Mobile Home Park and to schedule a second inspection for October 5, 1996 at 10:00 A.M..

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to schedule a Special Town Board Meeting for July 8, 1996 at 4:00 P.M. to Adopt an Order to Establish Water District #3.

five (5) Ayes Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter to authorize Supervisor Kennedy to sign the F.C.C. renewal Radio License Application.

five (5) Ayes Carried

A motion was made by Councilman Walter and seconded by Councilman Wiktor to refer to the Planning Board rezoning requests from Ranco Equipment - 7380 Boston State Road, Angelo DeGuili - 9467 Boston State Road, and Patrick Burke - 7281 Boston State Road.

five (5) Ayes Carried

RESOLUTION 1996 - 19 SENIOR CITIZEN CAPITAL PROJECT FUND

A motion was made by Councilman Davenport and seconded by Councilman Wiktor, on the recommendation of Recreation Director O'Brien, to appoint the following for employment with the Summer Recreation program, term effective immediately to 8/31/96:

Sara Langer	Rec Attendant	$4.35
Julie Ehlers	Rec Attendant	$4.35

five (5) Ayes Carried

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REGULAR BOARD MEETING — TOWN HALL
JULY 3, 1996 — 7:30 P.M.

SUPERVISOR REPORT

A) Supervisor monthly report for June 1996 was received and is on file in the Clerk's Office.

A motion was made by Councilman Rood and seconded by Councilman Wiktor to approve Jensen's Tree Service bill for the clearing of trees at the Water District #1 Tank site on Lower Crestwood Circle for $425.00.

five (5) Ayes — Carried

The Town Board met with Gus Palmisano, General Manager of Adelphia Cable Communications regarding the scheduled increase in cable rates.

TOWN CLERK REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to accept the Monthly Registrar of Vital Statistics Report for June 1996.

five (5) Ayes — Carried

TOWN ATTORNEY REPORT

Town Attorney Perley reported that due to an unfavorable response from the Federal Government, the Bond Counsel is reviewing options for possible private financing through a serial bond issue. When a determination is reached from ECWA as to the rate structure and upon notification that water is available, the process will begin with the State Comptroller office.

COUNCILMAN REPORT

Councilman Rood noted Congressman Jack Quinn will look into funding through the RACD.

Councilman Wiktor announced July 13, 1996 will be the Councilman Office Hours in the Town Hall Planning Board Room from 9:00 A.M. to 11:00 A.M..

Councilman Wiktor, in referencing that tomorrow is the 4th of July, hopes all of us take a moment to reflect on all of the veterans who have served and have given themselves so that we can enjoy the freedoms we have, especially the service people who are serving today in Bosnia, Saudi Arabia and those other areas who cannot enjoy the things that we will tomorrow.

Councilman Walter reported that on July 21, 1996 he was at 7748 Zimmerman Road investigating decomposing leaves which were thought to be a oil slick. Problems on Kevin, Abbott, Ripple, Eckhardt, and Northside Drive were also investigated. Worst of all was Meadow Drive. Runoff from Chestnut Ridge Road ends up in a ditch on Meadow Drive. To alleviate this situation the ditch has to be cleaned. Councilman Walter feels the ditch is the responsibility of the town and requested monies not to exceed $1,200 to clean the ditch.

Supervisor Kennedy noted the Highway Superintendent was authorized to increase culvert sizes that were inadvertently installed that were too small to accommodate the water. The first step would be to acquire easements from the property owners. The Highway Department can clean the ditches if it affects the roadways.

Councilman Walter commented that this should be done but at the present time the residents are concerned with four feet of water in their basements.

REGULAR BOARD MEETING — TOWN HALL
JULY 3, 1996 — 7:30 P.M.

COUNCILMAN REPORT (CONT):

Supervisor Kennedy noted there may be a problem in the future if a precedent is started by cleaning ditches on private property. Normal procedure is to create a drainage district in the area and those people pay for it not the people all over the community. The Town Attorney can prepare easements for the residents to sign allowing the Town to clean ditches on private property.

A motion was made by Councilman Walter and seconded by Councilman Davenport to grant the Drainage Committee, monies not to exceed $1,200 to alleviate flood problems on the northside of Meadow Drive contingent on easements being obtained from all parties concerned.

Councilman Rood	Voting Nay
Councilman Davenport	Voting Aye
Councilman Walter	Voting Aye
Councilman Wiktor	Voting Nay
Supervisor Kennedy	Voting Nay

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

Councilman Rood commented that she would be willing for the easements but she doesn't think it is the Town's responsibility to spend town money on private ditches.

Supervisor Kennedy commented that easements should be obtained before money is appropriated. There is $1,000 in the Drainage Budget that can be utilized for drainage work on private land and he will authorize the expenditure of the monies if easements are obtained.

A motion was made by Supervisor Kennedy and seconded by Councilman Rood, on the recommendation of Town Attorney Perley, to notify the State of New York Department of Transportation that a drainage situation has been created on the northside of Meadow Drive due to an improperly designed, engineered and constructed road.

five (5) Ayes — Carried

Councilman Davenport referred to Supervisor Kennedy the specifications for a bike rack supplied by Dr. Greg Gibbs, Principal of the Boston Valley School.

CODE ENFORCEMENT OFFICERS REPORT

A) Code enforcement Officer monthly report for June 1996 was received and on file in the Clerk's Office.

Deputy Code enforcement Officer monthly report for June 1996 was received and on file in the Clerk's Office.

Supervisor Kennedy read a Memo and inventory of structures and materials situated on the property of Glenn McKillen at Rice & Zimmerman Roads from Deputy Code Enforcement Officer Lisowski. It is the recommendation of the Deputy Code Enforcement Officer that the buildings are unsafe within the meaning of Town Code, Section 47-2 and requests the Town Board to direct a Notice to the Owner to remedy this situation and remove all associated debris no later than August 15, 1996.

Town Attorney Perley gave a brief history of previous violations on the McKillen property and noted if the situation is not remedied there are sections of Town Law which allow the Town Board, after a Hearing, to declare certain structures and buildings unsafe and to arrange for private demolition of the property and to levy the cost on the taxpayers bill. To begin the process the owner must be notified by registered mail and a notice posted on the property. When the situation is assessed further, it can be discussed exactly

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REGULAR BOARD MEETING — TOWN HALL
JULY 3, 1996 — 7:30 P.M.

CODE ENFORCEMENT OFFICERS REPORT (CONT):
Town Attorney Perley (Cont): how far the Town Board's jurisdiction goes in regard to unsafe buildings as opposed to the jurisdiction of the Town Board sitting also as a local Board of Health. Under the Public Health Law the Town Board can convene itself as a local Board of Health and make independent determinations as to such other matters which don't fall within Section 47 of Town Code.

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to direct Town Clerk Shenk, on the recommendation of Deputy Code Enforcement Officer Lisowski, to serve notice by registered mail to Glenn McKillen that a determination has been made that his property at Rice and Zimmerman Roads is unsafe within the meaning of Section 47-2 of Town Code and he is requested to review these violations at a Public Hearing before the Town Board on August 7, 1996 at 7:00 P.M..

five (5) Ayes — Carried

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officer monthly report for June 1996 was received and on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for June 1996 was received and on file in the Clerk's Office.

A motion was made by Councilman Rood and seconded by Supervisor Kennedy to adjourn the meeting at 10:33 P.M..

David J. Shenk
DAVID J. SHENK, TOWN CLERK

EXTRACT OF MINUTES

Meeting of the Town Board of the Town of Boston

in the County of Erie, New York

July 8, 1996

* * *

A special 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 July 8, 1996, at 4:00 o'clock P.M. (Prevailing Time).

There were present: Hon. Richard L. Kennedy, Supervisor; and

Councilpersons: Lisa M. Rood
Damian P. Wiktor
Peter A. Walter
Josephine M. Davenport

There were absent: None

RESOLUTION 1996 - 20

Also present: David J. Shenk, Town Clerk

* * *

Councilman Walter offered the following resolution and moved its adoption:

RESOLUTION OF THE TOWN OF BOSTON, NEW YORK, ADOPTED JULY 8, 1996, APPROVING THE ESTABLISHMENT OF EAST HILL WATER DISTRICT NO. 3, 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 Nussbaumer & Clarke, Inc., competent engineers duly licensed by the State of New York, to prepare a general map, plan and report relating to the proposed establishment of East Hill Water District No. 3, in the Town (herein called "District"), including the construction of a water system therein, consisting of the consisting of the installation of a pump station, water storage tank, approximately 2,800 linear feet of 10-inch diameter PVC waterline and approximately 66,000 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 adopted Orders on December 20, 1995 and May 1, 1996, reciting a description of the boundaries of the establishment of 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 District, the proposed method of financing to be employed, 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 January 11, 1996, at 7:00 o'clock P.M. (Prevailing Time) and May 22, 1996, at 7:00 o'clock P.M. (Prevailing Time) as the times when, and the Town Hall, in the Town, as the place where, the Town Board would meet to consider the establishment of 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 Orders were duly published, posted and filed pursuant to the provisions of Article 12-A of the Town Law; and

WHEREAS, Public Hearings on the matter were duly held by said Town Board on the 11th day of January, 1996 and the 22nd day of May, 1996, both 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 establishment of the District; 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;

NOW, THEREFORE, upon the evidence adduced at such Public Hearings 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 Notices of Public Hearing were published, posted and filed as required by Law, and are otherwise sufficient;

(b) all the property and property owners included within the proposed establishment of 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 establishment of the District; and

(d) it is in the public interest to establish the District.

Section 2. The establishment of the District is hereby approved, and said District shall be designated and known as East Hill Water District No. 3, in the Town of Boston, and shall be bounded and described as follows:

(INSERT DESCRIPTION OF DISTRICT)

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.

Excepting therefrom the following described property to the extent that same encroaches within the boundaries hereinabove described:

All that tract or parcel of land, situate in the Town of Boston, County of Erie, State of New York, being part of Lots 14 and 22, Township 8, Range 7 of the Holland Land Company's Survey and being more particularly bounded and described as follows:

Beginning at a point in the centerline of Chestnut Ridge Road, said point being the northeast corner of lands now or formerly owned by Joseph Skuplen (211.00-4-19).

thence southerly along the said centerline of Chestnut Ridge Road, a distance of about one hundred thirty feet (130'±) to the northwest corner of lands now or formerly owned by Eugene and Dawn Overfield (212.00-4-2);

thence easterly along the north line of said lands of Overfield, a distance of about five hundred feet (500'±) to the northeast corner of said lands of Overfield;

thence southerly along the east line of said lands of Overfield, a distance of about three hundred twenty feet (320'±) to the southeast corner of said lands of Overfield; said point being in the north line of lands now or formerly owned by Kurt Sedlmeier (227.00-1-5.1);

thence easterly along the said north line of lands of Sedlmeier, a distance of about one thousand four hundred thirty feet (1430'±) to the northeast corner of said lands of Sedlmeier;

thence southerly along the various courses of the east line of said lands of Sedlmeier, a distance of about nine hundred feet (900'±) to the southeast corner of said lands of Sedlmeier;

thence westerly along the south line of said lands of Sedlmeier, a distance of about five hundred eighty feet (580'±) to the northeast corner of lands now or formerly owned by Kurt Sedlmeier (227.00-1-2.111);

thence southerly along the east line of said lands of Sedlmeier and continuing southerly along the east line of lands now or formerly owned by James and Carol Dutchman (227.00-1-2.112), a distance of about eight hundred thirteen feet (813'±) to the southeast corner of said lands of Dutchman;

thence westerly along the south line of said lands of Dutchman, a distance of about six hundred thirty-one feet (631'±) to the southwest corner of said lands of Dutchman;

thence northerly along the west line of said lands of Dutchman and continuing northerly along the various courses of the east line of lands now or formerly owned by Niagara Mohawk Power Corporation (226.02-6-14), a distance of about one thousand sixty-seven feet (1067'±) to the southeast corner of a permanent easement to New York State Department of Transportation for Highway purposes Map 87R-1, P.103;

thence westerly along various courses of the south line of said easement, a distance of about one hundred sixty-seven feet (167'±) to the southwest corner of said easement; said point being on the west line of said lands of Niagara Mohawk Power Corporation and on the east line of the Town of Boston Water District No. 1;

thence northerly along the west line of said lands of Niagara Mohawk Power Corporation and the east line of the Town of Boston Water District No. 1, a distance of about one hundred fifty feet (150'±) to the northwest corner of said easement;

thence easterly along the north line of said easement, seventy-six feet (76'±) to the northeast corner of said easement;

(CON'T)

thence northerly along the west line of said lands of Rozborski and the east line of the Town of Boston Water District No. 1, a distance of about four hundred twenty feet (420'±) to the point or place of beginning.

ALSO

All that tract or parcel of land situate in the Town of Boston, County of Erie, State of New York, being part of Lot 13, Township 8, Range 7, and being more particularly described as follows:

Beginning in the northwest corner of lands now or formerly owned by Wallace and Debra Salter (227.00-5-20); said point being on the east line of lands now or formerly owned by Niagara Mohawk Power Corporation (227.00-5-28);

thence easterly along the various courses of the north lines of said lands of Salter, a distance of about one thousand nine hundred twenty-five feet (1925'±) to the northeast corner of said lands of Salter;

thence southerly along the east line of said lands of Salter, a distance of about eight hundred feet (800'±) to the southeast corner of said lands of Salter;

thence westerly along the various courses of the south lines of said lands of Salter,a distance of about eight hundred forty-six feet (846'±) to the northeast corner of lands now or formerly owned by Ronald and Audrey R. Hillman (227.00-5-16);

thence southerly along the east line of said lands of Hillman and continuing southerly along the east line of lands now or formerly owned by Chester and Pat Rosinski (227.00-5-33), a distance of about seven hundred ninety-eight feet (798'±) to the southeast corner of said lands of Rosinski;

thence westerly along the south line of said lands of Rosinski and continuing westerly along the south line of lands now or formerly owned by Donna Wolecki (227.00-5-31 & 227.00-5-32), a distance of about five hundred feet (500'±) to the southwest corner of said lands of Wolecki;

thence northerly along the west line of said lands of Wolecki a distance of about two hundred eighty-four feet (284'±) to the south line of Leibler Road;

thence westerly along the south line of Liebler Road, a distance of about ninety-one feet (91'±) to a point on the west line of said Niagara Mohawk Power Corporation lands and east line of the Town of Boston Water District No. 1;

thence northerly along the west line of said lands of Niagara Mohawk Power Corporation and the east line of said Town of Boston Water District No. 1, a distance of about sixty-six feet (66'±) to a point on the north line of Leibler Road;

thence easterly along the north line of Liebler Road, a distance of about eighty feet (80'±) to the southwest corner of said lands of Salter;

thence northerly along the various courses of the west line of said lands of Salter and the east line of said lands of Niagara Mohawk Power Corporation, a distance of about one thousand feet (1000'±) to the point or place of beginning.

(CON'T)

thence northerly along the east line of said lands of Niagara Mohawk Power Corporation , a distance of one hundred thirty feet (130'±) to the north line of Lot 14, T8, R7;

thence easterly along the said north line of Lot 14 and along the north line of lands now or formerly owned by Peter and Paul Stumpf (226.02-6-15) a distance of about four hundred thirty feet (430'±) to the southwest corner of lands now or formerly owned by Kenneth and Yvonne Wallace (211.00-4-21);

thence northerly along the west line of said lands of Wallace and continuing northerly along the west line of lands now or formerly owned by Judith I. Wolf (211.00-4-20) and the west line of said lands of Skupien a distance of about four hundred feet (400'±) to the northwest corner of said lands of Skupien;

thence easterly along the north line of said lands of Skupien, a distance of about seven hundred thirty feet (730'±) to the point or place of beginning.

ALSO

All that tract or parcel of land situate in the Town of Boston, County of Erie, State of New York, being part of Lot 14, Township 8, Range 7 and being more particularly bounded and described as follows:

Beginning at a point in the centerline of Omphalius Road on the east line of the Town of Boston Water District No. 1 at the northwest corner of lands now or formerly owned by Larry Rozborski (226.02-7-3.1);

thence easterly along the centerline of Omphalius Road, a distance of about one thousand twenty-seven feet (1027'±) to the northeast corner of lands now or formerly owned by Ruth Musser (227.00-6-6.1);

thence southerly along the various courses of the east lines of said lands of Musser, a distance of about three hundred fifteen feet (315'±) to a point on the north line of said lands of Musser;

thence easterly along the said north line of lands of Musser, a distance of about two hundred feet (200'±) to a point on the east line of said lands of Musser;

thence southerly along the said east line of lands of Musser, and continuing southerly through the said lands of Musser, a distance of about eight hundred feet (800'±) to a point on the south line of said lands of Musser, said point being about four hundred fifty feet (450'±) east of the southwest corner of said lands of Musser;

thence westerly along the south line of said lands of Musser a distance of about four hundred fifty feet (450'±) to the southwest corner of said lands of Musser;

thence northerly along the various courses of the west lines of said lands of Musser a distance of about four hundred sixty and no hundredths feet (460'±) to a point;

thence southwesterly along the south line of said lands of Musser, a distance of about one twenty-six feet (126'±) to the southeast corner of lands now or formerly owned by Lawrence M. Rozborski and wife (226.02-7-03.31);;

thence westerly along the various courses of the south line of said lands of Rozborski and continuing westerly along the south line of lands now or formerly owned by Lawrence M. Rozborski and wife (226.02-7-3.2) and said lands now or formerly owned by Larry Rozborski (226.02-7-3.1); a distance of about five hundred twenty-three feet (523'±) to the southwest corner of said lands of Larry Rozborski;

Section 3. 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.

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 establish 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.

Section 6. A Special Election shall be held on September 17, 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 7. 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 8. 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 9. 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 East Hill Water District No. 3 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 10. Said Notice shall be in substantially the following form:

TOWN OF BOSTON, NEW YORK

NOTICE OF SPECIAL ELECTION

SEPTEMBER 17, 1996

NOTICE IS HEREBY GIVEN that a Special Election will be held on SEPTEMBER 17, 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 East Hill Water District No. 3, 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 July 8, 1996, approving the establishment of East Hill Water District No. 3, 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 establishment of East Hill Water District No. 3, in the Town of Boston, in the County of Erie, ("District" and "Town", respectively), including the construction of a water system therein, consisting of the consisting of the installation of a pump station, water storage tank, approximately 2,800 linear feet of 10-inch diameter PVC waterline and approximately 66,000 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; that Orders were duly adopted by said Town Board on December 20, 1995 and May 1, 1996, reciting the filing of said map, plan and report, the description of the boundaries of the District 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 Town's proposed method of financing, and specifying the times and place of public hearings to hear all persons interested in the subject thereof concerning the same; that certified copies of such Orders were duly published, posted and filed, that said public hearings were duly held on January 11, 1996 and May 22, 1996, at the times and place specified;

SECOND: RESOLVING AND DETERMINING that (a) the Notices of Public Hearing were published, posted and filed as required by law, and are otherwise sufficient; (b) all the property and property owners included within the proposed establishment of the District are benefited thereby; (c) all the property and property owners benefited are included within the limits of said proposed establishment of the District; and (d) it is in the public interest to establish the District;

THIRD: APPROVING the establishment of the District and the construction of improvements therein as described; DESIGNATING the District as East Hill Water District No. 3, in the Town of Boston; DESCRIBING the District 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 $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;

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

DAVID J. SHENK, TOWN CLERK

Dated: July 8, 1996

PUBLISHED: SEPTEMBER 5, 1996

123494.1 016691 RES

Section 11. 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 Erie County and in the office of the Department of Audit and control in Albany.

Section 12. This resolution shall take effect immediately as respects that portion thereof which provides for the Special Election to be held on September 17, 1996 and shall be otherwise effective as provided by law..

The adoption of the foregoing resolution was seconded by Councilman Wiktor and duly put to a vote on roll call, which resulted as follows:

AYES: five (5)

NOES: None (0)

The resolution was declared adopted.

******

TOWN SEAL

David J. Shenk

DAVID J. SHENK, TOWN CLERK

CERTIFICATE

I DAVID J. SHENK, Town Clerk of the Town of Boston, in the County of Erie, 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 July 8, 1996, 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 8th day of July, 1996.

(SEAL)

DAVID J. SHENK, Town Clerk

123494.1 016691 RES

EXTRACT OF MINUTES

Meeting of the Town Board of the Town of Boston,

in the County of Erie, New York

July 8, 1996

* * *

A special 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 July 8, 1996 at 4:00 o'clock P.M. (Prevailing Time).

There were present: Hon. Richard L. Kennedy, Supervisor; and

Councilpersons: Lisa M. Rood
Damian P. Wiktor
Peter A. Walter
Josephine M. Davenport

There were absent: NONE (0)

RESOLUTION 1996 - 21

Also present: David J. Shenk, Town Clerk

* * *

Councilman Davenport offered the following resolution and moved its adoption:

RESOLUTION OF THE TOWN OF BOSTON, NEW YORK, ADOPTED JULY 8, 1996, DETERMINING THAT PERSONAL REGISTRATION OF VOTERS SHALL BE REQUIRED FOR THE SPECIAL ELECTION TO BE HELD ON SEPTEMBER 17, 1996, PRESCRIBING THE FORM OF NOTICE OF THE PREPARATION OF THE REGISTER TO BE PUBLISHED AND POSTED, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

RESOLVED BY THE TOWN BOARD OF THE TOWN OF BOSTON, IN THE COUNTY OF ERIE, NEW YORK AS FOLLOWS:

Section 1. No person shall be entitled to vote at the Special Election to be held on September 17, 1996, in the Town of Boston, in the County of Erie, New York (the "Town"), at the Town Hall, in said Town, unless their name appears upon the register which shall be prepared for voting at said Special Election as hereinafter prescribed.

Section 2. The following election inspectors previously designated for general election purposes are hereby appointed and designated as the members of the Board of Registration for the said Special Election:

Barbara Reilly
Joyce Carr

The Town Clerk is hereby authorized to appoint substitute inspectors to fill vacancies on the Board of Registration.

Section 3. Said Board of Registration shall meet on SEPTEMBER 5, 1996, 1996, at 8500 BOSTON STATE ROAD, BOSTON, NEW YORK between the hours of 3:00 o'clock P.M. (Prevailing Time) and 7:00 o'clock P.M. (Prevailing Time), for the purpose of preparing a register of the voters of the Town qualified to vote at said Special Election, who shall present themselves personally for registration of such Special Election. At a minimum, such register shall include a space for the name of the voter and his address within the Town, a space for the voter's signature to be signed on the date of the election and a space in which there shall be entered the qualifications for voters.

Section 4. Prior to said meeting of the Board of Registration, the Town Clerk is hereby authorized and directed to obtain from the Erie County Board of Electicns the list of names and addresses of all Town voters registered with such board of elections on or before the twenty-third (23) day before such Special Election. The Town Clerk shall determine the qualified voters of the Town and shall deliver the names and addresses of such qualified voters to the Board of Registration.

Section 5. The Board of Registration shall place upon the register hereinabove described in Section 3, the names of all such voters so qualified and all other qualified voters who personally appear, and those military voters and such other

voters who are absent by reason of confining illness or physical disability or whose duties, occupation or business required them to be outside of the State of New York who are qualified to vote and who have made application for absentee ballots as certified to them by the Town Clerk. A qualified voter who is substantially impaired by reason or permanent illness or physical disability and whose registration record has been ranked "permanently disabled" by the Board of Elections pursuant to the provisions of the Election Law shall be entitled to receive an absentee ballot without making separate application for such absentee ballot. The Town Clerk upon being advised by the Board of Elections on or with the list of registered voters that the registration record of a qualified voter is marked "permanently disabled", shall send an absentee ballot to such qualified voter at his last known address by first class mail with a request to postal authorities not to forward same but return same in five days in the event that it cannot be delivered to the addressee.

Section 6. The Town Clerk is hereby authorized and directed to give notice of said meeting of the Board of Registration at least ten (10) days prior to the date of said meeting by causing a Notice in substantially the form set forth in Section 7 hereof to be (a) published in the "HAMBURG SUN," a newspaper published in Hamburg, New York, and the "SPRINGVILLE JOURNAL," a newspaper published in Springville, New York, two newspapers each having a general circulation within the Town and hereby designated as the official newspapers of the Town for such

publication and (b) posted in five (5) conspicuous places within said Town.

Section 7. Said Notice of the meeting of the Boards of Registration shall be substantially in the following form:

NOTICE OF PERSONAL REGISTRATION

FOR THE SPECIAL ELECTION

TO BE HELD ON SEPTEMBER 17, 1996

IN THE TOWN OF BOSTON, NEW YORK

NOTICE IF HEREBY GIVEN that pursuant to a resolution of the Town Board of the Town of Boston, in the County of Erie, New York (the "Town"), adopted on July 8, 1996, no person shall be entitled to vote at the Special Election of the qualified voters of said Town to be held on September 17, 1996, from 12:00 o'clock Noon (Prevailing Time) to 9:00 o'clock P.M. (Prevailing Time) at the Town Hall, in said Town, unless their name appears on the register hereinafter described.

NOTICE IS FURTHER GIVEN that the Board of Registration shall meet on SEPTEMBER 5, 1996, from 3:00 o'clock P.M. (Prevailing Time) until 7:00 o'clock P.M. (Prevailing Time), at 8500 BOSTON STATE ROAD, BOSTON, NEW YORK, for the purpose of preparing a register of the qualified voters of the Town for said Special Election, at which time any person shall be entitled to have his/her name placed upon such register, provided that at such meeting of the Board of Registration he/she is known or proven to the satisfaction of such Board of Registration to be then or thereafter entitled to vote at said Special Election.

Any person otherwise qualified to vote as determined by the Town Clerk of the Town in accordance with the provisions of the Town Law who is registered with the Board of Elections of

Erie County under the provisions of the Election Law as of August 25, 1996, shall be entitled to vote at said Special Election without further registration.

Immediately upon its completion, said register will be filed in the office of the Town Clerk, Town Hall, Boston, New York, and thereafter at all reasonable times shall be open for inspection by any qualified voter of the Town on each day up to and including September 16, 1996, except Saturdays, Sundays and holidays.

NOTICE IS FURTHER GIVEN that applications for absentee ballots may be applied for at the office of the Town Clerk. If the ballot is to be mailed to the qualified voter, the completed application must be received by the Town Clerk of the Town by September 10, 1996. If the ballot is to be delivered personally to the voter, the completed application must be received by the Town Clerk of the Town by September 16, 1996.

