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REGULAR BOARD MEETING — TOWN HALL
JANUARY 8, 1997 — 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 Perley.

Rev. Ronald Sprehe, St. Martin's Lutheran Church, opened the meeting with a prayer.

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to adopt the minutes of the December 30, 1996 Special Board Meeting with the following correction:

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
			13,400.00
From:	Justice	A1110.2	1,000.00
	Supervisor	A1220.2	200.00
	Retirement	A9010.8	12,200.00
			13,400.00

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 December 1996.

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 #1, dated January 8, 1997 in the amount of $15,898.69 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter that the Highway Bills on Abstract #1, dated January 8, 1997 in the amount of $30,609.58 be paid.

five (5) Ayes — Carried

Received and filed Erie County Board of Health approval of Completed Works for public water supply improvement for Eighteen Mile Creek at Trevett Road.

A motion was made by Councilman Wiktor and seconded by Councilman Walter to authorize Supervisor Kennedy to sign the Adoption Agreement for the Volunteer Ambulance Service Award Program.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to authorize Town Clerk Shenk to re-advertize for bids for Water District #1 Improvements. The bid opening date will be Thursday, February 13, 1997, 2:00 p.m. at the Boston Town Hall. Bids will be awarded at the February 19, 1997 Town Board meeting.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood to approve a request by the Town of Boston Softball League to use the Lions Club Shelter on August 3, 1997 from 9:00 a.m. to 3:00 p.m. A deposit has been received.

five (5) Ayes — Carried

REGULAR BOARD MEETING TOWN HALL
JANUARY 8, 1997 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to appoint Lucille Genzel to the position of Deputy Supervisor, term to expire December 31, 1997.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to appoint Lucille Genzel to the position of Clerk, Part-time, term to expire December 31, 1997.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to appoint Sondra Kadlubowski to the position of Bookkeeper, term to expire December 31, 1997.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Walter to appoint Joyce Thurber to the position of Clerk to the Town Justices, term to expire December 31, 1997.

five (5) Ayes Carried

A motion was made by Councilman Walter and seconded by Supervisor Kennedy to appoint Barbara Reilly to the position of Clerk, Part-time, term to expire December 31, 1997.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Davenport to appoint John Politowski to the position of Court Officer, term to expire December 31, 1997.

five (5) Ayes Carried

A motion was made by Councilman Rood and seconded by Supervisor Kennedy to appoint Joyce Rote to the position of Secretary to the Planning Board, Zoning Board of Appeals, and the Conservation Advisory Council, term to expire December 31, 1997.

five (5) Ayes Carried

A motion was made by Councilman Davenport and seconded by Councilman Wiktor to appoint Gerald O'Brien to the position of Recreation Director, Part-time, term to expire December 31, 1997.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood to appoint Dennis Kramer to the position of Code Enforcement Officer, Part-time, term to expire December 31, 1997.

five (5) Ayes Carried

A motion was made by Councilman Walter and seconded by Councilman Wiktor to appoint Frank Lisowski to the position of Deputy Code Enforcement Officer, Part-time, term to expire December 31, 1997.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Supervisor Kennedy to appoint Richard Waszak to the position of Dog Control Officer, Part-time, term to expire December 31, 1997.

five (5) Ayes Carried

REGULAR BOARD MEETING — TOWN HALL
JANUARY 8, 1997 — 7:30 P.M.

A motion was made by Councilman Walter and seconded by Councilman Wiktor to appoint Michael Brown to the position of Deputy Dog Control Officer/Enumerator, Part-time, term to expire December 31, 1997.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Davenport to appoint Susan Boswell to the position of Nurse to the Seniors, term to expire December 31, 1997.

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, P.T., term to expire December 31, 1997.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to appoint Theresa Horschel to the position of Assistant Nutrition Program Director, P.T., term to expire December 31, 1997.

five (5) Ayes — Carried

A motion was made by Councilman Rood and seconded by Councilman Wiktor to appoint Kim Rados to the position of Cleaner, Part-time, Town Hall, term to expire December 31, 1997.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Supervisor Kennedy to appoint Leo Jensen to the position of Laborer, Part-time, Town Hall, term to expire December 31, 1997.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Wiktor to appoint Margaret Edington to the position of Bingo Inspector, term to expire December 31, 1997.

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, 1997).

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Wiktor to appoint Wayne Kreitzbender to the position of Highway Working Crew Chief, term to expire December 31, 1997.

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 Liaison, term to expire December 31, 1997.

five (5) Ayes — Carried

A motion was made by Councilman Rood and seconded by Councilman Wiktor to appoint Joyce Carr to the position of Marriage Officer, term to expire December 31, 1997.

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
JANUARY 8, 1997 — 7:30 P.M.

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 Wiktor and seconded by Councilman Davenport to appoint the following Boston Fire Company Fire Police until such time as resignation, removal or replacement:

James Cunningham, Edward Dzierzanowski, David Emerling, Dennis Emerling, Richard Emerling, Edward Kane, Jennifer Kane, Dennis Kramer, Richard McCloud, Michael Norton, Charles Pettit, Leroy Pfarner, Eugene Ruchalski, Daniel Rychlik, Norman Seguin, Debra Thiel, Nelson Thiel, Robert Weber, Robert Zwack.

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 until such time as resignation, removal or replacement:

Duane Brock, Mark Brock, Richard Chambers, Vincent Cimato, William Ferguson, Chris Grinzel, Richard Hayden, Sr., Alan Horschel, Joseph Keller, Patrick Kennedy, Michael King, Robert Pfluger, James Pluta, Ronald Sprehe, Rochelle Wendling.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Walter to appoint the following North Boston Fire Company Fire Police until such time as resignation, removal or replacement:

Randy Seufert, Robert Karcher, Stephen Blasz, Rodney Carr, Sean Crotty, Thomas Edington, Thomas Kyle, Kenneth Manista, Louise Manista, Robin Mead, Donald O'Bryant, Joseph Santonocito, Warren Skinner, Nicholas Smith.

five (5) Ayes — Carried

The new appointees were sworn in by Town Attorney Perley.

Appointments of the Town Board Liaisons by Supervisor Kennedy for the year 1997 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, Nutrition Program
Councilman Rood	Senior Citizens, Conservation Advisory Council, Cable TV, Chamber of Commerce, Solid Waste and Refuse

REGULAR BOARD MEETING — TOWN HALL
JANUARY 8, 1997 — 7:30 P.M.

Supervisor Kennedy made the following Committee Appointments for 1997:

AUDIT COMMITTEE

Town Board Members

TRAFFIC SAFETY AND ROADWAYS COMMITTEE

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

INSURANCE COMMITTEE

Councilman Walter-Chairman
Brian Baty
Don Meyer
David Shenk
Michael Perley

CREATIVE PLAYGROUND COMMITTEE

Councilman Davenport-Chairman
Judy Gutekunst
Barbara Wagner
Leo Jensen
Mike Mandeville
Leroy Pfarner
Eric Pearlstein

SENIOR CITIZENS COUNCIL GROUP #1

Dolores Seufert
Dorothy Overhoff
John Snyder
Harold Rockwood
Mary Naber
Theresa Gresco
Joseph Mertzlufft
Jack Seufert
Mary Yoder
Caroline Burkard
Irv Overhoff
Arthur May

SENIOR CITIZEN "YOUNG AT HEART" GROUP#2

Betty Cunningham
Marge Abbott
Joan Shoffstall
Jean Kleis
Ceil Nowak

INVESTMENT ADVISORY COMMITTEE

Councilman Wiktor-Chairman
Mark Flaherty
Michael Perley
Richard Kennedy

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

SOLID WASTE AND REFUSE COMMITTEE

Councilman Rood-Chairman
Michael Perley
Richard Kennedy
Debra Bender
Reed Garver

CAPITAL IMPROVEMENTS

Supervisor Kennedy-Chairman
Peter Walter
Gerald O'Brien
Michael Perley
Vincent Bonerb
Charles Pettit
Michael Reilly
Damian Wiktor
Jean O'Connell
Michael Pohl

INSPECTION COMMITTEE

Code Enforcement Officer Kramer
Deputy Code Enforcement Officer Lisowski
Town Board Members

REGULAR BOARD MEETING
JANUARY 8, 1997

TOWN HALL
7:30 P.M.

CABLE TV COMMITTEE

Councilman Rood-Chairman	Richard Kennedy
Michael Perley	Damian Wiktor

DRAINAGE COMMITTEE

Councilman Walter-Chairman	Eugene Ruchalski
Wayne Kreitzbender	Michael Kobiolka

ZONING REVIEW COMMITTEE

Town Board	Town Planner
Town Attorney	Code Enforcement Officer

Designated Rep-Planning Board and Zoning Board of Appeals

SAFETY COMMITTEE

David Shenk	Eugene Ruchalski
Gerald O'Brien	Richard Kennedy

Representatives from each Fire Company and Emergency Squad

A motion was made by Councilman Walter and seconded by Councilman Davenport to establish the following Salary Schedule for 1997:

Position	Salary
Deputy Supervisor	2,565/Yr.
Clerk, PT	9.10/Hr.
Bookkeeper	17,000/Yr.
Clerk-Typist, PT	9.10/Hr.
Clerk to Justices	19,475/Yr.
Clerk, PT	8,550/Yr.
Town Attorney	21,500/Yr.
Dep. Attorney/Prosecutor	9,750/Yr.
Court Officer	3,280/Yr.
Deputy Town Clerk	19,475/Yr.
Secretary to Boards	8.90/Hr.
Recreation Director, PT	6,765/Yr.
Code Enforcement Officer, PT	9,750/Yr.
Dep. Code Enforcement Officer, PT	4,715/Yr.
Dog Control Officer, PT	6,870/Yr.
Dep. Dog Control & Enumerator, PT	4,600/Yr.
Nurse - Senior Citizens	25.00/Session
Nutrition Program Director	6.20/Hr.
Asst. Nutrition Program Director	6.20/Hr.
Cleaner, PT - Town Hall	6.90/Hr.
Laborer, PT - Town Hall	7.95/Hr.
Bingo Inspector	31.00/Per Insp.
	43.00/Per Dbl Bingo
Town Planner	1,900/Yr.
Laborer, PT - Parks (4/1/97-10/31/97)	7.60/Hr.
Assessor, PT	23,575/Yr.
Cobblehill Cemetery Liaison	275/Yr.
Records Management Officer	No Salary
Registrar of Vital Statistics	1/Yr.
Dep. Registrar of Vital Stats	1/Yr.
Marriage Officer	No Salary

Election Inspectors - Per Day

Registration	$60.00
Primary Day	100.00
Chairman	15.00
Election Day	100.00
School	20.00

REGULAR BOARD MEETING
JANUARY 8, 1997

TOWN HALL
7:30 P.M.

Highway Department

Working Crew Chief	15.05/Hr.
M.E.O'S	14.09/Hr.
Truck Drivers	10.98/Hr.
M.E.O. Trainee	9.25-13.68/Hr.
Laborers	5.50- 7.95/Hr.

five (5) Ayes — Carried

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

A motion was made by Supervisor Kennedy and seconded by Councilman Rood 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

Supervisor Kennedy read a request from the Southtowns Citizen Newspaper to be designated as the Town of Boston Official Newspaper.

A motion was made by Councilman Wiktor and seconded by Councilman Walter 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 Wiktor to set the payment of salaries for 1997 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 Supervisor Kennedy and seconded by Councilman Walter 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 Davenport to authorize the Supervisor and the Tax Collector to invest surplus monies.

five (5) Ayes — Carried

REGULAR BOARD MEETING
JANUARY 8, 1997

TOWN HALL
7:30 P.M.

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

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 Supervisor Kennedy and seconded by Councilman Wiktor to authorize the use of a signature stamp and a check writer machine by the Supervisor 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 Councilman Wiktor and seconded by Councilman Davenport to schedule the Annual Audit Meeting for January 22, 1997 at 6:15 p.m. and direct the Town Clerk to notify all personnel who handle monies to attend.

five (5) Ayes — Carried

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

five (5) Ayes — Carried

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

five (5) Ayes — Carried

TOWN OF BOSTON

TOWN OF BOSTON

RESOLUTION 1997-01

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 8th day of January 1997 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 Wiktor 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 1997:

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 — TOWN HALL
JANUARY 8, 1997 — 7:30 P.M.

A motion was made by Councilman Rood 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	

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood 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:

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

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to approve the Public Improvement Specifications agreed upon by the Highway Superintendent and the Town Engineer.

five (5) Ayes — Carried

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

Supervisor	$ 25.00
Town Clerk	300.00
Town Justices	100.00
Highway Superintendent	25.00
Recreation Director	300.00

five (5) Ayes — Carried

RESOLUTION 1997 - 1 PROCUREMENT POLICY

A motion was made by Councilman Wiktor and seconded by Councilman Rood to set the following 1997 Holidays for the Town of Boston as follows:

January 1, Thursday - New Year's Day, January 20, Monday - Martin Luther King, Jr., February 17, Monday - Patriot's Day, March 28, Friday - Good Friday, May 26, Monday - Memorial Day, July 4, Friday - Independence Day, September 1, Monday - Labor Day, October 13, Monday - Columbus Day, November 04, Tuesday - Election Day, November 11, Tuesday - Veteran's Day, November 27, Thursday - Thanksgiving Day, *December 24, Wednesday - 1/2 Christmas Eve, December 25, Thursday - Christmas Day, *December 31, Wednesday - 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

REGULAR BOARD MEETING — TOWN HALL
JANUARY 8, 1997 — 7:30 P.M.

A motion was made by Councilman Wiktor and seconded by Councilman Davenport to appoint TVGA as the Town Engineering Firm with Charles Pettit as a liaison for $1,600 yearly, utilizing additional services with fees as described in the contract, term to expire December 31, 1997 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, 1997.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport to appoint Jean Kleis as Consultant to Bookkeeper for the months of January and February 1997 for the Annual Report, salary not to exceed $1,600.00.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport to authorize the Capital Project of the North Boston Soccer Field, to be financed as follows:

Estimated Revenues:			$14,055
Grants Funds	- NY Dept. of State	$10,000	
Appropriation	- Parks Dept. - Town Budget	4,055	
	Total		$14,055
Estimated Expenditures:			
Survey & Design		1,225	
Donated fill - Rental of Dozer/Operator from Highway Department		1,500	
Purchase of Drainage Materials		2,750	
Contract - Drainage & Rough Grading		6,480	
Final grading/top dressing & seeding of field		2,100	
	Total		$14,055

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Wiktor to authorize the Supervisor to enter into a contract with Slotman Plumbing & Heating, Inc. for the drainage and rough grading work on the North Boston Soccer Field in the amount of $6,480.00.

five (5) Ayes — Carried

SUPERVISOR REPORT

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

Supervisor Kennedy reported the Town Board has received a number of communications relative to the request from Sprint to erect a Tower in the Town of Boston. A meeting was held on January 7, 1997 to inform interested parties of the particulars associated with the Sprint Tower. The Town Clerk will notify neighboring property owners of a Public Hearing to be held on January 22, 1997.

TOWN CLERK REPORT

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

five (5) Ayes — Carried

REGULAR BOARD MEETING
JANUARY 8, 1997

TOWN HALL
7:30 P.M.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Ruchalski announced 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 Councilman Wiktor and seconded by Councilman Rood to authorize the Highway Dept. to pick up Christmas trees.

five (5) Ayes — Carried

TOWN ATTORNEY REPORT

Town Attorney Perley reported that an informational meeting was held on January 7, 1997 regarding the Sprint Tower. Councilmen Davenport, Rood and Wiktor were in attendance. The legal ramifications of the Telecommunications Act of 1996 were discussed and citizens were encouraged to attend the Public Hearing and restate their positions.

On January 17, 1997 Town Attorney Perley will argue in court on the Glenn McKillen motion regarding the legality of Town Officials entering his property at 9692 Zimmerman Road.

Town Attorney Perley will contact the Erie County Water Authority and request the Lease Management Agreement.

COUNCILMAN REPORT

Councilman Wiktor thanked the Patchin Fire Company for providing a truck to drive Santa Claus and his sleigh through town on December 23, 1996.

On January 3, 1997 Councilman Wiktor attended the grand opening for the extended hours of the Boston Public Library. The library has received five (5) extra hours thanks to the efforts of the Erie County Legislator providing additional funds for the library system in Erie County. With these five hours the Town of Boston library now meets the State minimum requirement for the library to be open.

Councilman Wiktor congratulated the new appointees noting that he is looking forward to working with them.

Councilman Walter has been in contact with the Erie County Water Authority regarding the new radio tower. Our previous contact, Robert Niederpruen has been promoted and the new director is Paul Becker, a Boston resident. TVGA has the plans needed by the Town Board and the Patchin Fire Company to give final approval to proceed with the tower.

The complaint of a bent guardrail on North Boston and Feddick Roads has been addressed.

Councilman Walter reported that the Drainage Committee did a very good job solving the problem drainage areas in town as there were no complaints after the heavy rainfall and heavy snows.

Councilman Walter introduced his grandson, Samuel Wiles, who is attending the meeting tonight for a school project.

Councilman Davenport reported that Theresa Horschel, Assistant Nutrition Program Director is doing very well. The Christmas and New Year dinner was well attended.

REGULAR BOARD MEETING
JANUARY 8, 1997

TOWN HALL
7:30 P.M.

CODE ENFORCEMENT OFFICER REPORT

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

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

DOG CONTROL OFFICER MONTHLY REPORT

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

B) Deputy Dog Control Officer monthly report for December 1996 was received and is on file in the Clerk's Office.

The West Hill Dog Census monthly report was received and is on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for December 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 the following Officers for the 1997 Planning Board:

Chairman	William Boltz
Vice Chairman	Paul Jusko
Secretary	Zintars Z. Zadins

five (5) Ayes

Carried

A motion was made by Councilman Wiktor and seconded by Councilman Walter to adjourn the meeting at 8:28 p.m.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING AND ANNUAL AUDIT MEETING — TOWN HALL
JANUARY 22, 1997 — 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.

Rev. Richard Phillips - Churchill Memorial Methodist 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 January 8, 1997 regular monthly meeting.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Supervisor Kennedy that the General Fund and Special District Bills on Abstract #1A, dated January 22, 1997 in the amount of $34,157.48 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Wiktor that the Highway Bills on Abstract #1A, dated January 22, 1996 in the amount of $23,942.97 be paid.

five (5) Ayes — Carried

Received and filed notification from the Buffalo and Erie County Arts Council of a 1996/97 Decentralization Grant to the Town of Boston in the amount of $1,935.

Received and filed the Erie County Water Authority Notice of Ability and Willingness to supply water for Extension #2 to Water District #2.

Supervisor Kennedy noted the Erie County Lease Management Agreement has been received and executed.

Received and filed notification from the Erie County Department of Health of a Public Hearing on February 11, 1997 for the proposed amendment to the Erie County Sanitary Code.

Supervisor Kennedy read a letter from Maurice and Pearl Emerling supporting a previous request from Dean Watkins to dedicate the Town Hall Meeting Room in memory of Dr. Harold Jehle and dedicate the South Boston Park to James and Mary Ann Jehle. Supervisor Kennedy noted the Town Board will consider these requests.

Referred to Councilman Wiktor notification from NYSEG of the dates for the Live-Line Demonstration presentation.

Referred to Councilman Rood an announcement from the Blasdell Development Group, Inc. (BDG) of the construction of a solid waste transfer facility and a request for bid specifications.

Received and filed a Hall of Fame Award Nomination Application from the NYS Coalition on Women's Issues.

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 the Friday Night Recreation Program, term effective immediately and to expire on:

May 31, 1997:	Jill Tibbets	Rec. Supervisor	$ 8.00 hr.
	Jennifer Burroughs	Rec. Attendant	$ 6.00 hr.
	Michelle Lenox	Rec. Attendant	$ 6.00 hr.
Dec. 31, 1997:	Jerry Lindsey	Rec. Leader	$1,200.00 yr.

five (5) Ayes — Carried

REGULAR BOARD MEETING AND ANNUAL AUDIT MEETING — TOWN HALL
JANUARY 22, 1997 — 7:30 P.M.

A motion was made by Councilman Walter and seconded by Councilman Davenport to approve the payment of $2,000 to TVGA Engineering Surveying, P.C. for the Emerling Road right-of-way location. The Town of Concord will reimburse the Town of Boston $1,000.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Wiktor to approve the Agreement for the Expenditure of Highway Monies for general repairs in the amount of $120,000 and for permanent improvements in the amount of $33,735.00.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Walter to grant the Boston Democratic Club use of the Boston Town Park property and Community Room on March 29, 1997 for the 36th Annual Easter Egg Hunt. A $50.00 deposit has been received.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood to grant the Demonstration Day Committee use of the Town Park and Lions Shelter on June 1, 1997. No alcoholic beverages will be served and a $50.00 deposit has been received.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter to grant the Boston Youth Baseball Association use of the Lions Shelter and baseball diamonds on August 2, 1997 from 8:00 a.m. to dusk, for the annual baseball picnic and All Star games. A $50.00 deposit has been received.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to approve the Annual Audit conducted by the Town Board of all Town Officials controlling funds and to accept the Town Justices, Town Clerk, Tax Collector and Registrar of Vital Statistics Annual Reports for 1996.

five (5) Ayes — Carried

SUPERVISOR REPORT

Supervisor Kennedy announced the pre-applications for the proposed water districts on the East and West Hills have been submitted to New York State. The pre-applications are to assess the Town of Boston's eligibility for low interest monies and/or loan monies that might be available under the bond issue recently adopted in NYS. Supervisor Kennedy and Town Attorney Perley are in the process of developing a plan to address problems with Town sewers.