A list of all persons to whom absentee ballots shall have been issued will be available in the office of the Town Clerk during regular office hours until September 17, 1996. Such list will also be posted in a conspicuous place at the polling places during the election.

Only qualified voters who are duly registered will be permitted to vote.

BY THE ORDER OF THE TOWN BOARD

Dated: July 8, 1996

PUBLISHED: AUGUST 22, 1996

David J. Shenk
Town Clerk

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Section 8. Immediately upon the completion of such register and not more than eighteen (18) hours thereafter; such register shall be filed in the office of the Town Clerk, and thereafter shall at all reasonable times be open for inspection by any qualified voter of the Town on each day up to and including the day next preceding the date set for such Special Election, except Saturdays, Sundays and holidays.

Section 9. Applications for absentee ballots may be applied for at the office of the Town Clerk. If the ballot is to be mailed to the qualified voter, the completed application must be received by the Town Clerk at least seven (7) days before the date of said Special Election. If the ballot is to be delivered personally to the qualified voter, the completed application must be received by the Town Clerk the day before the Special Election. A list of all persons to whom absentee ballots shall have been issued will be available for public inspection in the office of the Town Clerk during regular office hours until the day of the Special Election. Such list will also be posted in a conspicuous place at the polling places during the Special Election.

Section 10. All the provisions of the Election Law in relation to the registration of voters shall, so far as applicable, apply to such personal registration and such Special Election shall be conducted in the manner prescribed by the Town Law and the Election Law, except that no person shall be entitled to vote thereat whose name does not appear upon such register.

Section 11. This resolution shall take effect immediately.

* * *

The adoption of the foregoing resolution was seconded by Councilman Wiktor and duly put to a vote on roll call, which resulted as follows:

AYES: FIVE (5)

NOES: NONE (0)

The resolution was declared adopted.

****

TOWN SEAL

David J. Shenk

DAVID J. SHENK, TOWN CLERK

123494.1 016691 RES

CERTIFICATE

I, DAVID J. SHENK, Town Clerk of the Town of Boston, in the County of Erie, New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Boston duly called and held on July 8, 1996, 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 of Boston this 8th day of July, 1996.

(SEAL)

DAVID J. SHENK, Town Clerk

123494.1 016691 RES

SPECIAL BOARD MEETING — TOWN HALL
JULY 8, 1996 — 4:00 P.M.

Present were Councilman Josephine M. Davenport, Councilman Lisa M. Rood, Councilman Peter A. Walter, Councilman Damian P. Wiktor, Supervisor Richard L. Kennedy, and Town Attorney Michael F. Perley.

Absent: Superintendent of Highways Eugene E. Ruchalski.

The Town Board passed a motion to schedule this meeting at the July 3, 1996 Regular Town Board Meeting.

A motion was made by Supervisor Kennedy and seconded by Councilman Rood that the Town Board of the Town of Boston, as Lead Agency, having taken a hard look at the many potential environmental impacts with respect to the project named "Town of Boston Water District No. 3 project" in the Full Environmental Assessment Form filed with the Town of Boston, New York, hereby determines that there are no significant adverse environmental impacts associated with the said project and hereby adopts a Negative Declaration pursuant to 6 NYCRR Part 617 adopted pursuant to Article 8 of the Environmental Conservation Law of the State of New York and authorized the Supervisor and/or the Town Clerk to prepare and execute any and all documents required to notify interested agencies.

five (5) Ayes — Carried

RESOLUTION 1996 - 20 — **APPROVING THE ESTABLISHMENT OF EAST HILL WATER DISTRICT NO. 3, AND PROVIDING THAT SUCH RESOLUTION SHALL BE SUBJECT TO MANDATORY REFERENDUM**

RESOLUTION 1996 - 21 — **DETERMINING THAT PERSONAL REGISTRATION OF VOTERS SHALL BE REQUIRED FOR THE SPECIAL ELECTION TO BE HELD ON SEPTEMBER 17, 1996, PRESCRIBING THE FORM OF NOTICE OF THE PREPARATION OF THE REGISTER TO BE PUBLISHED AND POSTED, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.**

A motion was made by Councilman Walter and seconded by Councilman Wiktor to adjourn the meeting at 4:05 P.M..

David J. Shenk

DAVID J. SHENK, TOWN CLERK

Minutes for the Public Hearing on the McKillen Unsafe Building held on August 7, 1996 are herewith as Addendum "A".

REGULAR BOARD MEETING — TOWN HALL
AUGUST 7, 1996 — 7:30 P.M.

Present were Councilman Josephine M. Davenport, Councilman Peter A. Walter, Councilman Damian P. Wiktor, Supervisor Richard L. Kennedy, and Town Attorney Michael F. Perley.

Absent: Councilman Lisa M. Rood and Highway Superintendent Eugene E. Ruchalski.

Supervisor Kennedy announced Councilman Rood is absent due to the death of her stepfather.

A motion was made by Councilman Wiktor and seconded by Councilman Davenport to adopt the minutes of the July 3, 1996 regular monthly meeting.

four (4) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter that the General Fund and Special District Bills on Abstract #8, dated August 7, 1996 in the amount of $87,444.39 be paid.

four (4) Ayes — Carried

A motion was made by Councilman Walter and seconded by Supervisor Kennedy that the Highway Bills on Abstract #8, dated August 7, 1996 in the amount of $36,977.93 be paid.

four (4) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to accept the Town Clerk's Monthly Report for July 1996.

four (4) Ayes — Carried

Received and filed NYS Dept. of Agriculture & Markets review of Final Notice of Intent for Extension #2 to Water District #2.

Received and filed Congressman Quinn's letter regarding a Section 14 Study of the Hillcroft Bridge at Eighteen Mile Creek.

Received and filed the Department of the Army Corps of Engineers letter regarding the erosion study at the Hillcroft Road Bridge.

Received and filed notification from the NYS DOT of the 1996-97 Grant for CHIPS (Consolidated Highway Improvement Program).

Received and filed notification from the Town of Concord of a Public Hearing on the Proposed Local Laws.

Received and filed Erie County Sheriff Reports for June/July 1996.

Received and filed Erie County Sheriff Annual Report for 1995.

Received and filed notification from the Erie County Water Authority of Tariff Amendments to Rates.

Received and filed Fox & Company receipt of Audited Financial Statement for the Boston Town Park costs funded by a U.S. Department of the Interior Outdoor Recreation - Acquisition, Development and Planning Grant.

Received and filed Boston Planning Board approval for Michael Hayden, 4592 Morningside Drive, division of subdivision lot.

Received and filed the South Boston Park Committee Report.

Councilman Davenport complemented the South Boston Park Committee for their outstanding work at the South Boston Park.

REGULAR BOARD MEETING — TOWN HALL
AUGUST 7, 1996 — 7:30 P.M.

A motion was made by Councilman Wiktor and seconded by Councilman Walter to grant the Chamber of Commerce use of the Lions Shelter for the "Boston Run for Habitat" event on August 24, 1996.

four (4) Ayes — Carried

Received and filed NYS DOT Notification of Completion of the Route 277 Reconstruction Project.

A motion was made by Councilman Walter and seconded by Councilman Wiktor to schedule the Bid Opening Date for the sale of Town of Boston Highway Department 1995 John Deere Loader for the minimal amount of $69,000, for September 3, 1996 at 1:00 p.m..

four (4) Ayes — Carried

Supervisor Kennedy read the determination from TVGA Engineering regarding the John and Susan Szalay application to rezone .015 acres of property at Rollin Drive/Boston State Road from R-2 to C-1 tabled from July 3, 1996 Public Hearing. Upon review of the Short Environmental Assessment Form (SEQR), this is an Unlisted Action and will have no adverse impact on the environment.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport, on the recommendation of TVGA Engineering, that the Town Board of the Town of Boston, as Lead Agency, having taken a hard look at the many potential environmental impacts with respect to the project named "Szalay Rezoning Application" in the Full Environmental Assessment Form filed with the Town of Boston, New York, hereby determines that there are no significant adverse environmental impacts associated with said project and hereby adopts a Negative Declaration pursuant to 6 NYCRR Part 617 adopted pursuant to Article 8 of the Environmental Conservation Law of the State of New York and authorized the Supervisor and/or the Town Clerk to prepare and execute any and all documents required to notify interested agencies.

four (4) Ayes — Carried

Supervisor Kennedy read a letter from one of the numerous letters received by the Town Board from residents opposing the Szalay rezoning request and noted that a flyer was distributed throughout the community.

A motion was made by Councilman Wiktor and seconded by Councilman Davenport to remove the Szalay Rezoning Application from the table.

four (4) Ayes — Carried

Councilman Wiktor commented that at the last meeting a resident claimed the July meeting date was picked and noted the Town Board picks the day of the meetings not the date. Unfortunately July 3rd, the day before a holiday, fell on the first Wednesday of the month which was the regularly scheduled meeting.

Supervisor Kennedy noted people are opposed to the rezoning but they should know that if the Rezoning Application is voted down, it doesn't mean that the project won't go forward as planned. It is so close to being legal that adjustments can be made to make the property allowable under the present zoning laws.

A motion was made by Councilman Walter and seconded by Councilman Davenport to deny the application of John and Susan Szalay to rezone .015 acres of property at the corner of Rollin Drive and Boston State Road from R-2 to C-1.

four (4) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
AUGUST 7, 1996 — 7:30 P.M.

The Town Engineer is directed to review the Official Town Zoning Maps for his interpretation of the square footage that is now encompassed in the lot as presently presented without the five (5) feet that was denied in the rezoning request.

Regarding the Erie County Water Authority request for a Special Use Permit for a Vehicle Radio System Tower tabled from July 3, 1996 Public Hearing, Supervisor Kennedy noted the consensus of the Town Board is to utilize present facilities. Councilman Walter was commissioned to approach the Patchin Fire Company on the use of their tower or construction of a new tower on their property.

Robert Neiderpruem, Senior Production Engineer, Erie County Water Authority reported the Patchin Fire Company location is favorable. A seventy (70) foot tower could be constructed transferring the present communication system to the new tower and removing the old tower at the ECWA cost. The goal is to have this system on line by December 1996 for the peak leak season. ECWA is ready for bids.

Councilman Walter responded that the Patchin Fire Company has given him the authority to approve the project with the stipulation that a request be made to lower the tower height to sixty (60) feet.

Robert Niederpruem commented that a lower height was considered and the trade off in liability in certain areas gave dead spots whereas the proposed Ward Road site although lower in elevation gave a clear site to the quadrant of the County as shown in the site plan report. The tower is designed to be a seventy (70) foot tower.

Town Attorney Perley noted Section 123-12a of Town Law does not require referral to the Planning Board and a Special Use Permit is not required. The Town Board and the ECWA agreed to leave tabled the Ward Road site request, tabled at the July 3, 1996 Public Hearing.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor, on the recommendation of TVGA Engineering, that the Town Board of the Town of Boston, as Lead Agency, having taken a hard look at the many potential environmental impacts with respect to the project named "Cole Road Town of Boston Tower located on Patchin Volunteer Fire Company and Community Association property at 8123 Cole Road" in the Full Environmental Assessment Form filed with the Town of Boston, New York, hereby determines that there are no significant adverse environmental impacts associated with said project and hereby adopts a Negative Declaration pursuant to 6 NYCRR Part 617 adopted pursuant to Article 8 of the Environmental Conservation Law of the State of New York and authorized the Supervisor and/or the Town Clerk to prepare and execute any and all documents required to notify interested agencies.

four (4) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter that the Town Board of the Town of Boston enter into an agreement with the Erie County Water Authority for the purpose of constructing a tower to replace the existing tower at Patchin Fire Company site on Cole Road for use by the Town of Boston as well as by the Erie County Water Authority contingent upon approval of the Patchin Volunteer Fire and Community Association and contingent upon and review of the drawings and specifications of the tower by the Town Engineer.

four (4) Ayes — Carried

Maureen Elwell, Attorney for Sprint Spectrum from the firm of Harris Beach & Wilcox, presented the Town Board with a site plan and drawings for a proposed Communication Tower to be erected on the property of Michael and Catherine Meyers, 6405 Ward Road.

EXTRACT OF MINUTES

Meeting of the Town Board of the Town of Boston,

in the County of Erie, New York

August 7, 1996

* * *

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 August 7, 1996, at 7:30 o'clock P.M. (Prevailing Time).

There were present: Hon. Richard L. Kennedy,
Supervisor; and

Councilpersons: DAMIAN P. WIKTOR
PETER A. WALTER
JOSEPHINE M. DAVENPORT

There were absent: LISA M. ROOD

RESOLUTION 1996 - 22

Also present: David J. Shenk, Town Clerk

* * *

SUPERVISOR KENNEDY offered the following resolution and moved its adoption:

RESOLUTION OF THE TOWN OF BOSTON, IN THE COUNTY OF ERIE, NEW YORK, ADOPTED AUGUST 7, 1996, DESIGNATING THE OFFICIALS TO ACT AT THE SPECIAL ELECTION TO BE HELD SEPTEMBER 17, 1996.

RESOLVED BY THE TOWN BOARD OF THE TOWN OF BOSTON, IN THE COUNTY OF ERIE, NEW YORK:

Section 1. The following persons whose names are included on the list of election inspectors and ballot clerks previously designated for general election purposes, pursuant to the Election Law, are hereby appointed to act as Election Inspectors and Ballot Clerks at the Special Election of the qualified voters of the proposed East Hill Water District No. 3, in the Town of Boston, in the County of Erie, New York, to be held at the Town Hall, 8500 Boston State Road, Boston, New York, on September 17, 1996, and to perform all duties and undertakings in relation thereto, as prescribed by the Town Law and the Election Law:

HELEN GROSS

ANNA REED

Election Inspectors

and

JOYCE CARR

JEAN WITTMEYER

Ballot Clerks

Section 2. The Election Inspectors shall file with the Town Clerk of the Town a certificate setting forth the holding of

the Special Election, the total number of votes cast upon the Proposition submitted at such Special Election, and the number of votes for and against said Proposition, together with the name and address of every person voting at such Special Election upon such Proposition.

Section 3. This resolution shall take effect immediately.

* * *

The adoption of the foregoing resolution was seconded by COUNCILMAN WALTER and duly put to a vote on roll call, which resulted as follows:

AYES: FOUR (4)

NOES: NONE (0)

ABSENT: ONE (1)

The resolution was declared adopted.

******

(TOWN SEAL)

David J. Shenk

DAVID J. SHENK, BOSTON TOWN CLERK

123493.1 016691 RES

CERTIFICATE

I, David J. Shenk, Town Clerk of the Town of Boston, in the County of Erie, New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town, duly called and held on August 7, 1996, 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 7th day of August, 1996.

(SEAL)

_____
Town Clerk

123494.1 016691 RES

REGULAR BOARD MEETING
AUGUST 7, 1996

TOWN HALL
7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to refer to the Planning Board for review and recommendation, the Sprint Spectrum Special Use Permit Application to erect a Communications Tower at 6405 Ward Road.

four (4) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor, on the recommendation of TVGA Engineering, to reject all bids received for the pump station and waterlines for the Water District No. 1 Increase in Facilities as all bids exceeded the budgeted expectations of the Town Board.

four (4) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter that the bid from Natgun Corporation for the construction of the water tank in the Water District No. 1 Increase in Facilities be accepted contingent upon the project commencing construction not later than May 15, 1997 with the Notice to Proceed being deferred to a date not earlier than February 1, 1997 and being further contingent upon the Town of Boston and Natgun Corporation entering into a written agreement in accordance with the terms and conditions of this motion.

four (4) Ayes — Carried

Victor Antonelli, 6496 Omphalius Road, questioned why there was a $150,000 error in the Town of Boston Engineer's estimate and also how long the anticipated delay will be.

Supervisor Kennedy responded that the bids were solicited at the busiest time of year for most contractors which added dollars to the bid totals. The project will be re-bid in the Spring of 1997.

RESOLUTION 1996 - 22 **DESIGNATING THE OFFICIALS TO ACT AT THE SPECIAL ELECTION TO BE HELD SEPTEMBER 17, 1996**

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to refer to the Planning Board the Patchin Volunteer Fire Company application to construct a new building.

four (4) Ayes — Carried

SUPERVISOR REPORT

A) Supervisor monthly report for July 1996 was received and is on file in the Clerk's Office.

Supervisor Kennedy noted that sewer taxes will remain at approximately the same rate as 1996 as determined by the budget adopted by the Erie County Sewer District #3 Board of Managers.

Supervisor Kennedy reported that there has been considerable vandalism in the Boston Parks such as damage to three (3) garbage barrels, two bleachers and a port-a-john. The community is requested to report any knowledge of vandalism as the cost of repairs is reflected in our taxes.

A motion was made by Supervisor Kennedy and seconded by Councilman Walter, with the approval of Assessor Eagan, to amend the title of Barbara Reilly, from Clerk to the Assessor to Clerk Part-time, at the same salary adopted at the Organizational Meeting, term to expire 12/31/96.

four (4) Ayes — Carried

REGULAR BOARD MEETING
AUGUST 7, 1996

TOWN HALL
7:30 P.M.

SUPERVISOR REPORT (CONT.):

Supervisor Kennedy reported he met with Roger Gard, owner of the Boston Hardware Store, regarding use of his land for the Parkside Drive turnaround. The Town Engineer will map the turnaround area and the information will be forwarded to the Town Attorney.

TOWN CLERK REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to accept the Monthly Registrar of Vital Statistics Report for July 1996.

four (4) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Wiktor to accept the Monthly Tax Collector Report for July 1996.

four (4) Ayes — Carried

Town Clerk Shenk announced he will be on military leave from August 19, 1996 to August 30, 1996.

Town Clerk Shenk, member of the Erie County Library Board, noted the Library Board approved the budget request of five additional hours for the Boston Free Library.

A motion was approved by Councilman Davenport and seconded by Councilman Walter to request County Executive Gorski and County Legislature Marshall to support the request for five additional hours for the Boston Free Library.

four (4) Ayes — Carried

Town Clerk Shenk noted Hunting Licenses for the 1996-1997 season will go on sale August 12, 1996. Turkey permits will be available for $2.50 and Deer Management Permits are due on September 6, 1996.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to grant Town Clerk Shenk use of the Town Hall for the collection of the 1996-97 Hamburg School taxes for a fee of $1,000.

four (4) Ayes — Carried

TOWN ATTORNEY REPORT

Town Attorney Perley noted he will mail a draft of the Emergency Squad Service Award Program to the Town Board members by the end of the week for their review and consideration.

Town Attorney Perley announced that he, the Town Assessor and the Town Clerk met regarding the establishment of the voter roll for the proposed Water District #3 referendum. Voter registration for the Special Election is September 5, 1996 and the referendum is September 17, 1996.

COUNCILMAN REPORT

Councilman Wiktor reported that on July 16, 1996 he attended the annual Erie County Water Authority meeting held at the Van De Water Treatment Plant. An overview of the ECWA fiscal problems was presented along with the steps implemented to reduce their deficits. The feasibility of using the Patchin Fire Company Cole Road Radio Tower as a site for the proposed Erie County Water Authority tower was also discussed.

Councilman Wiktor attended the Boston-Colden Fire Council meeting on July 22, 1996. An overview of EC's radio study was given.

Resolution Number 1996-23

At a regular meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 7th day of August, 1996 at 7:30 p.m , there were

PRESENT:	Richard L. Kennedy	Supervisor
	Peter Walter	Councilman
	Josephine Davenport	Councilman
	Damian Wiktor	Councilman
ABSENT:	Lisa Rood	Councilman

Supervisor Kennedy presented the following resolution and moved its adoption:

WHEREAS, **MILTON I. "BUD" WITTMEYER**, one of Boston's finest citizens, passed away on Friday, July 5, 1996, after serving this community for many years, and

WHEREAS, Bud was a life member of the Patchin Volunteer Fire Company, a charter member of the Boston Lions Club, a member of the Holy Name Society of St. John the Baptist Church and a member of the Boston Chamber of Commerce, where he was honored as "Citizen of the Year" in 1993, and

WHEREAS, Milton I. Wittmeyer served in the Boston Town Government from 1974 throug 1993, as both a Town Councilman and Deputy Supervisor, until his retirement three years ago, and

WHEREAS, Bud always exhibited concern for his fellow man with his friendly smile and characteristic wit and he was always there when a volunteer was needed for any worthwhile community project, and

WHEREAS, Milton demonstrated the qualities and stature of a true public servant in every endeavor in which he was involved and he leaves a permanent legacy in our town.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Boston pause in their deliberations to pay tribute to **MILTON I. "BUD" WITTMEYER** for his extensive contributions to this community, and to recognize the passing of a truly dedicated individual who will be sorely missed by everyone whose lives he touched.

Resolution was seconded by Councilman Wiktor, and put to a vote, as follows:

Supervisor Kennedy	Voting Aye
Councilman Walter	Voting Aye
Councilman Davenport	Voting Aye
Councilman Wiktor	Voting Aye

Ayes: 4 Noes: 0 Absent: 1

David J. Shenk

David J. Shenk, Town Clerk

REGULAR BOARD MEETING
AUGUST 7, 1996

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.):

Councilman Wiktor attended the open house at Hopevale on July 26, 1996 and as an educator was impressed with their philosophy, curriculum and programs. The facilities and classroom equipment are state-of-the-art. The programs have been expanded to serve not only resident girls but also day student boys and girls.

Councilman Wiktor attended the Town of Boston Band concert and received complements for the band from many residents.

Councilman Walter attended the funeral of Former Councilman "Bud" Wittmeyer on July 9, 1996 and noted he will be greatly missed.

Councilman Walter is in the process of obtaining the easements for the Meadow Drive drainage problem and the Mayer Road drainage problems are being addressed.

Councilman Walter has been working with Roger Gard, owner of the Boston Hardware Store, on the Parkside Drive turnaround.

Councilman Davenport noted the Erie County Nutrition Program has fallen off slightly during the summer months.

Councilman Davenport reported the Town of Boston Summer Concert Series have been a great success.

CODE ENFORCEMENT OFFICERS REPORT

A) Code enforcement Officer monthly report for July 1996 was received and is on file in the Clerk's Office.

Deputy Code enforcement Officer monthly report for July 1996 was received and is on file in the Clerk's Office.

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officer monthly report for July 1996 was received and is on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for July 1996 was received and is on file in the Clerk's Office.

PLANNING BOARD REPORT

A motion was made by Councilman Wiktor and seconded by Councilman Walter to approve the Site Plan Review for Ranco Equipment, 7380 Boston State Road contingent on the filing of a survey which does not include the road right-of way.

four (4) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to schedule a Public Hearing for September 4, 1996 at 8:00 p.m. for on the Rezoning Application of Patrick Burke, 7281 Boston State Road from C-1 to R-3.

four (4) Ayes — Carried

RESOLUTION 1996 - 23 MILTON I. "BUD" WITTMEYER

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to adjourn the meeting at 9:35 p.m..

David J. Shank

DAVID J. SHANK, TOWN CLERK

REGULAR BOARD MEETING
SEPTEMBER 4, 1996

TOWN HALL
7:30 P.M.

Present were Councilman Josephine M. Davenport, Councilman Lisa M. Rood, Councilman Peter A. Walter, Councilman Damian P. Wiktor, Supervisor Richard L. Kennedy, Town Attorney Michael F. Perley and Highway Superintendent Eugene E. Ruchalski.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to adopt the minutes of the August 7, 1996 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 #9, dated September 4, 1996 in the amount of $51,550.11 be paid.

five (5) Ayes Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter that the Highway Bills on Abstract #9, dated September 4, 1996 in the amount of $40,397.79 be paid.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to accept the Town Clerk's Monthly Report for August 1996.

five (5) Ayes Carried

Received and filed the Department of Environment and Planning new Industrial Code Rule regarding Underground Protective Facilities.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to direct Town Clerk Shenk to verify if the Town of Boston is a member of the Underground Protective Facilities Organization and if not to request a membership application.

five (5) Ayes Carried

Received and filed an Adelphia Cable list of Stock & Bond Holders.

Received and filed notification from Congressman Quinn of the Safe Drinking Water Act of 1996.

Received and filed approval from Erie County Department of Environment & Planning for the Community Development Block Grant Funds in the amount of $17,055 for A.D.A. modifications to the Town Hall; Town Park; N. Boston Park; S. Boston Park; and Highway Garage.

RESOLUTION 1996 - 24 SALT STORAGE SHED

A motion was made by Councilman Walter and seconded by Councilman Davenport to grant Gerald L. Lindsy permission to use the Lions Shelter on September 21, 1996. Alcohol will be served and a Certificate of Insurance and a deposit have been received.

five (5) Ayes Carried

TOWN OF BOSTON

RESOLUTION 1996-24

NONPOINT SOURCE POLLUTION ABATEMENT AND CONTROL PROJECT
SALT STORAGE BARN 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 4th day of September 1996 at 7:30 P.M. Eastern Standard Time, there were:

Present:	Richard L. Kennedy	Supervisor
	Josephine M. Davenport	Councilman
	Lisa M. Rood	Councilman
	Peter A. Walter	Councilman
	Damian P. Wiktor	Councilman

Councilman Wiktor presented the following resolution and moved its adoption:

WHEREAS, This resolution authorize the signing of a State contract for a nonpoint source pollution abatement and control project under the appropriate laws of the State of New York and the United States of America.

WHEREAS, THE TOWN OF BOSTON, herein called the "Project Sponsor", has determined that it is has the legal status necessary to enter into a State Contract and that certain work, as described in the State Contract, herein called the "Project", is desirable and in the public interest.

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

1. That **RICHARD L. KENNEDY** is authorized as the official representative to act in connection with any contracts between the Project Sponsor and the State and directed to provide such additional information as may be required;

2. That the Project Sponsor agrees that it will fund its portion of the cost of the Project;

3. That one (1) certified copy of this Resolution be prepared and sent to the New York State Department of Transportation, Albany, New York together with the State Contract;

4. That this Resolution take effect immediately.

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

Supervisor Kennedy	**Voting Aye**
Councilman Davenport	**Voting Aye**
Councilman Rood	**Voting Aye**
Councilman Walter	**Voting Aye**
Councilman Wiktor	**Voting Aye**

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

David J. Shenk

DAVID J. SHENK, TOWN CLERK

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1996-25

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York , held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 4th day of September, 1996 at 7:30 o'clock in the evening Eastern Prevailing Time there were:

Present:	**Richard L. Kennedy**	**Supervisor**
	Josephine M. Davenport	**Councilman**
	Lisa M. Rood	**Councilman**
	Peter A. Walter	**Councilman**
	Damian P. Wiktor	**Councilman**
Absent:		

Councilman Wiktor presented the following Resolution and moved its adoption:

WHEREAS, Article 11-AA of the General Municipal Law authorizes the establishment of Defined Contribution Service Award Program to provide municipally funded benefits for volunteer ambulance workers based upon length of services; and

WHEREAS, the Town of Boston has one ambulance district for which the Town Board, on behalf of said district contracts with the Boston Emergency Squad for Emergency Medical Services to the said District, making the Town, therefore, the appropriate legal sponsor for such Service Award Program; and

WHEREAS, the Town Board of the Town of Boston wishes to establish a Length Of Service Award Program for qualified volunteer ambulance workers within the Town of Boston Ambulance District subject to a mandatory Referendum pursuant to General Municipal Law Article 11-AA; and

WHEREAS, the Town Board, as the sponsor of the program, has determined, pursuant to the General Municipal Law, that the program will include the following:

-The entitlement age under the program shall be 60.
-Number of years of service required to obtain a nonforfeitable right to a service award should be five (5) years.
-The amount of contribution to made on behalf of each program participant credited with one year of service shall be $480.00.
-The program will provide for contribution for ambulance service rendered by a participant during the five calendar years immediately preceding the adoption of the program to be paid in five (5) equal annual installments.
-The program sponsor adopt a point system under which credits for each service year are to be accumulated.

NOW, THEREFORE,

BE IT RESOLVED that the Town Board of the Town of Boston hereby authorizes a Referendum to be held in the Town of Boston /Boston Ambulance District on November 5, 1996 to determine whether the Town Board shall adopt a Length Of Service Award Program authorized by General Municipal Law Article 11-AA in the said Town of Boston Ambulance District which proposition shall provide as follows:

This question shall be submitted to the eligible voters within the Town of Boston pursuant to applicable provisions of the Town Law, Municipal Home Rule Law and General Municipal Law which shall read as follows:

Shall Resolution number 25 for the year 1996 requiring the Town Board of the Town of Boston to adopt a Service Award Program for the Volunteer Ambulance Workers serving in the Town of Boston Ambulance District with the estimated cost of the Service Award Program to be $34,944.00 for the first five years of the program and decreasing to $20,160.00 in subsequent years based upon the current roster of active volunteer ambulance workers and where the estimated annual cost per covered participant will be $832.00 for the first five years of the program and $480.00 per year in subsequent years, and where the estimated annual administration fee will be $15.00 per year plus .002% of the annual account balance for each participant, be approved?

and,

BE IT FURTHER RESOLVED, that annexed hereto as Appendix A is the point system established for the operation of the program.

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

Supervisor Kennedy	Voting:	Aye
Councilman Davenport	Voting:	Aye
Councilman Rood	Voting:	Aye

Amb-res sam

Councilman Walter	Voting:	Aye
Councilman Wiktor	Voting:	Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk-Town Clerk

Amb-res sam

REGULAR BOARD MEETING — TOWN HALL
SEPTEMBER 4, 1996 — 7:30 P.M.

A motion was made by Councilman Davenport and seconded by Councilman Wiktor to approve the following Soccer Coaches for the 1996-1997 season:

Paul Speich	Scott Draught (Pres)
Steve Manning (equip.)	Bill Bachman
Alan Winship	Linda Darling (Vice Pres)
Gerald May	Wayne Hahn
John Solomon	Jack Grech
Scott Suchan	Tom Crabtree
Mary Ann Sullivan (Tres.)	Mike Kozina
Dave Derkacz	Rick Lardo
Gary Drews	Wally Odden (Sec)
Ed Thill	Mark Williams
Jonathan Gruchala	Sean Greene
Roger Jackson	Mike Hacker
Melinda Rieske	Barry Decker
Tom Lanham	Jeff Kummer
Kelly Soltis	Ken Bihl
Dave Ruzzine	Gene Partridge
Ken Heidle	Tony Guido
Paul Rosiek	Pete Castellana
John Marron	Bill Reilly
John Hartman	Sean Reilly
Rick Roehner	Brian Thompson
Larry Kosowski	Jeff Knowles
Curt Etzel	

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to approve the Transfer of Funds for the Appropriations of Excess Revenue:

Fire Protection Fund			
Estimated Revenue	-510	18,000.00	
Unclassified	-2770		18,000.00
Appropriations	- 960	18,000.00	
Fire Protect. 3410.4		14,760.00	
Comp. Ins. 9040.8		3,240.00	

five (5) Ayes — Carried

On September 3, 1996 at 1:00 p.m. the one bid received from Mecca Krull Corp. was opened and read aloud for the purchase of the Town of Boston 1995 John Deere 544G Wheel Loader.

A motion was made by Councilman Wiktor and seconded by Councilman Rood to award the bid for the purchase of the Town of Boston 1995 John Deere 544G Wheel Loader to Mecca Krull Corp. for $69,000.

five (5) Ayes — Carried

Received and filed NYS DOT negative response to the Town of Boston letter regarding a drainage problem on Meadow Drive.

Supervisor Kennedy, Councilman Walter, and the Town Engineer will meet with Mr. A. E. Taylor, NYS DOT Resident Engineer to further discuss the Meadow Drive drainage problem.

RESOLUTION 1996 - 25 AMBULANCE LOSAP

The Erie County Water Authority application for an antenna tower on Ward Road will remain tabled until finalization of the construction plans for the tower on the Patchin Volunteer Fire Company property.

REGULAR BOARD MEETING
SEPTEMBER 4, 1996

TOWN HALL
7:30 P.M.

At 8:00 p.m. a Public Hearing was held for the purpose of hearing for or against Local Law No.2 of the Year 1996 to rezone approximately 4.47 acres of land from C-1 (Local Retail Business District) to R-3 (Two or More Family Residence District).

Supervisor Kennedy read the legal notice an a memo sent to 27 neighboring property owners with an assessor map and a letter of intent from Patrick E. Burke, Developer.

Supervisor Kennedy read three (3) letters from residents, one (1) for and two (2) against the project.

Supervisor Kennedy read a recommendation of approval from the Boston Planning Board requesting the Town Board stipulate the rezoning be contingent on approval of a Site Plan Review within six (6) months.

Supervisor Kennedy convened the Public Hearing.

LEGAL NOTICE
TOWN OF BOSTON
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston, Erie County, New York, will hold a Public Hearing at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on Wednesday, September 4, 1996 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 the following Local Law.

LOCAL LAW NO. 2
OF THE YEAR 1996
A LOCAL LAW TO REZONE

APPROXIMATELY 4.47 acres of land from C-1 (Local Retail Business District) to R-3 (Two or More Family Residence District)

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF BOSTON AS FOLLOWS:

Section I.

Local Law No. 2 of the Year 1996 shall amend Local Law No. 6 of the Year 1990, any amendments thereto and the Town of Boston zoning map, by rezoning 4.47 acres of real property from C-1 to R-3, such property being described as Town of Boston, Erie County, New York, Lot 22, 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 Herman Hill/Zimmerman Road.

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. 22, Township 8, Range 7 of the Holland Land Company's Survey, and more particularly described as follows:

BEGINNING at a point on the northerly line of said Lot No. 22, 1394.19 f[illegible] westerly from the intersection of t[illegible] northerly line of Lot No. 22 and [illegible] westerly line of lands conveyed to [illegible] falo and Susquehanna Railway C[illegible] pany by deed recorded in the Erie County Clerk's Office in Liber 995 of deeds at page 121; thence westerly along the said northerly line of Lot No. 22, 412.62 feet to a point; thence southwesterly at an interior angle of 110 06'57", 402.10 feet to the northerly bounds of Boston State Road, formerly Hamburg-Springville State Road; thence easterly along the northerly bounds of said Boston State Road 472.51 feet to a point; thence northeasterly at an exterior angle of 80 90'11" 207.07 feet to a point; thence northerly at an exterior angle of 212 18'09", 49.0 feet to a point; thence northeasterly at an exterior angle of 150 48'52", 236.52 feet to the point of beginning.

Section II.

If any provision of this Local Law shall be 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: AUGUST 12, 1996
Published: AUGUST 22, 1996
BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK
8-22

Patrick Burke, President, Burke Builder/Developer: Thank you very much for your time this evening. The community we are asking you to consider will be a townhome or condominium community in difference to some of the letters you have received it is a homeowner community that is designed for permanent residents not transients. We are proposing to construct thirty-two (32) apartments that would come together with one (1) car garages. We are proposing to construct thirty-two multiple units with attached garages. Four (4) eight unit buildings with attached garages on each building. The community will feature an abundance of green space, ample parking for each one of the units that is being designed in conformance with your R-3 regulations. There are no variances required. The zoning that we are requesting this evening is simply to provide for our ability to sell the units instead of strictly rent. I think it is important for this Board and for the community to be aware that the zoning is C-1 is currently appropriate for rental units. This project can be approved in it's existing form as a rental community and the zoning that we are requesting is specifically to provide for our ability to sell units rather than rent. In the event that the zoning is not reduced certainly within your current town zoning and within the current town code you have the authority to approve a site plan as a rental community and we are asking you to consider this as a for sale or rent community. Our marketing strategy would be to sell many of the units and to own fifty (50) percent or more in our own portfolio. We are a local development company and a property management real estate holding company. We have been active in the southtowns, primarily in Hamburg, Orchard Park, and West Seneca. I think if you tour any one of our communities you will be able to view the quality of development that we do and the type of maintenance that we provide and I am sure should you grant approval for this project you will be very proud of the result and it will prove to provide an asset to your Town of Boston. Thank you.

Supervisor Kennedy: Just one question. You indicated that there will be some sold and you will retain some on a rental basis. Do you have some association?

REGULAR BOARD MEETING TOWN HALL
SEPTEMBER 4, 1996 7:30 P.M.

Public Hearing (Cont.):

Patrick Burke: There will be a homeowners association. The entire thirty-two (32) unit community will be governed by way of a non-profit corporation that will be filed with the Attorney General. There will be an official homeowners filing and there will be a homeowners association. The units that we own and rent will strictly be by virtue of our percentage ownership for that condominium. Other and additional units that would be owned by individuals, they would have their percentage obligation in the complex also subject to their payment and maintenance fees in the normal condominium or homeowner association obligations.

Supervisor Kennedy: We haven't had much of an opportunity to review this because of the holiday. How large are the units? I mean square footage wise.

Patrick Burke: The units are larger than conventional apartments. We're planning the first floor units to be approximately eleven hundred (1,100) square feet and the second floor units would be thirteen plus hundred square feet, not including the garages.

Supervisor Kennedy: Each unit has their own garage?

Patrick Burke: Yes sir.

Councilman Davenport: Are the rental apartments going to be in separate buildings from the ownership?

Patrick Burke: They will be intermixed. The units will be identical. The renters, you could own or rent any one of the apartments.

Councilman Walter: Does your plan for rezoning, if you have a chance to sell them all, will you sell them all?

Patrick Burke: Yes.

Councilman Walter: In other words you are just figuring on renting the unsold properties.

Patrick Burke: No. The rent or sale concept is a marketing strategy to create velocity and fill the units immediately. The project is not intended to be phased. We want to build the entire thirty-two (32) units over the next six to nine months and occupy them with owners or renters.

Councilman Walter: Because one of your reasons was that there would not be renters there would be homeowners. That was one of your reasons for the application for rezoning.

Supervisor Kennedy: Well that was one of the reasons that the Planning Board said they looked upon it favorably because the homeowner would have a vested interest in the ownership of the property but you are saying in order to fill the units immediately you would rent as well as sell.

Patrick Burke: We feel there is a strong demand for affordable priced homes with attached garages. These units would sell under one hundred thousand dollars. There seems to be a demand in the market for that unit. Thirty-two units based on the sales in this area and in Western New York would take a number of years to sell in phases. So with that in mind we are proposing that we be the owner of a percentage of the units be it fifty percent more or less and the balance we could see being sold inside of a twelve month period.

REGULAR BOARD MEETING
SEPTEMBER 4, 1996

TOWN HALL
7:30 P.M.

Public Hearing (Cont.):

Councilman Wiktor: How similar are these units going to be to the establishment that you have at Sawgrass, the Brierwood Management Facility?

Patrick Burke: The Sawgrass townhomes are also a homeowners association so the management and the maintenance would be similarity handled in that each individual unit owner would be responsible for his percentage share of the maintenance obligations. Generally the water bill and the homeowners insurance for example are common to the entire project and are split up on a pro rated basis to each one of the unit owners. On top of that you've got a reserve for a replacement of the roof, the siding, the gutters and repair of the asphalt and common areas along with the snow and grass removal. So from that standpoint the buildings and the complex would be handled very similarity. Physically, Sawgrass townhomes are townhomes. They are fee simple transfer of real estate. You are purchasing the horizonal cross section of a building which means that you have got a front yard and a rear yard. In this situation you are actually purchasing an upstairs or a downstairs together with a foyer entrance and a garage. So it is a little bit different because there are eight (8) family buildings instead of four (4) family townhomes like we sell at Brierwood.

Councilman Wiktor: Do you still have some under construction in that area so we can take a look at the style of the building and the construction?

Patrick Burke: We will be constructing townhomes at Briarwood for the next ten years.

Councilman Walter: The price is under one hundred thousand. What would the price tag be for the rentals?

Patrick Burke: In the seven hundred dollar ($700) range.

Councilman Rood: Do you have any ideas on what you would do with the driveway and the traffic? I mean that seems to be one of the matters that was brought up by the homeowners in the area.
Patrick Burke: We have designed the driveway in this particular community with a double lane on the exit lane so there is actually a pull over lane so the people going left can sit and wait for the traffic to clear and people going right or making a right hand turn on to Boston State Road have the ability to go around so it has specifically been widened to provide for safe traffic egress.

Councilman Rood: Is the driveway in the middle of your lot or is it toward the southern end? I haven't seen those plans.

Patrick Burke: I have a site plan if you would like to look at it.

Patrick Burke shows the Town Board a site plan.

Councilman Rood: For those of you who can't see it, it is about in the middle of the property.

Supervisor Kennedy: We will have an opportunity to review that plan because I haven't had a chance to look at it either before we make a decision.

Richard Ranic, 7259 Boston State Road: I live next door to where all this is happening. I would like to know how many buildings would there be?

Patrick Burke: Four (4) buildings, eight (8) families each.

Patrick Burke shows Richard Ranic the site plan.

Public Hearing (Cont.):

George Persons, 7300 Boston State Raod: I live directly across from the Oakwood apartments and I believe that there would be too much traffic added to an already congested road. I have two young children. I know there are a lot of young children in the neighborhood on my side of the street and I don't think we would appreciate the apartment complex almost across the street.

Supervisor Kennedy: Do you live in the Oakwood Apartments now?

George Persons: No, I live across the street. I own my own home.

Richard Rettig: I live right next door to the apartments. We are against the rezoning so whatever that means, we're against it.

Supervisor Kennedy: Any specific reason why you are against it?

Richard Rettig: We live across from Charlap's and it is congested enough now. Even to get out of the driveway, to go get your mail you are taking your life in your hands. We are just against the rezoning.

Mary Genzel, 7272 Boston State Road: I am a property owner directly across the street from the proposed area. There are a couple of reasons my husband and I are opposed to the rezoning. A couple of years ago we sought rezoning of our property and the Town of Boston directly across from what is proposed and it was identified by the Planning Board that in the Town of Boston there is a practice of avoiding spot zoning. I would like to identify that according to the zoning maps this would create a spot zoning area by plucking in a R-3 in the center of a C-2 area. Another area of discussion item during that time was green space. We were specifically asked to identify the number of square feet that would be provided around a building that we wished to construct. The Planning Board was insistent that the number of square footage for green space was inadequate and I have concerns looking at the site plans, not being a developer of course, but where is the amount of green space in this property? I know it has been identified by Mr. Burke that it is present but I am concerned that it is not adequate on the four (4) acres. Another reason for the rezoning that I am personally objecting to is that the commercial zoning in the Town of Boston is very limited. We were identified that there are few properties, few areas in the Town of Boston where commercial development can take place. By shifting to R-3 in this particular area it will restrict and limit the potential for any type of commercial development in the future and I am concerned about the value of my commercial property being decreased with this residential zoning across the street.

Roger Jackson, 8890 Greenbriar Terrace: For your reference I live totally on the other end of town. My purpose in coming here is to express to the Board my opposition to pretty much any rezoning in the Town of Boston. As the residents in the area have expressed it does effect their personal valuation of their own property and now to put a unit in the middle of a commercial property and to try to sell those units within a year is, they are going to have to pull the wool over the homeowners or the potential homeowners eyes in order to sell the units much like we have been finessed in the other end of town. My complements to Mr. Burke for putting green space in. That is something that we at the other end of town are not used to. However, any property that is not valued at the same value as a residential piece of property in the Town of Boston, the residents of the Town of Boston suffer. The single family homeowners in the Town of Boston suffer because of the tax rate that we are paying because you can't convince me that the units they are selling or renting are going to be valued the same value or the same percentage of value as the property of the single family homeowner. That is the point that I wanted to make.

REGULAR BOARD MEETING — TOWN HALL
SEPTEMBER 4, 1996 — 7:30 P.M.

Public Hearing (Cont.):

Supervisor Kennedy: There are no other comments. The Board will have to review the plans and the site plan that has been provided by Mr. Burke. We haven't had an opportunity to look at it. We are certainly going to take into consideration the comments that were made here this evening. I am not going to try and address them this evening nor do I think the Board should address them until we have an opportunity to review them and to examine the complaints that have been brought to the attention of the Board, or the concerns I guess you would say that have been brought to the attention of the Board in this regard this evening.

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to close the Public Hearing at 8:27 p.m..

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to table the rezoning application of Patrick Burke, 7281 Boston State Road until the September 18, 1996 Town Board meeting.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to refer to the Planning Board a request from Melba Brierley to construct an accessory apartment at 7595 Back Creek Road.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to refer to the Planning Board the letter of intent on behalf of Carl and Pearl Emerling to construct an office building for lease to Bertrand Chaffee Hospital for a Primary Care Clinic adjacent to 8965 Boston State Road.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Walter to authorize the Town Clerk to advertise for bids for the Trevett Road Creek Crossing, bid opening date, September 17, 1996 at 10:00 a.m..

five (5) Ayes — Carried

Received a request from the Lions Club to construct a storage garage on Town property.

Deputy Code Enforcement Officer Lisowski, in response to Supervisor Kennedy's inquiry, confirmed that the proposed Lions Club building constructed on Town property conforms to NYS Building Codes.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to approve the request of the Lions Club to construct a storage garage on Town property, on the northwest side of the vacant area across from the fishing pond subject to a signed agreement whereas the building would become the property of the Town of Boston if it is vacated or no longer in use by the Boston Lions Club.

five (5) Ayes — Carried

Supervisor Kennedy read a determination from TVGA Engineering regarding the C-1 Zoning Line for the Szalay property at Rollin Drive and Boston State Road.

Supervisor Kennedy read a letter from Greenan Law Offices on behalf of John Szalay requesting the issuance of a building permit.

REGULAR BOARD MEETING TOWN HALL
SEPTEMBER 4, 1996 7:30 P.M.

Residents Robert DeCesare, 8930 Greenbriar Terrace and Roger Jackson, 8890 Greenbriar Terrace, objected to the issuance of a building permit on the premiss that the square footage of the lot makes it a non-conforming lot for the proposed use.

The Town Board Members and Town Attorney Perley concurred with the Town Engineer and Conway & Company Architects, that the Szalay property is zoned for the proposed structure having the required amount of square footage without a rezoning.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to approve the modified site plan for the issuance of a building permit and to lift the previous condition on the Certificate of Occupancy for John and Susan Szalay, corner of Rollin Drive and Boston State Road.

five (5) Ayes Carried

SUPERVISOR REPORT

A) Supervisor monthly report for August 1996 was received and is on file in the Clerk's Office.

TOWN CLERK REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to accept the Monthly Registrar of Vital Statistics Report for August 1996.

five (5) Ayes Carried

TOWN ATTORNEY REPORT

Town Attorney Perley announced for those who are patrons of the Boston Library, the final coat of pavement, after two (2) years, has been applied to the parking lot. The Town Board was supportive in funding the development of the addition and the parking lot.

Plans are underway for registration and balloting for the referendum for the creation of Water District No. 3. Absentee ballot applications and forms have been prepared. Emergency ballots will be prepared to a limited extent in the event they are requested on the referendum date of September 17, 1996.

Town Attorney Perley has attempted to obtain a letter from the ECWA for Water District No. 2 so a filing can be made to the State Comptroller's Office for approval of the funding scheme.

COUNCILMAN REPORT

Councilman Rood announced the Chamber of Commerce, in conjunction with the Springville Chapter of the Habitat for Humanity, which encompasses a twenty mile radius from Springville and includes Hamburg, Boston and East Aurora, ran their first 5K run on August 24, 1996.

The Senior Citizens received a new piano which Councilman Rood was able to obtain from the Hamburg United Methodist Church.

Councilman Rood noted the Conservation Advisory Council will plant trees in the parks which were obtained from a grant received two (2) years ago.

Councilman Wiktor thanked two members of the ambulance squad who were in attendance for their help and assistance in formulating the Awards Program that was enacted to put on the November ballot. It is hoped the residents approve the Program because for the minimal cost to residents you can't get better service than from your own local people.

REGULAR BOARD MEETING
SEPTEMBER 4, 1996

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.):

Town Attorney Perley noted he will discuss a method to implement the point system that must be adopted by the Town Board separately.

Councilman Walter reported that on August 7, 1996 he met with Supervisor Kennedy and Town Engineer Pettit regarding the possibility of constructing a cul-de-sac at the foot of Parkside Drive. The person holding the mortgage on the property disagrees with the plan. Councilman Walter will attempt to come to an agreement with him.

Councilman Walter met with Allen Taylor, Resident Engineer of the NYS DOT and noted he felt the deep culverts in front of the three homes on Herman Hill Road were not unsafe. Councilman Walter will write to the District Director to attempt to remedy the situation.

Councilman Walter received a letter of denial from the NYS DOT on the Town of Boston request for a stop-sign at Eckhardt and Taylor Roads. Another request will be sent.

Councilman Walter noted speed limit signs will be posted on Town subdivision streets in the near future.

Councilman Davenport reminded all citizens they should be registered to vote and to advise friends and family to do so also.

CODE ENFORCEMENT OFFICERS REPORT

A) Code Enforcement Officer monthly report for August 1996 was received and is on file in the Clerk's Office.

Deputy Code Enforcement Officer monthly report for August 1996 was received and is on file in the Clerk's Office.

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officer monthly report for August 1996 was received and is on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for August 1996 was received and is on file in the Clerk's Office.

PLANNING BOARD REPORT

The Planning Board has given a recommendation of approval on the Building Permit Application of the North Boston Mobile Station.

A motion was made by Councilman Wiktor and seconded by Councilman Rood to table the North Boston Mobil Station application for a Building Permit until the September 18, 1996 Town Board meeting.

five (5) Ayes — Carried

The Planning Board has given a recommendation of approval on the Site Plan Review for the Patchin Fire Company and Community Association with the stipulation of the re-establishment of the side yard.

TVGA Engineering has determined the application for a Building Permit for the Patchin Fire Company and Community Association to be a Type II Action.

REGULAR BOARD MEETING
SEPTEMBER 4, 1996

TOWN HALL
7:30 P.M.

A motion was made by Councilman Walter and seconded by Councilman Wiktor, on the recommendation of the Planning Board, to approve the application for a Building Permit for the Patchin Fire Company and Community Association.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Rood to adjourn the meeting at 9:25 p.m..

David J. Shenk
DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
SEPTEMBER 18, 1996 — 7:30 P.M.

Present were Councilman Josephine M. Davenport, Councilman Lisa M. Rood, Councilman Peter A. Walter, Councilman Damian P. Wiktor, Supervisor Richard L. Kennedy and Town Attorney Michael F. Perley.

Absent: Highway Superintendent Eugene E. Ruchalski.

A motion was made by Councilman Walter and seconded by Councilman Davenport to adopt the minutes of the September 4, 1996 regular monthly meeting.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter that General Fund and Special District Bills on Abstract #9A, dated September 18, 1996 in the amount of $43,013.05 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Wiktor that the Highway Bills on Abstract #9A, dated September 18, 1996 in the amount of $20,620.47 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood to approve an additional voucher to the General Fund and Special Districts Abstract #9A, dated September 18, 1996 to the Parks Department Account for Midland Asphalt, $2,185.08.

five (5) Ayes — Carried

Received and filed notification from the American Red Cross of a Blood Drive on September 26, 1996, at the Boston AmVets Post #219.

Received and filed notification from Legislator Frederick J. Marshall of a Free Rabies Clinic, Colden Fire Hall, on 9/26/96.

Received and filed a Stipulation of Settlement on the NY Telephone Company vs. Town of Boston Assessment Case.

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to accept and authorize Town Attorney Perley and Assessor Eagan to execute the Stipulation of Settlement on the NY Telephone Company vs. Town of Boston Assessment Case.

five (5) Ayes — Carried

Received and filed the Erie County Sheriff's Monthly Activity Report for August 1996.

REQUESTS FROM FLOOR:

Sarah Emerling and Karen Salvalso presented to Supervisor Kennedy, accepting on behalf of the Town of Boston, a trophy for first place won by the Town of Boston Girls Softball Team in the B.O.Y.S. Fourth Annual 12-U Tournament. Also presented was a third place medal for the Ponytails 10-13 Girls Softball Team. Emerling Chevrolet is the sponsor for the Town of Boston House and Traveling Girls Softball Team.

Councilman Walter reported the ECWA has agreed to the placement of a sixty foot tower and the location of the small accessory building on the Patchin Fire Company property. The target date for construction is the beginning of October 1996. The ECWA application for an Antenna Radio Tower will remain tabled.

REGULAR BOARD MEETING — TOWN HALL
SEPTEMBER 18, 1996 — 7:30 P.M.

On September 17, 1996 at 10:00 a.m. the following bids were opened and read aloud for the Trevett Road Waterline Replacement across Eighteen Mile Creek, Water District 1:

Kandey Company Inc.	$33,351.00
Dorsch Construction	36,980.00
S. Stock Services, Inc.	36,963.36
Donald J. Braasch Const.	38,150.00
Case Boring Corp.	39,395.00
S. St. George Enterprises	43,614.00
Butler Mechanical	45,640.00
Eastern Summit Development	63,483.16

A motion was made by Councilman Walter and seconded by Councilman Wiktor, on the recommendation of TVGA Engineering, to award the contract for the Trevett Road Waterline Replacement across Eighteen Mile Creek, Water District 1 to Kandy Co. Inc. for the amount of $33,351.00.

five (5) Ayes — Carried

Supervisor Kennedy read a letter of opposition from Jennifer Smolinski (Ranic), 7259 Boston State Road, to the Rezoning Application of Patrick Burke for 7281 Boston State Road.