TOWN CLERK REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to approve the following Town Officials attendance at the NYS Association of Towns 1997 Training School and Conference in NY City on February 16 - 19, 1997, all appropriate expenses to be paid and not to exceed $800 per person:

Town Justices Tills and Maxwell
Court Clerk Thurber
Planning Board Member Early
Highway Superintendent Ruchalski
Councilman Rood
Councilman Walter
Councilman Davenport
Town Clerk Shenk

five (5) Ayes — Carried

REGULAR BOARD MEETING AND ANNUAL AUDIT MEETING — TOWN HALL
JANUARY 22, 1997 — 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to appoint Councilman Rood as the Delegate and Councilman Walter as the Alternate Delegate to represent the Town of Boston at the NYS Association of Towns 1997 Training School and Conference.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to appoint the following to the Town of Boston Records Management Committee:

Town Clerk Shenk, Chairman — Karen Ellis
Richard Kennedy — Leo Jensen

five (5) Ayes — Carried

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Ruchalski reported that stop signs are not visible at the Boston Colden/West Tillen Roads and there have been four (4) accidents at this site in 1996. The County has requested the Town of Boston forward a letter regarding this situation.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to direct Councilman Walter to send a letter to Erie County detailing the Boston Colden/West Tillen Roads hazardous situation and grant Councilman Walter permission to request installation of a flashing light.

five (5) Ayes — Carried

At 8:00 p.m. a Public Hearing was held for the purpose of hearing public comments on the Sprint Spectrum request for a Special Use Permit to construct a Telecommunications Tower at 6405 Ward Road. Supervisor Kennedy read the legal notice and the letter sent to fifty-seven (57) neighboring property owners including copies of an Assessor's Map, the Special Use Permit Application, Letter of Intent and the Project Description. Supervisor Kennedy displayed a paper flyer that was circulated around the Town of Boston stating the Town Board is constructing a two hundred and fifty (250) foot cellular tower. Supervisor Kennedy noted the Town Board is not constructing the tower and is here to hear the application of Sprint Tower and not to be prejudged to be either for or against.

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, January 22, 1997 at 8:00 p.m., Eastern Prevailing Time, to consider the application of Sprint Spectrum for a Special Use Permit to construct a Telecommunications Tower at 6405 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: January 3, 1997
Published: January 9, 1997

BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK

Supervisor Kennedy read the TVGA determination based on the Full Environmental Assessment Form and Appendix "B" - Visual Addendum for the EAF, as prepared by Sprint Spectrum, which concludes that the proposed project is a Type 1 Action, the Town Board is Lead Agency and the only impact would be aesthetic.

As requested, a full copy of the EAF Form regarding the SEQR Report/Sprint Spectrum L.P. was delivered to the Town on September 11, 1996 from Sprint Spectrum Attorney, Maureen Elwell.

An ASAC (Airspace Safety Analysis Corporation) Report for Site 031 Boston was forwarded to the Town for review from Maureen Elwell, Sprint Spectrum Attorney. The report determined that the proposed 255 feet AGL (1,514 feet AMSL) structure would exceed FAR 77.13 (a) (1) by 55 feet. Exceeding this surface requires that a Notice of Proposed Construction or Alteration form be filed with the FAA and that FAA Approval of the proposed construction be obtained prior to

PUBLIC HEARING (CONT):

beginning construction. Also received was a Notice of Proposed Construction or Alteration, the FAA Form 7460-1 Addendum, a map of the proposed tower location, and coordinates from land surveying.

On November 4, 1996, Tim Webster, a Harris Beach & Wilcox Representative for Sprint Spectrum sent a letter requesting the Town of Boston, as Lead Agency, proceed with the SEQRA Review and Determination. Also noted was the fact that the site will require a five hundred (500) gallon propane tank for an auxiliary generator fuel in order to meet FAA lighting requirements.

Supervisor Kennedy read a letter from the Boston Planning Board recommending denial on the Sprint Spectrum application based on the aesthetic affect of the visual impact, the fact that other technologies may be used and the lack of guidelines to the Town on tower site installation.

Supervisor Kennedy read a letter from Robert Pudlewski, 7200 Serpentine Drive, which included a copy of a recently enacted ordinance from the Town of Hamburg regarding cellular towers and a also a list of concerned citizens.

Supervisor Kennedy noted letters were received from William Chenoweth, 6993 Chestnut Ridge Road, Michele and Fred Adams, 6895 Chestnut Ridge Road and many other concerned citizens.

Supervisor Kennedy read a letter from Michael Sutton, Vice President of Finance and Business Affairs, WNED-FM Public Broadcasting Association stating that negotiations have begun with Sprint Spectrum, LP for the purpose of sharing space on the WNED-FM tower on Zimmerman Road in the Town of Boston.

Town Attorney Perley commented that the Town Board must hear public comments and render a decision on the pending Sprint Spectrum application regardless of the current negotiations with WNED-FM.

Supervisor Kennedy convened the Public Hearing.

Maureen Elwell, Attorney with Harris Beach and Wilcox and representing Sprint Spectrum in Erie County: Before we start I would like to thank the Town of Boston, it's officials, the people who work with you and who work for you. We have been treated in a very professional manner ever since we submitted our application on August 1st and I would just like everyone here to know that we appreciate the way that we've been treated in the Town of Boston. I would also like to thank those residents who have showed up today. I think it is very important that they are here. We want to give them as much information as we can on this project. We think it is important and we really want to be open to any of the suggestions and ideas that will be offered tonight. As you stated, this is an application for a Special Use Permit on Ward Road for Sprint Spectrum, LP. Sprint Spectrum is a public utility, licensed and regulated by the Federal Communication Commission. It is charged with the duty of providing cellular PCS service in our area including the Town of Boston. In light of that, the application is before you for a two hundred and fifty (250) foot tower to be located on the Myers property on Ward Road. I don't know if you would like me to do this but I will go into Sprint Spectrum's utility status for those of you who do not know about New York State Law. A case called Rosenberg was decided quite a few years ago stating that cellular companies are public utilities under NYS law. The reason for that is because of the unique nature of their services and the need to be where they need to be to provide service. For example, water pumping stations and water towers have to be in a certain location to provide service to the public and the same thing applies for cellular service. We will get into that

REGULAR BOARD MEETING AND ANNUAL AUDIT MEETING — TOWN HALL
JANUARY 22, 1997 — 7:30 P.M.

PUBLIC HEARING (CONT):

Attorney Elwell, (Cont.): a little bit more. I have brought some people with me who can explain how the technology works and the reason for the siting on this. Also we brought a health expert if there are any questions about the health effects. As everyone knows the 1997 Telecommunication Act prohibits a decision based on health, however we did bring someone here in the event that someone in your audience might have a question. We would then be more than happy to answer those questions. Now, what that means because we are a public utility, people say "well what does that mean?" "What does Sprint have to do in order to have a Special Use Permit issued?" What Sprint basically has to do is show a need to be in a location where they have chosen to be. Again, we will prove that tonight with our Radio Frequency Engineer who is here. We will talk about the technology. Why we chose this site and why we have to be in that particular spot. We do not currently have service in the Town of Boston and this communication facility would remedy that situation. As I said I did bring several people with me today and I am going to start with the Radio Frequency Engineer so he can explain how this system works. His name, by the way, is David Olek and he will be up in a minute. We also have a gentleman named Steve Gaylor. He was responsible for finding the site. He will discuss the site, how he went about finding the site and he will discuss the site plan, where the tower is proposed to be located and why it is proposed to be located on this parcel where it is. Last but not least, we do have Doctor Thomas Ely. If anyone has a question on health issues we would be glad to have him come up and address the Board. Right now I am going to turn it over to David Olek and let him describe how the system works.

David J. Olek, Sprint Spectrum Radio Frequency Engineer: I am a RF (Radio Frequency Engineer) with Sprint Spectrum. Prior to working in this position I was Vice President of Engineering and Operations with Frontier Cellular and NYNEX who also operated in this region and upstate NY. In the past three and a half years I've been involved with the construction of over two hundred (200) such sites in both cellular and PCS throughout all of NYS, including the Adirondack Park. I was acquainted with this project recently and brought up to date on it's history. I would just like to review for you what happened last year when Sprint paid the Federal Government several billion dollars for the license to come into the area. Obviously when you are building a new system you want to be able to build a system with the least amount of sites possible. The other thing you would like to be able to do is to take advantage of all the existing towers in the area as much as possible. For one thing, you don't have to construct new facilities and another thing, it is also less expensive if you can go on an existing tower. So what we did initially is do a survey of the entire upstate area. The survey surveyed all sites that were over several stories tall including towers, water tanks, large buildings, anything that we could put our antennas on to provide service. This survey then created a data base of what we called "friendly sites". We weren't exactly sure that we could reach an agreement to locate on those sights but nonetheless we had a survey of sites available. Then what we did was overlay a honeycomb grid of service coverage honeycombs over these friendly sites and adjusted this grid so we could take advantage of as many tall structures in upstate NY as we could. Obviously then we would have to construct less towers from scratch. That created the grid and basically fixed the grid and since early last year we have been out actively getting sites, locating sites, getting them approved through local zoning and actually constructing sites. Currently in Rochester over forty (40) sites are under construction. In Buffalo by mid February over fifty (50) sites will be under construction. Once the grid is set, the next thing to do is establish the search area within each grid and in the case of this area we created a search area in the North Boston area. Now you have to understand one thing about our license. Our License said that we must serve

REGULAR BOARD MEETING AND ANNUAL AUDIT MEETING — TOWN HALL
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PUBLIC HEARING (CONT):

David Olek, (Cont.): ninety percent (90%) of the population in a given area. If we don't serve ninety percent (90%) of the population we could lose our license and the FCC could award it to another carrier to come in and provide that service. Our license is not like Cellular. Cellular's license said they just had to provide coverage in the air. Our license says we have to serve people. Which means we have to reach people. Which means we have to be in areas where people live and work and travel. This necessitated a site here in this area where there is a population of people and there are roadways. This particular site is what we call a "rural site". A rural site covers a diameter of seven and one half to ten (7 1/2 -10) miles. It is typically two hundred and fifty (250) feet tall and because it is over two hundred (200) feet it needs to be lit. The second type of site which we do more in the suburban area with a higher density population is called a "suburban site". A suburban site is typically one hundred and fifty (150) feet tall. It covers a diameter of three and one half (3 1/2) miles but in a much denser population level than the rural site. And finally the last type of site that we construct are in the cities. It is called a "urban site". Typically one hundred (100) feet tall. It covers only a diameter of about a mile and a half. So in this area our planning with a population density and our good system calls for a site in this particular search area. Steve Gaylor, who will come up here, will talk about his acquisition process in the search area and the fact that we were able to locate a site on Ward Road. Now in our travels here in this area and in our association with the Planning Board we were asked to examine other sites in this area and I've shown these sites on here. I will briefly mention them to you. The Schrieber Drive Water Tower, a forty (40) foot water tower to the north, a one hundred and sixty (160) foot Sheriff's tower, a fifty (50) foot water tower on Gartman Road, the Myers site, the Boston-Colden Fire Department sixty (60) foot tower, the WBNY Broadcast Tower, two hundred and seventy-five (275) feet, the WBEN-WDCX Tower, two hundred and seventy-five (275) feet and one (1) other tower further to the south. Now when we get into matters of coverage, the usual process for us is to select the site that entirely fills the coverage cell that we need to cover. This is important so that we have consistent coverage in the area. What I am showing you here is the expected predicted coverage that we would get from the site that we are applying for tonight, the Myers site at two hundred and fifty (250) feet. I am going to outline the circle that we need to provide coverage in. As you can see from my picture there is lot of white spots in this circle. In other words what I am saying is this sight doesn't really cover the circle very well. In fact for this site to cover the circle very well it would have to be over four hundred (400) feet tall. We felt that was unreasonable to put a site up that tall in order to fill the circle. The reason that it doesn't fill the circle in this particular case is because we have a variable terrain here in the south of Buffalo with many hills and valleys. It is therefore very hard to force one cell to fill this entire cell circle. As you can see, there is some coverage to the north and to the south but many parts of the circle are left uncovered. So what we did in our analysis, is we analyzed this particular cell by looking at all of the cells we selected around it and adding their coverage in. When we do that, the particular cell that we are applying for tonight at two hundred and fifty (250) feet, the circle is filled up with adequate coverage. In order to do that we had to do that analysis and I am showing you this right now with all of the other sites turned on and as you can see our circle is filled with radio coverage enough for the area. But we have compromised here in doing so by limiting the site to two hundred and fifty (250) feet. We are taking advantage of radio sources from other sites in the surrounding area. Those sites would include sites in Orchard Park. They would include sites to the east and sites to the west. One (1) other site was evaluated in our process that actually worked and that site is the WBEN tower

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David Olek, (Cont): at two hundred and seventy-five (275) feet. The Supervisor read a letter form WBEN and we are currently in the process of trying to negotiate something with them. Those negotiations have been ongoing for some time and as yet we have not reached anything. This site provides coverage that is slightly less than the site we are talking about this evening but nonetheless if we were able to obtain that site the coverage from that site would be adequate.

Town Attorney Perley: You mean, just before there is a mass of confusion, that is the WNED site?

David J. Olek: I am sorry. WNED, yes.

Supervisor Kennedy: That is a four hundred (400) foot tower isn't it?

David J. Olek: Yes but we would only go at two hundred and seventy-five (275) feet on that four hundred (400) foot tower.

Supervisor Kennedy: In other words, it wouldn't be to your advantage to go higher on that tower?

David J. Olek: We wouldn't want to. Our goal here was to be able to obtain light coverage with that site and we would only go up high enough to obtain that coverage. It is our philosophy in building the system that we never like to go higher than we absolutely have to. Number one it costs more and number two, if you have a lot of high towers in an area they start to interfere with each other down the line when you put a lot of traffic on the system. In cellular the same thing occurs. I have plots here of all the other sites that we looked at and really none of them are very acceptable and the main reason is that none of them are very tall. On an average they are at a hundred (100) feet or below or they are so far out of the center that they just don't provide adequate coverage. If anybody has any specific questions on these sites I can answer them individually later on. We've evaluated probably about eight to ten (8 - 10) other sites for coverage in this area. It is very important to our company to have service in this area. We are going to be turning the Buffalo system on this spring. It is very important for us to include the Boston area in our coverage plan. In the Spring we will be here selling. The technology will bring a number of features to the community that aren't available now through cellular. I would just like to touch on those very quickly. The first one is 911 Locate. If you make a 911 call from the system within a year the 911 operator will get a readout of your position so they will know where you are calling from. Many people have used their cellular phones to report accidents. The digital technology enables us to actually locate the person so that the operator would get a latitude- longitude reading on a map as to where you are when you are calling. So if you are calling from a parking lot with an emergency the authorities would be able to find you if you use our system for making the call. The second feature is that this system is entirely digital. Everybody has read and heard about the Newt Gingrich scandal lately with a cellular phone. This technology is such that it cannot be intercepted by anybody because the digital signal is scrambled over the airwaves. The technology was first developed for the military to use in communications in wartime. It's being applied in this system also. The third feature is that the system itself, the addition of a third competitor now in the area, in addition to Frontier and Cell One, will permit the actual cost of using this technology to come down another notch, making it more affordable for everyone. We typically construct all of our facilities to provide for co-location. We would be willing to take any direction that the Board gave us as to how they would want this facility to be constructed. In other words if you told us we would

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David Olek, (Cont): like to be able to hold three (3) other people sometime in the future, with your approval, we would agree to construct it strong enough to hold other antenna rays subject to the Town Board approval in advance. We would also agree not to permit any co-location if it was your desire to do so under that condition. Many of the communities in upstate New York are asking us to build these facilities to be expandable later on at the towns discretion if they should decide that another carrier could use the facility. Knowing what Cell One and Frontier have right now in this area, it wouldn't surprise me in the future if they wouldn't want to co-locate at this site sometime in the next few years because they would probably need additional coverage in this area also. However, I can't speak for them right now in terms of where they are with their systems development. One of the other reasons that it is so important to us to obtain approval on this site is that we are a new competitor. The Federal Government has relaxed some of the rules to enable us to compete but our competitors have had a ten (10) year head start on us in terms of getting their systems built. They have been on the air and serving customers since 1985. That is when the licenses were given out for free. We can't hope to be competitive with customers and with coverage unless we can construct a system that is at least as good, if not better, than what is available with Frontier and Cell One right now in this area. So not only do we have the problem of creating something virtually overnight to compete but we also have the added burden of coming to towns like Boston and proposing a tower in an area that is somewhat controversial. In other towns where we have been able to relocate towers to satisfy constraints of local residents we've been able to do that. To this point though we have not identified any alternative sites that would be suitable at this height or less for the coverage. We would certainly rule out other sites that needed to be over three hundred (300) feet or three hundred and fifty (350) feet for example to provide the same level of service because from our standpoint a higher structure is definitely less desirable. So I guess I will stop at this point. We will talk about our travels in the Real Estate side and how this site was located and Steve will address you right now concerning that and I will be available later to answer any further questions on the engineering side. Excuse me, Steve just mentioned that maybe I should touch on the issue of other technologies. That is something that the Planning Board addressed in their decision that you read tonight. The way this system was envisioned by the Federal Communications Association of the Federal Government, it precludes at this point in time the use of satellites or other means of delivering the service. If you really stop and think about it, it is pretty apparent. The first thing the Federal Government did is divided our territories up along County boundaries. If you think about a satellite in space beaming a signal down, it comes down in a round circle. It is very hard to make a satellite signal obey County boundaries when you are trying to serve an area. So that is the first problem. The second problem is that the Federal Government has limited the power that can be used at these sites. By limiting the power at the tower at two hundred (200) watts and creating a phone that is only two (2) tenths of a watt that has to talk to the tower, the distance that these two (2) things can use when they are communicating back and forth is at maximum about seven and a half to ten (7 1/2-10) miles. Satellites and geo-synchronous orbit are several thousand miles high. In order to communicate with something like that you would almost need to carry a giant battery pack on your back right now with today's technology in order to do it. The advances in technology would have to come very dramatically in order for you to use satellite technology at least at the low power levels that we are proposing which mitigate the health risks. So certainly where we are today the satellite technology isn't there. Now, Motorola is introducing a system that they are putting in the air right now called "Iridium" that is satellite based but the service is going

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David Olek, (Cont): to be for the high end business world traveler in order to facilitate world communications and the actual phone would be a back pack type assembly with a separate battery pack that would be used to communicate world wide at a premium rate. The system itself would have some severe capacity limitations. You couldn't carry hundreds of thousands of calls a day on it. It would be a very specialized system at this point and that is where technology is. What we have agreed in other towns though where this is an issue is that as technology changes or if we can lower the height of the tower in the future, we would agree to do that at our expense as the technology migrates are going further. If you think about where we are at today, if you think about paging systems. Paging systems have been around for twenty-five (25) or thirty (30) years right now. When cellular phone technology came out in the mid nineteen eighties (1980's) I thought, "pagers are dead, nobody is going to be using paging anymore". Really all that happened however when cellular phones came out is that the cost of pagers came down very low to where you can get a pager for $5.00 a month. They have more pagers out there now then they ever had before. The technology is still being used. I would venture to guess, lets see I am going to be forty-one, I would venture to guess that I would not see the demise of this technology in my lifetime, using these frequencies at this power level for the PCS licenses. Most of our site leases have a life of about twenty-five (25) to thirty (30) years anyway. We would agree that if something did happen dramatically in the technology field we would agree to either remove the facility or take the facility down in the future, if we were able to migrate to a different technology. For now though, it is important for us to take the license that we paid for from the Federal Government and get it implemented.

Steve Gaylor: I am here to talk a little bit about the process that we use to acquire the site. I am a licensed Real Estate Broker in New York and I have acquired sites in most of the counties in Western New York, whether they be urban situations or suburban or rural. When we have a grid it is inevitable that some of the sites come out in a more difficult area to work with then others. One of the things that we are limited by of course is that it is a grid, unlike a transmission line, unlike a broadcast tower that can have some flexibility about how it is routed or where it may be placed to provide service in a wide range area. Our grid really results that in essence most of the facilities be an equal distance from the surrounding facilities. A great deal of time was spent last year aligning the grid to maximize the number of sites that would not have to be constructed from scratch. There was both an economic reason to do that as well as an aesthetic reason to do it. Of course it is the right thing to do when you are designing the system. What that resulted in was a number of situations throughout Western New York where sites coincided with existing towers or existing friendly structures and nothing had to be built. Most of the towers that are out there are available for co-location in theory if the loading of the tower will permit it and if the existing antennas will permit it as well. The exception generally are AM towers wherein the tower itself is the antenna. Those are typically fifty thousand (50,000) kilowatt or less stations broadcasting in the AM band. Those do not utilize a separate antenna but instead utilize the tower itself to create the antenna field. That is why often times you will see five (5) or six (6) of them scattered in a field rather than one (1) . In our case the tower is essentially an inert object that at the top will hold a small array of antennas that themselves function to provide the signal. When I receive a search area, the first thing that I do is drive every road in the search area looking for any friendly structures, any water tanks, any buildings, anything at all that might support the antennas. I try to keep a view toward the things that are immediately outside of the ring, if it is a ring, in this case the terrain prohibited it from being a ring, and I do that

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Steve Gaylor (Cont.): with a view toward number one (1), siting it in such a way so as to minimize the aesthetic impact on the community and number two (2), hopefully to realize some economic benefit from not having to build a separate tower. In this case, the search area that evolved is a search area that is bounded, it is almost triangular in shape with Chestnut Ridge Road, running up Ward Road, running over and then coming down and running back in essentially almost over to Boston State Road and then running south. Once I have examined the area, I look at the tax maps. I drive up and down all the roads as I've said. I look at where houses are situated. I look at where woods are situated and what I try to do is bury the tower as far away from any individual residents or home that I can. In this partial search area I did not have what is typically my first choice when siting, which is an industrial or manufactured zoned area. I did not have a second choice which typically would be commercial. My third choice would be, as well as institutional, would be to go to an agricultural area and only in a case of extreme circumstance would I try to be close to single family or multi family residences. In this case within the search area that I had to work with, it was clear to me that to minimize the impact aesthetically the best place would be on a forty (40) or fifty (50) or so acre parcel that is landlocked which is connected much like an hourglass to Mr. Myers other parcel which is really on the corner of Ward Road and Chestnut Ridge Road. My experience has been that if I go up and down a particular street long enough it is not that hard to find somebody who will talk to you about putting the tower up or entertain the idea of doing it. I try not to take that root but instead focus on the location that will minimize the impact. Unfortunately, I don't always have success with the first person that I approach. In this case Mr. Myers was, I think, at first reluctant to do it. Once we sat and we talked about it, and this was a period over three to four weeks, back last May and last June, I think he came to realize that if it had to be put somewhere, that parcel was the best place to put it. Putting it as far back on that parcel as it is was a function of the fact that the search area did not extend all the way to Ward Road. It extended roughly to the area where his property is sort of connected by a thin strip that joins two larger parcels. That necessitated us moving the site back further into the woods and of course necessitated us putting a road in at great expense to reach that site. This really is one of our longer roads and in fact is I think the longest road that I've ever been associated with to reach a site. Once I locate the site, at that point we obviously enter into negations and attempt to reach an agreement with the landlord which in this case happened roughly in mid June. I am very mindful of the fact that not putting this tower in the best or least of all evils place really would result in this room being, if it is not full, fuller than it is right now. In some cases when I am in a Pubic Hearing I am able to look around and there is not anybody in the room who is affected or no one who is here for that purpose and things go very well. In some cases I am really hamstrung by the realities of RF Engineering and the realities of our license and the realities of doing the siting and I can only say to the people who come that I will be glad to answer their questions and that I truly wish I could find a better site. I will mention that we initially contacted a variety of owners of towers in the area with a view toward attempting, where possible, to co-locate with them and I believe WNED was first contacted in the month of April although it may have been the month of May. I am happy that they have reopened the dialogue. Unfortunately they have not been able to reach any agreement with us to date. I should say they were not able to commit to the process of doing this in order for us to be able to come before you tonight and tell you that we have. I don't want to characterize those negotiations. They certainly have been friendly but they have a Board and they have certain procedures that they must follow. They would have to expend some amount of funds in order to allow us to co-locate on

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Steve Gaylor (Cont.): that particular tower. I can tell you that if it were to ever go forward we would already be expending considerably more money for that site than we are for this site because that tower is roughly twice the height of our current tower and those costs go up rather dramatically as the height increases. I would be glad to answer questions if anybody has any as will Dave or Maureen and if there is anything else I can cover for you in the site accusation process I would be glad to. I know there are many people here that want to speak so I don't want to monopolize this microphone.

Supervisor Kennedy: We will halt for the questions until after the respondent people speak and I am sure they will have some questions and the Board will have some questions. Does anyone else wish to speak? I think that concludes the presentation by Sprint. Does it not?

Town Attorney Perley: Does that conclude the presentation from Sprint?

Attorney Elwell: Yes it does.

Supervisor Kennedy: You have a fairly good overview of the process that was employed by Sprint to come to the consensus of the location of the tower. The Board has met with representatives of Sprint as well as the Planning Board on this matter so with that I would like to open it up to participation by the public. All I ask is that you identify yourself when you come to the microphone because this is a Public Hearing and everything that we say and do here has to be transcribed and it is much easier for the Clerk if everyone speaks loud and identifies themselves. Thank you.

Dr. Kevin D'Angelo, 7334 Chestnut Ridge Road: I represent the group of concerned citizens that met on January 2nd and we have about four (4) people who would like to talk tonight and give our views on the issues that were talked about tonight. First of all, we had a petition circulated to various areas in Boston about this issue and I will read this petition. "Being taxpayers of the Town of Boston, New York we feel very strongly that the conclusion your Board may arrive at concerning Sprint's appeal for a permit to install it's two hundred and fifty (250) foot tower on Myers property will be in direct conflict with your constituents wish for peace and property enjoyment. Therefore, the undersigned request that you, as elected officials, act out your citizen's request by denying Sprint's permit through the development of specific regulations prohibiting such obtrusive structures, fixtures, or towers that exceed the natural growth of trees which now grow in the Boston township". We have two hundred sixty-two (262) signatures on this petition.

Supervisor Kennedy: When you finish your presentation would you give that to the Clerk so he has a copy.

Dr. Kevin D'Angelo: I would like to briefly go over a few issues. I think the main concern for everybody here tonight is that we want to maintain the beauty of our beautiful township here in Boston. A couple of things I think people should realize is that in the countrywide there is going to be in the next few years over a hundred thousand (100,00) of these towers put up, planned in the next couple of years across our country. This is going to be a continuing issue that the Board is going to have to deal with. There are a total I guess of eight (8) companies that have licenses to potentially place towers up and it is going to be a repeating concern of everybody in this town. I do not think that everybody wants to see a tower everywhere they turn in this town. It's our main concern that we get some kind of a plan and hopefully the council can develop a plan on how to deal with these concerns.

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Dr. Kevin D'Angelo, (Cont.): Obviously, as they brought up tonight this Channel 17 tower seems like the best location available with the least amount, in fact we already have a tower there already. I think if any company that comes into this town, and I know Channel 17 is pretty much open to this, would be able to put a transmitter on this tower I think we are going to solve all of our problems. I think it is potentially feasible for the Board to require companies, when they come in and apply for a permit, to say "this tower is available" and "that this is the site that we would like to have with the least amount of repercussions and the least amount of concerns for everybody around". Just a few of the issues that concern everybody, I know this Federal Communications Act says that we cannot or you guys cannot, the council cannot, make a decision on this tower on the health effects of the tower. That kind of is the government saying you can't do much but we can talk about it and I think everybody in this community is concerned about it. We have a power transmission tower that goes right through our valley that has potential health risks that we are concerned about and we do not need to add to the health risks by adding a bunch of cellular towers throughout the valley. As their professional speaker will tell you tonight, there is nothing proven to date that this is going to cause cancer but there is a lot of evidence that points to that and the big issue is that they can't prove it doesn't. This type of technology is down the road and it is probably going to take thirty (30) years to really decide if this is causing any problems and the only way that they will know that is when people start dropping dead. I personally do not want to wait for that and I think if there is any feasible way to prevent it, and I think Sprint would want to do the same thing because they don't want to be liable for all this. If there is any way to minimize the risk we should logically be able to do that. It is a big concern for me. I have kids. This tower will be right by my house and I don't think anybody in this room would want to have their kids, their children's health at risk, even if it is a non-proven risk. I don't think anyone wants to have the potential for their children coming down with leukemia or cancer. These are the people who are most prone to this type of thing. This also brings up the fact of property value and aesthetics and it is a big issue and I don't think there is really anybody who wants to have this tower put in their back yard. I would really be surprised if someone really wanted to see a tower in their back yard. There is a lot of potential. The FCC said there is no health risks at this point but they said this about radiation fifty (50) years ago. They said radiation was fine. You could stand in front of it and be in Nevada and have a ton of bombs blow off around you and you would be fine. The government is very slow to react to these health issues so you can't depend on the government studies to protect you on this. You have to use a logical piece of mind to minimize any type of risks that might be available. I think cellular towers should not be considered innocent until proven guilty. It will take a long time to prove this to be guilty. We have to consider the added health risks in general. We all know about smoking and smoking is finally, after forty (40) years, now they finally will say "ok, it definitely causes cancer", but it was never proven until about a year ago. Did anybody not think it caused cancer twenty (20) years ago? No one could prove it twenty years ago. These are the concerns we have to think about. We have a couple of other people who would like to talk tonight. I am not going to take up your time. The next speaker from our group is Bob Pudlewski.

Robert Pudlewski, 7200 Serpentine Drive: Thanks for this opportunity. It is not a pleasant one. We have been on one heck of a roller coaster ride since the very beginning. Unfortunately we didn't learn about this until it was about the middle of December. If there is anything good that comes out of an event like this, it is that it usually pointed to the collective REGULAR

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Robert Pudlewski, (Cont.): resources coming together, getting to know each other and working towards a common goal. That is what this group has done. The original group met January 2nd and what we did was canvass the group to see what kind of resources we had within the community who could research what is really going on here. The letter my wife and I wrote to you and to the honorable Board members was written immediately after the meeting. That started us off on a mission to try to learn as much as we could in order to provide the Board members with our insights as to what we believe could be used to help us defeat this issue. The whole thing surrounds the look of the tower. I live on 7200 Serpentine Drive. The tower will be one thousand (1,000) feet from my back window. I will wake up and go to sleep ever night with strobe lights flashing in my eyes. I didn't buy those seventeen (17) acres on top of Chestnut Ridge hill with the beautiful woods behind my pond to look out over a tower. I did look into the community before I bought the property and saw the towers on Zimmerman Road. I'll bet you right now that you can go by Zimmerman Road every day and not see those towers because you are used to them being there. I will never get used to looking out my window and seeing the tower there. I know I am one (1) person, one voice crying in the wind but I feel real comfortable with this group behind me after getting to know your town members, your taxpayers and how they feel about this. It was mentioned earlier by one of the representatives from Sprint Spectrum about a certain protocol that they follow in approaching real estate to purchase or lease to construct towers. I would ask the Board to check into the protocol used across the United States by other Boards, other towns and even recommended by the DEC. I believe it is recommended by the DEC to use locations already set aside as tower farms or tower sites prior to seeking out a permit to put up a tower in a residential community. I wonder if that was really explored. We have, as I said earlier, some people in our group who believe different and they will express their opinions tonight. My whole research was surrounding the Action 1 of the State Environmental Quality Review Act. Whether or not they would comply. To my disappointment, I find out the people who fill out those forms are the very people who are asking for the permit. Then the form is reviewed by a consulting engineer and they have to stick strictly to the law. The law makes no mention of what my feelings are. There have been Court of Appeals actions across New York State that have used the aesthetics significance as a means for rejecting permits. I have those with me. I would be glad to share them with the Board, the Appeals ruling on that. They say you have to show significant aesthetic appeal disadvantages or whatever the terminology is. I don't know if I can do that as one voice in the wind. You are our elected officials. We are asking you to respond to the community, to the taxpayers and help us to keep our environment on top of that hill as it is today. It is a beautiful place to live. We enjoy it and we want to keep it that way. The next person that is going to talk, by the way what we've done is collectively as a group we met earlier today and decided to have four (4) people speak on behalf of the large group. The whole group agreed to that format. Myself, Dr. D'Angelo, Mrs. Adams, and Gabe Coppola will speak, to go as Mrs. Adams and Gabe Coppola. After that we encouraged anyone in our group to also stand up and speak if they would. I will introduce Mrs. Adams now.

Michele Adams, 6895 Chestnut Ridge Road: I am a property owner of a home on Chestnut Ridge Road and in addition to that I am also a Western New York Public Broadcasting Board Member. As Bob has mentioned to you folks, we first met on January 2nd in one of the neighbors homes. It was brought to my attention at that time, we had heard a little bit of rumbling that this was going on or that this had been applied for but it was brought to all of our attention exactly what was happening and so on and so forth. As the night went on and after a couple of hours I think we pretty

PUBLIC HEARING (CONT):

Michele Adams, (Cont.): much centralized on the fact that the best thing we could possible do is concentrate on an alternative site. On January 9th I contacted Mike Collins who is the CEO and the President of Western New York Broadcasting. He was very very surprised. I explained to him where this site was being proposed, that it is directly across the street from my house and I didn't know if he could help me or not but this is the situation and it is my understanding that we have a tower on Zimmerman Road in the Town of Boston. "Have you been approached by Sprint? Have you had any discussions at all in reference to them leasing that tower?" At that time he told me no, he did not think that had been discussed at all and he said it is kind of funny because he does know discussions went on concerning Barton Street which is in downtown Buffalo and also Grand Island, leasing their tower in Grand Island. He then turned me over to a gentleman by the name of John Harrington who is the Director of Engineering for Channel 17. I talked to him and he indicated to me that he was surprised also. He said they have had negotiations in the past with Sprint and that although the Boston tower was not discussed, he then went on to explain to me that this tower was built in 1959. It is not in the greatest of all condition which is pretty understandable. It is thirty-eight (38) years old. It is on the top of Zimmerman. It is my understanding that it is very rusted and so on and so forth and that it cannot hold any additional weight. He then went on to explain that right now that they were in the process, as a matter of fact within days, of Sprint setting up their equipment on their Barton Street tower. He then went on to discuss the Grand Island lease and that there was some discussions, Maureen Elwell was involved in those discussions, and it seemed or how they felt the reason why those discussions broke down was because of conditions that they felt were unrealistic. The one that he mentioned to me was that they wanted to control any future tenants on the tower. He felt that was kind of ridiculous because they owned the tower. They had tenants on there although he did say to her "who are you referring to? Are you referring to your competition? If that is the case, if it is just your competition you are talking about you don't have to worry about that. We could come to an agreement that we would not lease this tower space to your competition". Then she also went on to say something about the dollars that Channel 17 was asking for were too high, or whatever have you, and Michael didn't, Mike Sutton, I'm referring to, he is the Vice President of Finance, he is the person whom you received a letter from and he is the person who is in charge of these negations, said he really didn't understand that because at that point they hadn't even gotten into dollars figures. Needless to say I expressed our concerns on the particulars and then in addition to that, obviously being a Board Member of Channel 17, one of the things that we have discussed is very creative revenue since the State and the Federal monies that we have been receiving have been decreasing and decreasing and we have had to come up with additional sources of revenue. One (1) of the things that we've discussed over the last few years is leasing our towers. So I thought that this was very strange that this had not been brought up beforehand. So we went on, and on Friday the 10th of January, Mike Sutton faxed me a copy of the letter that he had put in the mail to me saying that he would be extremely interested in talking to Sprint in regards to this tower. On Monday the 13th a gentleman by the name of Steve Gaylor contacted Mike Sutton at Channel 17. They had a long conversation and it is my understanding at that time that he asked them for certain information. I think it had something to do with the engineering whether it was the RF studies or whatever have you and in addition to that he also wanted to know exactly what it would it cost to build a new tower. Channel 17's tower by the way is four hundred and seventy (470) feet. They then worked fast and furiously for five (5) days and yes they do have an engineer in-house but they did have to consult with the people they normally consult with on such matters, consulting engineers and trying to find out and come

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PUBLIC HEARING (CONT):

Michele Adams, (Cont.): up with a very very realistic figure as to what it would cost to replace this tower. It's my understanding that then they turned around on Friday and had another conversation with Mr. Gaylor from Sprint, and I will add that everything was extremely positive, very very upbeat. I think both sides walked away from it feeling very good about their conversations and at that time Mr. Gaylor was informed that it would cost approximately two hundred thousand ($200,000) dollars to build a new tower. Now he did mention this evening that that is considerably more than what they are talking about on the site that they have proposed. However I have not heard the figure of what it will cost them to build on the Myers property but I can't imagine, do to the fact that they have to build a long road into the Myers property and there is a lot of things that they have to do I would find it hard to believe that this is too far off from what they were going to spend on the site that they are proposing tonight. At that time, it is my understanding that Mr. Gaylor asked Channel 17 if they were ready to sign a contract or that they would like to sign a contract. Lets sign a contract, lets go. Mike Sutton explained that in addition to the fact that this tower had to be built and an antenna needs to be purchased and a transmission wire needs to be purchased, I guess it was also discussed that Sprint offered to move the existing transmission wire. They also offered to take down, pay for and take down the existing tower. As you can well imagine Western New York Public Broadcasting is absolutely thrilled with Sprint walking in their front door. It is something that we would very very much like to entertain because obviously for us to go out and do a capital campaign or something along those lines to raise the kind of dollars that we are talking about would take us years. The only little glitch is the fact that we do have to spend additional money on the tower, on the equipment that is on the tower. One being an antenna and also a transmission wire. The reason why they have elected to do this, as I mentioned to you, it was built in 1959, both existing pieces of equipment are very very much out of date. Now if we could have opened a catalog that day and found out the price of the antenna and also the transmission wire, believe me, we would have done it. I also asked at this point and as Mr. Gaylor did I understand, whether or not we could have an emergency Board meeting. It has been explained to me that the reason why we can't and the reason why it will go on February 6th is because it will take time. It is not just like opening a catalog and saying "ok, this is the price of the tower, this is the price of the transmission wire". Studies have to be done to find out what tower or what antenna will best suit our needs and what it is going to cost. It is not something that just happens really quickly and overnight. As you can well imagine the Chairman of our Board does not want to present this case without all the facts in front of him. He can't come before us and say "look you know this is kind of the way we think things are going to be" because you can't make a decision based on that. So they want to have all the facts. Personally I have been associated with Western New York Public Broadcasting for fifteen (15) years. I've had a lot of negotiations with them. I have voted on many many things over that time period. This is like God walking in the door. I can't even imagine any reason why we would possibly turn something like this down. Our expense, the best we can figure right now will probably be somewhere in the neighborhood of one hundred thousand ($100,000) dollars to one hundred and fifty thousand ($150,000) dollars. When you are being given two hundred and fifty thousand ($250,000) dollars you certainly are not going to sneeze over turning around and spending one hundred and fifty thousand ($150,000) dollars. Therefore I am saying to you that as Board Members here in the Town, I would like you to take a look at the fact that this was not brought to Channel 17's attention or maybe not in serious negotiations. It may have been, somebody brought up the fact that it may have been a passing comment when they were dealing with the Barton Street tower and the Grand Island tower, "Oh by the way do

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PUBLIC HEARING (CONT):

Michele Adams, (Cont.): you have any other towers in the area". It was not ever seriously discussed prior to my bringing it up to Channel 17. I would appeal to you to take this into consideration when making your decision and in addition to that I would also ask you to watch very very closely, as I will, the negotiations that do occur over the next couple of weeks. Thank you.

Gabriel Coppola, 6480 Ward Road: I thought I was going to have the easy part of this four person presentation but as you can tell emotions are running kind of high and it has been a complicated process. One that lay people like us have never been involved with before and we truly appreciate your efforts and your willingness to listen. In reality I would also like to extend a thank-you to all the neighbors who have come out in support of this concept of trying to find a less obtrusive site, those that are in the room tonight and those that have signed the petitions and also to extend a thank-you to Sprint who obviously had a purpose in coming here, but it's my opinion, has the willingness to listen to alternatives that might be presented. So with that in mind I would like to summarize a brief concluding statement that the group of citizens that have come together have penned. We do believe that we have presented some new information for your consideration which will provide an appropriate alternative location to meet both the Board's statutory responsibility regarding a communication tower that must be established, we understand that by Federal law, and it is also your objective to preserve the natural beauty of the Town of Boston. In addition the new location which we are asking the Board to consider will provide an opportunity for our community to support a critical interest by having pubic interest television benefit from the location of the tower on Zimmerman Road. Once again, a lot of what we've heard tonight and some of it is opinion and some of it appears to be heresy, some of it I am sure is factual. There seems to be an indication that Sprint is willing to contribute a significant amount of money to the Zimmerman Road location and certainly that will benefit all of us as citizens of Boston and the surrounding communities that do benefit from public television as well. In closing we collectively thank the Board Members who have listened to our concerns, the Sprint Corporation for considering an alternative location which will resolve all of our concerns while addressing the public interest which reaches well outside the boundaries of the town. We thank our neighbors who have dedicated numerous hours to this task. We simply ask you, our Town Board, and the Sprint Corporation to continue open discussions on this matter and simply do the right thing. Thank you.

Supervisor Kennedy: We want to thank the four (4) representatives of the group that have been meeting collectively in discussing the areas of concern. We are surely responsive to hearing any comments that anyone else might have from the Town in general. If anyone wishes to address the Board you certainly have that opportunity to do so and then we will go to questions and responses.

Joseph Fiorella, 7584 Wohlhueter Road: There isn't one night that I can look out and see exactly twelve (12) blinking lights in my eye and I don't think they need to have another tower. I think they can use existing towers available to them otherwise change this name to, not Boston, but the Towers. Thank you.

David Early, 7125 Omphalius Road: I am just wondering if there would have been a lot more people here if the people on Omphalius Road, Cole Road and all the people that are going to be looking right at this tower had gotten a notice. I mean the notice, I understand, only had to go within a certain radius but the way this town is located it is very important all across the top of the hill that this tower is going to be directly in view of the things that we hold most dear to us. One of the questions, a clarification of

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PUBLIC HEARING (CONT):

David Early, (Cont.): what you were talking about, of why you had to go back in the back of this property? Are you going for heights or are you going for, why did you have to take the road all the way back and if you did keep it closer to the person that is willing to lease this property to you, what would that do?

Steve Gaylor: The most critical factor is latitude and longitude. Height is relevant but it is not always a plus. What happened was that the search area as defined by the system designers which is Lucent Technologies and Bell Labs, had a line that crossed Mr. Myers property about in the middle of his land. What that meant was, that taking the tower away from the search area, in other words, taking the tower up further we had taken it too far over the hill into Orchard Park. If I could have located the tower further north, the only impact on us, if it worked, would be less expense because of the shorter road.

Supervisor Kennedy: Less height too because you are in a higher elevation.

Steve Gaylor: No, it would not have been a change of height because you would have moved more distance from the search center. Bare in mind the small size of the search center. As we move away from the center even if you're going uphill you may actually see, an increase in height but you will not necessarily see a decrease. Again, the latitude and longitude controls much more than the height. The height is relevant but you can actually move uphill and end up with no decrease in height because you are getting further from your ideal point based on a statewide grid.

David Early: When discussing this with the Planning Board, this is not what you were discussing at that time. Again, it seems like, we asked that if you were able to take the property area a little bit higher, we never got any kind of indication of what kind of radius you would get. So when you say it has to be in that radius, you never did give us that radius when we asked for a number of different radiuses, areas. Well what it boils down to is the person who is leasing you the land is also wanting it as far away from his property as he could. As far from his house as he could. Let's put it bluntly and that is everybody's property.

Steve Gaylor: I will say that Mr. Myers did not, he had a preference but he did not, he left it up to us to determine where on the property it worked best. The problem we had was that if we moved further north we could only go as far as where his land forms what I can only describe as an hourglass with two squares. If we went up to the point where he lived we would have landlocked his interior parcel. Now that may be an interesting fact. It may not be relevant. It would not, in my opinion, have had any bearing on the visual aesthetics involved. I mean you could move it a thousand (1,000) feet north or a five hundred (500) feet south or five hundred (500) feet west. Going west or going south we were rapidly losing as the hill or slope increased. I don't think we would have gained anything going north and I don't think it would have changed the visibility issues for the people who are closest to the tower because they are only going to see the top. They are not going to see the bottom. In actuality there is probably a point one or two thousand feet away where if it is in the woods you see more of it rather than less of it. If you are right next to the woods, this answer is not going to make anyone happy but he was not difficult to deal with in so far as moving it around on his land. The problem that we had was the shape of his land, the configuration of the surfacing, which was in this case because of the trouble with the terrain was not a ring. It was almost a triangle or a trapezoid that covered the high part of that hill from a point where Chestnut Ridge runs at the bottom going up like this probably to where to Ward Road has the "Y" and going like

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PUBLIC HEARING (CONT):

Steve Gaylor, (Cont.): this. I don't know if that answers your question.

Supervisor Kennedy: I don't know whether Mr. Myers is here this evening but I met with Mr. Myers also and he was concerned with the tower being placed anywhere near the hourglass because it was going to diminish his use of the other property. So there is a lot to be considered there.

Robert Pudlewski: I have one final comment to make. A couple of us neighbors have contacted Mr. Myers, most recently as last week. We have written him a letter collectively as a group expressing our concern about the tower and the siting of the tower from our property. The elevation, the topographical study that we did as layman, indicates that we will see above the tree line approximately one hundred and thirty (130) feet of tower with strobe lights. If we are forced as a town to have to do this we ask Sprint, is there anyway to lower the height of the tower to prevent the strobe lights from flashing, to prevent us from seeing a total of one hundred and thirty (130) feet of the tower projecting over these trees? Mr. Myers comments as recently as last week were, I am going to comment quote, I wish he was here, "I am going to contact Sprint. I don't want to do this anymore. I didn't realize that it was going to hurt the neighborhood this much". What he realized I believe after the letter, was he was going to see the tower as well. He discovered that after we made it apparent to him that he would. You have a copy of the letter that we sent to Mr. Myers. So he contacted Sprint and Sprint said "no you can't get out of the deal". Now that is quote Mr. Myers. So with that I will close and if there are any comments here, please do.