Supervisor Kennedy read a letter from the Planning Board approving the Rezoning Application of Patrick Burke for 7281 Boston State Road with the suggestion that the Town Board stipulate that the rezoning be contingent on the approval of a Site Plan within six (6) months.

Councilman Rood noted that in a C-1 zoning a building can cover forty (40) percent of the lot whereas in the R-3 zoning only fifteen (15) percent of the lot can be covered thus providing more green space.

Supervisor Kennedy commented that the Rezoning of 7281 Boston State Road from C-1 to R-3 makes the zoning more restrictive than it presently is. He also noted Mr. Burke should not be penalized for the traffic conditions created by Charlap's Dairy and those conditions will be addressed in the near future.

Councilman Wiktor noted the Planning Board has been studying the traffic pattern in that area due to the Building Permit Application of the North Boston Mobil Station. The improper amount of parking spaces Mobil would be able to entertain on their lot was also considered. He further noted that if parking is an issue with the Mobil Station it should also be an issue with Charlap's Dairy.

A motion was made by Councilman Rood and seconded by Supervisor Kennedy to approve the Rezoning Application of Patrick Burke for 7281 Boston State Road from C-1 to R-3, tabled at the September 4, 1996 Town Board Meeting.

five (5) Ayes — Carried

Supervisor Kennedy read the Planning Board recommendation of approval for the Building Permit Application for the North Boston Mobil Station.

Supervisor Kennedy reported that he, Town Board members and Town Attorney Perley met with James Sacco, Representative from Tyree Consulting Company regarding the requests of the Town Board concerning the Building Permit Application for the North Boston Mobil Station. The Mobil Station has conformed to the requests, including a brick exterior and a cupola, as previously required for the building being demolished.

REGULAR BOARD MEETING TOWN HALL
SEPTEMBER 18, 1996 7:30 P.M.

A motion was made by Councilman Wiktor and seconded by Supervisor Kennedy, to approve the final Site Plan for the North Boston Mobile Station on the corner of Herman Hill Road and Route 391 subject to the Code Enforcement Officer review of the Building Permit Application.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to authorize Highway Superintendent Ruchalski to attend the NY Association of Town Superintendents of Highways 67th Annual Conference in Callicoon, New York, September 24 to September 27 1996, fees not to exceed amount appropriated.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Davenport to authorize Supervisor Kennedy to sign a contract with GIS Resource Group, Inc. for the GIS Needs Assessment project funded through the SARA Grant.

five (5) Ayes Carried

SUPERVISOR REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to direct the Town Clerk to schedule a Public Hearing for October 16, 1996 at 8:00 p.m. to determine the Community Development Block Grant Application.

five (5) Ayes Carried

Supervisor Kennedy announced the vote for Water District #3 was 232 for the affirmative and 159 against, for a total of 391. The sixteen or seventeen contested votes will be reviewed but will not have a significant effect on the results. Due to the many steps that must be done, actual construction is expected to begin in the Spring of 1998.

Supervisor Kennedy noted his appreciation for the work done by the Boston Highway Department on Chestnut Ridge Road for the water tank. This will save the town approximately $20,000 when this project is resubmitted for bid.

Complaints were received on election signs placed at each polling place for a Democratic Judge on Primary Day. No permit was issued and the signs remained up for a week after the election and were in violation. Permits are required for signs in the Town of Boston and should be monitored closely for the November election.

TOWN CLERK REPORT

Town Clerk Shenk, in response to the September 4, 1996 Town Board inquiry, reported that the Town of Boston does not need to be put on the UFPO list for Underground Facilities.

Hamburg School tax bills were sent out and the Town Clerk's Office will be open for collections on Saturdays October 5 and October 12 from 9:00 a.m. to 3:00 p.m..

Town Clerk Shenk reported flu shots will be given on Friday September 27, 1996 from 10:00 a.m. to 2:00 p.m. in the Boston Town Hall Court Room. The cost is free to anyone on Medicare Part B and $8.00 for all others.

The Town of Boston received enough points on the annual PERMA Safety Review to qualify for a twenty percent discount on the safety portion of the premium.

REGULAR BOARD MEETING
SEPTEMBER 18, 1996

TOWN HALL
7:30 P.M.

TOWN CLERK REPORT (CONT.)

Town Clerk Shenk congratulated Supervisor Kennedy on being named the "Citizen of the Week" by the Orchard Park Citizen.

TOWN ATTORNEY REPORT

Town Attorney Perley reported a meeting is scheduled to review the proposed ECWA Lease Management Agreement.

Town Attorney Perley praised the Town Clerk and the Election Inspectors for helping the Water District #3 referendum to run smoothly.

COUNCILMAN REPORT

Councilman Rood attended the Northeast Southtowns Waste Management Board meeting on September 12, 1996 and noted there will be a free hazardous waste drop-off open to the public, in the Town of Concord, at the County Highway Garage on October 26, 1996. Oil based paints, thinners, batteries, one quart propane cylinders, pesticides, motor oil and anti-freeze will be accepted.

Councilman Rood attended the Seniors Young at Heart meeting where a Chinese Auction was held. The new group now numbers one hundred and fourteen (114) members.

The Conservation Advisory Council meetings will begin this month. On September 19, 1996 the trees received from a grant two (2) years ago, will be planted.

The first Chamber of Commerce meeting will be September 19, 1996, at the Boston Town Hall and refreshments will be served.

Councilman Rood congratulated Supervisor Kennedy on being named "Citizen of the Week".

Councilman Wiktor announced there will be a Cattaraugus County Free Rabies Clinic, open to the public, at the Department of Public Works Garage located behind the Town of Ashford Highway Garage.

On September 14, 1996 Councilman Wiktor attended a Haz-Mat meeting and reported that a mutual plan of operation was agreed upon between Erie County Emergency Services, various fire groups, Haz-Mat and National Fuel, to call 911 to respond to carbon monoxide reports at residences and businesses. The possibility of implementing standardized carbon monoxide detectors as is done for smoke detectors was discussed. The Haz-Mat team purchased a new trailer to incorporate more equipment to be more efficient in their responses. Niagara Auto Dealers Association has been requested and is responding favorably to supplying the team with a new vehicle. On September 21, 1996 the Haz-Mat team will sponsor an all day training session for the various Haz-Mat teams of the seven (7) counties of Western New York.

Councilman Wiktor noted the week of October 6-12, 1996 is National Fire Prevention Week and added this would be a good week to check smoke alarms in the home.

Councilman Walter reported that he is in negotiations with the mortgage holder of the property at the foot of Parkside Drive regarding a cul-d-sac. The owner now has the plans for review.

Councilman Walter noted the ditch cleaning on Meadow Drive has been completed and the drainage problems have been solved. The project cost was well under $1,000 and within the monies budgeted.

Councilman Walter thanked all the residents who turned out for the Water District #3 Referendum.

REGULAR BOARD MEETING
SEPTEMBER 18, 1996

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.)

Councilman Davenport reported the Senior Nutrition Program is having an area meeting in West Seneca on September 19, 1996. Greg Hahn and his wife will attend as representatives from the Town of Boston.

Supervisor Kennedy commented that Councilman Davenport's husband will be undergoing open heart surgery and the prayers of the Town Board and community members will be with him.

PLANNING BOARD REPORT

The Planning Board has a recommendation of denial on the rezoning application of Angelo DeGuili, 9467 Boston State Road, based on the conclusion there is no legal way to rezone the property due to the size and restraints of the parcel.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to set a Public Hearing for November 6, 1996, 8:10 p.m. for the rezoning application of Angelo DeGuili, 9467 Boston State Road.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to adjourn the meeting at 8:25 p.m..

David J. Shenk
DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 2, 1996 — 7:30 P.M.

Present were Councilman Josephine M. Davenport, Councilman Lisa M. Rood, Councilman Peter A. Walter, Councilman Damian P. Wiktor, Supervisor Richard L. Kennedy, and Town Attorney Michael F. Perley.

Absent: Highway Superintendent Eugene E. Ruchalski.

A motion was made by Councilman Walter and Councilman Davenport to adopt the minutes of the September 18, 1996 regular monthly meeting.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Supervisor Kennedy that the General Fund and Special District Bills on Abstract #10, dated October 2, 1996 in the amount of $17,303.10 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Walter that the Highway Bills on Abstract #10, dated October 2, 1996 in the amount of $4,065.62 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 September 1996.

five (5) Ayes — Carried

Received and filed a schedule from the NY Department of State for the Governor's Summit on Local Government.

Received and filed notification of the 1996-97 State Revenue Funds to the Town of Boston in the amount of $37,437.

REQUESTS FROM THE FLOOR

Robert Keel, 6417 Kevinton Place: I would like to ask you to take a look at the usage and the late night hours for the tennis courts. It is extremely inconvenient to us to have to put up with the lights and activities that go on when the courts aren't really in use. We would certainly appreciate it.

Supervisor Kennedy: Those lights are on a timer and I will tell our janitor to reset the timer tomorrow.

Referred to Councilman Walter a letter from the Boston Christmas Lighting Committee requesting approval of the program and approval to place decorations on the metal poles on Boston State Road south of the Expressway.

Referred to Town Attorney Perley a Joint Municipal Service Contract for Mutual-Aid Ambulance and Emergency Medical Service and Rescue Assistance between the Town of Eden and the Town of Boston.

Councilman Wiktor will refer the Joint Municipal Service Contract for Mutual-Aid Ambulance and Emergency Medical Service and Rescue Assistance between the Town of Eden and the Town of Boston to the three fire companies in Boston and to the Emergency Squad.

A motion was made by Councilman Wiktor and seconded by Councilman Walter to authorize Supervisor Kennedy to enter into a contract with J. O'Connell & Associates, Grants Consultants, for the 1996-1997 contract year, annual fee of $15,600.

five (5) Ayes — Carried

DDH529

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 2, 1996 — 7:30 P.M.

Referred to Councilman Walter, Chairman of the Traffic and Safety Committee, a letter from Charles D. Smith, 4540 Eckhardt Road regarding the intersection of Herman Hill and Abbott Roads.

The 1997 Preliminary Budget and Summary of the 1997 Budget was read by Supervisor Kennedy.

Supervisor Kennedy noted there are a lot of towns in Erie County that elect to use their entire sales tax revenue and apply it to the General Fund. $180,000 of sales tax revenue in Boston has been applied to the Highway Budget. If the Highway wasn't given any of the sales tax revenue it would result in a general fund tax of zero. The bottom line is, you add all the taxes that you pay, general fund and highway. If someone says they don't pay any town tax and they are paying $3.90 for highway taxes alone, it's a good deal more than the residents of the Town of Boston pay. Some items for consideration is to regress to 1992 when there was a general revaluation. The general fund tax was $.77, in 1992, 1993, and 1994. In 1995, 1996 and 1997 they are $.76. Supervisor Kennedy challenged everyone to examine their school budget and show one year where their taxes remained the same. In the Highway budget the tax was $1.87 in 1992, 1993, 1994, and $1.93 in 1995, $2.03 in 1996 and $2.18 in 1997. The total for the highway and general funds is $2.93. Supervisor Kennedy asked to compare this with the 1996 budgets in the surrounding communities. Colden was $3.75, Concord was $5.59, Eden was $4.10, Collins was $4.42, Elma was $4.59, Holland was $4.31 and Aurora was $3.66. These are 1996 budget figures. Supervisor Kennedy is proud that in the Town of Boston the taxes are less than $3.00 a thousand for both the general and highway funds combined. He noted that the Town Board and all the people in the community can be proud also.

A motion was made by Councilman Walter and seconded by Councilman Davenport that the 1997 General Fund Preliminary Budget be approved as follows:

Appropriations	1,081,986.00
Less Estimated Revenue	609,100.00
Less Unexpended Balance	295,000.00
Amount to be Raised by Taxes	177,886.00

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Walter that the 1997 Highway Fund Preliminary Budget be approved as follows:

Appropriations	807,200.00
Less Estimated Revenue	297,500.00
Less Unexpended Balance	00.00
Amount to be Raised by Taxes	509,700.00

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Rood that the 1997 Fire Protection Preliminary Budget be approved as follows:

Appropriations	489,588.00
Less Estimated Revenue	00.00
Less Unexpended Balance	6,600.00
Amount to be Raised by Taxes	482,988.00

five (5) Ayes — Carried

~~397~~
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REGULAR BOARD MEETING — TOWN HALL
OCTOBER 2, 1996 — 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Walter that the 1997 Light District Preliminary Budget be approved as follows:

Appropriations	23,000.00
Less Estimated Revenue	00.00
Less Unexpended Balance	2,500.00
Amount to be Raised by Taxes	20,500.00

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Davenport that the 1997 Ambulance Preliminary Budget be approved as follows:

Appropriations	92,934.00
Less Estimated Revenue	00.00
Less Unexpended Balance	00.00
Amount to be Raised by Taxes	92,934.00

five (5) Ayes — Carried

DDH529

A motion was made by Councilman Rood and seconded by Supervisor Kennedy that the 1997 Refuse and Garbage Preliminary Budget be approved as follows:

Appropriations	332,166.00
Less Estimated Revenue	00.00
Less Unexpended Balance	25,346.00
Amount to be Raised by Taxes	306,820.00

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Wiktor that the 1997 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

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Supervisor Kennedy that the 1997 Water District #1 Preliminary Budget be approved as follows:

Appropriations	93,500.00
Less Estimated Revenue	00.00
Less Unexpended Balance	38,500.00
Amount to be Raised by Taxes	55,000.00

five (5) Ayes — Carried

A motion was made by Councilman Rood and seconded Councilman Wiktor that the 1997 Water District #2 Preliminary Budget be approved as follows:

Appropriations	180,200.00
Less Estimated Revenue	00.00
Less Unexpended Balance	137,465.00
Amount to be Raised by Taxes	42,735.00

five (5) Ayes — Carried

~~308~~
126

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 2, 1996 — 7:30 P.M.

A motion was made by Councilman Walter and seconded by Supervisor Kennedy that the 1997 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

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Walter to direct Town Clerk Shenk to schedule a Public Hearing on November 6, 1996, at 8:00 p.m. for the 1997 Preliminary Budget.

five (5) Ayes — Carried

SUPERVISOR REPORT

A) Supervisor monthly report for September 1996 was received and is on file in the Clerk's Office.

Received a letter from the Hamburg School District Principal requesting the Boston Valley Elementary School playground be maintained by the Town of Boston. The Town of Boston will supply the funds for the insect spraying and the playground sealing will be done next year.

Supervisor Kennedy noted October 6, 1996 is the deadline for Glenn McKillen to raze the building from the property at 9296 Zimmerman Road. On the recommendation of Town Attorney Perley, the Code Enforcement Officer is requested to inspect the property on October 7, 1996, prepare a report and a date will be scheduled for the Town Board to meet with Mr. McKillen.

TOWN CLERK REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to accept the Monthly Registrar of Vital Statistics Report for September 1996.

five (5) Ayes — Carried

Town Clerk Shenk announced the Hamburg School taxes are due October 15, 1996 and the Town Clerk's office will be open on Friday, October 11, 1996 until 8:00 p.m. and Tuesday October 15, 1996 until 9:00 p.m..

On September 26, 1996 the second information hearing was held regarding the GIS grant. Targeted Town Officials will be contacted this week to schedule interviews.

On October 2, 1996, as part of the Safety Program, a representative from PERMA presented a Back Program designed to prevent employee injures. The Highway, Parks and Maintenance Departments and all in attendance found the program very informative.

PROCLAMATION

NATIONAL 4-H WEEK OCTOBER 6-12, 1996

WHEREAS, the week of October 6 - 12, 1996 is National 4-H Week. The 4-H programs assist youth in acquiring knowledge and developing life skills that will enable them to become self directing, productive and contributing members of society.

WHEREAS, 4-H programs are conducted in 3,150 counties of the United States, District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa and Micronesia.

WHEREAS, locally there are three (3) 4-H clubs that call the Town of Boston their home. The Boston Hill Climbers, the Thundering Hoofbeats, and one of the oldest clubs in the county, the Boston Valley Violets, with Betty Seufert who is in her forty-eighth (48th) year as a leader. The Thundering Hoofbeats, (Councilman Rood's Club) has been the recipient of the Cornell Co-Operative Extensions Community Beautification award for two years running. The service projects that qualified them for this award was the tree planting project in the Boston Town Parks (along with the Conservation Advisory Council and the Boy Scouts) and the storm sewer stenciling project throughout the Town of Boston.

WHEREAS, 4-H is alive and thriving in Boston and is helping to make conscientious citizens of tomorrow with the youth of today.

NOW THEREFORE, I, Lisa M. Rood, Town Councilman of Boston, do hereby proclaim October 6th through the 12th as National 4-H Week in the Town of Boston.

Lisa M. Rood

LISA M. ROOD, COUNCILMAN

REGULAR BOARD MEETING
OCTOBER 2, 1996

TOWN HALL
7:30 P.M.

TOWN ATTORNEY REPORT

Town Attorney Perley and Councilman Walter met with the ECWA legal counsel on September 25, 1996 regarding the ECWA Lease Management Agreement. The agreement which may be executed by the Town Board at the October 16, 1996 Town Board meeting is expected to include the modifications made by Town Attorney Perley in the Spring. This facilitates the filing of the application for approval on the Water District #2 extension with the NYS Office of the Comptroller. The agreement would also apply to Water District #3, if and when Water District #3 comes online. There will be language in the agreement with regard to service through the facilities of the District to areas beyond the district boundaries such as Colden.

COUNCILMAN REPORT

Councilman Rood reported the Erie County Health Department wrote a letter to Rural Economic Community Development declaring public water would be beneficial to the West Hill residents. The Town of Boston will send a letter to RECD stating the amount the Town will appropriate to the Water District #2 project and together the two letters will combine to give the Town of Boston ninety-five (95) points out of one hundred (100) points on the priority list for intermediate loan financing.

Councilman Rood attended the GIS Seminar sponsored by the Resource Group.

Two weeks ago the Conservation Advisory Council planted oak and white pine trees received from a tree grant in 1993. They were planted around the pond at the Town Park.

PROCLAMATION - WEEK OF OCTOBER 6-12, 1996 NATIONAL 4H WEEK

Councilman Wiktor met with Town Attorney Perley to finalize the point schedule for the Volunteer Ambulance defined Contribution Service Award Program. This information will be discussed at the monthly meeting of the Boston Emergency Squad, on October 9, 1996.

Councilman Wiktor as liaison to the Planning Board passed on the Town Board request that a copy of maps, site plans, topographical maps, landscape plans and all materials received by the Planning Board on a proposal be secured for the Town Board's usage. This will allow the members of the Town Board all vital and pertinent information on any project allowing the members of the Town Board to be better informed to discuss and to then ultimately vote on projects that do appear before the Board.

Councilman Wiktor reminded the citizens that the Councilman Office Hours will be held on October 12, 1996 from 9:00 ~ 11:00 a.m. in the Boston Town Hall Planning Board room.

Councilman Wiktor referred to Councilman Walter a complaint of overgrown shrubbery on the property of Mr. Schunk on Aspen Drive causing a safety problem as cars pull out on Boston State Road.

Councilman Walter reported the ECWA meeting he attended was very informative.

Councilman Walter announced the Meadow Drive ditch is working well and the total bill of $750.00 does not exceed the $1,000 appropriated.

Councilman Walter noted he will take care of the electric poles for the Christmas Lighting Committee, Aspen Drive, and the Safety problem on Abbott and the foot of Chestnut Ridge Road.

DDH529

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 2, 1996 — 7:30 P.M.

COUNCILMAN REPORT (CONT.):

Councilman Walter complemented Supervisor Kennedy on the preparation of the 1997 Budget.

A motion was made by Councilman Davenport and seconded by Councilman Rood to grant the Christmas Lighting Committee permission to decorate the poles on Boston State Road south of the Expressway and to decorate the flagpole at the Boston Commons.

five (5) Ayes — Carried

Councilman Davenport thanked everyone who sent cards and prayers to her husband in the hospital. He is home and doing well.

CODE ENFORCEMENT OFFICERS REPORT

A) Code Enforcement Officer monthly report for September 1996 was received and is on file in the Clerk's Office.

Deputy Code Enforcement Officer monthly report for September 1996 was received and is on file in the Clerk's Office.

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officer monthly report for September 1996 was received and is on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for September 1996 was received and is on file in the Clerk's Office.

PLANNING BOARD REPORT

The Planning Board recommended denial on the application of Sprint Spectrum's request for a Special Use Permit at 6405 Ward Road, based on the aesthetic affect of the visual impact, the fact other technologies may be used and the lack of guidelines to the town on tower site installation.

Supervisor Kennedy recommended delaying scheduling a Public Hearing pending the Board's decision to retain a communication expert in this field to represent the interest of the Town of Boston.

TVGA Engineering declared this application to be a Type I action.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to request Lead Agency Status on the application of Sprint Spectrum for a Special Use Permit to erect a tower at 6405 Ward Road and to file this request with other interested agencies, being the Town of Orchard Park, the County of Erie and New York State.

five (5) Ayes — Carried

A motion was made by Councilman Rood and seconded by Councilman Davenport to direct the Town Clerk to set a Public Hearing for the Special Permit for an in-law apartment for Melba Bierley, 7595 Back Creek Road for November 20, 1996 at 8:00 p.m..

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Davenport to adjourn the meeting at 9:56 p.m..

David J. Sherk

DAVID J. SHERK, TOWN CLERK

TOWN OF BOSTON

TOWN OF BOSTON

RESOLUTION 1996-26

OPPOSITION OF AREA HOSPITALS REGARDING COMMUNITY BLUE ADVANTAGE PLAN

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 16th day of October 1996 at 7:30 P.M. Eastern Standard Time, there were:

PRESENT:	Damian P. Wiktor	Councilman
	Josephine M. Davenport	Councilman
	Peter A. Walter	Councilman
	Richard L. Kennedy	Supervisor
ABSENT:	Lisa M. Rood	Councilman

Councilman Davenport presented the following resolution and moved its adoption:

WHEREAS, a new health insurance plan known as Community Blue Advantage is being offered by Blue Cross and Blue Shield of Western New York as an option to its health maintenance organization, Community Blue, effective January 1, 1997, and

WHEREAS, Community Blue Advantage excludes 600 doctors and six hospitals (including Erie County Medical Center, Roswell Park Cancer Institute and Buffalo General Hospital), and

WHEREAS, Erie County Medical Center ("ECMC") is the only major public hospital in the area and is financed by County taxpayers; the loss of revenue from Community Blue Advantage would force an increase in the taxpayers' subsidy to ECMC, and

WHEREAS, Erie County Medical Center possesses a vital spinal cord trauma unit; Roswell Park Cancer Institute is one of the leading cancer institutes in the country; and Buffalo General Hospital is one of the top heart transplant hospitals, and

WHEREAS, by excluding these hospitals, subscribers are offered less choices, and the remaining hospitals may not offer the services needed by subscribers or the quality and care they deserve, and

WHEREAS, this Town Board feels that Community Blue Advantage will financially hurt the excluded area hospitals, do a disservice to erie County taxpayers and steer subscribers to lower cost hospitals, thereby resulting in a losing situation for subscribers, taxpayers, and area hospitals.

TOWN OF BOSTON

NOW THEREFORE

BE IT RESOLVED, that this Town Board hereby expresses its opposition to the Community Blue Advantage plan being offered by Blue Cross and Blue Shield of Western New York, and memorializes Blue Cross/Blue Shield to include the above named hospitals as Advantage providers, and

BE IT FURTHER RESOLVED, that the Town Clerk is directed to forward certified copies of this resolution to Blue Cross/Blue Shield, Community Blue, County Executive Gorski, the Clerk of the Erie County Legislature and the Cheektowaga Town Clerk.

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

Supervisor Kennedy	**Voting Aye**
Councilman Wiktor	**Voting Aye**
Councilman Rood	**Voting Absent**
Councilman Davenport	**Voting Aye**
Councilman Walter	**Voting Aye**

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

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 16, 1996 — 7:30 P.M.

Present were Councilman Josephine M. Davenport, Councilman Peter A. Walter, Councilman Damian P. Wiktor, Supervisor Richard L. Kennedy, Town Attorney Michael F. Perley and Highway Superintendent Eugene E. Ruchalski.

Absent: Councilman Lisa M. Rood.

Pastor John Van Hanigan, Good Shepherd Lutheran Church, opened the meeting with a prayer.

A motion was made by Councilman Wiktor and seconded by Councilman Walter to adopt the minutes of the October 2, 1996 regular monthly meeting.

four (4) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor that General Fund and Special District Bills on Abstract #10A, dated October 16, 1996 in the amount of $36,794.66 be paid. See correction page 137

four (4) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Wiktor that the Highway Bills on Abstract #10A, dated October 16, 1996 in the amount of $10,066.83 be paid. see correction page 134

four (4) Ayes — Carried

Received and filed a SEQR Notification from the Town of Colden for the proposed zoning changes.

Received and filed notification of a round-table discussion on Telecommunication Towers, Town of Orchard Park, October 23, 1996.

Received from Adelphia Cable Communications $18,704.97 for franchise fees for the period of January 1 through June 30, 1996.

Received and filed Town of Cheektowaga Resolution opposing the Community Blue Advantage Plan.

RESOLUTION 1996 -26 OPPOSITION OF AREA HOSPITALS REGARDING COMMUNITY BLUE ADVANTAGE PLAN

Received and filed the City of Buffalo Resolution on the Municipalization of Electric Service.

Received and filed Erie County Sheriff's Report for September 1996.

Received and filed Notice of a Tentative State Equalization Rate of 81.85 for the 1996 Assessment Roll from NYS Board of Real Property Services.

Received and filed a request dated October 8, 1996, from Glenn McKillen, 9296 Zimmerman Road regarding his Public Hearing of August 7, 1996 concerning violations of Town Code 47 and the Buffalo Evening News Article of October 3, 1996. Mr. McKillen ordered Town Officials to stay off his property and requested a copy of a previous permanent injunction from Town Attorney Perley.

Supervisor Kennedy read a re-inspection report from Deputy Code Enforcement Lisowski dated October 15, 1996. Town Attorney Perley was directed to draft a letter to Mr. McKillen inviting him to attend a meeting on November 4, 1996 at 7:00 p.m., where a decision will be made regarding the property.