Richard Holmes, 6271 Ward Road: As we embark upon this endeavor we were led to understand that they cling to a public utility status that the Town Fathers, all you have to do is give them an alternate site that is acceptable. It doesn't have to have anything to do with economics. They have an alternate site. It is the WNED tower. I suggest that the Board deny their request or otherwise it will undermine the negotiations with WNED where it properly belongs for the good of everybody. Thank you.

Audience Member: We think it should be tabled until February 6th.

Supervisor Kennedy: We normally don't make a decision tonight anyway because we are going to have to evaluate all the comments that were made tonight. We are going to have to evaluate all the information that was received when we read through this transcript. There is no way the Board would endeavor to make a decision tonight. It wouldn't be conscionable.

Richard Waszak, 5504 Rice Hill Road: I am the alternate site off of Zimmerman Road. I live on Rice Hill Road just about a half mile away from the WNED towers. I think what we ought to keep in mind is we are opening the door here to build another thousand (1,000) plus foot tower up there. This one here is four hundred (400) some feet so whatever considerations are given don't let them come in and put a tower up that is twice as high as it is now so they can have more room for more stations later. It will be like a clothesline up there eventually.

Supervisor Kennedy: I didn't hear any mention of a thousand (1,000) foot tower.

Richard Waszak: I say a thousand (1,000) because Channel 49 wanted to put a tower up there and they wanted a thirteen hundred (1,300) foot tower. I would have looked now at a whole set of lights out my window and if you want to talk about possible health hazards, my

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PUBLIC HEARING (CONT):

Richard Waszak, (Cont.): wife died of a malignant brain tumor. Now that is totally removed but Channel 49 wanted to put up a thirteen hundred (1,300) foot tower up there. That is within a stones throw of this tower. I mean you would open the ice box and you would see Channel 49 or 17.
That is all I have to say.

Joan Schlenker, 5172 Shero Road: I have property on Ward Road and I am opposed to the site that they are talking about tonight but with Mr. Waszak I also live on Shero Road here and I would have feelings for the Zimmerman site also, that it doesn't go out of hand as he is speaking. So if anything goes along those lines I hope that we could have another serious meeting and we could discuss those possibilities.

Supervisor Kennedy: You opposition is basically aesthetics and disruption?

Joan Schlenker: I am concerned also for health reasons. I think that is an important factor.

Supervisor Kennedy: The reason I ask these things is because when the Board makes their evaluation, you know I don't think any of us wants to see anything that is going to destroy the aesthetics of the Town of Boston but we have to have certain justification to deny this application. If we didn't there would be no problem at all with the Town Board, believe me. We are going to research this very carefully and be sure that everything was done according to the way it has to be done so that we do have an alternative if possible. This is another case of the Federal Government usurping to a certain degree the authority of the local government. First of all you have the authority to make decisions and then they start telling you under what criteria you can make those decisions and how limited those decisions are.

Joan Schlenker: Yes sir but I am just adding that careful consideration should be given so that it doesn't go beyond what Mr. Waszak is saying, an additional height and so on and so forth. There is a site there and yes it makes sense but also consideration should be given to not make that unduly unsightly for everybody too.

Supervisor Kennedy: We had applications before for a microwave transmission tower up there on the East Hill. We had, like you said, other applications and the Town has been very reluctant, in fact one of the towers that I think that they wanted to be built here was built in Colden.

Michele Adams: Just to clarify, we are talking about replacing an existing tower and it would not be any higher than the existing four hundred and seventy (470) feet.

Doug Zureck, 74 Normal Avenue, Hamburg: We're co-owners of a small cottage area right behind this tower in the woods. One thing that hasn't been brought up is that in the Town of Boston there is still a lot of area for hunting in this area. I also hear there is going to be a five hundred (500) gallon propane tank up there. Do you know what that does when five hundred (500) gallons of propane blows up by one single twenty-two (22) shot? You won't have a hill. That's all.

Supervisor Kennedy: Well that was one of the concerns that the Board also had when we found out there was going to have to be a propane tank although I am sure that if that were the only concern it could be encased somehow to eliminate the possibility of gunshots. That is something certainly to be considered. It does constitute a certain danger, absolutely.

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PUBLIC HEARING (CONT):

Robert Potter Jr., 7190 Serpentine Drive: In closing with our group, one of the gentlemen at one of the meetings we had here a couple of weeks ago, you must have repeated it eighteen (18) times and his comment was, "let's make sure that", we know it's got to be done ok, it's, going to happen, hopefully it will be good for everybody, "but let's make sure we don't necessarily, you don't always have to use the best site, you might have to try to go with the second best one that is not quite as good but it could please everybody". I think you must have mentioned that nine (9) times and it really hit me. You don't necessarily have to always use the first best if there is an alternative that is almost as good and it is good for everybody. You never mentioned that but you mentioned it a lot at that meeting and everybody can benefit and that's all.

Supervisor Kennedy: Are there any other comments other than relating to the aesthetics, the safety and the height for the tower?

Councilman Rood: I have a question for the Doctor as long as we have him here and since I live about a quarter of a mile away from the towers on Zimmerman Road. If they do go ahead and work with WNED could you tell me if there are any studies done and at what point do antennas pose a health risk?

Thomas S. Ely, M.D., Environmental Health: I am a M.D. and I have been in the business of evaluating the health safety and hazards of non-oninizing electra-magnetic fields for somewhat over forty-five (45) years now. It is not really the number of antennas. It is the magnitude of the fields produced by those antennas. So it is a quantitative issue. The proposed antennas, Mr. Olek mentioned two hundred (200) watts, effective radiated power, this is produced by sixteen (16) watts the amount of power that goes into any face of the tower that anybody can see is produced by sixteen (16) watts. Most of it goes, the vast majority of it in this case goes out at two hundred fifty (250) feet over everybody's head nearby. If at the maximum point of the field on the ground, which is not right under the tower incidently, it is out a ways, the source looks like two (2) watts and not sixteen (16) and not two hundred (200). There are standards that have existed for about the length of the time that I have been it. I was on the original American National Standards Institute Committee. We're somewhere around one hundred thousand (100,000) times below the safety standard which has a factor of safety of fifty (50) built into it which says we are somewhere around five million (5,000,000) times below a harmful level. We are about seven million (7,000,000) times below sunshine. I said that is radiating two (2) watts. We all radiate somewhere around a half (1/2) of a kilowatt, six hundred (600) watts or so. So we are all radiating each other and if you do that math it turns out that the field from the proposed antenna would be equivalent to being about a mile away from another human being. So if you are willing to come a mile away from another human being you should not have a problem with this. Now I had a great idea and I may get shot down by Sprint. Oh to answer your question, I am retained as an independent expert by Sprint, I am not a Sprint employee. I am a consultant to Sprint. I am being paid for my time. I am not being paid for what I said and this may demonstrate that. If Channel 17, and I love PBS, I come from the Rochester area and Channel 21 is about the only one we have on, if Channel 17 were willing, and got some kind of bargain in going on the same tower, of dropping it's power from a hundred percent (100%) of it's power to ninety-nine point nine nine percent (99.99%) of it's power and then you added Sprint, it's total amount would be less then Channel 17 is producing today and since that lowers the field that should make the Doctor happy too.

Supervisor Kennedy: Are there any other questions for the Doctor while he is up? Are there any questions from the Board Members or

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PUBLIC HEARING (CONT):

Supervisor Kennedy, (Cont.): any of the people here from Sprint? Of course the mention of the fact that it is going to constitute a major expenditure in the construction of a road way, it looks to me like it must be three thousand (3,000) feet back there from Ward Road to that tower. Isn't it, just looking at that map? The construction of that road alone would go a long way toward the shared expense of a tower that sits right beside the road on Zimmerman but I am not going to say one way or the other but it is something that certainly has to be considered in the overall cost.

Councilman Rood: Have they begun work on the road yet? On the Myers property?

Attorney Elwell: No, absolutely not, that would never happen. A couple of things need to be clarified, a couple of misconceptions that are kind of flying around here. WNED, we did contact them. A lot of the questions here tonight that you have brought up, the Planning Board brought up, and again, we have been through this since August 1st. We showed them all the areas that we searched. We provided an affidavit from the site acquisition person that they did contact. The affidavit shows eleven (11) different tower owners about co-locating on their towers. Ok? For WNED it appears that this person contacted the engineers who didn't want to talk about co-location. Now I can tell you why they didn't want to talk about co-location. I can make a very good educated guess. The tower can't hold anything and the letter from Mike Sutton also explains that the tower can't hold anything. So in all likelihood when Sprint contacted them early in the year on this, the engineer wasn't Mike Sutton, the engineer probably said, "we can't put anything more on that tower", basically and that is the end of it.

Supervisor Kennedy: Especially that it won't support anything.

Attorney Elwell: Absolutely, even the way it is right now it needs to be rebuilt which I think Mike will tell you. Another misconception that came out were these dealings with WNED in Buffalo and Grand Island. Those are collateral issues but I am more than happy to address them because there is a lot of things going here that really aren't true. I am not saying that it is intentional. I think maybe there is just some mis-communication going on here. I did negotiate with WNED for both the Barton Street tower and Grand Island. The Grand Island tower, the reason that it didn't go was because for two (2) reasons. One (1) of them being that the cost was prohibited. At that time Sprint could get a lease with another landowner for less than what WNED was asking us to go. In fact on Grand Island we are going on two existing town owned structures and then two private structures. We have four structures on Grand Island. So it was more cost effective to go with the town owned property existing structure than it was to go with WNED. The issue she brought up about for our controlling future tenants, that is very misleading. We weren't asking to control any future tenants. It was an interference issue. The contract always provides that anyone who comes on to the tower after we come on, and this is a FCC rule in fact, it is not Sprint's rule, but anyone who comes on to a tower after we come on has to make sure that they don't interfere with the existing users on the tower. There are certain space requirements. It is just a broadcasting issue and again it is a FCC rule. Any tower owner will tell you that. You cannot have people come on who will interfere because then that destroys the ability to transmit at the site. Ok? So those two (2) things I think needed to be cleared up. The propane tank was brought up several times as you mentioned. We did our best. We have been working with the town to try and answer a lot of these things. We went to a group called Suburban Propane that provides propane tanks. We can not totally enclose a propane tank. We can surround it with a fence to prevent any bullets from entering it. We can protect as much as possible but because of the

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PUBLIC HEARING (CONT):

Attorney Elwell, (Cont.): volatile nature of propane you can not totally enclose a propane tank. It is against fire code safety. There is also an alternate source. We could do diesel fuel there but I am not sure that would address the issue any more than propane would at that point. But again we can't totally enclose it. We can do some things to protect it and we did offer that to the Planning Board.

Supervisor Kennedy: What is the generated power? What do you need the propane for? Can't you bring electricity there underground?

Attorney Elwell. It is for the lighting. It is a backup source for the generator if the electricity fails so that the light keeps going. The other thing is about picking the best site for everyone. We are trying to do that. We are trying to work with WNED. It think anybody in the town who knows what we've been doing realizes that this was brought to our attention, that they are now interested, about a week ago now. Ever since then we have been trying to do it but we don't have a contract in hand. We don't have anything that we can come to you and say that we have a deal. It is not a done deal. There are other issues out there but we are trying. We are not the black cats here. We are trying. We know it is the best solution if it can work but there are a lot of things, there are a lot of contract issues, there is a lot of organizational issues that have to be resolved and we are working toward that. I want to have some balance here so that they understand that these things are going forward. David, did you want to address any issues? You said you had something you wanted to address.

Supervisor Kennedy: David is the Engineer, correct?

David Olek: Yes.

Supervisor Kennedy: I always wondered how you zeroed in on those smaller perimeters and now maybe we can make a different adjustment.

David Olek: Meaning what? How we can adjust?

Supervisor Kennedy: Location was always a primary concern of mine and the utilization of existing facilities.

David Olek: As I said earlier this site was a compromise from day one because with the terrain we would have needed well over four hundred (400) feet to cover the area. Four hundred (400) feet is just too tall for our technology. So we had to consider this site in conjunction with the other sites. The major portion that the other sites didn't cover was that valley along your main street right here that runs up and down and that's why this site is so critical being on the hill above that major valley. It's important to understand that we use a computer tool developed by ATT Lucent Technologies to evaluate these sites and it is math based and it has the US geological terrain in it. So we could put a dot anywhere on a map and specify a height and it will tell us, show us pictorially what it covers. The plots that I have shown you basically have that. It measures the signal about five (5) feet from the ground and it tells you whether or not you will have service there. It is amazing the things you think are intuitive in terms of what it will cover because of the terrain, doesn't cover. If you can imagine a hillside that looks over a valley and if you could adjust it to the point where it can see down the valley, suddenly now you have a site that covers much better. I guess that is the best way to explain it to you. It is the proximity to the valleys that are very important for us because most of the roads go down the valleys and that is where most of the population base is and where most of the area is that we need to cover. We have

REGULAR BOARD MEETING AND ANNUAL AUDIT MEETING — TOWN HALL
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PUBLIC HEARING (CONT):

David Olek, (Cont.): actually had situations where we have moved sites only two hundred (200) or three hundred (300) feet and lost coverage and had to go hundreds of feet taller in order to get it back. It is very sensitive to the terrain of the area. In flat areas up north near the lake, like the heartland of the world, the sites produce perfect round circles of coverage as you would expect because they are on flat land but down here we have the jagged ridges that you get from the hillsides. We have to live with that. The comment that came up about not taking the first site, I think we have already compromised that in saying that we would consider the radio station tower and I showed you on my plots that it wasn't the best site. I think we have already alluded to the fact that we would take that site if we could do it. Your economic analysis is in line. From a money standpoint it still would be a little more expense to construct a taller tower but when you consider the fact, assuming this Board would give us quick approval on that site, we would be able to get underway right away, we would be able to possibly make some of that revenue back in terms of getting our service on quicker so that washes basically for us in terms of doing that. That is really not an issue at this point if we could expeditiously approve and construct the other site. The other thing depends on the internal engineering policies of the television station, whether or not they would let us proceed right away with construction. We would break ground tomorrow if we got a permit to do the site. We would not want to be delayed and if the terms of the contract could cover a six (6) month delay and say we don't want to start this thing until next summer that would not be acceptable to us basically in terms of providing service.

Councilman Davenport: I am interested in constructing a wall not a fence around this tank. I have bullet holes in my barn so I know what they are talking about.

David Olek: We could construct a block wall around the tank, a little taller than the tank with the top being opened and it will still meet the fire protection standards but would have a twelve inch (12") or fifteen (15) or eighteen inch (18") concrete block in front of it. It would provide shielding if that were the case. That is an alternative. I don't know what the laws are around here about burying propane but where I live in Victory you could bury a propane tank by just having the top part show and in that way you could minimize it and put a smaller wall around the top so the majority of the tank was underground.

Supervisor Kennedy: Would it be cheaper in your case if there was a gas line available to run a natural gas line?

David Olek: Absolutely. In the case of Amherst we are locating on the water facility. We tap into natural gas all the time and just sub-meter. The only problem with that is that we would have to run a gas line 3,000 feet back to the site.

Councilman Rood: No, the Zimmerman Road site already would have gas available. Am I correct?

Supervisor Kennedy: That also diminishes the cost there also.

David Olek: Absolutely. We would prefer to have a source close by. If we had a natural gas available we would use that. Diesel fuel gets to be tough in the winter time with the freezing problems with heaters and everything else. That gets to be a little tricky. Thank you.

Councilman Rood: I would like to know that if this does proceed and we go with the Zimmerman Road site, what time frame are you talking and how long does it take to take one down and put a new one up?

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PUBLIC HEARING (CONT):

David Olek: We would construct the tower first, right along side the existing tower, keeping the television station in service. We would then put a new antenna on the tower, a new coax cable and run it to the TV station radio hut and let them hook the new tower in when they are ready. Meanwhile we construct our bay station equipment, the cabinets that we put at the base, right next to the new tower and get our service underway. Only when everything is running would we dismantle the tower that is there. The new tower would be ten (10) to twenty (20) feet away from the existing tower. We actually construct them right next to each other with guide wires and everything else.

Councilman Rood: Then would you clean up the site of the old tower and maybe reseed it and plant trees or something like that?

David Olek: The tower that is there only touches the ground in several locations. We would clean that up, excavate it and put dirt over it. Another issue that we bring up when you just talked about clean up.....

Supervisor Kennedy: I don't think that would be the responsibility of Sprint to make that aesthetically pleasing. I think that would be WNED's responsibility.

David Olek: Well again, these are some of the issues when you talk about just being able to sign an agreement to do this. These are some of the issues. There is also the environmental issue here. On every site that we construct a tower we do a Phase One Environmental Study to make sure that the site isn't contaminated. We would have to perform those type of things at the site to make sure that, or we would have to have the television station indemnify us accordingly

Supervisor Kennedy: You don't have to go through that unless it is a full blown SEQR. You don't have to go through that excavation to see if there was anything or whatever.

David Olek: Only if the phase one (1) turns up something that is positive. Right. It is only if it is positive, but those are some of the things that we would have to go through just to set this thing up to do it. We would be willing to do that but again it has to do both ways.

Michelle Adams: Could we just reiterate on that also? The two (2) towers would only be there for the 24 hours that it will take them to change from this tower to that tower. That is all the time it will take.

Councilman Rood: So did you say a time frame? Did you say a month?

David Olek: It is weather permitting too. We would construct the tower and get the new tower to be operational and lit and everything and then you would have two (2) towers there. Then I guess over a two (2) week span because the same crane would stay there and start dismantling the next tower. It doesn't come down in a day. We would not just knock it over. We take it down in twenty foot sections so four hundred and seventy (470) feet divided by twenty (20) foot sections is a lot of climbing and a lot of work to get the thing to come apart because our new tower is right next to it now so we have to be very careful about taking the old tower down.

Michele Adams: I just meant it would take Channel 17 twenty-four (24) hours to change from here to here. That is all I meant.

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PUBLIC HEARING (CONT):

Audience Member: Wouldn't Channel 17 already have a light and an alternate source for that light on their tower right at their point?

Councilman Walter: It has to because it is in operation now and it is FCC regulations.

Nancy Stetter: Why must there be an alternate site? What if the people don't want even one (1) tower?

Supervisor Kennedy: I think under the law and I will refer this to the Town Attorney, there is a certain criteria that we have jurisdiction over and certain criteria we don't.

Town Attorney Perley: There is a Federal Towers Communication Act that governs the process by which this application must be considered. However, I think it is advisable for me to advise the Town Board after we have had an opportunity to consider all the factors as to what alternatives you really have to speak of. Aesthetically, at this point, I think it would do a disservice to everyone here.

Steve Gaylor: A couple of clarifications that might illuminate some of the people here. This might give you a little bit of a perspective into what may have happened early last year. I should tell you this date has been circled on my calendar for a period measured in months. It has been very long long road for us to get here tonight. I was driving around literally before the trees had buds on them to do this and we have a severe time constraint. We are behind schedule and it is a problem for us. But then I guess that is our problem. When I contact a tower owner and ask to co-locate, I start at the top. Usually and this has nothing to do with WNED, this is generally speaking, usually the people at the top will not talk to me and I am referred to the engineering staff because the people at the top often times have not ever seen the tower. Many times the engineering staff hasn't seen it too often. Inevitably when I get to the engineering staff, they don't really give much thought to my request because they are generally not interested. I've tried to locate on many many towers and my success rate ratio is maybe fifteen (15) or twenty (20) or twenty-five (25) percent. It makes my day when I can do that. In this case I think that the engineers simply in their minds knew the condition of the tower and said, "no". We did have to supply an affidavit to the Planning Board showing that we had in fact contacted all these people. In that context you can imagine how frustrating it is for me when I have to field the questions about co-location. I can tell you that I did offer, and I think Mike Sutton was straining to do so, to meet with him last week to close this out, recognizing that I had a huge blind spot. I don't really know what it is going to cost. There is a lot of open questions. I have his figure but I don't construct towers every day and I can talk to people who can give me round figures but we were very much willing to sit down and to commit to it and with kind of an open amount on the check register. I say this on Sprint's behalf, economics do not rule that process. What rules that process is being able to come into a tower and have customers and not be regarded in a negative fashion and to do the right thing. I was a bit scared because I knew I was going to go into his office in downtown Buffalo and sit down and probably commit to something that I could go back and find my head on a platter for when the costs ultimately were determined because once we start down that road it is going to be awfully difficult for us to come back here and tell you wee don't want to do it because it costs too much. There are some small issues. There are issues of a few other people that are co-located on that tower. Our RF people are looking at it and I pray that none of those co-locating tenants that are on there now, I think one is a weather channel and one is a private stock quote

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PUBLIC HEARING (CONT):

Steve Gaylor (Cont.): provider, I pray that there is no interference issues. I am ninety-nine (99) percent sure there won't be. Those people will have to be relocated as well. This tower is much taller than anything I have been associated with, or twice as high, so the cost issues as well as taking down an existing tower, so it is a little bit personally for me, scary, nonetheless I was willing to bite the bullet and go in there and start down the road. I think Mike wanted very much wanted to. Regrettably I guess I had more discretion if you will, to bind us then he felt comfortable assuming in his position. That is understandable and not his fault. I want to make it clear that a lot of times when I do approach these people for co-location, if I cant' get through to the right person it is very very difficult to pierce that vail and get listened to. Most of them are not interested for a variety of reasons. They just don't want to be bothered. The significance there is that when those towers were built the climate was different. I don't mean the climate, climate, but the political climate. We agreed to allow co-location onto our tower even though for us that is not a pleasant idea. We don't really want that. Back then when the towers were built and the approvals were issued there was no such condition. So that all of the companies that I routinely approach for co-location where we are really promising up-front to let them on our facilities, I don't have that same card. I can't come to you and say, "can you force the co-location on to their tower?" We are going to be bound by that in the future. People are going to come and as long as they share our costs there is no question and I think that is the way it should be. One other thought about Mr. Myers because it came up about letting him out of this. When I go around I try very hard, if you look at this tower as an evil, I tried very hard to minimize it. His site, as they go in the search area was the least of all evils. If they had let him out of that option invariably I would have had to take my responsibilities, go up and down the road with a check book in hand and it probably would not have taken me too long to find someone else and maybe for less money but that is not a good idea. I am hopeful here and I pray that the whole thing with WNED works out and I wish we could have resolved that prior to coming here but this is also the end for us of a nine (9) month road. That does not mean that if this is approved WNED is going to be dropped. I am quite mindful of the fact that we will have a lot more friends in this town and looked upon more favorably if that works out. I can tell you it is not going to be dismissed truly on economics. If it costs more to go there and it can be done and be done on a timely basis, because to us that is a major requirement that is opposed upon us, to serve a certain percentage of the population, by a certain point in time, that I am already to go even though I am getting into an unknown situation a little bit.