John Schlenker, 6195 Ward Road addressed the Town Board regarding his request for a second accessory building. He explained that additional storage space was necessary for his son to occupy the one bedroom home.

REGULAR BOARD MEETING
OCTOBER 16, 1996

TOWN HALL
7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to table the request of John Schlenker, 6195 Ward Road for a second accessory building, until the November 6, 1996 Town Board Meeting.

four (4) Ayes — Carried

Town Clerk Shenk was requested to direct the Secretary of the Zoning Board of Appeals to schedule the next Zoning Board meeting for November 7, 1996 so a final determination can be made on the request of John Schlenker, 6195 Ward Road for a second accessory building.

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 recommended the Rural Transit Service Van be included in a Resolution for use of Federal Community Development Funds.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to close the Public Hearing at 8:05 p.m..

four (4) Ayes — Carried

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

A Public Hearing will be held on Wednesday, October 16, 1996 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 8, 1996.

BY ORDER OF THE TOWN BOARD
Dated: September 26, 1996
David J. Shenk
Town Clerk
10-3

RESOLUTION 1996 - 27 **COMMUNITY DEVELOPMENT BLOCK GRANT REQUESTS FOR 1997**

A motion was made by Councilman Davenport and seconded by Councilman Wiktor to refer to the Planning Board the revised site plan of George Hartman, 5805 Herman Hill Road and waive the fee in lieu of the fact that it is a minor modification.

four (4) Ayes — Carried

Refer to Highway Superintendent Ruchalski and the Town Engineer the NFTA request for a turnaround at the Southtowns Rural Preservation Company.

Code Enforcement Officer Kramer asked if there was anything the Town could do to request the County to improve the deplorable condition of Boston State Road from the Boston Cross Road to the Post Office.

Councilman Walter was requested to obtain the traffic counts on Boston State Road from the County Highway Department.

Supervisor Kennedy agreed the condition of the Boston State Road is atrocious and he will work to have the County correct this road.

TOWN OF BOSTON

RESOLUTION 1996 - 27

COMMUNITY DEVELOPMENT BLOCK GRANT REQUESTS FOR 1997 - 1998

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 16th day of October, 1996 at 7:30 P.M.

PRESENT:

Richard L. Kennedy	Supervisor
Damian P. Wiktor	Councilman
Josephine M. Davenport	Councilman
Peter A. Walter	Councilman

ABSENT: Lisa M. Rood — 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 16th, 1996 relating to suggestions by the public for projects to be submitted for funding during 1997.

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 1997.

1st 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 County Community Block Grant Program,

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

Supervisor Kennedy	**Voting Aye**
Councilman Wiktor	**Voting Aye**
Councilman Rood	**Voting Absent**
Councilman Davenport	**Voting Aye**
Councilman Walter	**Voting Aye**

AYES: FOUR (4) NOES: (0) ABSENT: ONE (1)

David J. Shenk

David J. Shenk, Town Clerk

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 16, 1996 — 7:30 P.M.

Referred to Councilman Walter a photo copy of a petition submitted to the Eden Town Board on October 9, 1996, from thirty-four (34) residents:

PETITION

We, the undersigned, are asking the State of New York to seriously consider having the speed limit on Zenner Road, Eden, lowered to a safe and sensible 40 miles per hour. The present speed limit for this short country road is 55 miles per hour! Since the last petition was turned down the street has undergone many changes. We have six new homes, and a turnover from retired residents to young families. We have children who are starting to ride their bicycles, mothers walking their children and people just taking leisurely walks. The road is used almost daily by large, wide, slow moving farm machinery. While the road has been repaved this September, inviting even more speed, it is lacking in shoulders in many areas with the ditch immediately adjacent. A blind "S" curve and blind hill, both located in areas in which school buses pick up and drop off children, only serves to emphasize the problem. It has become a major concern for all of us. Just to take a walk in the evening is a dangerous venture. Please take our plea seriously this time. Don't wait until the unthinkable happens. Please help us to protect our families and loved ones. Thank you.

SUPERVISOR REPORT

Supervisor Kennedy acting as the Lead Agency in Water District #3, received a request from NYS Agriculture & Markets for a Notice of Intent to be filed.

Town Attorney Perley responded the Notice of Intent has been prepared and will be filed.

Supervisor Kennedy inquired if progress was being made on the Erie County Water Authority Lease Management Agreement.

Town Attorney Perley noted the ECWA Lease Management Agreement was being prepared and would be available this week.

Supervisor Kennedy met with the Town of Orchard Park Engineer and Mr. Krouse at the Boston Valley Terra Cotta Plant regarding a request to extend the Town of Boston water line to enable the plant to have a water hydrant district for fire protection. Although the plant is not actually in the Town of Boston the Town Board of Boston should have no objections to the extension as it will not have any great impact on our pressures.

HIGHWAY SUPERINTENDENT REPORT

A motion was made by Councilman Wiktor and seconded by Councilman Walter to authorize Highway Superintendent Ruchalski to accept bids to sell a 1972 Oshkosh for $2,700 and a 1975 International for $3,250 less a 10% auction fee of $595.00 for a total of $5,355.00.

four (4) Ayes — Carried

Highway Superintendent Ruchalski announced that ninety-one year old Michael Czechowski, a Town of Boston Senior Citizen, passed away on October 14, 1996.

TOWN ATTORNEY REPORT

Town Attorney Perley noted he will continue to work on the proposed Agreement for Mutual Aid for the Town of Eden ambulance service.

Town Attorney Perley announced that he, Councilman Wiktor and members of the Emergency Squad have prepared a detailed point system for the length of the Service Award Program.

REGULAR BOARD MEETING
OCTOBER 16, 1996

TOWN HALL
7:30 P.M.

TOWN ATTORNEY REPORT (CONT.)

Supervisor Kennedy inquired as to whether the Service Award proposition was drafted as to how it will appear on the ballot.

Town Clerk Shenk responded that the proposition for the Service Award Program has been drafted, submitted to the Board of Elections and will be on the ballot for November 5, 1996.

Town Attorney Perley noted a sample election ballot will be available tomorrow.

COUNCILMAN REPORT

Councilman Rood's report was given by Councilman Wiktor. The Boston Annual Halloween party will be held at the Boston Town Hall on October 31, 1996 from 6:00 to 8:00 p.m.. The party is free and games, prizes and refreshments will be available.

Councilman Wiktor announced the Erie County Household Hazardous Waste drop-off will be held on Saturday, October 26, 1996 from 9:00 a.m. to 2:00 p.m. at the Erie County Garage on Sibley Road in the Town of Concord.

Councilman Wiktor and Town Attorney Perley met with representatives of the Emergency Squad regarding the Joint Mutual Service Contract for the Mutual Aid Ambulance and Emergency Services and their concerns that the Mutual Aid Assistance shall include both primary and standby assistants. Councilman Wiktor thanked the Officers, Mr Steward and Mr. Aiple for the time and assistance they offered in preparing this program. Councilman Wiktor strongly recommends this program and requested the press mention this program to the public.

RESOLUTION 1996 - 28 AMBULANCE LOSAP - POINT SYSTEM

Councilman Walter contacted the power company and the lights on Boston State Road near the Expressway have been repaired.

Councilman Walter reported that the Boyd Trailer Park was reinspected on October 5, 1996 and numerous violations are still apparent.

Councilman Walter will contact the Sheriff's Department or the State Police regarding a complaint of speeding on Meadow Drive.

Councilman Walter checked the drainage ditch on Rollin Drive which was reported to be plugged and found it to be flowing well.

Councilman Walter attended the Snowmobile Club meeting in Springville and was informed that legislation is being introduced to protect landowners from lawsuits involving snowmobile traffic.

Councilman Walter noted he will call Deputy County Executive James Keane, regarding the poor condition of Boston State Road which is scheduled for total repair in 1997.

Councilman Walter inspected the complaint of overgrown shrubbery on the Schunk property on Aspen Drive and will contact the owners to have the shrubbery cut down.

Councilman Davenport met with Eric Pearlstein, Principal of Boston Valley School regarding the infestation of bees and Carpenter Ants in the Creative Playground.

Supervisor Kennedy responded that he will attempt to re-organize the Creative Playground Committee to address the problems with the playground.

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1996-28
AMBULANCE LOSAP - POINT SYSTEM

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York , held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 16th day of October, 1996 at 7:30 o'clock in the evening Eastern Prevailing Time there were:

Present:	**Richard L. Kennedy**	**Supervisor**
	Josephine M. Davenport	**Councilman**
	Lisa M. Rood	**Councilman**
	Peter A. Walter	**Councilman**
	Damian P. Wiktor	**Councilman**
Absent:		

Councilman Wiktor presented the following Resolution and moved its adoption:

BE IT RESOLVED that the Town Board of the Town of Boston adopt the attached Point System for the Volunteer Ambulance Workers Length of Service Award Program which is subject to a Mandatory Referendum to be held on November 5, 1996; and

BE IT FURTHER RESOLVED that said point system may be amended from time to time in any manner not inconsistent with any provisions of New York State Law or and Regulation of the State of New York presently existing or as same may be, from time to time, amended or modified.

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

Supervisor Kennedy	Voting:	Yes
Councilman Davenport	Voting:	Yes
Councilman Rood	Voting:	Yes
Councilman Walter	Voting:	Yes
Councilman Wiktor	Voting:	Yes

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk-Town Clerk

POINT SYSTEM

I. Training Courses: 25 Points Maximum

A. Courses under 20 hours duration - 1 point per hour - maximum 5 points.

B. Courses 20 to 45 hours duration - 1 point per hour for each hour over the initial 20 hours - maximum - 10 points.

C. Courses over 45 hours duration - 15 points per course.

Recapitulation:
Maximum points item A - 5 points
Maximum points item B - 10 points
Maximum points item C - none

Examples of training activities:

1. Lectures
2. In Service
3. OSHA training
4. CPR refresher courses
5. EMT classes
6. Advanced EMT classes.

II. Drills - 20 point maximum (N.B.. all drills must exceed two hours) - 1 point per drill

Examples:

1. Practicals - bandage applications
   IV administration
2. Rig check - ambulance
3. Mock Rescue

III. Sleep-in or stand-by - 20 points maximum.

A. Sleep-in - 1 point for each full night

B Stand-by - 1 point each shift (minimum shift time - 4 hours)

IV. Elected or appointed position - 25 points maximum

A. Completion of one year in the following elected or appointed position:

1. President
2. Vice-President

3. Recording Secretary
4. Corresponding Secretary
5. Treasurer
6. Director of Operations
7. Deputy Director of Operations
8. Training Lieutenant
9. Supply Lieutenant
10. Station Lieutenant
11. Transportation Lieutenant
12. Emergency Preparedness Lieutenant

6 - points for each position held for a one year term.

B. Election to serve as a delegate to an ambulance workers' convention - 1 point per meeting

V. Attendance at official meetings of the Boston Emergency Squad - 20 points maximum

One point per meeting.

VI. Participation in Department Responses - 25 points for responding to the minimum number of calls set forth below (by regulation).

Number of Calls	Minimum Responses
0 - 500	10%
500 - 1000	7.5%
1000 - 1500	5%
1500 and over	2.5%

VII. Miscellaneous activities - 15 points maximum.

Activities covered by the Volunteer Ambulance Workers' Benefit Law and not otherwise listed.

Examples:

1. Personally assisting another ambulance department within the State
2. Performing duties relating to accident prevention
3. Performing duties directly related to emergency health care.
4. Instructing on Ambulance duties
5. Attending a parade, funeral inspection or review in which the ambulance company is engaged.
6. Authorized work in connection with the inspection, repair or maintenance of:
   a. the ambulance facility, fixtures, furnishings and equipment
   b. the ambulance vehicles, apparatus and equipment used by the ambulance company.
7. Authorized practice for and participation in, as a contestant or official, in any competitive tournament, contest or public exhibition conducted for ambulance workers which is intended to promote efficiency.
8. Authorized inspection of the ambulance before delivery.
9. Authorized fund raising activity.

One point per activity.

REGULAR BOARD MEETING
OCTOBER 16, 1996

TOWN HALL
7:30 P.M.

PLANNING BOARD REPORT

The Planning Board recommended approval of the application of the Boston Clinic, 8975 Boston State Road with the stipulation that an acceptable landscape plan be submitted.

Received twelve (12) copies of the landscape plan for the proposed Boston Clinic from Andrew P. Moriarty, Project Engineer, with the understanding that the Town Engineer will be sending the Town Board a letter confirming that all engineering concerns have been satisfactorily addressed.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to approve the application of the Boston Clinic, 8975 Boston State Road contingent on the approval of the Town Engineer and the Town Planner.

four (4) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport to adjourn the meeting at 9:00 p.m..

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 6, 1996 — 7:30 P.M.

Present were Councilman Josephine M. Davenport, Councilman Lisa M. Rood, Councilman Peter A. Walter, Councilman Damian P. Wiktor, Supervisor Richard L. Kennedy, and Town Attorney Michael F. Perley.

Absent: Highway Superintendent Eugene E. Ruchalski.

Reverend Richard Phillips opened the meeting with a prayer.

A motion was made by Councilman Walter and Councilman Davenport to adopt the minutes of the October 16, 1996 regular monthly meeting.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Wiktor that the General Fund and Special District Bills on Abstract #11, dated November 6, 1996 in the amount of $138,889.95 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Supervisor Kennedy that the Highway Bills on Abstract #11, dated November 6, 1996 in the amount of $22,524.32 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport to accept Town Clerk's Monthly Report for October 1996.

five (5) Ayes — Carried

Received and filed the Amendments to the Town of Colden proposed Zoning Code.

Received and filed notification from the US Dept. of Agriculture Rural Development that five points have been added to the Town's contribution for the Extension to Water District #2, Project.

Received and filed the Erie County Water Authority's Tariff Amendments, effective January 1, 1997.

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

Amount	From		To	
$7,000	Parks Equip.	7110.2	Parks Contractual	7110.4
$5,000	Contingency	1990.4	Youth Prog. Per Serv	7310.1
$ 500	Contingency	1990.4	Celebrations Contractual	7550.4
$8,000	Contingency	1990.4	Records Mgt Contractual	1460.4
$2,000	Rec.Mgt Eqip	1460.2	Records Mgt Contractual	1460.4
$1,000	Rec Mt Per Sv	1460.1	Records Mgt Contractual	1460.4
$2,000	Parks Equip.	7110.2	Drainage Contractual	8540.4
$8,000	Elects Per Sv	1450.1	Elections Contractual	1450.4

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Walter to approve the corrections to the Highway Abstract as follows:

Highway Abstract #10	Total From	$ 4,065.62	to	$ 3,712.30
Highway Abstract #10A	Total From	$10,066.83	to	$10,046.83

five (5) Ayes — Carried

Received notification from Historian James Jehle that he will not seek reappointment as Town Historian for 1997.

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 6, 1996 — 7:30 P.M.

A motion was made by Councilman Davenport and seconded by Councilman Walter, on the recommendation of Recreation Director O'Brien, to appoint the following to the Friday Night Recreation Program, term effective immediately and to expire on May 31, 1997:

Jackie Russell	Rec Supervisor (Early Prog)	$8.00 per hour
Kathy Rooney	Rec Supervisor (Late Prog)	$8.00 per hour
Michelle Clesse	Arts & Crafts	$6.00 per hour
Charles Shrierer	Recreation Attendant	$6.00 per hour
Nathan Potter	Recreation Attendant	$6.00 per hour
Greg Kummer	Recreation Attendant	$6.00 per hour
Amanda Vara	Recreation Attendant	$6.00 per hour

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood to authorize Supervisor Kennedy to sign an agreement with TVGA Engineering for aerial photographs for Water District #2 Extension, West Hill Project at a cost of $1,670.00 and for Town Park Mapping, excluding contour intervals for a cost of $1,700.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Davenport to approve the Second Accessory Building request of John Schlenker, 6195 Ward Road tabled from the October 16, 1996 Town Board Meeting.

five (5) Ayes — Carried

Received and filed a letter from TVGA dated October 21, 1996 recommending denial of the Landscaping Plan for the Boston Clinic because the mature size of the Hemlock, Purple Plum and Weeping Cherry will touch the building.

Received and filed a letter from Kevin Maxwell dated October 24, 1996 detailing amendments to the Landscaping Plan for the Boston Clinic in response to TVGA denial of October 21, 1996.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to approve the amended Boston Clinic Landscaping Plan.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to table the request of Sprint Spectrum to proceed with the SEQRA review of their application of 6405 Ward Road Special Use Permit application for construction of a telecommunication tower until the November 20, 1996 Town Board Meeting.

five (5) Ayes — Carried

At 8:00 p.m. a Public Hearing was held for the purpose of hearing public comments on the Budget for the Town of Boston for the fiscal year beginning January 1, 1997.

Supervisor Kennedy read the legal notice.

Supervisor Kennedy commented that the General Fund taxes remain the same as 1996 at $.76. Highway taxes have increased $.15 due to an

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, 1997 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 hold a public hearing and review said Preliminary Budget at the Boston Town Hall, 8500 Boston State Road, at 8:00 P.M. Prevailing Time, on the 6th day of November 1996 and that at such hearing any person may be heard for or against the preliminary budget as compiled or any items contained therein.

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 3, 1996
Published October 24, 1996
BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK
10 24

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 6, 1996 — 7:30 P.M.

Public Hearing (Cont):

extremely severe winter. Fire Protection, Lighting and Sewer remain the same. Ambulance taxes have increased $.37 which includes $.13 for the Volunteer Ambulance Benefit Program which was passed in a Proposition on Election Day. Refuse and Garbage taxes will be reduced by funds in the unexpended balance account for a reduction of $9.50 a unit. Water District #1 has a slight increase which is needed for the new tank and Pump Station and water line extensions. Water District #2 will remain the same as 1996.

Supervisor Kennedy
convened the Public Hearing.

No comments were made.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to close the Public Hearing at 8:09 p.m..

five (5) — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport that the 1997 General Fund Budget be approved as follows:

Appropriations	1,081,986.00
Less Estimated Revenue	609,100.00
Less Unexpended Balance	295,000.00
Amount to be Raised by Taxes	177,886.00

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Supervisor Kennedy that the 1997 Highway Fund Budget be approved as follows:

Appropriations	807,200.00
Less Estimated Revenue	297,500.00
Less Unexpended Balance	00.00
Amount to be Raised by Taxes	509,700.00

five (5) Ayes — Carried

A motion was made by Councilman Rood and seconded by Councilman Davenport that the 1997 Fire Protection Budget be approved as follows:

Appropriations	489,588.00
Less Estimated Revenue	00.00
Less Unexpended Balance	6,600.00
Amount to be Raised by Taxes	482,988.00

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter that the 1997 Light District Budget be approved as follows:

Appropriations	23,000.00
Less Estimated Revenue	00.00
Less Unexpended Balance	2,500.00
Amount to be Raised by Taxes	20,500.00

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood that the 1997 Ambulance Budget be approved as follows:

Appropriations	92,934.00
Less Estimated Revenue	00.00
Less Unexpended Balance	00.00
Amount to be Raised by Taxes	92,934.00

five (5) Ayes — Carried

TOWN BUDGET

FOR 1997

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 1997 budget of the TOWN OF BOSTON as adopted by the Town Board on the 6th day of November, 1996.

Signed, David J. Shenk
Town Clerk

Dated 11/8/96

SUMMARY OF TOWN OF BOSTON BUDGET - 1997

	APP/OTH USES	-EST REVENUE	-UNEXP BAL	RSD BY TAX
A GENERAL	1,081,986.00	609,100.00	295,000.00	177,886.00
D HIGHWAY	807,200.00	297,500.00	0.00	509,700.00
SF FIRE PROTEC	489,588.00	0.00	6,600.00	482,988.00
SL LIGHT	23,000.00	0.00	2,500.00	20,500.00
SM AMBULANCE	92,934.00	0.00	0.00	92,934.00
SR REFUSE & GARB	332,166.00	0.00	25,346.00	306,820.00
SS SEWER #2	1,211.00	0.00	0.00	1,211.00
SW WATER #1	93,500.00	0.00	38,500.00	55,000.00
SW WATER #2	180,200.00	0.00	137,465.00	42,735.00
TOTALS	3,101,785.00	906,600.00	505,411.00	1,689,774.00
				1,689,774.00

GENERAL GOVERNMENT SUPPORT - 1997 BUDGET

	CODE	ACT 95	96 BUDGET	PRE 97	ADOPT 97
TOWN BOARD					
Pers Serv	1,010.1	23,230	24,400	24,400	24,400
Contractual	1,010.4	622	2,800	3,000	3,000
Total		23,852	27,200	27,400	27,400
JUSTICE					
Pers Serv	1,110.1	48,776	48,450	50,330	50,330
Equipment	1,110.2	180	1,500	500	500
Contractual	1,110.4	4,923	4,800	5,000	5,000
Total		53,884	54,750	55,830	55,830
SUPERVISOR					
Pers Serv	1,220.1	33,006	43,755	54,665	54,665
Equipment	1,220.2	2,259	2,600	1,000	1,000
Contractual	1,220.4	15,864	16,500	17,000	17,000
Total		51,129	62,855	72,665	72,665
IND AUDIT					
Contractual	1,320.4	1,414	9,000	4,000	4,000
Total		1,414	9,000	4,000	4,000
ASSESSOR					
Pers Serv	1,355.1	31,065	33,000	32,125	32,125
Equipment	1,355.2	2,759	800	1,000	1,000
Contractual	1,355.4	2,175	2,500	3,000	3,000
Total		35,999	36,300	36,125	36,125
FISCAL AGENT					
Contractual	1,380.4	402	200	200	200
Total		402	200	200	200
TOWN CLERK					
Pers Serv	1,410.1	48,285	52,800	53,075	53,075
Equipment	1,410.2	550	800	800	800
Contractual	1,410.4	3,540	4,000	4,000	4,000
Total		52,375	57,600	57,875	57,875
ATTORNEY					
Pers Serv	1,420.1	29,800	32,200	31,250	31,250
Contractual	1,420.4	970	3,300	3,750	3,750
Total		30,770	35,500	35,000	35,000
ENGINEER					
Contractual	1,440.4	13,801	13,000	14,000	14,000
Total		13,801	13,000	14,000	14,000

GENERAL GOVERNMENT SUPPORT - 1997 BUDGET

ELECTIONS					
Pers Serv	1,450.1	0	8,395	0	0
Contractual	1,450.4	5,972	1,500	8,110	8,110
Total		5,972	9,895	8,110	8,110
REC MANAGEMENT					
Pers Serv	1,460.1	0	1,000	1,000	1,000
Equipment	1,460.2	0	2,000	2,000	2,000
Contractual	1,460.4	166	2,000	16,900	16,900
Total		166	5,000	19,900	19,900
BUILDINGS					
Pers Serv	1,620.1	7,871	8,600	9,000	9,000
Equipment	1,620.2	0	10,000	5,000	5,000
Contractual	1,620.4	41,850	44,300	50,000	50,000
Total		49,721	62,900	64,000	64,000
CENT GARAGE					
Equipment	1,640.2	47,500	0	0	0
Contractual	1,640.4	5,784	1,200	1,200	1,200
Total		53,284	1,200	1,200	1,200
CENT COMMUN					
Equipment	1,650.2	0	0	0	0
Contractual	1,650.4	0	200	200	200
Total		0	200	200	200
CENT PR & MAIL					
Contractual	1,670.4	15,547	17,500	18,000	18,000
Total		15,547	17,500	18,000	18,000
SPECIAL ITEMS					
Unalloc Insur	1,910.4	48,640	64,000	60,000	60,000
Munic Assn Dues	1,920.4	1,455	1,500	2,000	2,000
Judge & Claims	1,930.4	232	0	5	5
Purchase/Land	1,940.4	2,187	0	0	0
Tx&Asses To Prop	1,950.4	2,606	2,900	2,900	2,900
Unclassified	1,989.4	0	0	0	0
Contingent Acct	1,990.4	0	18,000	20,000	20,000
Total		55,120	86,400	84,905	84,905
TOTAL GEN GOVT SUPPORT		443,436	479,500	499,410	499,410

PUBLIC SAFETY - 1997 BUDGET

	CODE	ACT 95	96 BUDGET	PRE 97	ADOPT 97
POL & CONSTABLES					
Contractual	3,120.4	816	500	500	500
Total		816	500	500	500
TRAFFIC CONTROL					
Contractual	3,310.4	4,526	3,300	3,800	3,800
Total		4,526	3,300	3,800	3,800
CONTROL OF DOGS					
Pers Serv	3,510.1	9,304	11,125	11,470	11,470
Equipment	3,510.2	0	500	500	500
Contractual	3,510.4	2,402	5,575	6,500	6,500
Total		11,706	17,200	18,470	18,470
SAFETY INSPEC					
Pers Serv	3,620.1	13,130	14,700	14,700	14,700
Equipment	3,620.2	2,044	225	250	250
Contractual	3,620.4	303	1,275	1,200	1,200
Total		15,477	16,200	16,150	16,150
TOTAL PUBLIC SAFETY		32,525	37,200	38,920	38,920

HEALTH - 1997 BUDGET

	CODE	ACT 95	96 BUDGET	PRE 97	ADOPT 97
REG VIT STATS					
Contractual	4,020.4	0	25	25	25
Total		0	25	25	25
TOTAL HEALTH		0	25	25	25

TRANSPORTATION - 1997 BUDGET

	CODE	ACT 95	BUDGET 96	PRE 97	ADOPT 97
SUPT HIGHWAYS					
Pers Serv	5,010.1	37,950	38,500	40,500	40,500
Contractual	5,010.4	1,376	2,500	2,500	2,500
Total		39,326	41,000	43,000	43,000
GARAGE					
Equipment	5,132.2	8,845	0	0	0
Contractual	5,132.4	17,992	17,600	18,000	18,000
Total		26,837	17,600	18,000	18,000
STREET LIGHTING					
Contractual	5,182.4	34,184	32,000	40,000	40,000
Total		34,184	32,000	40,000	40,000
		0	0	0	0
TOTAL TRANSPORTATION		100,347	90,600	101,000	101,000

ECONOMIC ASSISTANCE & OPPORTUNITY - 1997 BUDGET

	CODE	ACT 95	96 BUDGET	PRE 97	ADOPT 97
PUBLICITY					
Contractual	6,410.4	929	1,100	1,100	1,100
Total		929	1,100	1,100	1,100
PROG FOR AGING					
Pers Serv	6,772.1	213	9,000	7,800	7,800
Contractual	6,772.4	1,173	2,000	3,200	3,200
Total		1,386	11,000	11,000	11,000
TOTAL ECONOMIC ASSISTANCE & OPPORT		2,315	12,100	12,100	12,100