Gabe Coppola: One final comment. I said was going to close before. This isn't for the Board by the way, I am supremely confident that you're sincere and dedicated to this process. You have an excellent Council so these comments are for Sprint. Ok? As your neighbors, and by the way the difference between a hundred people in this room and whether or not they buy your service isn't going to make or break the Sprint Corporation. We realize that but that isn't a part of the game. What we would ask is for you to consider, as I believe you have, has anyone gotten a sense for how things are going? I think this is going very well. I think the more we talk about it in public the less difficult it is going to become. I think this is the kind of thing that has to go on between a Board and your representation and their engineers. Work it out. You wouldn't want this thing blinking in your back yard. We don't want it in ours. All we ask is that you continue along the lines that you have taken tonight. Which is very community oriented, realistic in terms of business but at the same time sensitive to the community and the surroundings that we harbor up

PUBLIC HEARING (CONT):

Gabe Coppola, (Cont.): in that area of this Town. If you'll take that attitude that you are expressing to us today forward to the negotiations I am confident that by the 6th of February we are going to have a resolution that is going to be amicable to everyone in the room. Maybe that will be my closing comment. I am not sure.

Councilman Davenport: I would like to thank all the citizens that wrote us letters and especially the last one that came today from Mr. Pudlewski. How up to-date he was and gave us the last word on everything. So thank you for your letters.

Supervisor Kennedy: It is obvious a lot of thought went into the letters and we certainly appreciate your comments. Having heard I believe everything and we are getting a little redundant now in stating the concerns. I think everyone has been heard. If we have any additional questions I think Sprint has been accommodating to us as Board Members to address them to whoever it might be, whether it is a legal problem or whether it has something to do with the engineering.

Audience member: Now if this tower is put up on Zimmerman Road, will this one tower be sufficient for the entire town or are other parts of the town going to be going through this same thing?

Supervisor Kennedy: You know what the engineer said. There is more than just Sprint that have been granted access to the Town of Boston. It is not inconceivable that somewhere down the road we could have another tower application. That is a very good possibility.

Audience Member: From what I understand every eight (8) to ten (10) miles you need another tower to relay a signal.

Supervisor Kennedy: Right for each entity. Supposing, what are the other two outfits that you said have been granted licensing in this area?

David Olek: The other two entities are ATT and OMNI Point and with all the jaw breaking that we have had to do and if they don't use the same grid that we have, they're nuts.

Supervisor Kennedy: They're nuts. Absolutely.

David Olek: So I would co-locate on this facility on those sites. There is a slight hole if you look at the drawing that I showed you. The search area that we have here is filled but a little further to the east there is one (1) valley that isn't covered. It is not clear what would be needed in the future to cover that valley.

Supervisor Kennedy: Where is that valley at? In the southern part of the town?

David Olek: That is essentially in Colden on the east side of the hill as you go down. Now that may change for the worse with Zimmerman Road.

Supervisor Kennedy: You mean it is on the other side of the Lower East Hill Road?

Councilman Walter: It is probably Hayes Hollow Road that you are talking about.

David Olek: Yes and if that were deemed necessary to fill that side in the future it probably could be done with a much smaller structure actually in the valley area itself. Right now over the

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PUBLIC HEARING (CONT):

David Olek, (Cont.): next two (2) years we don't anticipate any further applications here at the Town for another site. Does that answer the question?

Supervisor Kennedy: We certainly appreciate the comments that were made here tonight.

Richard Waszak: I have a question. Isn't there a water company tank going up there on Zimmerman Road in the future?

Supervisor Kennedy: There will be a water tank going but it will be way down on Wohlhueter Road.

Councilman Rood: No, the storage tank for the West Hill.

Supervisor Kennedy: There will be a stand pipe in the immediate vicinity of where this tower is, not to far away but we haven't acquired the land. That is the general are of Old Polish Hill Road and Zimmerman, somewhere in that area. We will be looking at acquiring a piece of property for our water storage tanks.

Richard Waszak: Isn't there another water storage tank going up on that side of the hill?

Supervisor Kennedy: Yes but it is way down on the southern end of the community, down around Wohlhueter Road. That is possible. That is one of the highest areas in the town but lets not get involved with that now. We certainly appreciate all your comment here tonight and the information we received from the people here representing Sprint.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to close the Public Hearing at 9:58 p.m.

five (5) Ayes — Carried

TOWN ATTORNEY REPORT

Town Attorney Perley reported the Glenn McKillen motion regarding the legality of Town Officials entering his property at 9692 Zimmerman Road was denied in court on January 17, 1997.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to adjourn the meeting at 9:59 p.m.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
FEBRUARY 5, 1997 — 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 Perley.

Rev. Gary Burdick, Faith United Church of Christ, 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 22, 1997 Regular Board Meeting and Annual Audit Meeting.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport that the General Fund and Special District Bills on Abstract #2, dated February 5, 1997 in the amount of $25,454.17 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Walter that the Highway Bills on Abstract #2, dated February 5, 1997 in the amount of $52,649.28 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter to accept the Town Clerk's Monthly Report for January 1997.

five (5) Ayes — Carried

Received and filed the Erie County Sheriff's Monthly Reports for December 1996 and January 1997.

Councilman Wiktor will forward to the Planning Board, a Notice of Proposal relating to the required eight (8) year review for the Eden Boston Agricultural District. A notice was posted in five (5) conspicuous places throughout town.

A motion was made by Councilman Walter and seconded by Councilman Wiktor to issue the 1997 Annual Blanket Highway Work Permit to the National Fuel Gas Corporation.

five (5) Ayes — Carried

Supervisor Kennedy read a letter from M.C. Mead requesting the dedication of the South Town Park to the Jehle Family. This request is under consideration by the Town Board.

Received and filed a reply from Assemblyman Richard Smith to the Town of Boston request to be considered for NY Bond Act monies regarding the water district formation for the East Hill area.

REQUESTS FROM THE FLOOR

Nancy Wachowiak, 7523 Valley Circle Lane: Who is responsible for repairing a huge hole in the road on Zimmerman Road at the corner of Route 391 near the Evans National Bank?

Councilman Walter, Chairman of the Traffic Safety and Roadways Committee and Highway Superintendent Ruchalski will address the road conditions on Zimmerman Road and contact the County Highway Department.

REGULAR BOARD MEETING — TOWN HALL
FEBRUARY 5, 1997 — 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to appoint the following to the 1997 Christmas Lighting Committee:

Herbert Klein	James Jehle	Maryann Jehle
Ronald Fluker	Elwin Warner	Karen Ellis
Robert Ray	Carole Bieler	Michele Jablonski
Albert Kumet	Doris Pilato	Josephine Davenport
Robert Ryan	Patricia Ryan	Frank Mazurowski
Eleanor Mazurowski	Margaret Edington	Benjamin White
Edward Cary	Duane Brock	Robert Marean
Richard Poisson	Edwin Guoynne	Frank Yanduca Jr.
Kathleen Yanduca	Florence Weiss	Diane Helmbrecht
Robert DiCesare	Jackie DiCesare	

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Walter to approve the corrections of the Appropriations of Excess Revenue for the Highway Fund as follows:

From Snow Remov.	5142.4	-1,000.00	to	14,000.00
From Serv Other Gov.	5148.4	-2,322.69	to	14,677.31
		3,322.69		

ADDING TO

Med Insurance 9060.8 — 3,322.69

CORRECTION OF ABS # 12A — 12/18/96

V988 Penflex	From A3410.4	to	SF3410.4
V992 HWY Dept	From A5132.4	to	A8989.4

CORRECTION OF ABS # 1A — 1/22/97

V 68 NYSE&G	From SM4540.4	to	A1620.4
V 67 National Fuel	From SM4540.4	to	A1620.4

five (5) Ayes — Carried

Received and filed notification from NYS DOT of the proposed Route 219 North and South Ramp Project at Armor-Duells Road.

SUPERVISOR REPORT

A) Supervisor Appropriations Report for December 1996 was received and is on file in the Clerk's Office.

B) Supervisor Bank Account Report for January 1997 was received and is on file in the Clerk's Office.

Supervisor Kennedy reported the Town Board is concerned with future applications regarding towers and requested an update from Town Attorney Perley on the process for imposing a moratorium on future tower applications.

Town Attorney Perley noted that once the Sprint application was filed a moratorium regarding that application can not be enforced.

Town Attorney Perley announced on February 6, 1997 the Board of Directors for Western New York Public Broadcasting will meet to negotiate the proposed Sprint Lease Agreement. Sprint has placed a deadline of February 10, 1997 for reaching an agreement for the WNED tower and if no agreement has been reached, Sprint will seek a decision from the Boston Town Board on the Special Use Permit application.

REGULAR BOARD MEETING — TOWN HALL
FEBRUARY 5, 1997 — 7:30 P.M.

SUPERVISOR REPORT (CONT.)

Town Attorney Perley noted that if the Town Board wishes to enact a moratorium it may do so for a limited period of time for the express purpose of reviewing legislative possibilities with regard to tower site and construction regulations. Councilman Wiktor provided a draft of legislation that he has requested be considered and Town Attorney Perley has obtained drafts of legislation that has been enacted by various surrounding localities.

A motion was made by Councilman Wiktor and seconded by Councilman Davenport to set a Public Hearing for February 19, 1997 at 8:00 p.m. to consider Local Law #1 for the year 1997, an amendment to enact a moratorium on towers and to instruct the Code Enforcement Officer and the Town Clerk to immediately refuse any Special Use Permit applications for radio communication towers until the adoption of the local law.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to authorize Town Clerk Shenk to include a list of Boston Recreation and Youth Services along with information on the Erie County Nutrition Program and Boston Senior Citizen Groups in the 1997 County Tax bill mailing.

five (5) Ayes — Carried

TOWN CLERK REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to accept the Registrar of Vital Statistics Report for January 1997.

five (5) Ayes — Carried

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Ruchalski announced the Highway Department will be replacing a 1979 auto-car with a summer-winter truck. Also needed is a ten wheeler dump truck to be equipped with a snow plow. Specifications will be presented at the next Town Board meeting.

Supervisor Kennedy commented that there is money in the Highway Equipment Budget and money will be derived from the sale of the auto-car to be replaced.

Highway Superintendent Ruchalski announced that Code Enforcement Officer Kramer is doing well and recuperating from surgery on February 4, 1997.

Supervisor Kennedy noted our prayers are with Dennis Kramer for a speedy recovery.

TOWN ATTORNEY REPORT

Town Attorney Perley announced he was directed by the court to appear February 28, 1997 to represent the Town of Boston for purposes of discussion for the Falkides vs. Town of Boston case.

The court adopted a Scheduling Order for discovery and trial of the Tennessee Gas Company Assessment case vs. the Town of Boston.

COUNCILMAN REPORT

Councilman Rood announced that she and Councilman Wiktor will be holding Councilman hours on Saturday, February 8, 1997 from 10:00 a.m. to 12:00 p.m. in the Boston Town Hall Planning Board Room. They will be of service to anyone with problems or concerns.

REGULAR BOARD MEETING — TOWN HALL
FEBRUARY 5, 1997 — 7:30 P.M.

COUNCILMAN REPORT (CONT.)

Councilman Rood congratulated Chris Bifaro on being re-elected Chairman of the Conservation Advisory Council and noted he will do a good job as he has in the past.

Councilman Wiktor installed the following Boston Rescue Squad Officers on January 4, 1997:

Larry Stewart, President
David Stringfellow, Vice President
Susan Keller, Recording Secretary
Audrey Frank, Corresponding Secretary
Jim Henry, Treasurer

Ten (10) Emergency Squad Members who served over one thousand hours in 1996 were honored.

On January 25, 1997 Councilman Wiktor installed the following Officers of the North Boston Fire Company:

Ken Manista, Chief
Richard Lee, First Assistant
Thomas Edington, Second Assistant
Robert Karcher, Captain
Sean Crotty, First Lieutenant

On January 27, 1997, Councilman Wiktor attended the Planning and Development Group meeting. One item that was discussed was the issue of communities placing moratoriums on cellular tower applications. Another issue discussed was the Eden Agricultural district which extends into Boston and the Concord Agricultural district. Representatives from the Erie County Department of Environment and Planning noted that the agricultural districts are diminishing in Erie County. It was recommended that these districts be maintained.

Councilman Walter was reassured on January 13, 1997 by William Pelowski, Erie County Highway Representative, that the problem guard-rail on North Boston and Feddick Roads would be remedied when the weather breaks.

Councilman Walter attended a GIS meeting on January 14, 1997 at the Boston Town Hall. He noted the adoption of this program will make information readily available and thus be a great convenience.

The flood complaint on Rollin Drive was due to the accumulation of leaves and debris in the drainage ditches. The ditch is in good shape and Councilman Walter is considering sending a flyer to area residents informing ditches must be kept free from debris.

To alleviate the problem on the Boston State/West Tillen Roads, Councilman Walter applied for a stop and go on the east and west side and a caution light on the north and south side. In the interim, while the request is being investigated ,Councilman Walter requested larger stop signs to be placed on the present standards.

Councilman Walter announced that Erie County Water Authority Representative Paul Becker reported a delay in the construction of the water tower on Ward Road.

Councilman Davenport reported that ninety (90) children are registered for the Recreation Program. There will be contests beginning February 28th through March 28th for Arts and Crafts. There will ba a Valentine Dance on February 14th with a sound system. On February 21st there will be field trip to the Lazertron in Buffalo.

REGULAR BOARD MEETING
FEBRUARY 5, 1997

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.)

Registration for Softball will be the first two Saturdays in February, Soccer registration is the third week in May, and the Summer Recreation Program begins the first Monday in May.

Councilman Davenport announced the Erie County Nutrition Program will serve a Valentine meal on Thursday, February 13, 1997, followed with Bingo and prizes. Speakers will be added to the program beginning at 11:00 a.m. before the meals are served at noon. The Assessor will speak on February 21st and report on property taxes. On February 28th the speaker will be a representative from BFI to speak on the recycling program. In March a speaker will come from Haven House and speak on battered women and associated issues. Other programs scheduled are the PACE program on arthritis, a program on safety concerns in the home and when shopping and also the latest technology in eye surgery. Councilman Davenport requested the press mention the program as much as possible and flyers will be distributed.

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer monthly report for January 1997 was received and is on file in the Clerk's Office.

B) Code Enforcement Officer Annual report for 1996 was received and is on file in the Clerk's Office.

C) Deputy Code Enforcement Officer monthly report for January 1997 was received and is on file in the Clerk's Office.

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officer monthly report for January 1997 was received and is on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for January 1997 was received and is on file in the Clerk's Office.

CONSERVATION ADVISORY COUNCIL REPORT

A) Conservation Advisory Council's Annual Report for 1996 was received and is on file in the Clerk's Office.

A motion was made by Supervisor Kennedy 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
FEBRUARY 19, 1997 — 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 Davenport and seconded by Councilman Walter to adopt the minutes of the February 5, 1997 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 #2A, dated February 19, 1997 in the amount of $64,670.61 be paid.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport that the Highway Bills on Abstract #2A, dated February 19, 1997 in the amount of $2,296.85 be paid.

five (5) Ayes — Carried

Received and filed an update from Congressman Quinn on the Waterline Extension Project for Water District #2 in the Town of Boston.

Received and filed an invitation from Triton Valley Estates to inspect manufactured housing at the Hamburg Home Show "97".

Received notification from the Boston Emergency Squad of the 1997 Officers as follows:

President:	Larry Steward	Treasurer:	Jim Henry
Vice President:	D. Stringfellow	Dep. Director:	Sean Crotty
Recording Sec:	Sue Keller	Emerg. Prep:	Barb Cudeck
Corresponding Sec:	Audrey Frank	Station Lieut:	C. Glogowski
Dir Operations:	George Aiple	Supply Lieut:	M. Wack
Training:	Jenny Hacker	Trans Lieut:	R. Karcher
Duty Lieut:	D. Helmbrecht		

REQUESTS FROM THE FLOOR

Nancy Wachowiak, 7523 Valley Circle Lane: Thank you for filling the potholes on Zimmerman Road.

Supervisor Kennedy noted that Highway Superintendent Ruchalski contacted the Erie County Highway Hamburg Division, to repair Zimmerman Road.

Rick Bethge, Patchin Volunteer Fire and Community Association, Inc. member, requested permission for the Fire Company to solicit money within their fire district.

A motion was made by Councilman Walter and seconded by Councilman Wiktor to authorize the Patchin Volunteer Fire and Community Association Inc. to solicit funds in the Patchin Fire Protection District to help defray costs of the newly constructed hall.

five (5) Ayes — Carried

Referred to Town Attorney Perley a Notice of Claim from Walter A. Blazynski, Claimant against Robert W. Tills, Town Justice, Joyce Thurber, Court Clerk and the Town of Boston.

RESOLUTION 1997 - 2 JAMES J. JEHLE DAY

TOWN OF BOSTON

TOWN OF BOSTON

RESOLUTION 1997-2

At a regular meeting of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 19th day of February, 1997 at 7:30 p.m., there were

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

Councilmembers Wiktor and Rood jointly presented the following resolution and moved its adoption:

WHEREAS, **JAMES J. JEHLE**, one of Boston's finest citizens, announced his retirement on November 6, 1996, after serving almost thirty years as Boston's Town Historian, and

WHEREAS, **JAMES J. JEHLE** has demonstrated his dedication to the Town of Boston by serving as its Town Historian since January 3, 1968 and has truly been an asset to the preservation of the historical artifacts and documents of the Town of Boston, and

WHEREAS, **JAMES J. JEHLE**, in his position, revealed himself to be conscientious, dedicated, considerate and generous, all qualities held in high esteem by persons of character and substance, and

WHEREAS, **JAMES J. JEHLE** always exhibited concern for his fellow town residents by volunteering his time, energy and person for any worthwhile community project, and

WHEREAS, **JAMES J. JEHLE**, by his actions, words and deeds exhibited the educational, philosophical and humanitarian tenets that were taught to him as a true son of Notre Dame University, and

WHEREAS, **JAMES J. JEHLE** demonstrated the qualities and stature of a true citizen in the performance of his duties as Town Historian and leaves a distinguished career in that position.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Boston present **JAMES J. JEHLE** with this small token of our appreciation and proclaim this day as

JAMES J. JEHLE DAY

for his extensive contributions to the Town of Boston and, on behalf of all its residents, extend to him the Town Board's sincere wishes for an enjoyable retirement.

Resolution was seconded by Supervisor Kennedy and put to a vote, 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

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1997-4

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York , held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 19th day of February, 1997 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, Sprint Spectrum, L.P. brought an application for a special use permit pursuant to Section 123-48.B. of the Town Code which said application is further governed by the Telecommunications Act of 1996 codified, in part, at 47 U.S.C. §332; and

WHEREAS, the application of Sprint Spectrum sought to obtain a permit for a 250 foot transmission and reception tower for its cellular PCS service on property adjacent to Ward Road in the Town of Boston (hereinafter referred to as the "Meyers Site"); and

WHEREAS, said application was referred to the Planning Board of the Town of Boston which said Board after reviewing the application recommended that said application be denied; and

WHEREAS, the applicant, Sprint Spectrum, L.P., filed an Environmental Assessment Form including a Visual Impact Addendum with the Town of Boston for the construction of said tower (A copy of which is annexed hereto as Exhibit "A") and;

WHEREAS, the Town Board of the Town of Boston as lead agency, having taken a hard look at the Environmental Assessment Form and the Visual Impact Addendum submitted therewith has determined that said application will not have a significant adverse impact on the environment and has therefore issued a negative declaration in connection therewith; and

WHEREAS, a public hearing was held concerning the application on January 22, 1997 at which all parties both for and against the said application were heard in connection therewith; and

WHEREAS, prior to the said public hearing Sprint Spectrum L.P. became aware that the Western New York Public Broadcasting Association was willing to enter into negotiations for a co-location on a tower replacing its existing facility adjacent to Zimmerman Road in the Town of Boston (hereinafter referred to as the "WNED Site"); and

WHEREAS, at the public hearing a representative of Sprint Spectrum L.P. represented to the Town Board of the Town of Boston that the placement of its antennas at an elevation of 250 feet at the WNED Site would provide adequate service for its cellular PCS system (a copy of the minutes of said public hearing are annexed hereto as Exhibit "B");

WHEREAS, thereafter negotiations were entered into between the Western New York Public Broadcasting Association and Sprint Spectrum L.P. in connection with the availability of space at the WNED Site; and

WHEREAS, prior hereto Sprint Spectrum L.P. and WNED had concluded negotiations for the rental of space at another tower, situated in the City of Buffalo, owned by the Western New York Public Broadcasting Association for an annual rent of approximately $25,920.00 per year; and

WHEREAS, the negotiations between Sprint Spectrum L. P. and Western New York Public Broadcasting Association with respect to the WNED Site in the Town of Boston which involved construction of a replacement tower by Sprint Spectrum L.P. at an approximate cost of $275,000.00; for which Sprint Spectrum sought a rent free holiday for a period of 25 years; and

WHEREAS, Western New York Public Broadcasting Association had offered Sprint Spectrum a rent free holiday of approximately 10.8 years in exchange for construction of the said tower; and

WHEREAS, the 10.8 years offered by Western New York Public Broadcasting Association was based upon a rental figure of $25,920.00 per year over that 10.8 year period amounting to the $275,000.00 being the approximate construction cost of the WNED Tower; and

WHEREAS, Western New York Public Broadcasting Association has expressed a willingness to enter into further negotiations with respect to a rent free holiday with Sprint Spectrum's L.P.; and

WHEREAS, Sprint Spectrum L.P. has expressed its intention not to negotiate for a rent free holiday in exchange for construction of a tower for any period of less than 25 years; and

WHEREAS, it is the opinion of the Town Board that the negotiations between Western New York Public Broadcasting Association and Sprint Spectrum L.P. are at an impasse; and

WHEREAS, it appears that the imputed rent sought to be charged to Sprint Spectrum in terms of a rent free holiday based upon construction of a replacement tower is at the same rate agreed to by Sprint Spectrum L.P. at another site; and

WHEREAS, the special permit regulations for the Town of Boston in Town Code Section 123-48.B. provides in pertinent part:

A. The Town Board shall consider these factors in granting such a permit for the purpose which the permit is being sought and the availability of other means of transmitting or obtaining the transmission or signal sought by the applicant;

and

WHEREAS, the Telecommunications Act of 1996 (47 U.S.C. §332) provides at 47 U.S.C. §332(c)(7)(B) provides in pertinent part that the local government "shall not prohibit or have the effect of prohibiting the provision of personal wireless services."