CULTURE & RECREATION - 1997 BUDGET

	CODE	ACT 95	96 BUDGET	PRE 1997	ADOPT 97
PARKS					
Per Serv	7,110.1	29,289	32,000	35,000	35,000
Equipment	7,110.2	7,040	9,000	7,000	7,000
Contractual	7,110.4	14,417	24,000	23,000	23,000
Total		50,746	65,000	65,000	65,000
PLAY & REC CENTERS					
Per Serv	7,140.1	2,771	6,000	8,000	8,000
Contractual	7,140.4	1,356	4,000	4,000	4,000
Total		4,127	10,000	12,000	12,000
BAND CONCERTS					
Contractual	7,270.4	2,369	3,000	3,000	3,000
Total		2,369	3,000	3,000	3,000
YOUTH PROGRAM					
Pers Serv	7,310.1	37,040	42,000	48,765	48,765
Contractual	7,310.4	48,151	65,000	65,000	65,000
Total		85,191	107,000	113,765	113,765
HISTORIAN					
Equipment	7,510.2	0	1,200	1,000	1,000
Contractual	7,510.4	899	900	1,800	1,800
Total		899	2,100	2,800	2,800
HISTORICAL PROPERTY					
Contractual	7,520.4	4,000	4,100	4,200	4,200
Total		4,000	4,100	4,200	4,200
CELEBRATIONS					
Contractual	7,550.4	3,544	1,275	2,525	2,525
Total		3,544	1,275	2,525	2,525
ADULT RECREATION					
Contractual	7,620.4	6,420	7,000	16,050	16,050
Total		6,420	7,000	16,050	16,050
OTH CULT/REC					
Contractual	7,989.4	2,200	1,000	1,000	1,000
Total		2,200	1,000	1,000	1,000
TOTAL CULTURE - RECREATION		159,496	200,475	220,340	220,340

HOME & COMMUNITY SERVICE - 1997 BUDGET

	CODE	ACT 95	96 BUDGET	PRE 1997	ADOPT 97
ZONING					
Pers Serv	8,010.1	1,842	1,000	1,200	1,200
Contractual	8,010.4	1,508	1,000	1,000	1,000
Total		3,350	2,000	2,200	2,200
PLANNING					
Pers Serv	8,020.1	3,324	6,200	6,500	6,500
Contractual	8,020.4	2,466	5,000	5,000	5,000
Total		5,790	11,200	11,500	11,500
DRAINAGE					
Pers Serv	8,540.1	0	500	0	0
Contractual	8,540.4	529	1,000	2,000	2,000
Total		529	1,500	2,000	2,000
CONSERVATION					
Pers Serv	8,710.1	907	500	500	500
Contractual	8,710.4	84	2,500	1,500	1,500
Total		991	3,000	2,000	2,000
CEMETERY					
Pers Serv	8,810.1	0	900	400	400
Contractual	8,810.4	0	200	800	800
Total		0	1,100	1,200	1,200
HOME/COM SER					
Pers Serv	8,989.1	0	0	0	0
Equipment	8,989.2	0	0	0	0
Contractual	8,989.4	9,468	12,000	14,000	14,000
Total		9,468	12,000	14,000	14,000
TOTAL HOME & COMMUNITY SERVICES		20,128	30,800	32,900	32,900

UNDISTRIBUTED - 1997 BUDGET

	CODE	ACT 95	96 BUDGET	PRE 1997	ADOPT 97
UNDISTRIBUTED					
EMPLOYEE BENEFITS					
State Retirement	9,010.8	10,000	18,000	18,000	18,000
Social Security	9,030.8	27,457	32,000	35,000	35,000
Workmens Comp	9,040.8	2,308	8,000	8,000	8,000
Unemploy Insur	9,050.8	0	1,000	1,000	1,000
Disability Insur	9,055.8	349	500	500	500
Hosp & Med Insur	9,060.8	17,803	24,000	21,000	21,000
Total		57,917	83,500	83,500	83,500
DEBT SERVICE					
PRINCIPAL					
Serial Bonds	9,710.6	30,000	30,000	35,000	35,000
Bond Anticipation	9,730.6	48,000	48,000	48,000	48,000
Rev Anticipation	9,770.6	0	0	0	0
Total		78,000	78,000	83,000	83,000
DEBT SERVICE					
INTEREST					
Serial Bonds	9,710.7	10,350	8,280	6,038	6,038
Bond Anticipation	9,730.7	7,735	7,125	4,753	4,753
Rev Anticipation	9,770.7	0	0	0	0
Total		18,085	15,405	10,791	10,791
INTERFUND TRANSFER					
Risk Retention	9,901.9	0	0	0	0
Cap Proj Fund	9,950.9	0	0	0	0
Total		0	0	0	0
TOT UNDISTRIBUTED		154,002	176,905	177,291	177,291

TOTAL APPROPRIATIONS - 1997 BUDGET

SUMMARY	ACT 1995	1996 BUDGET	PRELIM 1997	ADOPT 1997
GEN GOVT	443,436	479,500	499,410	499,410
PUB SAFETY	32,525	37,200	38,920	38,920
HEALTH	0	25	25	25
TRANSPORTATION	100,347	90,600	101,000	101,000
EC ASSIS & OPPOR	2,315	12,100	12,100	12,100
CULTURE & REC	159,496	200,475	220,340	220,340
HOME & COMM SERV	20,128	30,800	32,900	32,900
UNDISTRIBUTED	154,002	176,905	177,291	177,291
TOT APPROPRIATIONS	912,249	1,027,605	1,081,986	1,081,986
			1,081,986	* 1,081,986

*TRANSFER TO PAGE 2

GENERAL FUND ESTIMATED REVENUES - 1997 BUDGET

	CODE	ACT 95	96 BUDGET	PRE 1997	ADOPT 97
OTHER TAX ITEMS					
Lieu of Tax	A1081	380	0	0	0
Int/Pen R/Prop Tax	A1090	10,046	7,000	7,000	7,000
Non Prop Tax, Co	A1120	369,948	300,000	325,000	325,000
Franchises	A1170	35,847	26,000	28,000	28,000
DEPARTMENTAL INCOME					
Clerk Fees	A1255	4,496	1,500	1,500	1,500
Dog Control Fees	A1550	700	500	500	500
PROG FOR AGING	A1972	30	0	200	200
Park & Rec Charges	A2001	36,409	34,000	35,000	35,000
Zoning Fees	A2110	2,550	1,000	1,000	1,000
USE MONEY/PROPERTY					
Interest & Earnings	A2401	22,509	12,000	12,000	12,000
Rent R/Prop	A2410	28,572	27,300	27,300	27,300
Commissions	A2450	8	0	0	0
Games of Chance	A2530	854	0	0	0
Bingo Licenses	A2540	1,907	1,000	1,000	1,000
Dog Licenses	A2544	3,155	3,500	3,500	3,500
Licenses, Other	A2545	2,415	1,600	1,800	1,800
Building Permits	A2555	6,155	3,500	3,800	3,800
Permits, Other	A2590	1,136	0	0	0
FINES & FORFEITURES					
Fines/Forfeit Bail	A2610	87,281	70,000	70,000	70,000
COMPENSA FOR LOSS					
Sale of Property	A2660	6,500	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	1,169	0	0	0
Gifts/Donations	A2705	600	0	0	0
Miscellaneous	A2770	3,702	0	0	0
Interfund Revenue	A2801	0	0	0	0
TOTAL EST REV FROM LOCAL SOURCES		626,369	488,900	517,600	517,600

GEN FUND EST REVENUE - 1997 - PAGE 2

	CODE	ACT 95	96 BUDGET	PRE 1997	ADOPT 97
STATE AID					
Per Capita	A3001	37,437	23,000	25,000	25,000
Mortgage Tax	A3005	76,653	46,500	47,000	47,000
Record Management	A3060	3,979	3,000	19,500	19,500
Rec for Aging	A3801	0	0	0	0
Youth Programs	A3820	436	0	0	0
Other	A3089	10,000	10,000	0	0
Cultural Grants	A3897	6,914	0	0	0
TOT EST REV FROM STATE AID		135,419	82,500	91,500	91,500

REVENUE SUMMARY

TOT EST REV FROM LOCAL SOURCES	626,369	488,900	517,600	517,600
TOT EST REV FROM STATE AID	135,419	82,500	91,500	91,500
TOT EST REVENUES	761,788	571,400	609,100	609,100

ESTIMATED UNEXPENDED BALANCE

EST GENERAL FUND UNEXPENDED BALANCE (Transfer Total "Adopted" to Page 2)	275,000	280,000	295,000	295,000

HIGHWAY FUND - APPROPRIATIONS - 1997 BUDGET - PG 1

	CODE	ACT 95	96 BUDGET	PRE 1997	ADOPT 97
GEN REPAIRS					
Pers Serv	5,110.1	117,050	116,000	119,500	119,500
Contractual	5,110.4	89,905	89,000	90,000	90,000
Total		206,955	205,000	209,500	209,500
IMPROVEMTS					
Cap Outlay	5,112.2	30,000	30,000	30,000	30,000
Total		30,000	30,000	30,000	30,000
MACHINERY					
Pers Serv	5,130.1	0	0	0	0
Equipment	5,130.2	13,596	30,000	30,000	30,000
Contractual	5,130.4	100,620	97,000	100,000	100,000
Total		114,216	127,000	130,000	130,000
MISC/BR/WDS					
Pers Serv	5,140.1		0	0	0
Contractual	5,140.4		500	500	500
Total		0	500	500	500
SNOW REMOV					
Pers Serv	5,142.1	91,327	79,000	85,000	85,000
Contractual	5,142.4	51,526	48,000	50,000	50,000
Total		142,853	127,000	135,000	135,000
SER/OTH GVT					
Pers Serv	5,148.1	91,327	79,000	85,000	85,000
Contractual	5,148.4	50,949	48,000	50,000	50,000
Total		142,276	127,000	135,000	135,000
EMPLOY BEN					
State Retire	9,010.8	0	20,000	20,000	20,000
Soc Security	9,030.8	22,758	22,750	30,000	30,000
Workers Comp	9,040.8	26,437	29,500	25,000	25,000
Unemploy Ins	9,050.8	0	1,000	1,000	1,000
Disability	9,055.8	422	500	500	500
Hosp/Med Ins	9,060.8	42,489	45,000	50,000	50,000
Total		92,106	118,750	126,500	126,500
TOT P. 1		728,406	735,250	766,500	766,500

HIGHWAY FUND - APPRORIATIONS - 1997 BUDGET - PG 2

	CODE	ACT 95	96 BUDGET	PRE 1997	ADOPT 97
DEBT SERV					
Ser Bonds	9,710.6	0	0	0	0.0
BAN's	9,730.6	25,000	47,000	36,000	36,000
Total		25,000	47,000	36,000	36,000
INTEREST					
Ser Bonds	9,710.7	0	0	0	0
BAN's	9,730.7	2,870	6,310	4,700	4,700
Total		2,870	6,310	4,700	4,700
INT TRANS TO:					
Cap Proj	9,950.9	7,761	0	0	0
Total		7,761	0	0	0
BUDGETARY PROVISION OTH/USES			0	40,700	40,700
TOT APPROP &OTH USES					
Page 1		728,406	735,250	766,500	766,500
Page 2		35,631	53,310	40,700	40,700
Trans to Page TB-2		764,037	788,560	807,200	807,200

HIGHWAY FUND - ESTIMATED REVENUE - 1997 BUDGET

	CODE	ACT 95	96 BUDGET	PRE 1997	ADOPT 97
LOCAL SOURCES					
Lieu/Tax	1,081	967	500	1,000	1,000
Non Prop Tax Dist/County	1,120	174,500	182,000	185,000	185,000
Ser/Oth Govts	2,300	60,756	65,000	65,000	65,000
Int & Earn	2,401	4,361	5,000	2,500	2,500
Rent/Equip	2,416	0	0	0	0
Intfund Rev	2,801	9,468	12,000	14,000	14,000
Misc(Specify)	2,770	3,458	0	0	0
STATE AID Consolidated Highway	3,501	35,584	30,000	30,000	30,000
FEDERAL AID (Specify)	4,500	0	0	0	0
INTER TRANSF	5,031	0	0	0	0
TOT EST REV		289,094	294,500	297,500	297,500
UNEXPEND BAL		25,000	25,000	0	0

Transfer Est Rev and Unexp Bal to TB-2

FIRE PROTECT DIST - APPRORIATIONS - 1997 BUDGET

	CODE	ACT 95	96 BUDGET	PRE 1997	ADOPT 97
FIRE PROTEC					
Judg/Claims	1,930.4	107	0	4	4
Contracts	3,410.4	455,068	457,755	469,588	469,588
Comp Insur	9,040.8	15,952	16,500	20,000	20,000
Total		471,127	474,255	489,592	489,592
Tot Approp		471,127	474,255	489,592	489,592
(Trans Adopt to Page 1)				489,592	489,592
			ESTIMATED REVENUE		
Int & Earn	2,401	3,859	0	0	0
Refund Pr Yr	2,701	0	0	0	0
Total		3,859	0	0	0
			UNEPENDED BALANCE		
Est Fire Pr Dist Unexpd Balance		6,500	2,500	6,600	6,600

Transfer total Adopt to page 2

LIGHT DISTRICT - APPROPRIATIONS - 1997 BUDGET

	CODE	ACT 95	96 BUDGET	PRE 1997	ADOPT 97
LIGHT DIST					
Judge/Claims	1,930.4	9	0	0	0
Street light					
Contractual	5,182.4	22,077	22,500	23,000	23,000
Total		22,086	22,500	23,000	23,000
Tot Approp (Trans Adopt to Page 2)					
ESTIMATED REVENUES					
Int & Earn	2,401	474	0	0	0
Tot Est Rev		474	0	0	0
(Trans Adopt to Page 2)					
UNEXPENDED BALANCE					
Est Light Unexp Bal		500	2,500	2,500	2,500

0022004

AMBULANCE DISTRICT - APPROPRIATIONS - 1997 BUDGET

	CODE	ACT 95	96 BUDGET	PRE 1997	ADOPT 97
AMBULANCE					
Judg/Claims	1,930	11	0	0	0
Ambulance, Eq	4,540	0	0	0	0
Ambulance, C.	4,540	45,127	48,860	82,494	82,494
Total		45,138	48,860	82,494	82,494
DEBT SERV					
Principal					
Ser Bonds	9,710	0	0	0	0
BAN's	9,730	0	9,000	9,000	9,000
Total		0	9,000	9,000	9,000
INTEREST					
Ser Bonds	9,710	0	0	0	0
BAN's	9,730	0	2,140	1,440	1,440
Total		0	2,140	1,440	1,440
TRANS/CAP PRJ	9,950	34,750	0	0	0
Total Approp (Transfer Adopted to Page 2)		79,888	60,000	92,934	92,934
		ESTIMATED REVENUE			
Int & Earn	2,401	129	0	0	0
Total Revenue		129	0	0	0
(Trans adopt To Page 2)					
		UNEXPENDED BALANCE			
Est Unexp Bal (Transfer tot to Page 2)		10,000	0	0	0

REFUSE & GARBAGE - APPROPRIATIONS - 1997 BUDGET

	CODE	ACT 95	96 BUDGET	PRE 1997	ADOPT 97
REFUSE/GARB					
Judge/Claims	1,930.4	193	0	0	0
Pers Serv	8,160.1	0	0	0	0
Contractual	8,160.4	518,240	330,299	332,166	332,166
Total		518,433	330,299	332,166	332,166

ESTIMATED REVENUE

Ref/Gar Chgs	2,130	2,210	0	0	0
Int & Earn	2,401	16,583	0	0	0
Total		18,793	0	0	0

UNEXPENDED BALANCE

Est Refuse & Garb Dist Unexp Bal		5,282	0	25,346	25,346

(Trans Adcpt Totals to Page 2)

SEWER DISTRIC #2 - APPROPRIATIONS - 1997 BUDGET

	CODE	ACT 95	96 BUDGET	PRE 1997	ADOPT 97
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	295	0	0	0
Total		295	0	0	0
			UNEXPENDED BALANCE		
Est Sewer Dist Unexp Balance		0	0	0	0

(Transfer Tot to Page 2)

WATER DISTRICT #1 - APPROPRIATIONS - 1997 BUDGET

	CODE	ACT 95	96 BUDGET	TEN 1997	ADOPT 97
Trans/Dist					
Judge/Claims	1,930.4	11	0	0	0
Pers Serv	8,340.1	0	0	0	0
Equipment	8,340.2	22,752	100,000	76,500	76,500
Contractual	8,340.4	17,156	15,000	17,000	17,000
Total		39,919	115,000	93,500	93,500
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)		39,919	115,000	93,500	93,500
			ESTIMATED REVENUE		
Spec Assess	1,030	80	0	0	
Int & Earn	2,401	5,198	0	0	
Total		5,278	0	0	0
			UNEXPENDED BALANCE		
Est Unexp Bal (Transfer tot to Page 1)		75,500	75,500	38,500	

WATER DISTRICT #2 - APPROPRIATIONS 1997 BUDGET

	CODE	ACT 95	96 BUDGET	TEN 1997	ADOPT 97
Trans/Dist					
Judge/Claims	1,930.4	0	0	0	
Pers Serv	8,340.1	0	0	0	
Equipment	8,340.2	95,447	113,217	175,000	
Contractual	8,340.4	11,534	4,500	5,200	
Total		106,981	117,717	180,200	0
DEBT SERV					
Principal					
Ser Bonds	9,710.6	0	0	0	
BAN's	9,730.6	0	0	0	
Total		0	0	0	0
Interest					
Ser Bonds	9,710.7	0	0	0	
BAN's	9,730.7	0	0	0	
Total		0	0	0	0
				180,200	0
Total Approp (Transfer adopted to Page 2		106,981	117,717	360,400	0
			ESTIMATED REVENUE		
MISC (TAP IN)	2,701	900	0	0	
Int & Earn	2,401	7,147	0	0	
Total		8,047	0	0	0
				0	
			UNEXPENDED BALANCE		
Est Unexp Bal (Transfer tot to page 2)		62,000	75,000	137,465	

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
TOWN JUSTICE	10,475
SUPERINTENDENT OF HIGHWAYS	37,300

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 6, 1996 — 7:30 P.M.

A motion was made by Councilman Walter and seconded by Councilman Rood that the 1997 Refuse and Garbage Budget be approved as follows:

Appropriations	332,166.00
Less Estimated Revenue	00.00
Less Unexpended Balance	25,346.00
Amount to be Raised by Taxes	306,820.00

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Rood that the 1997 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 Wiktor and seconded by Councilman Walter that the 1997 Water District #1 Budget be approved as follows:

Appropriations	93,500.00
Less Estimated Revenue	00.00
Less Unexpended Balance	38,500.00
Amount to be Raised by Taxes	55,000.00

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded Councilman Walter that the 1997 Water District #2 Budget be approved as follows:

Appropriations	180,200.00
Less Estimated Revenue	00.00
Less Unexpended Balance	137,465.00
Amount to be Raised by Taxes	42,735.00

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Davenport that the 1997 schedule of salaries for the elected Town Officials 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

five (5) Ayes — Carried

At 8:12 p.m. a Public Hearing was held for the purpose of hearing public comments on the proposed Local Law No. 3 of the Year 1996 to Rezone Approximately .33 acres of land from R-3 (Two or more Family Residence District) to C-2 (General Commercial District) at 9467 Boston State Road.

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, November 6, 1996 at 8:10 P.M., Eastern Prevailing Time, at the time and place above noted all interested persons will be heard for or against the following Local Law.

PROPOSED
LOCAL LAW NO. 3
OF THE YEAR 1996
A LOCAL LAW TO REZONE

APPROXIMATELY .33 acres of land from R-3 (Two or more Family Residence District) to C-2 (General Commercial District)

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF BOSTON AS FOLLOWS:

Section 1

Proposed Local Law No. 3 for the Year 1996 shall amend Local Law No. 6 for the Year 1990, any amendments thereto and the Town of Boston zoning map, by rezoning .33 acres of real property from R-3 to C-2, such property being described as:

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. 22, Township 8, Range 7 of the Holland Land Company's Survey and more particularly described as follows:

BEGINNING at a point in the center of the Hamburg Springville Road, said point being 145.7 feet northwest from the northwest corner of land conveyed to School District No. 1 of the town of Boston by Peter Zimmerman and recorded in the Erie County Clerk's Office in Liber 2007 of Deeds at Page 606, thence north 72 degrees, 41' east one hundred ninety-six and ninety-two hundredths (196.92) feet to a point which is the northwest corner of lands conveyed to LaVerne Hauth by Henry Rocker and recorded in Liber 3319 of Deeds at Page 461, thence south 17 degrees 19' east along Hauth's west line a distance 54.10 feet to a point, said point being the *Point and Place of Beginning* thence continuing along the said Hauth's west line a distance of 84.55 feet to the southwest corner of the Hauth's land which is the point on the north line of School District No 1's land, thence westerly along the School District No. 1's north line one-hundred fifty-three and five tenths (153.5) feet to the center of Hamburg-Springville Road; thence northwesterly along the center of said road a distance of ninety two and seventy nine one hundredths (92.79) feet to a point. Running thence easterly and parallel to the north line of School District No. 1 a distance of seventy five and eighteen one hundredths feet (75.18) to a point *running thence southerly at an interior* angle of 90 degrees a distance of four feet (4.0') to a point, running thence easterly along the line parallel to the north line of School District No. 1 a distance 106.05 feet to the point or place of beginning.

Section II

If any provision of this Local Law shall be 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: October 18, 1996
Published: October 24, 1996
BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING
NOVEMBER 6, 1996

TOWN HALL
7:30 P.M.

Public Hearing (Cont.):

Supervisor Kennedy read the legal notice and the letter sent to 29 neighboring property owners with the letter of intent and an assessor's map.

Supervisor Kennedy noted that the commercial zoning application pending sign was placed on the property.

Supervisor Kennedy read the Planning Board letter of denial based on the conclusion that there is no legal way to rezone the property due to the size restraints of the parcel.

Supervisor Kennedy convened the Public Hearing.

Andrew J. Lopez, Proprietor 9467 Boston State Road: Good evening Ladies and Gentlemen. I am the proprietor of the business at 9467 Boston State Road that we are trying to get properly zoned. Thirteen months now I had originally entered into a contract to purchase the property with an option on it. I have conveyed with the Building Inspector at that time what my intent was and everything and he went on that it was ok and the business was going to be very similar to the one that was in there and that was it. Well in March I believe I need a letter to the New York State for an inspection license and a DMV registration number that I am not in violation of any codes of the local municipality. So I made a call into Mr. Perley and hence we are still going along with this trying to sort it out. Back in 1991 this particular address has been a repair shop for upwards of forty-five (45) years on and off, back and forth. Most people are familiar with the property so my intent was to just get a business in there that was an automotive repair place. We were advised to go and try to rezone it. It was originally in 1990 Commercial C-1 and then it got rezoned back to R-3. So the property actually at one time was commercial and then it was zoned back for the multi family unit on the corner and this property was kind of included in with the rezoning to the R-3. Now there was a business there at that time but it was rezoned back to R-3. George Decker had a business there and Jay Samples had a business later, both with machinery and automotive and whatever. So that's just a little overview of what has been going on back and forth here. My intent is to just have an automotive repair shop there and New York State says that it needs to be in compliance and that is why we have applied to have it put into C-2 but it has been an automotive repair shop all these years.

Supervisor Kennedy: When you said automotive repair shop, I am familiar when it was used to repair generators but I don't remember any automobile repair shop.

Andrew Lopez: There was a motorcycle repair shop there and a collision shop there in the seventies. I myself sent my motorcycle there.

Supervisor Kennedy: In the seventies?

Andrew Lopez: Yes in 1978, 1979 I think it was. Then there was a generator running back there and on the corner there was a beauty salon but that was not actually this building. Then there was three (3) gentlemen..

Supervisor Kennedy: I remember the feed mill that Decker had but I don't remember the collision shop.

Andrew Lopez: The building itself has lifts in it and I guess in the sixties it was selling fuel and repairs because there was a pump out front and I talked to an older gentleman that worked on old cars there or whatever but anyway going right along the most recent would have been Jay Samples Sales and Service Automotive Repair and Small Engine Repair. That is who I followed in on as of

REGULAR BOARD MEETING
NOVEMBER 6, 1996

TOWN HALL
7:30 P.M.

Public Hearing (Cont.):

Andrew J. Lopez, Proprietor 9467 Boston State Road, (Cont.): October 23, 1995 when I entered into this contract with an option on the property. That is what I was going on with that business. the most recent being six months prior when he filed bankruptcy in June of 1995. I had already gotten my business license six (6) months earlier so that there was not a twelve (12) months lapse for the similar use. That is basically it.

Supervisor Kennedy: Are you the present property owner now?

Andrew Lopez: No I am not. I have leased the property with the option to buy it with all the proper licensing and everything in twenty-four (24) months. We are at fourteen months already so there is basically eight months remaining.

Supervisor Kennedy: What about the applicant for the rezoning?

Andrew Lopez: Yes my name is on there. Andrew John Lopez and Angelo DeGiuli.

Supervisor Kennedy: You are Mr. Lopez and the present owner is Mr. DeGiuli?

Andrew Lopez: Yes that's correct. I have submitted a brief sketch of how I wanted to make the area. We have spent quite a bit cleaning it up and we originally planned on putting a fence up in front so there is no visible signs of anything. Just a standard fence of what is on the back property which is a five (5) foot high dog ear fence which was just going to go across the front and separate the library on the southside with a similar fence and a gate. I left a description in there about that there was no cars or for sale signs or anything like that included. That pretty much should cover it. Thank you for your time.

Supervisor Kennedy: Where would this business be? In the block garage or in the garage that is in the back?

Andrew Lopez: The block garage. The garage in the back is just what is left.

Supervisor Kennedy: Is that where the feed mill was in the back?

Andrew Lopez: Yes right next to it there was the loading dock to the northside of that. The garage was just storage. The block building with the lift in it and the office is where the building will be.