NOW, THEREFORE, be it resolved by the Town Board of the Town of Boston as follows:

FIRST, that the Town Board of the Town of Boston herein finds and determines:

- that the application for a permit at the Meyers Site provides for the construction of the new 250 foot antenna in the Town of Boston, New York requiring lighting thereon on the east hill in the Town of Boston which said antenna will not be near any other antenna situate in the Town of Boston;

- that the WNED Site provides for adequate service to Sprint Spectrum L.P. for its PCS cellular system as indicated by representatives of Sprint Spectrum L.P. in the course of the public hearing held on January 22, 1997;

- that the negotiations between Western New York Public Broadcasting Association and Sprint Spectrum indicate that the Western New York Public Broadcasting Association is willing to provide Sprint Spectrum L.P. with a commercially reasonable lease on its tower at the WNED Site, which said offer Sprint Spectrum L.P. has rejected;

- that Western New York Public Broadcasting has indicated a willingness to continue additional negotiations with reference to the WNED Site;

- that Sprint Spectrum L.P. has indicated that it is not willing to negotiate from its current position with respect to the WNED Site;

-that the Town Board of the Town of Boston herein determines that Sprint Spectrum L.P. has willfully and willingly chosen not to enter into negotiations for a commercially reasonable antenna site situated on an existing antenna or replacement to an existing antenna in the Town of Boston, New York and that the denial of its special permit application by the Town Board of the Town of Boston would not have the effect of prohibiting the provision of personal wireless services within the meaning of the Telecommunications Act of 1996 (47 U.S.C. §332(c)(7)(B)(ii)).

- that pursuant to § 123-48, the Town Board of the Town of Boston had determined that there is an alternative site available for the use of transmission facilities within the Town of Boston

SECOND, that for the foregoing reasons, the Town Board of the Town of Boston herein denies the application of Sprint Spectrum L.P. for a special use permit to construct a radio transmission tower and ancillary facilities at the Meyers site.

Seconded by **Councilman Rood** 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. Skenk

David J. Skenk-Town Clerk

14-16-2 (9/95)-7c

617.21 SEQR

Appendix A

State Environmental Quality Review

FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasureable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

Part 1: Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.

Part 2: Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.

Part 3: If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

DETERMINATION OF SIGNIFICANCE - Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project: ☐ Part 1 ☐ Part 2 ☐ Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

☐ A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore **a negative declaration will be prepared.**

☐ B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore **a CONDITIONED negative declaration will be prepared.***

☐ C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore **a positive declaration will be prepared.**

* A Conditioned Negative Declaration is only valid for Unlisted Actions

Name of Action

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency | Title of Responsible Officer

Signature of Responsible Officer in Lead Agency | Signature of Preparer (If different from responsible officer)

Date

PART 1 - PROJECT INFORMATION

Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

NAME OF ACTION Sprint PCS Site # BU 03XC 031		
LOCATION OF ACTION (Include Street Address, Municipality and County) 6405 Ward Road, Town of Boston, County of Erie		
NAME OF APPLICANT/SPONSOR Sprint-Spectrum, LP	BUSINESS TELEPHONE (716) 273-8900	
ADDRESS 2165 Brighton-Henrietta Town Line Road		
CITY/PO Rochester	STATE NY	ZIP CODE 14623
NAME OF OWNER (If different) Same as applicant	BUSINESS TELEPHONE ( )	
ADDRESS		
CITY/PO	STATE	ZIP CODE
DESCRIPTION OF ACTION Construction and operation of personal communication system cell site consisting of 250' AGL guyed tower with antennae, outdoor equipment and access road.		

Please Complete Each Question - Indicate N.A. if not applicable

A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present land use: ☐Urban ☐Industrial ☐Commercial ☐Residential (suburban) ☒Rural (non-farm)
   ☒Forest ☐Agriculture ☐Other _____

2. Total acreage of project area: 6.20 acres.

APPROXIMATE ACREAGE	PRESENTLY		AFTER COMPLETION	
Meadow or Brushland (Non-agricultural)	0.10	acres	0.10	acres
Forested	6.0	acres	4.90	acres
Agricultural (Includes orchards, cropland, pasture, etc.)	0	acres	0	acres
Wetland (Freshwater or tidal as per Articles 24, 25 of ECL)	0	acres	0	acres
Water Surface Area	0	acres	0	acres
Unvegetated (Rock, earth or fill)	0.10	acres	1.20	acres
Roads, buildings and other paved surfaces	0	acres	0	acres
Other (Indicate type) _____	0	acres	0	acres

3. What is predominant soil type(s) on project site? Silty Loam
   a. Soil drainage: ☒Well drained 100 % of site ☐Moderately well drained ____ % of site
      ☐Poorly drained ____ % of site
   b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? 0 acres. (See 1 NYCRR 370).
4. Are there bedrock outcroppings on project site:? ☐Yes ☒No
   a. What is depth to bedrock? 35.0 estimate (in feet)

5. Approximate percentage of proposed project site with slopes: ☒0 - 10% 50 % ☒ 10-15% 25 %
☒15% or greater 25 %

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or the National Registers of Historic Places? ☐Yes ☒No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? ☐Yes ☒No

8. What is the depth of the water table? 20' estimate (in feet)

9. Is site located over a primary, principal, or sole source aquifer? ☐Yes ☒No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? ☐Yes ☒No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?
☐Yes ☒No According to _____
Identify each species _____

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations)
☐Yes ☒No Describe _____

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?
☐Yes ☒No If yes, explain _____

14. Does the present site include scenic views known to be important to the community?
☐Yes ☒No

15. Streams within or contiguous to project area: unnamed surface run off - dry in summer
a. Name of Stream and name or River to which it is tributary _____

16. Lakes, ponds, wetland areas within or contiguous to project area:
a. Name N/A b. Size (In acres) N/A

17. Is the site served by existing public utilities? ☒Yes ☐No
a) If Yes, does sufficient capacity exist to allow connection? ☒Yes ☐No
b) If Yes, will improvements be necessary to allow connection? ☐Yes ☒No

18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐Yes ☒No

19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? ☐Yes ☒No

20. Has the site ever been used for the disposal of solid or hazardous wastes? ☐Yes ☒No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate)
a. Total contiguous acreage owned or controlled by project sponsor 6.20 +/- acres.
b. Project acreage to be developed: 1.10 acres initially; 1.10 acres ultimately.
c. Project acreage to remain undeveloped 5.10 acres.
d. Length of project, in miles: N/A (If appropriate)
e. If the project is an expansion, indicate percent of expansion proposed N/A %;
f. Number of off-street parking spaces existing N/A; proposed _____.
g. Maximum vehicular trips generated per hour 1 trip per month (upon completion of project)?
h. If residential: Number and type of housing units:

	One Family	Two Family	Multiple Family	Condominium
Initially	N/A	N/A	N/A	N/A
Ultimately	____	____	____	

i. Dimensions (in feet) of largest proposed structure 250' height; 2' width; N/A length.
j. Linear feet of frontage along a public thoroughfare project will occupy is? 0 ft.

2. How much natural material (i.e., rock, earth, etc.) will be removed from the site? 0 tons/cubic yards
3. Will disturbed areas be reclaimed? ☐Yes ☒No ☐N/A
   a. If yes, for what intended purpose is the site being reclaimed? _____
   b. Will topsoil be stockpiled for reclamation? ☐Yes ☐No
   c. Will upper subsoil be stockpiled for reclamation? ☐Yes ☐No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 1.0 acres.
5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project? ☐Yes ☒No
6. If single phase project: Anticipated period of construction 2 months, (including demolition).
7. If multi-phased:
   a. Total number of phases anticipated N/A (number).
   b. Anticipated date of commencement phase 1 N/A month _____ year, (including demolition).
   c. Approximate completion date of final phase N/A month _____ year.
   d. Is phase 1 functionally dependent on subsequent phases? ☐Yes ☐No
8. Will blasting occur during construction? ☐Yes ☒No
9. Number of jobs generated: during construction 10 ; after project is complete 1.
10. Number of jobs eliminated by this project 0.
11. Will project require relocation of any projects or facilities? ☐Yes ☒No If yes, explain _____
12. Is surface liquid waste disposal involved? ☐Yes ☒No
    a. If yes, indicate type of waste (sewage, industrial, etc.) and amount N/A
    b. Name of water body into which effluent will be discharged N/A
13. Is subsurface liquid waste disposal involved? ☐Yes ☒No Type N/A
14. Will surface area of an existing water body increase or decrease by proposal? ☐Yes ☒No
    Explain N/A
15. Is project or any portion or project located in a 100 year flood plain? ☐Yes ☒No
16. Will the project generate solid waste? ☐Yes ☒No
    a. If yes, what is the amount per month N/A tons
    b. If yes, will an existing solid waste facility be used? ☐Yes ☐No
    c. If yes, give name _____; location
    d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? ☐Yes ☐No
    e. If yes, explain
17. Will the project involve the disposal of solid waste? ☐Yes ☒No
    a. If yes, what is the anticipated rate of disposal? _____ tons/month.
    b. If yes, what is the anticipated site life? _____ years.
18. Will project use herbicides or pesticides? ☐Yes ☒No
19. Will project routinely produce odors (more than one hour per day)? ☐Yes ☒No
20. Will project produce operating noise exceeding the local ambient noise levels? ☐Yes ☒No
21. Will project result in an increase in energy use? ☒Yes ☐No
    If yes, indicate type(s) 100A electric - minor
22. If water supply is from wells, indicate pumping capacity N/A gallons/minute.
23. Total anticipated water usage per day 0 gallons/day.
24. Does project involve Local, State or Federal funding? ☐Yes ☒No
    If yes, explain _____

25. Approvals Required:

		Type	Submittal Date
City, Town, Village Board	☒Yes ☐No	Special Use	
City, Town, Village Planning Board	☒Yes ☐No	Special Use	
City, Town, Zoning Board	☐Yes ☒No		
City, County Health Department	☐Yes ☒No		
Other Local Agencies	☐Yes ☒No		
Other Regional Agencies	☐Yes ☒No		
State Agencies	☐Yes ☒No		
Federal Agencies	☐Yes ☒No		

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision ? ☒Yes ☐No
   If Yes, indicate decision required:

   ☐ Zoning Amendment ☐ Zoning Variance ☒ special use permit ☐ subdivision ☐ site plan
   ☐ new/revision of master plan ☐ resourece management plan ☐ other _____

2. What is the zoning classification(s) of the site ? Residential - Agricultural (RA)
3. What is the maximum potential development of the site if developed as permitted by present zoning ?
   Residential Subidivision - 90+ lots
4. What is the proposed zoning of the site ? No change
5. What is the maximum potential development of the site if developed as permitted by proposed zoning ?
   same as currently permitted
6. Is the proposed action consistent with the recommended uses in adopted local land use plans ? ☒Yes ☐No
7. What are the predominant land use(s) and zoning classifications within a 1/4 mile radius of proposed action ?
   Agricultural
8. Is the proposed action compatible with adjoining/surrounding land uses within a 1/4 mile ? ☒Yes ☐No
9. If the proposed action is the subdivision of land, how may lots are proposed ? N/A
10. Will the proposed action require any authorization(s) for the formation of sewer or water districts ? ☐Yes ☒No
11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection) ? ☐Yes ☒No
    a. If yes, is the existing capacity sufficient to handle projected demand ? ☐Yes ☐No
12. Will the proposed action result in the generation of traffic significantly above present levels ? ☐Yes ☒No
    a. If yes, is the existing road network adequate to handle the additional traffic ? ☐Yes ☐No

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant / Sponsor Name Jansen-Kiener Consulting Engineers, PC for Sprint-Spectrum, L.P. Date 10 Sept 1996

Signature _____ Title Vice President

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

14-14-11 (9/95)-9c

617.20 SEQR

Appendix B
State Environmental Quality Review
Visual EAF Addendum

This form may be used to provide additional information relating to Question 11 of Part 2 of the Full EAF.

(To be completed by Lead Agency)

Visibility

1. Would the project be visible from:

	Distance Between Project and Resource (in Miles) 0-1/4	1/4-1/2	1/2-3	3-5	5+
• A parcel of land which is dedicated to and available to the public for the use, enjoyment and appreciation of natural or man-made scenic qualities?	☐	☐	☐	☐	☐
• An overlook or parcel of land dedicated to public observation, enjoyment and appreciation of natural or man-made scenic qualities?	☐	☐	☐	☐	☐
• A site or structure listed on the National or State Registers of Historic Places?	☐	☐	☐	☐	☐
• State Parks?	☐	☐	☐	☐	☐
• The State Forest Preserve?	☐	☐	☐	☐	☐
• National Wildlife Refuges and state game refuges?	☐	☐	☐	☐	☐
• National Natural Landmarks and other outstanding natural features?	☐	☐	☐	☐	☐
• National Park Service Lands?	☐	☐	☐	☐	☐
• Rivers designated as National or State Wild, Scenic or Recreational?	☐	☐	☐	☐	☐
• Any transportation corridor of high exposure, such as part of the Interstate System, or Amtrak?	☐	☐	☒	☐	☐
• A governmentally established or designated interstate or inter-county foot trail, or one formally proposed for establishment or designation?	☐	☐	☐	☐	☐
• A site, area, lake, reservoir or highway designated as scenic?	☐	☐	☐	☐	☐
• Municipal park, or designated open space?	☐	☐	☐	☐	☐
• County road?	☐	☒	☐	☐	☐
• State?	☐	☐	☒	☐	☐
• Local road?	☐	☒	☐	☐	☐

2. Is the visibility of the project seasonal? (i.e., screened by summer foliage, but visible during other seasons)
   ☐ Yes ☒ No

3. Are any of the resources checked in question 1 used by the public during the time of year during which the project will be visible?
   ☒ Yes ☐ No

DESCRIPTION OF EXISTING VISUAL ENVIRONMENT

4. From each item checked in questions 1, check those which generally describe the surrounding environment.

	Within *1/4 mile	Within *1 mile
Essentially undeveloped	☒	☐
Forested	☒	☐
Agricultural	☐	☐
Suburban residential	☐	☒
Industrial	☐	☐
Commercial	☐	☐
Urban	☐	☐
River, Lake, Pond	☐	☐
Cliffs, Overlooks	☐	☐
Designated Open Space	☐	☐
Flat	☒	☐
Hilly	☐	☒
Mountainous	☐	☐
Other	☐	☐

NOTE: add attachments as needed

5. Are there visually similar projects within

*1/2 mile	☐ Yes	☒ No
* 1 mile	☐ Yes	☒ No
* 2 miles	☒ Yes	☐ No
* 4 miles	☒ Yes	☐ No

* Distance from project site are provided for assistance. Substitute other distances as appropriate.

EXPOSURE

6. The annual number of viewers likely to observe the proposed project is Estimate - 1000 locally and 10000 on Rte 219 .

NOTE: When user data is unavailable or unknown, use best estimate.

CONTEXT

7. The situation or activity in which the viewers are engage while viewing the proposed action is

	FREQUENCY			
Activity	Daily	Weekly	Holidays/ Weekends	Seasonally
Travel to and from work	☒	☐	☐	☐
Involved in recreational activities	☐	☐	☐	☐
Routine travel by residents	☒	☐	☐	☐
At a residence	☒	☐	☐	☐
At worksite	☐	☐	☐	☐
Other Mayer Road - across valley (1 mile)	☒	☐	☐	☐

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(3)

REGULAR BOARD MEETING AND ANNUAL AUDIT MEETING — TOWN HALL
JANUARY 22, 1997 — 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to appoint Councilman Rood as the Delegate and Councilman Walter as the Alternate Delegate to represent the Town of Boston at the NYS Association of Towns 1997 Training School and Conference.

Carried

five (5) Ayes

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to appoint the following to the Town of Boston Records Committee:

Town Clerk Shenk, Chairman — Karen Ellis
Richard Kennedy — Leo Jensen

Carried

five (5) Ayes

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Ruchalski reported that stop signs are not visible at the Boston Colden/West Tillen Roads and there have been four (4) accidents at this site in 1996. The County has requested the Town of Boston forward a letter regarding this situation.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to direct Councilman Walter to send a letter to Erie County detailing the Boston Colden/West Tillen Roads hazardous situation and grant Councilman Walter permission to request installation of a flashing light.

Carried

five (5) Ayes

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, January 22, 1997 at 8:00 p.m., Eastern Prevailing Time, to consider the application of Sprint Spectrum for a Special Use Permit to construct a Telecommunications Tower at 6405 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: January 3, 1997
Published: January 9, 1997
BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK

At 8:00 p.m. a Public Hearing was held for the purpose of hearing public comments on the Sprint Spectrum request for a Special Use Permit to construct a Telecommunications Tower at 6405 Ward Road. Supervisor Kennedy read the legal notice and the letter sent to fifty-seven (57) neighboring property owners including copies of an Assessor's Map, the Special Use Permit Application, Letter of Intent and the Project Description. Supervisor Kennedy displayed a paper flyer that was circulated around the Town of Boston stating the Town Board is constructing a two hundred and fifty (250) foot cellular tower. Supervisor Kennedy noted the Town Board is not constructing the tower and is here to hear the application of Sprint Tower and not to be prejudged to be either for or against.

Supervisor Kennedy read the TVGA determination based on the Full Environmental Assessment Form and Appendix "B" - Visual Addendum for the EAF, as prepared by Sprint Spectrum, which concludes that the proposed project is a Type 1 Action, the Town Board is Lead Agency and the only impact would be aesthetic.

As requested, a full copy of the EAF Form regarding the SEQR Report/Sprint Spectrum L.P. was delivered to the Town on September 11, 1996 from Sprint Spectrum Attorney, Maureen Elwell.

An ASAC (Airspace Safety Analysis Corporation) Report for Site 031 Boston was forwarded to the Town for review from Maureen Elwell, Sprint Spectrum Attorney. The report determined that the proposed 255 feet AGL (1,514 feet AHSL) structure would exceed FAR 77.13 (a) (1) by 55 feet. Exceeding this surface requires that a Notice of Proposed Construction or Alteration form be filed with the FAA and that FAA Approval of the proposed construction be obtained prior to

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PUBLIC HEARING (CONT):

beginning construction. Also received was a Notice of Proposed Construction or Alteration, the FAA Form 7460-1 Addendum, a map of the proposed tower location, and coordinates from land surveying.

On November 4, 1996, Tim Webster, a Harris Beach & Wilcox Representative for Sprint Spectrum sent a letter requesting the Town of Boston, as Lead Agency, proceed with the SEQRA Review and Determination. Also noted was the fact that the site will require a five hundred (500) gallon propane tank for an auxiliary generator fuel in order to meet FAA lighting requirements.

Supervisor Kennedy read a letter from the Boston Planning Board recommending denial on the Sprint Spectrum application based on the aesthetic affect of the visual impact, the fact that other technologies may be used and the lack of guidelines to the Town on tower site installation.

Supervisor Kennedy read a letter from Robert Pudlewski, 7200 Serpentine Drive, which included a copy of a recently enacted ordinance from the Town of Hamburg regarding cellular towers and a also a list of concerned citizens.

Supervisor Kennedy noted letters were received from William Chenoweth, 6993 Chestnut Ridge Road, Michele and Fred Adams, 6895 Chestnut Ridge Road and many other concerned citizens.

Supervisor Kennedy read a letter from Michael Sutton, Vice President of Finance and Business Affairs, WNED-FM Public Broadcasting Association stating that negotiations have begun with Sprint Spectrum, LP for the purpose of sharing space on the WNED-FM tower on Zimmerman Road in the Town of Boston.

Town Attorney Perley commented that the Town Board must hear public comments and render a decision on the pending Sprint Spectrum application regardless of the current negotiations with WNED-FM.

Supervisor Kennedy convened the Public Hearing.

Maureen Elwell, Attorney with Harris Beach and Wilcox and representing Sprint Spectrum in Erie County: Before we start I would like to thank the Town of Boston, it's officials, the people who work with you and who work for you. We have been treated in a very professional manner ever since we submitted our application on August 1st and I would just like everyone here to know that we appreciate the way that we've been treated in the Town of Boston. I would also like to thank those residents who have showed up today. I think it is very important that they are here. We want to give them as much information as we can on this project. We think it is important and we really want to be open to any of the suggestions and ideas that will be offered tonight. As you stated, this is an application for a Special Use Permit on Ward Road for Sprint Spectrum, LP. Sprint Spectrum is a public utility, licensed and regulated by the Federal Communication Commission. It is charged with the duty of providing cellular PCS service in our area including the Town of Boston. In light of that, the application is before you for a two hundred and fifty (250) foot tower to be located on the Myers property on Ward Road. I don't know if you would like me to do this but I will go into Sprint Spectrum's utility status for those of you who do not know about New York State Law. A case called Rosenberg was decided quite a few years ago stating that cellular companies are public utilities under NYS law. The reason for that is because of the unique nature of their services and the need to be where they need to be to provide service. For example, water pumping stations and water towers have to be in a certain location to provide service to the public and the same thing applies for cellular service. We will get into that

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REGULAR BOARD MEETING AND ANNUAL AUDIT MEETING — TOWN HALL
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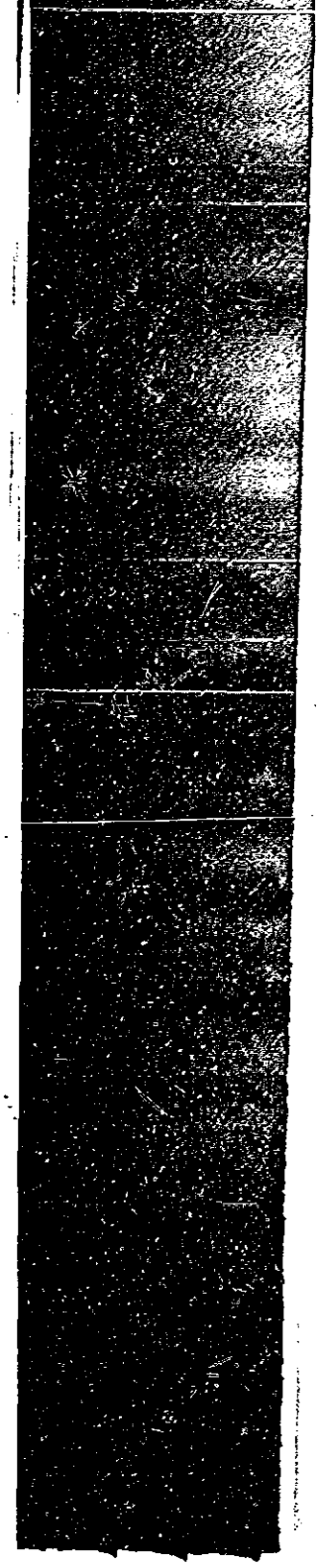
PUBLIC HEARING (CONT):

Attorney Elwell, (Cont.): a little bit more. I have brought some people with me who can explain how the technology works and the reason for the siting on this. Also we brought a health expert if there are any questions about the health effects. As everyone knows the 1997 Telecommunication Act prohibits a decision based on health, however we did bring someone here in the event that someone in your audience might have a question. We would then be more than happy to answer those questions. Now, what that means because we are a public utility, people say "well what does that mean?" "What does Sprint have to do in order to have a Special Use Permit issued?" What Sprint basically has to do is show a need to be in a location where they have chosen to be. Again, we will prove that tonight with our Radio Frequency Engineer who is here. We will talk about the technology. Why we chose this site and why we have to be in that particular spot. We do not currently have service in the Town of Boston and this communication facility would remedy that situation. As I said I did bring several people with me today and I am going to start with the Radio Frequency Engineer so he can explain how this system works. His name, by the way, is David Olek and he will be up in a minute. We also have a gentleman named Steve Gaylor. He was responsible for finding the site. He will discuss the site, how he went about finding the site and he will discuss the site plan, where the tower is proposed to be located and why it is proposed to be located on this parcel where it is. Last but not least, we do have Doctor Thomas Ely. If anyone has a question on health issues we would be glad to have him come up and address the Board. Right now I am going to turn it over to David Olek and let him describe how the system works.

David J. Olek, Sprint Spectrum Radio Frequency Engineer: I am a RF (Radio Frequency Engineer) with Sprint Spectrum. Prior to working in this position I was Vice President of Engineering and Operations with Frontier Cellular and NYNEX who also operated in this region and upstate NY. In the past three and a half years I've been involved with the construction of over two hundred (200) such sites in both cellular and PCS throughout all of NYS, including the Adirondack Park. I was acquainted with this project recently and brought up to date on it's history. I would just like to review for you what happened last year when Sprint paid the Federal Government several billion dollars for the license to come into the area. Obviously when you are building a new system you want to be able to build a system with the least amount of sites possible. The other thing you would like to be able to do is to take advantage of all the existing towers in the area as much as possible. For one thing, you don't have to construct new facilities and another thing, it is also less expensive if you can go on an existing tower. So what we did initially is do a survey of the entire upstate area. The survey surveyed all sites that were over several stories tall including towers, water tanks, large buildings, anything that we could put our antennas on to provide service. This survey then created a data base of what we called "friendly sites". We weren't exactly sure that we could reach an agreement to locate on those sights but nonetheless we had a survey of sites available. Then what we did was overlay a honeycomb grid of service coverage honeycombs over these friendly sites and adjusted this grid so we could take advantage of as many tall structures in upstate NY as we could. Obviously then we would have to construct less towers from scratch. That created the grid and basically fixed the grid and since early last year we have been out actively getting sites, locating sites, getting them approved through local zoning and actually constructing sites. Currently in Rochester over forty (40) sites are under construction. In Buffalo by mid February over fifty (50) sites will be under construction. Once the grid is set, the next thing to do is establish the search area within each grid and in the case of this area we created a search area in the North Boston area. Now you have to understand one thing about our license. Our License said that we must serve



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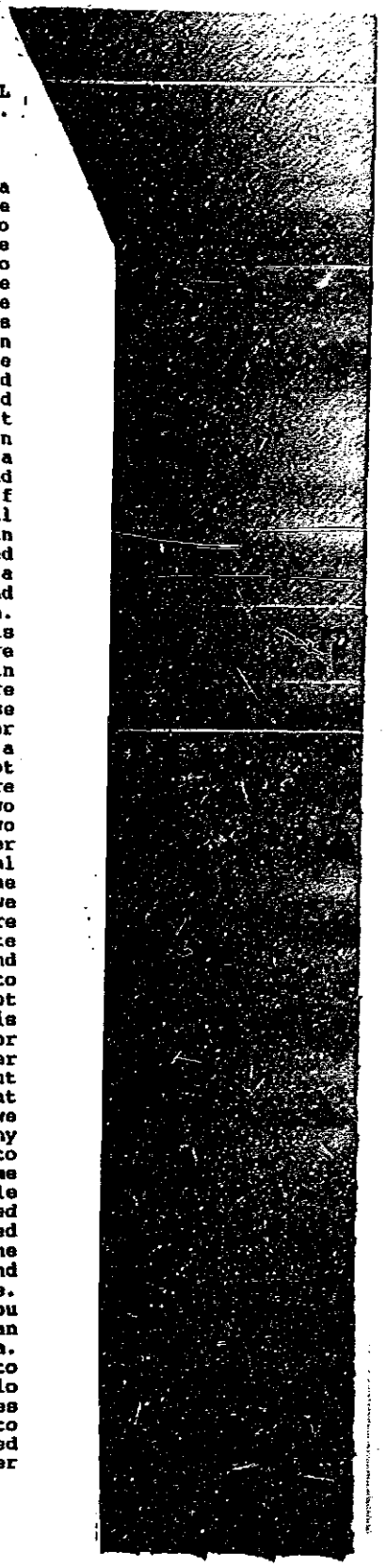
REGULAR BOARD MEETING AND ANNUAL AUDIT MEETING — TOWN HALL
JANUARY 22, 1997 — 7:30 P.M.

PUBLIC HEARING (CONT):

David Olek, (Cont.): ninety percent (90%) of the population in a given area. If we don't serve ninety percent (90%) of the population we could lose our license and the FCC could award it to another carrier to come in and provide that service. Our license is not like Cellular. Cellular's license said they just had to provide coverage in the air. Our license says we have to serve people. Which means we have to reach people. Which means we have to be in areas where people live and work and travel. This necessitated a site here in this area where there is a population of people and there are roadways. This particular site is what we call a "rural site". A rural site covers a diameter of seven and one half to ten (7 1/2 -10) miles. It is typically two hundred and fifty (250) feet tall and because it is over two hundred (200) feet it needs to be lit. The second type of site which we do more in the suburban area with a higher density population is called a "suburban site". A suburban site is typically one hundred and fifty (150) feet tall. It covers a diameter of three and one half (3 1/2) miles but in a much denser population level than the rural site. And finally the last type of site that we construct are in the cities. It is called a "urban site". Typically one hundred (100) feet tall. It covers only a diameter of about a mile and a half. So in this area our planning with a population density and our good system calls for a site in this particular search area. Steve Gaylor, who will come up here, will talk about his acquisition process in the search area and the fact that we were able to locate a site on Ward Road. Now in our travels here in this area and in our association with the Planning Board we were asked to examine other sites in this area and I've shown these sites on here. I will briefly mention them to you. The Schrieber Drive Water Tower, a forty (40) foot water tower to the north, a one hundred and sixty (160) foot Sheriff's tower, a fifty (50) foot water tower on Gartman Road, the Myers site, the Boston-Colden Fire Department sixty (60) foot tower, the WBNY Broadcast Tower, two hundred and seventy-five (275) feet, the WBEN-WDCX Tower, two hundred and seventy-five (275) feet and one (1) other tower further to the south. Now when we get into matters of coverage, the usual process for us is to select the site that entirely fills the coverage cell that we need to cover. This is important so that we have consistent coverage in the area. What I am showing you here is the expected predicted coverage that we would get from the site that we are applying for tonight, the Myers site at two hundred and fifty (250) feet. I am going to outline the circle that we need to provide coverage in. As you can see from my picture there is lot of white spots in this circle. In other words what I am saying is this sight doesn't really cover the circle very well. In fact for this site to cover the circle very well it would have to be over four hundred (400) feet tall. We felt that was unreasonable to put a site up that tall in order to fill the circle. The reason that it doesn't fill the circle in this particular case is because we have a variable terrain here in the south of Buffalo with many hills and valleys. It is therefore very hard to force one cell to fill this entire cell circle. As you can see, there is some coverage to the north and to the south but many parts of the circle are left uncovered. So what we did in our analysis, is we analyzed this particular cell by looking at all of the cells we selected around it and adding their coverage in. When we do that, the particular cell that we are applying for tonight at two hundred and fifty (250) feet, the circle is filled up with adequate coverage. In order to do that we had to do that analysis and I am showing you this right now with all of the other sites turned on and as you can see our circle is filled with radio coverage enough for the area. But we have compromised here in doing so by limiting the site to two hundred and fifty (250) feet. We are taking advantage of radio sources from other sites in the surrounding area. Those sites would include sites in Orchard Park. They would include sites to the east and sites to the west. One (1) other site was evaluated in our process that actually worked and that site is the WREN tower



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REGULAR BOARD MEETING AND ANNUAL AUDIT MEETING — TOWN HALL
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PUBLIC HEARING (CONT):

David Olek, (Cont): at two hundred and seventy-five (275) feet. The Supervisor read a letter form WBEN and we are currently in the process of trying to negotiate something with them. Those negotiations have been ongoing for some time and as yet we have not reached anything. This site provides coverage that is slightly less than the site we are talking about this evening but nonetheless if we were able to obtain that site the coverage from that site would be adequate.

Town Attorney Perley: You mean, just before there is a mass of confusion, that is the WNED site?

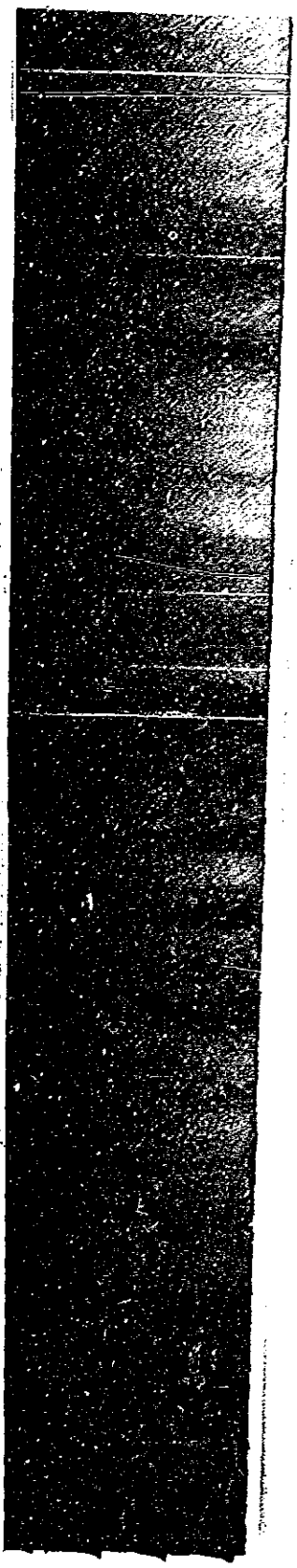
David J. Olek: I am sorry. WNED, yes.

Supervisor Kennedy: That is a four hundred (400) foot tower isn't it?

David J. Olek: Yes but we would only go at two hundred and seventy-five (275) feet on that four hundred (400) foot tower.

Supervisor Kennedy: In other words, it wouldn't be to your advantage to go higher on that tower?

David J. Olek: We wouldn't want to. Our goal here was to be able to obtain light coverage with that site and we would only go up high enough to obtain that coverage. It is our philosophy in building the system that we never like to go higher than we absolutely have to. Number one it costs more and number two, if you have a lot of high towers in an area they start to interfere with each other down the line when you put a lot of traffic on the system. In cellular the same thing occurs. I have plots here of all the other sites that we looked at and really none of them are very acceptable and the main reason is that none of them are very tall. On an average they are at a hundred (100) feet or below or they are so far out of the center that they just don't provide adequate coverage. If anybody has any specific questions on these sites I can answer them individually later on. We've evaluated probably about eight to ten (8 - 10) other sites for coverage in this area. It is very important to our company to have service in this area. We are going to be turning the Buffalo system on this spring. It is very important for us to include the Boston area in our coverage plan. In the Spring we will be here selling. The technology will bring a number of features to the community that aren't available now through cellular. I would just like to touch on those very quickly. The first one is 911 Locate. If you make a 911 call from the system within a year the 911 operator will get a readout of your position so they will know where you are calling from. Many people have used their cellular phones to report accidents. The digital technology enables us to actually locate the person so that the operator would get a latitude- longitude reading on a map as to where you are when you are calling. So if you are calling from a parking lot with an emergency the authorities would be able to find you if you use our system for making the call. The second feature is that this system is entirely digital. Everybody has read and heard about the Newt Gingrich scandal lately with a cellular phone. This technology is such that it cannot be intercepted by anybody because the digital signal is scrambled over the airwaves. The technology was first developed for the military to use in communications in wartime. It's being applied in this system also. The third feature is that the system itself, the addition of a third competitor now in the area, in addition to Frontier and Cell One, will permit the actual cost of using this technology to come down another notch, making it more affordable for everyone. We typically construct all of our facilities to provide for co-location. We would be willing to take any direction that the Board gave us as to how they would want this facility to be constructed. In other words if you told us we would



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PUBLIC HEARING (CONT):

David Olek, (Cont): like to be able to hold three (3) other people sometime in the future, with your approval, we would agree to construct it strong enough to hold other antenna rays subject to the Town Board approval in advance. We would also agree not to permit any co-location if it was your desire to do so under that condition. Many of the communities in upstate New York are asking us to build these facilities to be expandable later on at the towns discretion if they should decide that another carrier could use the facility. Knowing what Cell One and Frontier have right now in this area, it wouldn't surprise me in the future if they wouldn't want to co-locate at this site sometime in the next few years because they would probably need additional coverage in this area also. However, I can't speak for them right now in terms of where they are with their systems development. One of the other reasons that it is so important to us to obtain approval on this site is that we are a new competitor. The Federal Government has relaxed some of the rules to enable us to compete but our competitors have had a ten (10) year head start on us in terms of getting their systems built. They have been on the air and serving customers since 1985. That is when the licenses were given out for free. We can't hope to be competitive with customers and with coverage unless we can construct a system that is at least as good, if not better, than what is available with Frontier and Cell One right now in this area. So not only do we have the problem of creating something virtually overnight to compete but we also have the added burden of coming to towns like Boston and proposing a tower in an area that is somewhat controversial. In other towns where we have been able to relocate towers to satisfy constraints of local residents we've been able to do that. To this point though we have not identified any alternative sites that would be suitable at this height or less for the coverage. We would certainly rule out other sites that needed to be over three hundred (300) feet or three hundred and fifty (350) feet for example to provide the same level of service because from our standpoint a higher structure is definitely less desirable. So I guess I will stop at this point. We will talk about our travels in the Real Estate side and how this site was located and Steve will address you right now concerning that and I will be available later to answer any further questions on the engineering side. Excuse me, Steve just mentioned that maybe I should touch on the issue of other technologies. That is something that the Planning Board addressed in their decision that you read tonight. The way this system was envisioned by the Federal Communications Association of the Federal Government, it precludes at this point in time the use of satellites or other means of delivering the service. If you really stop and think about it, it is pretty apparent. The first thing the Federal Government did is divided our territories up along County boundaries. If you think about a satellite in space beaming a signal down, it comes down in a round circle. It is very hard to make a satellite signal obey County boundaries when you are trying to serve an area. So that is the first problem. The second problem is that the Federal Government has limited the power that can be used at these sites. By limiting the power at the tower at two hundred (200) watts and creating a phone that is only two (2) tenths of a watt that has to talk to the tower, the distance that these two (2) things can use when they are communicating back and forth is at maximum about seven and a half to ten (7 1/2-10) miles. Satellites and geo-synchronous orbit are several thousand miles high. In order to communicate with something like that you would almost need to carry a giant battery pack on your back right now with today's technology in order to do it. The advances in technology would have to come very dramatically in order for you to use satellite technology at least at the low power levels that we are proposing which mitigate the health risks. So certainly where we are today the satellite technology isn't there. Now, Motorola is introducing a system that they are putting in the air right now called "Iridium" that is satellite based but the service is going

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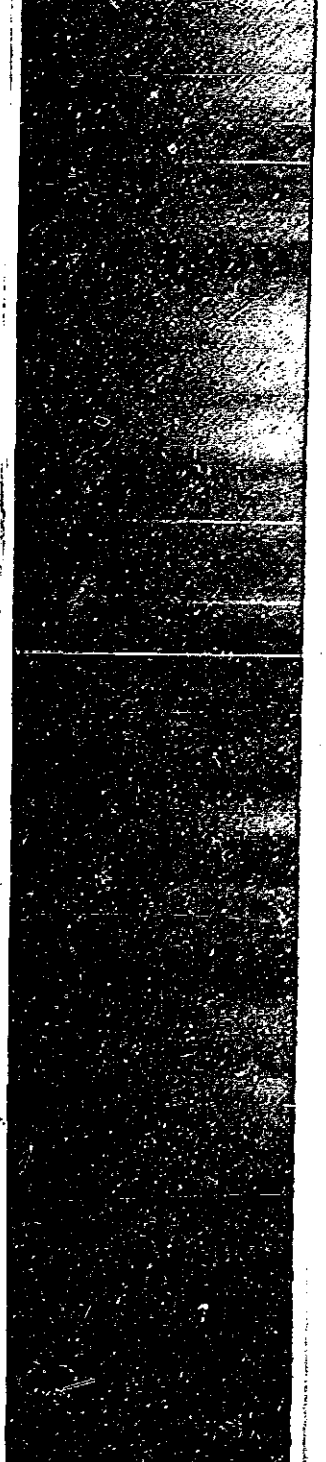
PUBLIC HEARING (CONT):

David Olek, (Cont): to be for the high end business world traveler in order to facilitate world communications and the actual phone would be a back pack type assembly with a separate battery pack that would be used to communicate world wide at a premium rate. The system itself would have some severe capacity limitations. You couldn't carry hundreds of thousands of calls a day on it. It would be a very specialized system at this point and that is where technology is. What we have agreed in other towns though where this is an issue is that as technology changes or if we can lower the height of the tower in the future, we would agree to do that at our expense as the technology migrates are going further. If you think about where we are at today, if you think about paging systems. Paging systems have been around for twenty-five (25) or thirty (30) years right now. When cellular phone technology came out in the mid nineteen eighties (1980's) I thought, "pagers are dead, nobody is going to be using paging anymore". Really all that happened however when cellular phones came out is that the cost of pagers came down very low to where you can get a pager for $5.00 a month. They have more pagers out there now then they ever had before. The technology is still being used. I would venture to guess, lets see I am going to be forty-one, I would venture to guess that I would not see the demise of this technology in my lifetime, using these frequencies at this power level for the PCS licenses. Most of our site leases have a life of about twenty-five (25) to thirty (30) years anyway. We would agree that if something did happen dramatically in the technology field we would agree to either remove the facility or take the facility down in the future, if we were able to migrate to a different technology. For now though, it is important for us to take the license that we paid for from the Federal Government and get it implemented.

Steve Gaylor: I am here to talk a little bit about the process that we use to acquire the site. I am a licensed Real Estate Broker in New York and I have acquired sites in most of the counties in Western New York, whether they be urban situations or suburban or rural. When we have a grid it is inevitable that some of the sites come out in a more difficult area to work with then others. One of the things that we are limited by of course is that it is a grid, unlike a transmission line, unlike a broadcast tower that can have some flexibility about how it is routed or where it may be placed to provide service in a wide range area. Our grid really results that in essence most of the facilities be an equal distance from the surrounding facilities. A great deal of time was spent last year aligning the grid to maximize the number of sites that would not have to be constructed from scratch. There was both an economic reason to do that as well as an aesthetic reason to do it. Of course it is the right thing to do when you are designing the system. What that resulted in was a number of situations throughout Western New York where sites coincided with existing towers or existing friendly structures and nothing had to be built. Most of the towers that are out there are available for co-location in theory if the loading of the tower will permit it and if the existing antennas will permit it as well. The exception generally are AM towers wherein the tower itself is the antenna. Those are typically fifty thousand (50,000) kilowatt or less stations broadcasting in the AM band. Those do not utilize a separate antenna but instead utilize the tower itself to create the antenna field. That is why often times you will see five (5) or six (6) of them scattered in a field rather than one (1) . In our case the tower is essentially an inert object that at the top will hold a small array of antennas that themselves function to provide the signal. When I receive a search area, the first thing that I do is drive every road in the search area looking for any friendly structures, any water tanks, any buildings, anything at all that might support the antennas. I try to keep a view toward the things that are immediately outside of the ring, if it is a ring, in this case the terrain prohibited it from being a ring, and I do that



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REGULAR BOARD MEETING AND ANNUAL AUDIT MEETING — TOWN HALL
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PUBLIC HEARING (CONT):

Steve Gaylor (Cont.): with a view toward number one (1), siting it in such a way so as to minimize the aesthetic impact on the community and number two (2), hopefully to realize some economic benefit from not having to build a separate tower. In this case, the search area that evolved is a search area that is bounded, it is almost triangular in shape with Chestnut Ridge Road, running up Ward Road, running over and then coming down and running back in essentially almost over to Boston State Road and then running south. Once I have examined the area, I look at the tax maps. I drive up and down all the roads as I've said. I look at where houses are situated. I look at where woods are situated and what I try to do is bury the tower as far away from any individual residents or home that I can. In this partial search area I did not have what is typically my first choice when siting, which is an industrial or manufactured zoned area. I did not have a second choice which typically would be commercial. My third choice would be, as well as institutional, would be to go to an agricultural area and only in a case of extreme circumstance would I try to be close to single family or multi family residences. In this case within the search area that I had to work with, it was clear to me that to minimize the impact aesthetically the best place would be on a forty (40) or fifty (50) or so acre parcel that is landlocked which is connected much like an hourglass to Mr. Myers other parcel which is really on the corner of Ward Road and Chestnut Ridge Road. My experience has been that if I go up and down a particular street long enough it is not that hard to find somebody who will talk to you about putting the tower up or entertain the idea of doing it. I try not to take that root but instead focus on the location that will minimize the impact. Unfortunately, I don't always have success with the first person that I approach. In this case Mr. Myers was, I think, at first reluctant to do it. Once we sat and we talked about it, and this was a period over three to four weeks, back last May and last June, I think he came to realize that if it had to be put somewhere, that parcel was the best place to put it. Putting it as far back on that parcel as it is was a function of the fact that the search area did not extend all the way to Ward Road. It extended roughly to the area where his property is sort of connected by a thin strip that joins two larger parcels. That necessitated us moving the site back further into the woods and of course necessitated us putting a road in at great expense to reach that site. This really is one of our longer roads and in fact is I think the longest road that I've ever been associated with to reach a site. Once I locate the site, at that point we obviously enter into negations and attempt to reach an agreement with the landlord which in this case happened roughly in mid June. I am very mindful of the fact that not putting this tower in the best or least of all evils place really would result in this room being, if it is not full, fuller than it is right now. In some cases when I am in a Pubic Hearing I am able to lock around and there is not anybody in the room who is affected or no one who is here for that purpose and things go very well. In some cases I am really hamstrung by the realities of RF Engineering and the realities of our license and the realities of doing the siting and I can only say to the people who come that I will be glad to answer their questions and that I truly wish I could find a better site. I will mention that we initially contacted a variety of owners of towers in the area with a view toward attempting, where possible, to co-locate with them and I believe WNED was first contacted in the month of April although it may have been the month of May. I am happy that they have reopened the dialogue. Unfortunately they have not been able to reach any agreement with us to date. I should say they were not able to commit to the process of doing this in order for us to be able to come before you tonight and tell you that we have. I don't want to characterize those negotiations. They certainly have been friendly but they have a Board and they have certain procedures that they must follow. They would have to expend some amount of funds in order to allow us to co-locate on

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PUBLIC HEARING (CONT):

Steve Gaylor (Cont.): that particular tower. I can tell you that if it were to ever go forward we would already be expending considerably more money for that site than we are for this site because that tower is roughly twice the height of our current tower and those costs go up rather dramatically as the height increases. I would be glad to answer questions if anybody has any as will Dave or Maureen and if there is anything else I can cover for you in the site accusation process I would be glad to. I know there are many people here that want to speak so I don't want to monopolize this microphone.