Victor Antonelli, 6496 Omphalius Road: Just a few thoughts on this. In our community right now with Blackwell's gone that is one less repair shop that we have here. I think it is kind of a critical element of a community is to have these services available. Small businesses are a very important aspect of a community. We need businesses, we don't need abandoned buildings. We need some private ownership. We need people having a steak in things that is going to benefit our community. I've known Andy personally for about twenty-five (25) years when we started teaching skiing together back at Glenwood Acres. He is a veteran of the US Airforce. He is probably one of the most capable mechanics you could ever want to meet. He has probably repaired every private airplane in Western New York at this point in time. Given about two minutes he probably could have fixed the mike here real simply. He is extremely capable. He has many good plans in terms of having a viable repair shop and I think it would be a very valuable asset to our community to have a good repair shop. The first time you take your car there when you are having problems you are going to agree with me. Thank you.

REGULAR BOARD MEETING
NOVEMBER 6, 1996

TOWN HALL
7:30 P.M.

Public Hearing (Cont.):

Glen VanBuskirk, 9462 Boston State Road: I reside directly across from the property that is in question. We have obviously have a vested interest in what goes on out and across the street. As a beautification aspect to the area and such although Mr. Lopez and Mr. DeGiuli have done a good job thus far of cleaning up the properties and making them somewhat presentable. They now still have several unlicensed vehicles on the property and Deputy Code Enforcement Officer Lisowski can correct me on this, it seems to me that you are only allowed two (2) unlicensed vehicles on a property at any given point. Unfortunately, currently of the seven (7) that are on there, four (4) are unlicensed. Although we have taken an interest in the fact that he has considered putting up a privacy fence around the property to shield it from view from the outside, unfortunately the people around who frequent the library at any given point will still be able to see what goes on inside or what is going on what's there in that vacant lot next to the garage at that point. Also we have had some mixed and inconsistent long term stories of what Mr. Lopez plans on doing with his business long term . In comparing notes with Code Enforcement Officer Kramer and myself. There seems to be some inconsistencies of what he has told myself and Mr. Kramer. Also in an effort to get an idea of what the other neighbors felt we went around this weekend and we have a petition signed by nine (9) other immediate neighbors who are not in favor of having that rezoned at this point in time.

Glen VanBuskirk presents to the Town Board a "Petition Against the Rezoning of 9463 Boston State Road" signed by nine (9) residents which states, "We feel the rezoning of this property will detract and devalue the neighborhood and create an unsafe environment."

Glen VanBuskirk: Certainly we don't want to discourage any type of business as Mr. Antonelli said. Small business is a viable aspect of this town. Now that we have this property cleaned up and now that it is residential we would like to try and maintain that at this point in time. That is all I really have at this time.

Andrew Lopez: Excuse me Glen, could you explain the difference that you are talking about? We had a conversation and you told me specifically and you liked the way the place was cleaned up and that you would sign a petition stating that I have been the best tenant here so far. Did we not have that conversation?

Glen VanBuskirk: That is very true. You have been very exceptional. I will admit quite honestly.

Andrew Lopez: The cars that are out there we had that conversation also. I believe there are two (2) there now. Three (3) of them are in the garage and two (2) are licensed outside.

Glen VanBuskirk: I have photographs and I will supply those.

Supervisor Kennedy: We don't want to get into an argument. I would ask Deputy Code Enforcement Lisowski who is present here this evening, is there more than one unlicensed vehicle?

Deputy Code Enforcement Officer Lisowski: Yes there is.

Supervisor Kennedy: I thought under the zoning law we were only allowed to have one unlicensed vehicle.

Deputy Code Enforcement Officer Lisowski: I have been monitoring it. This is how this was brought about back in March or April. I received a complaint about unlicensed vehicles there. I made a phone call to Mr. Lopez there and I got a hold of him and he did clean them up and I guess in jockeying around vehicles there have been times when other vehicles have been there that were not been licensed. More or less in the last couple of months I have been

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1996-30

Acceptance of Boston Cross Road & Mill Street

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York , held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 6th day of November, 1996 at 7:30 o'clock in the evening Eastern Prevailing Time there were:

Present:	**Richard L. Kennedy**	**Supervisor**
	Josephine M. Davenport	**Councilman**
	Lisa M. Rood	**Councilman**
	Peter A. Walter	**Councilman**
	Damian P. Wiktor	**Councilman**

Absent:

Supervisor Kennedy presented the following Resolution and moved its adoption:

WHEREAS: By prior Resolution the Town Board of the Town of Boston agreed to accept the following County Roads from the County of Erie as Town Highways of the Town of Boston pursuant to Highway Law Section 115-b, said County Roads being designated as:

> Boston Cross Road from its intersection with Cole Road running westerly to Boston-State Road; and
> Mill Street from its intersection with Boston State Road running westerly to its intersection with West Tillen Road (formerly known as Pfarner Road) [hereinafter referred to as the "Roads"]

said roads being designated either in whole or in part as CR 443; and

WHEREAS: The said prior Resolution provided that the Town Board would only agree to accept said Roads as part of the Town of Boston Highway system upon completion of certain work by the County of Erie; and

WHEREAS: The County of Erie has completed the work required by the Town of Boston on said Roads to the satisfaction of the Superintendent of Highways of the Town of

Boston as set forth in the Certificate executed by the Highway Superintendent executed on the date of this Resolution.

NOW THEREFORE:

BE IT RESOLVED: That the Town of Boston hereby accepts:

Boston Cross Road from its intersection with Cole Road running westerly to Boston-State Road; and
Mill Street from its intersection with Boston State Road running westerly to its intersection with West Tillen Road (formerly known as Pfarner Road)

as part of the Town of Boston Highway system, and be it further

RESOLVED: That the Supervisor of the Town of Boston and the Highway Superintendent of the Town of Boston be and they are hereby authorized to execute any documents necessary to effectuate the purposes of this Resolution.

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

Supervisor Kennedy	Voting:	Aye
Councilman Davenport	Voting:	Aye
Councilman Rood	Voting:	Aye
Councilman Walter	Voting:	Aye
Councilman Wiktor	Voting:	Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk-Town Clerk

REGULAR BOARD MEETING TOWN HALL
NOVEMBER 6, 1996 7:30 P.M.

Public Hearing (Cont.):

Deputy Code Enforcement Officer Lisowski, (Cont.): waiting to find out what the Board was going to do because there was no sense in giving him thirty days (30) to remove them. Once the Board decides what they are going to do we can tell Mr. DeGiuli that they have to be removed. If it is going to be an automotive repair shop and he is going to repair them that is something we will have to consider as far as the zoning goes how may vehicles we are going to permit to be parked there without a license to be repaired in a timely manner. That is why I really haven't pursued it in the last few months.

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to close the Public Hearing at 8:31 p.m..

five (5) Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to table the rezoning application of Angelo DeGiuli for 9467 Boston State Road until the November 20, 1996 Town Board Meeting.

five (5) Ayes Carried

The Erie County Water Authority Lease Management Agreement, on the recommendation of Town Attorney Perley, was tabled to the November 20, 1996 Town Board Meeting.

Supervisor Kennedy read a letter from Glenn McKillen dated November 4, 1996 in response to a request to attend a Special Meeting on November 3, 1996 regarding the Town of Boston determination that his property at 9296 Zimmerman Road has been deemed unsafe. Supervisor Kennedy noted documentation has not been provided by Mr. McKillen to dispute the fact that this building is unsafe.

Town Attorney Perley commented that Mr. McKillen was sent a copy of an injunction granted without his appearance on April 3, 1990. In April of 1991 Contempt Proceedings were begun against Mr. McKillen for the operation of a junk yard. The Town Board has issued appropriate orders for the demolition of the property and the orders have not been complied with. The Town Board pursuant to Town Law as well as active provisions of Town Code has the authority to proceed with the demolition of the property on it's own.

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to authorize the Town Engineer to prepare for bid specifications for the demolition of the building at 9296 Zimmerman Road owned by Glenn McKillen.

five (5) Ayes Carried

Councilman Rood noted that no one has been living in that building for two years.

RESOLUTION 1996 - 30 ACCEPTANCE OF BOSTON CROSS ROAD/MILL STREET FROM ERIE COUNTY

Supervisor Kennedy announced a "Stop Work Order" has been put on the Szalay Construction Project on the corner of Boston State Road and Rollin Drive due to deviations from the approved plans.

Supervisor Kennedy read a letter from TVGA recommending construction be stopped until a list of items are completed.

Supervisor Kennedy read a request from John Szalay to lift the "Stop Work Order" with an inclusion of a revised site plan and a landscape and drainage plan.

REGULAR BOARD MEETING
NOVEMBER 6, 1996

TOWN HALL
7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to continue the "Stop Work Order" and table the site plan approval until the November 20, 1996 Town Board Meeting, however, the joint drainage project between Mr. Szalay, Erie County, and the Town of Boston may continue.

five (5) Ayes — Carried

The Boston Town Board has scheduled a reinspection of the Boyd Mobile Home Park for November 7, 1996 at 4:00 p.m..

SUPERVISOR REPORT

A) Supervisor monthly report for October 1996 was received and is on file in the Clerk's Office.

The Senior Citizen Groups have requested to open the Senior Group membership to non-residents.

A motion was made by Councilman Rood and seconded by Supervisor Kennedy to limit membership in the Senior Citizens Groups to Town of Boston residents.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter to expand the Erie County Nutrition Program to include Friday.

five (5) Ayes — Carried

TOWN CLERK REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to accept the Monthly Registrar of Vital Statistics Report for October 1996.

five (5) Ayes — Carried

Town Clerk Shenk introduced the Town Board to Jennylee Janish, a student who has been interning in his office for college credit toward a Political Science degree at Buffalo State College.

TOWN ATTORNEY REPORT

Town Attorney Perley reported he is involved in a Article 78 Assessment lawsuit with National Fuel Gas vs. the Town of Boston.

A Lawsuit regarding the Fucile Variance will probably be filed today and he or Deputy Town Attorney Debra Bender will defend this suit.

The ECWA Lease Management Agreement will be available for the Town Board Meeting on November 20, 1996.

COUNCILMAN REPORT

Councilman Wiktor noted the Boston Free Library book sale fundraiser which began on October 27, 1996 was a success and the proceeds will enable the Boston Library to purchase many new books.

Councilman Wiktor gave thanks to the Orchard Park Citizen for an editorial comment in the October 13, 1996 publication which reflected the financial integrity of the Boston Town Board to the residents of Boston.

TOWN OF BOSTON

1996 - 29

ZENNER 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 6th day of November 1996 at 7:30 P.M. Eastern Prevailing Time there were

Present:	Richard L. Kennedy	Supervisor
	Lisa M. Rood	Councilman
	Damian P. Wiktor	Councilman
	Josephine M. Davenport	Councilman
	Peter A. Walter	Councilman

Councilman Walter presented the following resolution and moved its adoption:

WHEREAS, many residents of Zenner Road in the Town of Boston and the Town of Eden have signed a petition (attached exhibit"A"), and

WHEREAS, the deplorable condition of Zenner Road makes safe travel impossible, and therefore

BE IT RESOLVED, the Department of Transportation, pursuant to Section 1622.1 of the Vehicle and Traffic Law is hereby requested to establish a 40 mph speed limit on Zenner Road, and

BE IT FURTHER RESOLVED, all necessary signs 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 Rood	**Voting Aye**
Councilman Wiktor	**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 "

Councilman Walter,

The following petition was submitted to the Eden Town Board on Wednesday, October 9, 1996. I am sending you a photo copy in hopes you will send it on to the appropriate persons. We on Zenner Road feel as though our hands are tied, and hope both the Town of Eden and Town of Boston can help us in our effort to have our roads speed limit lowered. Thank you for your cooperation.

Joanne M. Dobler

Joanne M. Dobler
4432 Zenner Road,
Eden, N.Y. 14057
992-3569

PETITION

1 of 2

We, the undersigned, are asking the State of New York to seriously consider having the speed limit on Zenner Road, Eden, lowered to a safe and sensible 40 miles per hour. The present speed limit for this short country road is 55 miles per hour! Since the last petition was turned down the street has undergone many changes. We have six new homes, and a turnover from retired residents to young families. We have children who are starting to ride their bicycles, mothers walking their children and people just taking leisurely walks. The road is used almost daily by large, wide, slow moving farm machinery. While the road has been repaved this September, inviting even more speed, it is lacking shoulders in many areas with the ditch immediately adjacent. A blind "S" curve and blind hill, both located in areas in which school buses pick up and drop off children, only serves to emphasize the problem It has become a major concern for all of us. Just to take a walk in the evening is a dangerous venture. Please take our plea seriously this time. Don't wait until the unthinkable happens. Please help us to protect our families and loved ones. Thank You.

NAME Bill + Jeanne Nolte	ADDRESS 4432 Zenner Rd, Eden, NY
NAME Wendy Wozniak	ADDRESS 4386 Zenner Rd Eden NY
NAME Mary Jump	ADDRESS 4326 Zenner Rd Eden NY.
NAME Janet Bates	ADDRESS 4314 Zenner Rd Eden NY
NAME Hilda Hacker	ADDRESS 4338 Zenner Rd, Eden, N.Y.
NAME Chad Beer	ADDRESS 4255 Zenner Rd Eden NY
NAME Wendy Zawronski	ADDRESS 4295 Zenner Rd Eden NY
NAME Ed Pawsek	ADDRESS 4866 Zenner Rd. Eden NY
NAME Barbara A Matthews	ADDRESS 4715 Zenner Rd Eden NY
NAME Rosemary Coyle	ADDRESS 4647 Zenner Rd. Eden NY.
NAME Jim Coyle Deputy	ADDRESS 4647 Zenner Rd. Eden NY.
NAME Mell Sound	ADDRESS 4642 ZENNER RD NY
NAME Lawrence E Wingle	ADDRESS 4587 ZENNER Rd EDEN
NAME Gary Zeller	ADDRESS 4514 ZENNER RD EDEN
NAME Debbie Ogle	ADDRESS 4519 Zenner Rd Eden NY
NAME Brian Ogle	ADDRESS 4519 Zenner Rd Eden N.Y.
NAME Jeanne Hastings	ADDRESS 4494 ZENNER Rd. Eden
NAME Loyola Miller	ADDRESS 4494 ZENNER Rd. Eden
NAME Susan Sweet	ADDRESS 4493 Zenner RD Eden
NAME Tim Shoemaker	ADDRESS 4470 ZENNER Rd Eden
NAME Carol Shoemaker	ADDRESS 4470 Zenner Rd. Eden
NAME Wayne R. Mosella	ADDRESS 4285 Zenner Rd. Eden
NAME Kate T. Fitzgerald	ADDRESS 4274 Zenner Rd Eden
NAME Tracy Kwiatek	ADDRESS 4356 Zenner Rd Eden
NAME Mary A. Crowe	ADDRESS 4414 Zenner Rd. Eden
NAME Richard J. Crowe	ADDRESS 4414 ZENNER RD EDEN
NAME Melinda Gallman	ADDRESS 4735 Zenner RD Eden

PETITION

2 of 2

We, the undersigned, are asking the State of New York to seriously consider having the speed limit on Zenner Road, Eden, lowered to a safe and sensible 40 miles per hour. The present speed limit for this short country road is 55 miles per hour! Since the last petition was turned down the street has undergone many changes. We have six new homes, and a turnover from retired residents to young families. We have children who are starting to ride their bicycles, mothers walking their children and people just taking leisurely walks. The road is used almost daily by large, wide, slow moving farm machinery. While the road has been repaved this September, inviting even more speed, it is lacking shoulders in many areas with the ditch immediately adjacent. A blind "S" curve and blind hill, both located in areas in which school buses pick up and drop off children, only serves to emphasize the problem. It has become a major concern for all of us. Just to take a walk in the evening is a dangerous venture. Please take our plea seriously this time. Don't wait until the unthinkable happens. Please help us to protect our families and loved ones. Thank You.

NAME Mr. + Mrs. Dew Neubeck ADDRESS 4220 Zenner Rd, Eden NY
NAME PENNY MOUR ADDRESS 4256 ZENNER RD. EDEN NY
NAME Mr. + Mrs. Merlynn Russell ADDRESS 4294 Zenner Rd. Eden, N.Y
NAME Mr. + Mrs. Robert Wengels ADDRESS 4665 Zenner Rd Eden, N.Y
NAME Dorothy Wengels ADDRESS 4587 Zenner Rd " "
NAME Joseph Kamelski ADDRESS 4565 Zenner Rd
NAME [illegible] ADDRESS 4504 Zenner Rd NY
NAME _____ ADDRESS _____
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REGULAR BOARD MEETING
NOVEMBER 6, 1996

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.):

Councilman Wiktor attended the Capital Improvement Committee Meeting on October 23, 1996 and reported the Town of Boston will be sending a letter to the Erie County Health Department regarding the securement of twenty-five (25) points toward the Water Projects grants and funding. The proposed Water District #3 Preliminary Notice of Intent has been filed.

Councilman Wiktor announced he attended a meeting with Mr. Szalay on October 30, 1996 and was brought up-to-date-on the status of the Rollin Drive structure.

Councilman Wiktor attended an informational discussion concerning telecommunication towers on October 23, 1996 in the Town of Orchard Park. Councilman Wiktor noted several representatives addressed the adoption of other ordinances concerning telecommunications towers.

Councilman Wiktor reported that he has received several phone calls concerning open fire burning in the Town of Boston. He advised the complainants to contact the NYS DEC.

Councilman Wiktor extended a thank you to the 1,875 voters who voted favorably for the Emergency Squad Benefit Program. He noted that during this Town Board meeting, the Squad has answered two calls, clearly exemplary of the importance of their services.

Councilman Walter reported the shrubbery obstructing the view on Aspen Drive in the Woodberry Estates has not been trimmed. He will again contact the owner.

Councilman Walter contacted Randy Meyers of NYSEG and the parts are available to fix the light standard on Boston State Road near the 219 Expressway.

Councilman Walter contacted David Comerford, Erie County Deputy Commissioner of Highways, regarding the poor condition of Boston State Road. Some repairs have been made and the highway is due for a major overhaul in 1997.

Councilman Walter reported on the Telecommunication Tower Seminar held in Orchard Park on October 23, 1996.

Councilman Walter responded to a complaint regarding the speed limit on Meadow Drive.

Councilman Walter received a request for a street light in the cul-de-sac of Heinrich Road. Noting this would be very expensive, Councilman Walter will research the possibility.

Councilman Walter inspected a drainage problem on East Lane near Eckhardt Road and will monitor the situation.

Councilman Walter notified the County of a complaint regarding a poor road shoulder on Ward Road near Scherff Road.

RESOLUTION 1996 - 29 LOWER SPEED LIMIT ZENNER ROAD

Councilman Davenport reported on the success of the Erie County Nutrition Program.

Councilman Davenport announced the Friday Night Recreation Program begins November 8, 1996.

Councilman Davenport congratulated the Boston Emergency Squad Members on the passing of the local proposition granting them retirement benefits.

REGULAR BOARD MEETING
NOVEMBER 6, 1996

TOWN HALL
7:30 P.M.

CODE ENFORCEMENT OFFICERS REPORT

A) Code Enforcement Officer monthly report for October 1996 was received and is on file in the Clerk's Office.

Deputy Code Enforcement Officer monthly report for October 1996 was received and is on file in the Clerk's Office.

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officer monthly report for October 1996 was received and is on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for October 1996 was received and is on file in the Clerk's Office.

PLANNING BOARD REPORT

A motion was made by Councilman Wiktor and seconded by Councilman Walter, on the recommendation of the Planning Board, to approve the revised site plan for George's Hot Dog Stand, 5805 Herman Hill Road with the stipulation that the door be in compliance with the American Disability Act.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood to adjourn the meeting at 9:20 p.m..

David J. Shenk
DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 20, 1996 — 7:30 P.M.

Present were Councilman Josephine M. Davenport, Councilman Lisa M. Rood, Councilman Peter A. Walter, Councilman Damian P. Wiktor, Supervisor Richard L. Kennedy and Town Attorney Michael F. Perley.

Absent: Highway Superintendent Eugene E. Ruchalski.

Reverend Gary Burdick opened the meeting with a prayer.

A motion was made by Councilman Wiktor and seconded by Councilman Walter to adopt the minutes of the November 6, 1996 regular monthly meeting.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor that General Fund and Special District Bills on Abstract #11A, dated November 20, 1996 in the amount of $24,232.59 be paid. See correction page 157

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter that the Highway Bills on Abstract #11A, dated November 20, 1996 in the amount of $9,473.03 be paid.

five (5) Ayes — Carried

Received and filed the Erie County Sheriff Report for October 1996.

Received and filed notification of a Beer License Application from the North Boston Mobil Mart, Inc..

Received and filed information from NYS DEC on the solicitation of proposals for funding from the Federal Clean Water Act (CWA)/State Environmental Protection Fund (EPF).

Referred to Town Attorney Perley a letter from Niagara Frontier Transportation Authority regarding the initiation of Metro Service to 9441 Boston State Road upon an agreement from the Town of Boston to cooperate by snowplowing the Route 74-Boston Express turnaround and to concur with NFTA to defend, indemnify and hold harmless Southtowns Rural Preservation Co., Inc. from legal action, damages, loss, liability and any other expense, including reasonable defense costs, arising out of Metro's negligence in the operation of Metro buses on the property known as 9441 Boston State Road.

REQUESTS FROM FLOOR

Nancy Wachowiak, 7523 Valley Circle Lane: The center line on the Boston State Road from Boston to the Town Hall is not visible at night. Is there any way of putting a line on the road?

Councilman Rood noted Zimmerman Road also needs a centerline.

Supervisor Kennedy directed Councilman Walter, Traffic and Safety Coordinator to contact David Comerford, Erie County Commissioner of Highways regarding the application of a centerline on Boston State Road and Zimmerman Road.

A motion was made by Councilman Wiktor and seconded by Councilman Davenport to remove from the table the Rezoning Application of Angelo DeGiuli, 9467 Boston State Road.

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 20, 1996 — 7:30 P.M.

A motion was made by Councilman Wiktor and seconded by Councilman Walter, on the recommendation of the Planning Board, to deny the Rezoning Application of Angelo DeGiuli, 9467 Boston State Road, based on the fact that the site plan submitted with the application for rezoning demonstrates that the lot to be created, if the rezoning is approved, would not conform with the requirements of the Zoning Law of the Town of Boston and the property has not been used previously as a NYS licensed automobile repair facility.

five (5) Ayes — Carried

Supervisor Kennedy read a report from Deputy Code Enforcement Officer Lisowski regarding the reinspection of the Boyd Trailer Park made by the Town Board members on November 7, 1996. The report indicated several of the nineteen (19) park violations have been addressed but the efforts are short of all the violations cited.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to extend a temporary license to the Boyd Trailer Park to expire on May 7, 1996 pending a reinspection on May 5, 1997 at 6:00 p.m. and to direct the Town Clerk to deposit the license fee.

Councilman Davenport	Voting Aye
Councilman Rood	Voting Nay
Councilman Walter	Voting Aye
Councilman Wiktor	Voting Aye
Supervisor Kennedy	Voting Aye

Four (4) Ayes — One (1) Nay — Carried

Town Attorney Perley was directed to schedule a meeting with the Erie County Water Authority Representatives and the Boston Town Board members regarding the Lease Management Agreement issue of what constitutes the betterment of the system for which the Town would be responsible and what constitutes a repair for which the ECWA would be responsible.

A motion was made by Councilman Davenport and seconded by Councilman Rood to approve the General Fund transfer of appropriations as follows:

From -	BAN Principal	9730.6	$23,280.00
To -	Justice	1110.1	2,300.00
	Justice	1110.4	1,000.00
	Supervisor	1220.1	4,500.00
	Supervisor	1220.4	3,200.00
	Assessor	1355.4	2,000.00
	Rec Mgt Cont	1460.4	500.00
	Municipal Dues	1920.4	220.00
	Police/Const	3120.4	300.00
	Cont/Dogs	3510.1	50.00
	Street lights	5182.4	2,600.00
	Youth Prog.	7310.1	1,310.00
	Celebrations	7550.4	200.00
	Zoning	8010.1	650.00
	Drainage Cont	8540.4	4,000.00
	Conservation	8710.1	450.00
			$23,280.00
From -	Buildings Eq	1620.2	$ 8,500.00
To -	Buildings Cont	1620.4	$ 8,500.00

five (5) Ayes — Carried

Councilman Davenport announced the Erie County Nutrition Program will be expanded to five days a week beginning Friday, December 13, 1996 and an advertised in the Pennysaver.

REGULAR BOARD MEETING
NOVEMBER 20, 1996

TOWN HALL
7:30 P.M.

Councilman Rood noted the Erie County Nutrition Program is open to all Seniors sixty years or older at a cost of $1.75 per meal.

At 8:02 p.m. a Public Hearing was held for the purpose of hearing public comments on the application of Melba Brierly for a Special Use Permit for an Accessory Apartment at 7595 Back Creek Road.

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, November 20, 1996 at 8:00 p.m., Eastern Prevailing Time, to consider the application of Melba Brierly for a Special Use Permit for an In-Law Apartment at 7595 Back Creek Road.

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

Dated: November 1, 1996
Published: November 7, 1996

BY ORDER OF THE TOWN BOARD
DAVID J. SHENK,
11-7 TOWN CLERK

Supervisor Kennedy read the legal notice and a Memo sent to seventeen (17) neighboring property owners with an Assessor's Map and a copy of the Building Permit. It was noted that Mr. & Mrs. Julius Fekete, 7587 Back Creek Road called the Town Clerk to state they had no objection to the application. Supervisor Kennedy read the Planning Board recommendation of approval with the stipulation that the building be owner occupied and the square footage be met according to Town Code.

Code Enforcement Officer Kramer reported the square footage meets Town Code.

Melba Brierly, owner of 7595 Back Creek Road responded that she will occupy the building.

Supervisor Kennedy convened the Public Hearing.

There were no comments.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to close the Public Hearing at 8:08 p.m..

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood, to approve the application for a Special Use Permit for an Accessory Apartment for Melba Brierly, 7595 Back Creek Road, with the Planning Board stipulations that the building be owner occupied and that the square footage be met according to Town Code.

five (5) Ayes Carried

TOWN CLERK REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to schedule the Year End Town Board Meeting for December 30, 1996 at 5:00 p.m..

five (5) Ayes Carried

TOWN ATTORNEY REPORT

Town Attorney Perley announced he, Assessor Eagan and the collective defendants will attend a meeting in the Town of Orchard Park on November 22, 1996 regarding the National Fuel Gas Assessment lawsuit.

Town Attorney Perley or Deputy Town Attorney Bender will represent the Zoning Board of Appeals in a Article 78 proceeding regarding the Fucile Variance, 7091 Omphalius Road, for an Accessory Building.

REGULAR BOARD MEETING
NOVEMBER 20, 1996

TOWN HALL
7:30 P.M.

TOWN ATTORNEY REPORT (CONT.)

Town Attorney Perley has had conversations with representatives from Sprint Spectrum regarding a revised site plan due to a Federal Aviation Agency requirement for an alternative power source for the lighting on the proposed tower. The alternate power source will require the installation of a five hundred (500) pound propane tank and a generating system. The site plan has been reviewed by the Town Engineer and referred to the Planning Board for additional review. Town Attorney Perley is awaiting word from the Town Engineer as to what action is appropriate to address the SEQR, EAF for the Town as Lead Agency and for the recommendation as to whether or not a positive, negative or conditional negative declaration will be appropriate. Town Attorney Perley has discussed alternate locations for the tower with Sprint Spectrum representatives and will give a report to the Town Board at the next Town Board meeting.

Supervisor Kennedy announced the Town Engineer is in the process of developing specifications for the removal of the Glenn McKillen building on 9296 Zimmerman Road and when available will be sent to a number of demolition contractors.

COUNCILMAN REPORT

Councilman Rood announced the CARE Connection meeting was rescheduled for December 11, 1996 at 7:00 p.m. regarding the "Meals on Wheels" program for the Town of Boston.

Councilman Rood attended the inspection of the Angelo DeGiuli property, 9467 Boston State Road regarding the rezoning application.

Councilman Rood attended the Senior Citizen meeting regarding the expansion of the Nutrition Program to five days a week.

Councilman Rood reported that after she informed Supervisor Kennedy that the new roof on the Mobil Gas Station was grey and not black as specified in the plans, it was changed to black in two days.

Councilman Rood wished everyone a Happy Thanksgiving.

Councilman Wiktor announced the next scheduled Planning Board meeting will have an election of officers and the present Chairman has announced he will not seek another term.

Councilman Wiktor attended the Boston Town Board reinspection of the Boyd Mobile Home Park on November 7, 1996 and requested the Town Clerk send Mr. Boyd a copy of Town Code Section 70-5, Part B, No. 4. This section stipulates that the Town should be supplied with a copy of all proposed restrictions, rules, and regulations accorded the occupants of that facility which he has not done.

Councilman Wiktor attended the Association of the Boards of Trustees of the Contracting Libraries of the Buffalo and Erie County Public Libraries on November 7, 1996. The main issue of that meeting was adoption of the 1997 contract with the Buffalo and Erie County Public Library. The Town of Boston Free Library is a member of this group and falls under the constraints of that contract which provides for the funding of our local library.

Councilman Walter attended the Boston Town Board reinspection of the Boyd Mobile Home Park on November 7, 1996 and commented that if all the violations are not rectified by the May 7, 1996 deadline, the Mobile Home Park license will automatically be revoked.

Councilman Walter attended a meeting for Adelphia Cable where the discussion ran from entertainment to phone lines and as a point of interest, the word "Adelphia" means "Brothers".

REGULAR BOARD MEETING
NOVEMBER 20, 1996

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.)

Councilman Walter reported that the TE9 Form for a speed limit reduction on Zenner Road was submitted to the DOT. A petition was signed by many residents on Zenner Road and hopefully the request will be granted making this a good safety measure on our behalf.

Councilman Davenport commented that the Boyd Mobile Home Park needs attention and could benefit from a manager living on the grounds.

Councilman Davenport noted the purpose of the Erie County Nutrition Program is to ensure Seniors eat properly and have companionship. The program is not based on income and the $1.75 cost is a donation and is not mandatory to receive a meal.

A motion was made by Councilman Walter and seconded by Councilman Rood to adjourn the meeting at 8:17 p.m..

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
DECEMBER 4, 1996 — 7:30 P.M.

Present were Councilman Josephine M. Davenport, Councilman Lisa M. Rood, Councilman Peter A. Walter, Councilman Damian P. Wiktor, Supervisor Richard L. Kennedy, Highway Superintendent Eugene E. Ruchalski and Town Attorney Michael F. Perley.

Thomas Kasprzyk, Pastoral Assistant, St John the Baptist Church, opened the meeting with a prayer.

A motion was made by Councilman Wiktor and seconded by Councilman Rood to adopt the minutes of the November 20, 1996 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 #12, dated December 4, 1996 in the amount of $8,534.00 be paid.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Wiktor that the Highway Bills on Abstract #12, dated December 4, 1996 in the amount of $3,997.96 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Davenport to accept Town Clerk's Monthly Report for November 1996.

five (5) Ayes — Carried

five (5) Ayes — Carried

Received and filed a request for donations and/or assistance for the Town of Eden's New Year's Eve Celebration, "Celebrate Eden".

Referred to the Conservation Advisory Council a request from Mary Alice Tock for a sidewalk/bike path along Boston State Road in North Boston.

Received and filed a letter from the Erie County Department of Environment and Planning regarding the Erie County Sewer District No. 3 Service Agreements. Supervisor Kennedy will arrange a meeting with the ECSD #3.

Supervisor Kennedy read a notice of claim from Glenn McKillen, 9296 Zimmerman Road dated November 20, 1996, against the Town of Boston regarding the proposed demolition of said property.

Received and filed a letter dated November 26, 1996 from TVGA Engineering recommending a list of demolition contractors for the proposed McKillen demolition project on 9296 Zimmerman Road.

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to direct Town Clerk Shenk to mail out the bid specifications on December 5, 1996 to the list of contractors supplied by TVGA Engineering for the demolition of the McKillen property at 9296 Zimmerman Road. Bids are to be opened and read on December 16, 1996 at 10:00 a.m..

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to direct Town Attorney Perley to send Glenn McKillen notification that his property will be inspected by the Town Engineer on a date to be determined. A copy of the Town Law which gives the Town Engineer the authority to inspect his property will be included.

five (5) Ayes — Carried

REGULAR BOARD MEETING
DECEMBER 4, 1996

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to authorize the Capital Project Salt Storage Barn to be financed:

Estimated Revenues		$81,000
Grant Funds - NYS DEC	$30,000	
Grant Funds - NYS DOT	$20,000	
Appropriated Reserves (from unexpended balance)	$31,000	
Total	$81,000	

five (5) Ayes — Carried

SUPERVISOR REPORT

A) Supervisor monthly report for November 1996 was received and is on file in the Clerk's Office.

Referred an invitation to Councilman Rood and/or the Conservation Advisory Council members to attend a "Clean Water/Clean Air Bond Act" workshop at the University of Buffalo on December 6, 1996.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to set the Public Hearing on the Sprint Spectrum Special Use Tower Application for January 22, 1996 at 8:00 p.m..

five (5) Ayes — Carried

Supervisor Kennedy directed the Town Attorney to contact the Town Engineer for a determination as to whether a Negative Declaration is appropriate for the Sprint Spectrum Application.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to extend all appointments expiring on December 31, 1996 to January 8, 1997 and set the first and second regular Town Board meetings for January 8, and January 22, 1997 at 7:30 p.m. and the first Agenda Review for January 6, 1997 at 7:00 p.m..

five (5) Ayes — Carried

TOWN CLERK REPORT

A motion was made by Councilman Walter and seconded by Councilman Davenport to accept the Monthly Registrar of Vital Statistics Report for November 1996.

five (5) Ayes — Carried

Town Clerk Shenk reported that the McKillen Notice of Claim has been submitted to the Town of Boston Insurance Consultant.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Ruchalski reported that he is prepared to complete the drainage project for the Szalay site at Boston State Road and Rollin Drive. Erie County Deputy Commissioner of Highways, David Comerford will send a letter stating the County will not be involved because it is a drainage problem for a commercial building. The County has no problem with an independent contractor doing the work.

Supervisor Kennedy noted that John Szalay stated he would work with his Engineer, a County employee, and that there would be no problems with the County doing the work on the State Road. It is now the responsibility of John Szalay to hire a contractor because the Town of Boston has done what was pledged.

REGULAR BOARD MEETING
DECEMBER 4, 1996

TOWN HALL
7:30 P.M.

TOWN ATTORNEY REPORT

Town Attorney Perley reported that there is an agreement with Erie County Water Authority on all major points for the Lease Management Agreement. The documents are not in their final form for execution.

A motion was made by Councilman Rood and seconded by Councilman Davenport to authorize Supervisor Kennedy to execute the Erie County Water Authority Lease Management Agreement based upon the approval of Town Attorney Perley.

five (5) Ayes — Carried

The Erie County Water Authority is preparing a letter required by the State Comptroller stating that there is water available for the Water District #2 Extension Application.

Town Attorney Perley requested the Town Clerk prepare a certified document indicating the vote on the Ambulance Referendum to be sent to the Comptroller's Office.

COUNCILMAN REPORT

Councilman Rood attended the NEST (North/East/ Southtowns Solid Waste Management Board) meeting on November 21, 1996 in Orchard Park. Textile recycling was discussed and noted that the Town can receive up to $150 a ton for textiles, old clothing and shoes etc. The CAC is investigating incorporating a textile drop-off with the tire drop-off in April 1997. Also discussed was a universal tipping fee (cost to dump at a landfill) for garbage for Towns.

Councilman Rood congratulated the Thundering Hoofbeats 4H Club which took first place and won $100 in the Hamburg Holidays Parade on November 30, 1996.

Councilman Wiktor thanked Town Clerk Shenk for forwarding the letter he requested to Mr. and Mrs. Boyd regarding the rules and regulations for Mobile Home Parks.

Councilman Wiktor will attend the regular Southtowns Haz Mat Team meeting on December 7, 1996.

Councilman Wiktor attended the Boston-Colden East Eden Fire Council on November 25, 1996. Richard Guggemos of Breathing Air Resources, discussed upgrading current systems as well as instigating or starting a new contract with Breathing Air Resources for the three fire companies involved. Mr. Robert Mueller, acting Senior Dispatcher for Hamburg Fire Control, discussed the future plans for the base station and the implementation of the 800 Mgz radio system and how it is going to impact on our volunteer fire systems.

Councilman Wiktor reminded residents that the annual Boston Town Band Christmas concert will be held on Tuesday, December 17, 1996 at 7:30 p.m. at the Boston Valley School Auditorium.

Councilman Davenport noted the Erie County Nutrition Program will begin serving dinners on Friday, December 13, 1996. This is the one year anniversary and a birthday cake will be served. Meals are $1.75 and reservations are requested at 941-5773.

Councilman Davenport reported the recreation department has ninety (90) children participating each week. There was no meeting last week because school was closed and there will be no meeting this Friday because there will be a skating program.

Councilman Davenport congratulated Herb Klein and the Christmas Lighting Committee on a great job and commented that it is a pleasure to drive along Boston State Road and see the decorations.

REGULAR BOARD MEETING
DECEMBER 4, 1996

TOWN HALL
7:30 P.M.

CODE ENFORCEMENT OFFICERS REPORT

A) Code Enforcement Officer monthly report for November 1996 was received and is on file in the Clerk's Office.

Deputy Code Enforcement Officer monthly report for November 1996 was received and is on file in the Clerk's Office.

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officer monthly report for November 1996 was received and is on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for November 1996 was received and is on file in the Clerk's Office.

A motion was made by Councilman Wiktor and seconded by Councilman Walter to adjourn the meeting at 8:19 p.m..

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING
DECEMBER 18, 1996

TOWN HALL
7:30 P.M.

Present were Councilman Josephine M. Davenport, Councilman Lisa M. Rood, Councilman Peter A. Walter, Councilman Damian P. Wiktor, Supervisor Richard L. Kennedy and Town Attorney Michael F. Perley.

Absent: Highway Superintendent Eugene E. Ruchalski.

Reverend John VanHaneghan, Good Shepherd Lutheran Church, opened the meeting with a prayer.

A motion was made by Councilman Wiktor and seconded by Councilman Davenport to adopt the minutes of the December 4, 1996 regular monthly meeting.

Carried

five (5) Ayes

see correction 159

A motion was made by Councilman Walter and seconded by Councilman Davenport that General Fund and Special District Bills on Abstract #12A, dated December 18, 1996 in the amount of $100,576.92 be paid.

Carried

five (5) Ayes

A motion was made by Councilman Wiktor and seconded by Councilman Walter that the Highway Bills on Abstract #12A, dated December 18, 1996 in the amount of $23,960.98 be paid.

Carried

five (5) Ayes

Received and filed the Erie County Sheriff Report for November 1996.

Referred to Highway Superintendent Ruchalski an NFTA request to clear snow at all Metro Bus stops in the Town of Boston, specifically the Hamlet of Boston and North Boston Park and Ride.

Received and filed a Certificate from Erie County Board of Elections that the Town of Boston Local Proposition #1, Ambulance Workers Service Award Program, was passed with 2172 to 911 votes.

Town Attorney Perley will file the Erie County Board of Elections Certificate with an application to the NYS Comptroller's Office.

Supervisor Kennedy read a letter from Glenn McKillen dated December 6, 1996 requesting a court order to enter his property at 9296 Zimmerman Road for demolition.

The following two (2) bids were received on December 16, 1996 for the demolition of the property at 9296 Zimmerman Road:

Eastwood Industries, Inc.	$11,450.00
Integrated Waste System, Inc.	$16,775.00

Supervisor Kennedy read a letter from TVGA Engineering recommending that Eastwood Industries, Inc. be awarded the work for $11,450.00.

Town Attorney Perley will obtain a court order before the awarding of the bids. Eastwood Industries, Inc. will be contacted about holding their bid price until that time. Police protection will be provided during the demolition process.

The advertisement for the position of Town Historian has been tabled until the Historical Society has been invited to work with the Town Board during the interview process.

A motion was made by Councilman Wiktor and seconded by Councilman Rood to re-appoint Ken Kloeber to the Assessment Board of Review, term to expire September 30, 2001.

Carried

five (5) Ayes

TOWN OF BOSTON

TOWN OF BOSTON
RESOLUTION 1996-31

TOWN FACILITIES

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 18th day of December 1996 at 7:30 P.M. Eastern Standard Time, there were:

Present:	Richard L. Kennedy	Supervisor
	Lisa M. Rood	Councilman
	Damian P. Wiktor	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.
8) Leaders, Coaches, etc. of youth organizations using the Community Room shall be made aware that supervision is necessary, especially with regards to the pool tables and equipment, which the senior citizens of the town use on a regular basis. No athletic shoes (cleats) are allowed in the Town Hall.

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.

TOWN OF BOSTON

BE IT RESOLVED, that violations of this policy will be handled in the following manner:

PENALTY STRUCTURE

1) 1st violation - written warning
2) 2nd violation - one year denial of use

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 Rood	**Voting AYE**
Councilman Wiktor	**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 18, 1996 — 7:30 P.M.

RESOLUTION 1996 - 31 TOWN FACILITIES

Town Clerk Shenk has requested the Certificate of Insurance required for the NYSEG Active Pole Attachment Agreement allowing the Christmas decorations to be attached to their facilities.

Town Attorney Perley announced the final wording of the Erie County Lease Management Agreement has been agreed upon and is expected to be received for execution. A letter has been requested from the ECWA indicating there is sufficient supply and capacity for the Water No. 2 Extension. Both documents are necessary to complete the application to the State Comptroller for the West Hill Water project for the Water No. 2 Extension.

TOWN CLERK REPORT

A motion was made by Councilman Walter and seconded by Councilman Davenport to accept the Final 1996 Town and County Tax Report.

five (5) Ayes — Carried

HIGHWAY SUPERINTENDENT REPORT

Supervisor Kennedy noted the drainage project in front of John Szalay's property on Boston State Road and Rollin Drive has been completed.

TOWN ATTORNEY REPORT

Town Attorney Perley and Supervisor Kennedy will meet with representatives from the Southtowns Sewer District on December 19, 1996 to discuss the updating of the older Boston Sewer facilities.

Information was received from Supervisor Kennedy regarding the proposed easement for Arthur Meindl, 7189 Parkside Drive. Highway Superintendent Ruchalski has no problem with the conditions Mr. Meindl placed on the easement. Town Attorney Perley will inform Mr. Meindl of the outcome of a discussion with Assessor Eagan regarding an assessment adjustment.

Town Attorney Perley wished everyone a happy holiday season and looks forward to working with everyone in the new year.

COUNCILMAN REPORT

Councilman Rood attended a Chamber of Commerce meeting last week and noted recommendations for the "Citizen of the Year" award are welcome. Letters can be sent the Chamber in care of their Post Office Box in Boston.

Councilman Rood attended a CARE Connection meeting which explored the feasibility of a "Meals on Wheels" program for the Town of Boston. The Erie County President of "Meals on Wheels" described the program. The target group to benefit would be the sixty year old and older, high risk physically, low income, minority, frail, homebound and unable to prepare meals with no one to help or no aide working in the home more than twenty (20) hours per week. Medicare and Medicaid do not cover "Meals on Wheels" but food stamps are accepted. To join this program through Erie County, the cost to the Town would be $1,000 per person on a route with a minimum of twelve (12) people. Twenty volunteers are also required. Another option would be the "Meals on Wheels" program through Bertrand Chaffee Hospital. The hospital prepares the food and there is no cost to the Town. The cost for one cold and one hot meal per day through Erie County is $4.60 and in Springville it is $5.25. The person receiving the meal pays for it. No other money changes hands. Bucky Meyers, of the Springville Journal, has approached several corporations for contributions for funding. Councilman Rood recommends Bertrand Chaffee Hospital's program.

REGULAR BOARD MEETING — TOWN HALL
DECEMBER 18, 1996 — 7:30 P.M.

COUNCILMAN REPORT (CONT.)

Supervisor Kennedy suggested the Orchard Park "Meals on Wheels" program be investigated before a final decision is made.

Councilman Rood wished everyone Happy Holidays.

Councilman Wiktor attended the Haz-Mat team meeting on December 7, 1996. A $28,400 grant from New York State was being sought to update suits and communications. A bill will be sent to the young individual responsible for the Hamburg-McKinley Road tear gas incident after the legal ramifications are followed up. Forty (40) new pagers will be purchased so each team member will have their own pager. One dispatcher can activate all forty (40) pagers. The pager will display the time and place so they team can be activated more quickly and efficiently. The Erie County Haz-Mat team has been recognized nationally in two (2) national publications for their efficiency and expertise.

The Planning Board elected William Boltz as Chairman, Paul Jusko as Vice Chairman, and Zintars Zandins as Secretary.

Councilman Wiktor thanked the Lutheran Chorale of the Niagara Frontier and the Boston Band for putting together an enjoyable Christmas program at the Boston Valley School.

Councilman Wiktor announced that on January 3, 1996 the Boston Library will begin their extended hours from 6:30 to 8:30 p.m.. The public is invited and refreshments will be served.

Councilman Wiktor wished members of the Town Board, Town Clerk, Deputy Town Clerk, Town Attorney, all members of the various government agencies in Boston and the citizens of Boston a very merry Christmas, one that will be followed by a very happy and exciting new year.

Councilman Walter announced that he spoke with Robert Niederpruem, Erie County Water Authority Senior Production Engineer, and the contract for the tower on Cole Road was advertized for bids. Construction will begin in January and Motorola Communications will do the work. It has been agreed that nothing will be done until the Town has a copy of the site plan for approval.

The process has begun for the speed limit reduction request for Zenner Road from the Towns of Boston and Eden. Hopefully a traffic engineering study will prove that the speed limit should be lowered.

Councilman Walter wished everyone a happy holiday, more to come and a healthy year most of all.

Councilman Davenport announced seventy-five (75) people will be attending the Nutrition Program tomorrow and on Friday there will be fifty-five (55) people attending to celebrate with Santa Claus and a birthday cake.

Councilman Davenport wished everyone a happy holiday.

A motion was made by Councilman Walter and seconded by Councilman Wiktor to adjourn the meeting at 8:13 p.m..

David J. Shenk

DAVID J. SHENK, TOWN CLERK

TOWN OF BOSTON

TOWN OF BOSTON

RESOLUTION 1996 - 32

UNPAID GARBAGE BILLS

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 30th day of December 1996 at 5:00 P.M. Eastern Standard Time, there were present:

Richard L. Kennedy	Supervisor
Lisa M. Rood	Councilman
Damian P. Wiktor	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 1997 Tax Rolls the following unpaid Garbage Bills:

SBL # 257.00-2-35.1	6088 West Tillen Road	$ 23.90
257.00-2-6	9455 Zimmerman Road	$ 74.09
258.09-1-13	6752 Mill Street	$ 28.68

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 Rood	**Voting Aye**
Councilman Wiktor	**Voting Aye**

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

David J. Shenk

DAVID J. SHENK, TOWN CLERK

TOWN OF BOSTON

RESOLUTION 1996 - 33

UNPAID WATER BILLS

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 30th day of December 1996 at 5:00 P.M. Eastern Standard Time, there were present:

Richard L. Kennedy	Supervisor
Lisa M. Rood	Councilman
Damian P. Wiktor	Councilman
Josephine M. Davenport	Councilman
Peter A. Walter	Councilman

Councilman Wiktor 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 1997 Tax Rolls the following unpaid Water Bills:

SBL #	211.14-3-11	7363 Zimmerman Road	$ 121.59
	226.02-3-1	6385 Willow Drive	$ 255.32
	226.02-3-34	6412 Willow Drive	$ 72.98
	226.02-3-14	6449 Willow Road	$ 43.58
	241.08-1-6	6462 Patchin Road	$ 125.81
	258.00-1-20.1	9776 Trevett Road	$ 107.47

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

Supervisor Kennedy	**Voting Aye**
Councilman Walter	**Voting Aye**
Councilman Davenport	**Voting Aye**
Councilman Rood	**Voting Aye**
Councilman Wiktor	**Voting Aye**

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

David J. Shenk

DAVID J. SHENK, TOWN CLERK

SPECIAL BOARD MEETING — TOWN HALL
DECEMBER 30, 1996 — 5:00 P.M.

Present were Councilman Josephine M. Davenport, Councilman Lisa M. Rood, Councilman Peter A. Walter, Councilman Damian P. Wiktor, Supervisor Richard L. Kennedy and Town Attorney Michael F. Perley.

Absent: Highway Superintendent Eugene E. Ruchalski.

A motion was made by Councilman Walter and seconded by Councilman Wiktor to adopt the minutes of the December 18, 1996 regular monthly meeting.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport that General Fund and Special District Bills on Abstract #12B, dated December 30, 1996 in the amount of $9,881.09 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport that the Highway Bills on Abstract #12B, dated December 30, 1996 in the amount of $16,640.09 be paid.

five (5) Ayes — Carried

Received and filed the Erie County Water Authority tariff amendments and a copy of the actual amendments at Schedule "A".

Supervisor Kennedy read a request from Dean L. Watkins to dedicate the Town Hall Meeting Room to Harold Jehle, M.D. and the South Town Park to James and Maryann Jehle. The request will be considered.

Received and filed a Show Cause Motion for Injunction Relief and a supporting affidavit from Glenn McKillen for 9296 Zimmerman Road.

Town Attorney Perley noted that Glenn McKillen brought a motion enjoining the Town of Boston agents from entering his property under the demolition proceeding. In an old case the Town of Boston secured an injunction against Mr. McKillen to shut down his junk yard. The issues are not related but a cross motion will be filed to seek an injunction to prevent him from interfering with the Town of Boston's exercise of authority.

Received the final report on the GIS Needs Assessment Grant.

RESOLUTION 1996 - 32 UNPAID GARBAGE BILLS

RESOLUTION 1996 - 33 UNPAID WATER BILLS

A motion was made by Councilman Davenport and seconded by Councilman Walter to approve the following corrections to the General Fund Abstracts:

ABS 5A 05/15/96			
V 370 Computer Workshop	$ 289.00	from A1355.4	to A1355.2
ABS 10A 10/02/96			
V 762 Kohl-Ellicott	$ 236.45	from A1620.4	to A1620.2
ABS 11A 11/20/96			
V 925 Warehouse Paint	$ 1,364.40	from A1620.4	to A1620.2
V 929 Valley Floor	$ 2,300.00	from A1620.4	to A1620.2
V 930 Robert Hull	$ 2,250.00	from A1620.4	to A1620.2
ABS 12A 12/18/96			
V 978 Valley Floor	$ 7,220.00	from A1620.4	to A1620.2
V 988 Penflex Inc		from A3410.4	toSF3410.4
V 992 Hwy Dept		from A5132.4	to A8989.4
Water District #1			
V1001 TVGA	$ 4,726.22	from SW18340.4	to SW18340.2
V1002 Kandy	$34,709.30	from SW18340.4	to SW18340.2

five (5) Ayes — Carried

SPECIAL BOARD MEETING — TOWN HALL
DECEMBER 30, 1996 — 5:00 P.M.

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

correction see page 159

General Fund To:	Justice	A1110.4	1,000.00
	Supervisor	A1220.1	200.00
	Buildings	A1620.2	8,000.00
	Police	A3120.4	100.00
	Parks	A7110.1	3,000.00
	Historian	A7510.4	100.00
	Adult Rec	A7620.4	1,000.00
			10,400.00
From:	Justice	A1110.2	1,000.00
	Supervisor	A1220.2	200.00
	Retirement	A9010.8	9,200.00
			10,400.00
Highway Fund To:	Gen Rprs	D5110.1	7,445.00
From:	Comp Ins	D9040.8	7,445.00
Water Dist#2 To:	Trans & Dist	SW28340.2	2,000.00
From:	Trans & Dist	SW28340.4	2,000.00

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood to approve the Appropriations of Excess Revenue as follows:

Refuse & Garbage District:		
Est Rev		
Int & Earn	SR2401	2,000.00
Approp		
Refuse/Garb	SR8160.4	2,000.00
Highway Fund:		
Est Rev		
Intfd Trans	D5031	50,000.00
Approp		
Gen Repair	D5110.1	7,280.00
Sno Remov	D5142.1	5,000.00
Sno Remov	D5142.4	15,000.00
SR Oth Gov	D5148.1	5,000.00
Sr Oth Gov	D5148.4	17,000.00
Soc Sec	D9030.8	720.00
		50,000.00

APPROPRIATION OF FUND BALANCE
Water Dist. #1

Approp Fd Bal	SW1 599	15,000.00
Approp		
Trans & Dist	SW18340.4	15,000.00

five (5) Ayes — Carried

Supervisor Kennedy noted that Town Clerk Shenk included copies of letters requesting re-appointment in the Town Board folders.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to adjourn the meeting at 5:20 p.m..

David J. Shenk

DAVID J. SHENK, TOWN CLERK