Supervisor Kennedy: We will halt for the questions until after the respondent people speak and I am sure they will have some questions and the Board will have some questions. Does anyone else wish to speak? I think that concludes the presentation by Sprint. Does it not?

Town Attorney Perley: Does that conclude the presentation from Sprint?

Attorney Elwell: Yes it does.

Supervisor Kennedy: You have a fairly good overview of the process that was employed by Sprint to come to the consensus of the location of the tower. The Board has met with representatives of Sprint as well as the Planning Board on this matter so with that I would like to open it up to participation by the public. All I ask is that you identify yourself when you come to the microphone because this is a Public Hearing and everything that we say and do here has to be transcribed and it is much easier for the Clerk if everyone speaks loud and identifies themselves. Thank you.

Dr. Kevin D'Angelo, 7334 Chestnut Ridge Road: I represent the group of concerned citizens that met on January 2nd and we have about four (4) people who would like to talk tonight and give our views on the issues that were talked about tonight. First of all, we had a petition circulated to various areas in Boston about this issue and I will read this petition. "Being taxpayers of the Town of Boston, New York we feel very strongly that the conclusion your Board may arrive at concerning Sprint's appeal for a permit to install it's two hundred and fifty (250) foot tower on Myers property will be in direct conflict with your constituents wish for peace and property enjoyment. Therefore, the undersigned request that you, as elected officials, act out your citizen's request by denying Sprint's permit through the development of specific regulations prohibiting such obtrusive structures, fixtures, or towers that exceed the natural growth of trees which now grow in the Boston township". We have two hundred sixty-two (262) signatures on this petition.

Supervisor Kennedy: When you finish your presentation would you give that to the Clerk so he has a copy.

Dr. Kevin D'Angelo: I would like to briefly go over a few issues. I think the main concern for everybody here tonight is that we want to maintain the beauty of our beautiful township here in Boston. A couple of things I think people should realize is that in the countrywide there is going to be in the next few years over a hundred thousand (100,00) of these towers put up, planned in the next couple of years across our country. This is going to be a continuing issue that the Board is going to have to deal with. There are a total I guess of eight (8) companies that have licenses to potentially place towers up and it is going to be a repeating concern of everybody in this town. I do not think that everybody wants to see a tower everywhere they turn in this town. It's our main concern that we get some kind of a plan and hopefully the council can develop a plan on how to deal with these concerns.

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PUBLIC HEARING (CONT):

Dr. Kevin D'Angelo, (Cont.): Obviously, as they brought up tonight this Channel 17 tower seems like the best location available with the least amount, in fact we already have a tower there already. I think if any company that comes into this town, and I know Channel 17 is pretty much open to this, would be able to put a transmitter on this tower I think we are going to solve all of our problems. I think it is potentially feasible for the Board to require companies, when they come in and apply for a permit, to say "this tower is available" and "that this is the site that we would like to have with the least amount of repercussions and the least amount of concerns for everybody around". Just a few of the issues that concern everybody, I know this Federal Communications Act says that we cannot or you guys cannot, the council cannot, make a decision on this tower on the health effects of the tower. That kind of is the government saying you can't do much but we can talk about it and I think everybody in this community is concerned about it. We have a power transmission tower that goes right through our valley that has potential health risks that we are concerned about and we do not need to add to the health risks by adding a bunch of cellular towers throughout the valley. As their professional speaker will tell you tonight, there is nothing proven to date that this is going to cause cancer but there is a lot of evidence that points to that and the big issue is that they can't prove it doesn't. This type of technology is down the road and it is probably going to take thirty (30) years to really decide if this is causing any problems and the only way that they will know that is when people start dropping dead. I personally do not want to wait for that and I think if there is any feasible way to prevent it, and I think Sprint would want to do the same thing because they don't want to be liable for all this. If there is any way to minimize the risk we should logically be able to do that. It is a big concern for me. I have kids. This tower will be right by my house and I don't think anybody in this room would want to have their kids, their children's health at risk, even if it is a non-proven risk. I don't think anyone wants to have the potential for their children coming down with leukemia or cancer. These are the people who are most prone to this type of thing. This also brings up the fact of property value and aesthetics and it is a big issue and I don't think there is really anybody who wants to have this tower put in their back yard. I would really be surprised if someone really wanted to see a tower in their back yard. There is a lot of potential. The FCC said there is no health risks at this point but they said this about radiation fifty (50) years ago. They said radiation was fine. You could stand in front of it and be in Nevada and have a ton of bombs blow off around you and you would be fine. The government is very slow to react to these health issues so you can't depend on the government studies to protect you on this. You have to use a logical piece of mind to minimize any type of risks that might be available. I think cellular towers should not be considered innocent until proven guilty. It will take a long time to prove this to be guilty. We have to consider the added health risks in general. We all know about smoking and smoking is finally, after forty (40) years, now they finally will say "ok, it definitely causes cancer", but it was never proven until about a year ago. Did anybody not think it caused cancer twenty (20) years ago? No one could prove it twenty years ago. These are the concerns we have to think about. We have a couple of other people who would like to talk tonight. I am not going to take up your time. The next speaker from our group is Bob Pudlewski.

Robert Pudlewski, 7200 Serpentine Drive: Thanks for this opportunity. It is not a pleasant one. We have been on one heck of a roller coaster ride since the very beginning. Unfortunately we didn't learn about this until it was about the middle of December. If there is anything good that comes out of an event like this, it is that it usually pointed to the collective REGULAR

PUBLIC HEARING (CONT):

Robert Pudlewski, (Cont.): resources coming together, getting to know each other and working towards a common goal. That is what this group has done. The original group met January 2nd and what we did was canvass the group to see what kind of resources we had within the community who could research what is really going on here. The letter my wife and I wrote to you and to the honorable Board members was written immediately after the meeting. That started us off on a mission to try to learn as much as we could in order to provide the Board members with our insights as to what we believe could be used to help us defeat this issue. The whole thing surrounds the look of the tower. I live on 7200 Serpentine Drive. The tower will be one thousand (1,000) feet from my back window. I will wake up and go to sleep ever night with strobe lights flashing in my eyes. I didn't buy those seventeen (17) acres on top of Chestnut Ridge hill with the beautiful woods behind my pond to look out over a tower. I did look into the community before I bought the property and saw the towers on Zimmerman Road. I'll bet you right now that you can go by Zimmerman Road every day and not see those towers because you are used to them being there. I will never get used to looking out my window and seeing the tower there. I know I am one (1) person, one voice crying in the wind but I feel real comfortable with this group behind me after getting to know your town members, your taxpayers and how they feel about this. It was mentioned earlier by one of the representatives from Sprint Spectrum about a certain protocol that they follow in approaching real estate to purchase or lease to construct towers. I would ask the Board to check into the protocol used across the United States by other Boards, other towns and even recommended by the DEC. I believe it is recommended by the DEC to use locations already set aside as tower farms or tower sites prior to seeking out a permit to put up a tower in a residential community. I wonder if that was really explored. We have, as I said earlier, some people in our group who believe different and they will express their opinions tonight. My whole research was surrounding the Action 1 of the State Environmental Quality Review Act. Whether or not they would comply. To my disappointment, I find out the people who fill out those forms are the very people who are asking for the permit. Then the form is reviewed by a consulting engineer and they have to stick strictly to the law. The law makes no mention of what my feelings are. There have been Court of Appeals actions across New York State that have used the aesthetics significance as a means for rejecting permits. I have those with me. I would be glad to share them with the Board, the Appeals ruling on that. They say you have to show significant aesthetic appeal disadvantages or whatever the terminology is. I don't know if I can do that as one voice in the wind. You are our elected officials. We are asking you to respond to the community, to the taxpayers and help us to keep our environment on top of that hill as it is today. It is a beautiful place to live. We enjoy it and we want to keep it that way. The next person that is going to talk, by the way what we've done is collectively as a group we met earlier today and decided to have four (4) people speak on behalf of the large group. The whole group agreed to that format. Myself, Dr. D'Angelo, Mrs. Adams, and Gabe Coppola will speak, to go as Mrs. Adams and Gabe Coppola. After that we encouraged anyone in our group to also stand up and speak if they would. I will introduce Mrs. Adams now.

Michele Adams, 6895 Chestnut Ridge Road: I am a property owner of a home on Chestnut Ridge Road and in addition to that I am also a Western New York Public Broadcasting Board Member. As Bob has mentioned to you folks, we first met on January 2nd in one of the neighbors homes. It was brought to my attention at that time, we had heard a little bit of rumbling that this was going on or that this had been applied for but it was brought to all of our attention exactly what was happening and so on and so forth. As the night went on and after a couple of hours I think we pretty

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Michele Adams, (Cont.): much centralized on the fact that the best thing we could possible do is concentrate on an alternative site. On January 9th I contacted Mike Collins who is the CEO and the President of Western New York Broadcasting. He was very very surprised. I explained to him where this site was being proposed, that it is directly across the street from my house and I didn't know if he could help me or not but this is the situation and it is my understanding that we have a tower on Zimmerman Road in the Town of Boston. "Have you been approached by Sprint? Have you had any discussions at all in reference to them leasing that tower?" At that time he told me no, he did not think that had been discussed at all and he said it is kind of funny because he does know discussions went on concerning Barton Street which is in downtown Buffalo and also Grand Island, leasing their tower in Grand Island. He then turned me over to a gentleman by the name of John Harrington who is the Director of Engineering for Channel 17. I talked to him and he indicated to me that he was surprised also. He said they have had negotiations in the past with Sprint and that although the Boston tower was not discussed, he then went on to explain to me that this tower was built in 1959. It is not in the greatest of all condition which is pretty understandable. It is thirty-eight (38) years old. It is on the top of Zimmerman. It is my understanding that it is very rusted and so on and so forth and that it cannot hold any additional weight. He then went on to explain that right now that they were in the process, as a matter of fact within days, of Sprint setting up their equipment on their Barton Street tower. He then went on to discuss the Grand Island lease and that there was some discussions, Maureen Elwell was involved in those discussions, and it seemed or how they felt the reason why those discussions broke down was because of conditions that they felt were unrealistic. The one that he mentioned to me was that they wanted to control any future tenants on the tower. He felt that was kind of ridiculous because they owned the tower. They had tenants on there although he did say to her "who are you referring to? Are you referring to your competition? If that is the case, if it is just your competition you are talking about you don't have to worry about that. We could come to an agreement that we would not lease this tower space to your competition". Then she also went on to say something about the dollars that Channel 17 was asking for were too high, or whatever have you, and Michael didn't, Mike Sutton, I'm referring to, he is the Vice President of Finance, he is the person whom you received a letter from and he is the person who is in charge of these negations, said he really didn't understand that because at that point they hadn't even gotten into dollars figures. Needless to say I expressed our concerns on the particulars and then in addition to that, obviously being a Board Member of Channel 17, one of the things that we have discussed is very creative revenue since the State and the Federal monies that we have been receiving have been decreasing and decreasing and we have had to come up with additional sources of revenue. One (1) of the things that we've discussed over the last few years is leasing our towers. So I thought that this was very strange that this had not been brought up beforehand. So we went on, and on Friday the 10th of January, Mike Sutton faxed me a copy of the letter that he had put in the mail to me saying that he would be extremely interested in talking to Sprint in regards to this tower. On Monday the 13th a gentleman by the name of Steve Gaylor contacted Mike Sutton at Channel 17. They had a long conversation and it is my understanding at that time that he asked them for certain information. I think it had something to do with the engineering whether it was the RF studies or whatever have you and in addition to that he also wanted to know exactly what it would it cost to build a new tower. Channel 17's tower by the way is four hundred and seventy (470) feet. They then worked fast and furiously for five (5) days and yes they do have an engineer in-house but they did have to consult with the people they normally consult with on such matters, consulting engineers and trying to find out and come

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PUBLIC HEARING (CONT):

Michele Adams, (Cont.): up with a very very realistic figure as to what it would cost to replace this tower. It's my understanding that then they turned around on Friday and had another conversation with Mr. Gaylor from Sprint, and I will add that everything was extremely positive, very very upbeat. I think both sides walked away from it feeling very good about their conversations and at that time Mr. Gaylor was informed that it would cost approximately two hundred thousand ($200,000) dollars to build a new tower. Now he did mention this evening that that is considerably more than what they are talking about on the site that they have proposed. However I have not heard the figure of what it will cost them to build on the Myers property but I can't imagine, do to the fact that they have to build a long road into the Myers property and there is a lot of things that they have to do I would find it hard to believe that this is too far off from what they were going to spend on the site that they are proposing tonight. At that time, it is my understanding that Mr. Gaylor asked Channel 17 if they were ready to sign a contract or that they would like to sign a contract. Lets sign a contract, lets go. Mike Sutton explained that in addition to the fact that this tower had to be built and an antenna needs to be purchased and a transmission wire needs to be purchased, I guess it was also discussed that Sprint offered to move the existing transmission wire. They also offered to take down, pay for and take down the existing tower. As you can well imagine Western New York Public Broadcasting is absolutely thrilled with Sprint walking in their front door. It is something that we would very very much like to entertain because obviously for us to go out and do a capital campaign or something along those lines to raise the kind of dollars that we are talking about would take us years. The only little glitch is the fact that we do have to spend additional money on the tower, on the equipment that is on the tower. One being an antenna and also a transmission wire. The reason why they have elected to do this, as I mentioned to you, it was built in 1959, both existing pieces of equipment are very very much out of date. Now if we could have opened a catalog that day and found out the price of the antenna and also the transmission wire, believe me, we would have done it. I also asked at this point and as Mr. Gaylor did I understand, whether or not we could have an emergency Board meeting. It has been explained to me that the reason why we can't and the reason why it will go on February 6th is because it will take time. It is not just like opening a catalog and saying "ok, this is the price of the tower, this is the price of the transmission wire". Studies have to be done to find out what tower or what antenna will best suit our needs and what it is going to cost. It is not something that just happens really quickly and overnight. As you can well imagine the Chairman of our Board does not want to present this case without all the facts in front of him. He can't come before us and say "look you know this is kind of the way we think things are going to be" because you can't make a decision based on that. So they want to have all the facts. Personally I have been associated with Western New York Public Broadcasting for fifteen (15) years. I've had a lot of negotiations with them. I have voted on many many things over that time period. This is like God walking in the door. I can't even imagine any reason why we would possibly turn something like this down. Our expense, the best we can figure right now will probably be somewhere in the neighborhood of one hundred thousand ($100,000) dollars to one hundred and fifty thousand ($150,000) dollars. When you are being given two hundred and fifty thousand ($250,000) dollars you certainly are not going to sneeze over turning around and spending one hundred and fifty thousand ($150,000) dollars. Therefore I am saying to you that as Board Members here in the Town, I would like you to take a look at the fact that this was not brought to Channel 17's attention or maybe not in serious negotiations. It may have been, somebody brought up the fact that it may have been a passing comment when they were dealing with the Barton Street tower and the Grand Island tower, "Oh by the way do

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PUBLIC HEARING (CONT):

Michele Adams, (Cont.): you have any other towers in the area". It was not ever seriously discussed prior to my bringing it up to Channel 17. I would appeal to you to take this into consideration when making your decision and in addition to that I would also ask you to watch very very closely, as I will, the negotiations that do occur over the next couple of weeks. Thank you.

Gabriel Coppola, 6480 Ward Road: I thought I was going to have the easy part of this four person presentation but as you can tell emotions are running kind of high and it has been a complicated process. One that lay people like us have never been involved with before and we truly appreciate your efforts and your willingness to listen. In reality I would also like to extend a thank-you to all the neighbors who have come out in support of this concept of trying to find a less obtrusive site, those that are in the room tonight and those that have signed the petitions and also to extend a thank-you to Sprint who obviously had a purpose in coming here, but it's my opinion, has the willingness to listen to alternatives that might be presented. So with that in mind I would like to summarize a brief concluding statement that the group of citizens that have come together have penned. We do believe that we have presented some new information for your consideration which will provide an appropriate alternative location to meet both the Board's statutory responsibility regarding a communication tower that must be established, we understand that by Federal law, and it is also your objective to preserve the natural beauty of the Town of Boston. In addition the new location which we are asking the Board to consider will provide an opportunity for our community to support a critical interest by having pubic interest television benefit from the location of the tower on Zimmerman Road. Once again, a lot of what we've heard tonight and some of it is opinion and some of it appears to be heresy, some of it I am sure is factual. There seems to be an indication that Sprint is willing to contribute a significant amount of money to the Zimmerman Road location and certainly that will benefit all of us as citizens of Boston and the surrounding communities that do benefit from public television as well. In closing we collectively thank the Board Members who have listened to our concerns, the Sprint Corporation for considering an alternative location which will resolve all of our concerns while addressing the public interest which reaches well outside the boundaries of the town. We thank our neighbors who have dedicated numerous hours to this task. We simply ask you, our Town Board, and the Sprint Corporation to continue open discussions on this matter and simply do the right thing. Thank you.

Supervisor Kennedy: We want to thank the four (4) representatives of the group that have been meeting collectively in discussing the areas of concern. We are surely responsive to hearing any comments that anyone else might have from the Town in general. If anyone wishes to address the Board you certainly have that opportunity to do so and then we will go to questions and responses.

Joseph Fiorella, 7584 Wohlhueter Road: There isn't one night that I can look out and see exactly twelve (12) blinking lights in my eye and I don't think they need to have another tower. I think they can use existing towers available to them otherwise change this name to, not Boston, but the Towers. Thank you.

David Early, 7125 Omphalius Road: I am just wondering if there would have been a lot more people here if the people on Omphalius Road, Cole Road and all the people that are going to be looking right at this tower had gotten a notice. I mean the notice, I understand, only had to go within a certain radius but the way this town is located it is very important all across the top of the hill that this tower is going to be directly in view of the things that we hold most dear to us. One of the questions, a clarification of

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PUBLIC HEARING (CONT):

David Early, (Cont.): what you were talking about, of why you had to go back in the back of this property? Are you going for heights or are you going for, why did you have to take the road all the way back and if you did keep it closer to the person that is willing to lease this property to you, what would that do?

Steve Gaylor: The most critical factor is latitude and longitude. Height is relevant but it is not always a plus. What happened was that the search area as defined by the system designers which is Lucent Technologies and Bell Labs, had a line that crossed Mr. Myers property about in the middle of his land. What that meant was, that taking the tower away from the search area, in other words, taking the tower up further we had taken it too far over the hill into Orchard Park. If I could have located the tower further north, the only impact on us, if it worked, would be less expense because of the shorter road.

Supervisor Kennedy: Less height too because you are in a higher elevation.

Steve Gaylor: No, it would not have been a change of height because you would have moved more distance from the search center. Bare in mind the small size of the search center. As we move away from the center even if you're going uphill you may actually see, an increase in height but you will not necessarily see a decrease. Again, the latitude and longitude controls much more than the height. The height is relevant but you can actually move uphill and end up with no decrease in height because you are getting further from your ideal point based on a statewide grid.

David Early: When discussing this with the Planning Board, this is not what you were discussing at that time. Again, it seems like, we asked that if you were able to take the property area a little bit higher, we never got any kind of indication of what kind of radius you would get. So when you say it has to be in that radius, you never did give us that radius when we asked for a number of different radiuses, areas. Well what it boils down to is the person who is leasing you the land is also wanting it as far away from his property as he could. As far from his house as he could. Let's put it bluntly and that is everybody's property.

Steve Gaylor: I will say that Mr. Myers did not, he had a preference but he did not, he left it up to us to determine where on the property it worked best. The problem we had was that if we moved further north we could only go as far as where his land forms what I can only describe as an hourglass with two squares. If we went up to the point where he lived we would have landlocked his interior parcel. Now that may be an interesting fact. It may not be relevant. It would not, in my opinion, have had any bearing on the visual aesthetics involved. I mean you could move it a thousand (1,000) feet north or a five hundred (500) feet south or five hundred (500) feet west. Going west or going south we were rapidly losing as the hill or slope increased. I don't think we would have gained anything going north and I don't think it would have changed the visibility issues for the people who are closest to the tower because they are only going to see the top. They are not going to see the bottom. In actuality there is probably a point one or two thousand feet away where if it is in the woods you see more of it rather than less of it. If you are right next to the woods, this answer is not going to make anyone happy but he was not difficult to deal with in so far as moving it around on his land. The problem that we had was the shape of his land, the configuration of the surfacing, which was in this case because of the trouble with the terrain was not a ring. It was almost a triangle or a trapezoid that covered the high part of that hill from a point where Chestnut Ridge runs at the bottom going up like this probably to where to Ward Road has the "Y" and going like

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PUBLIC HEARING (CONT):

Steve Gaylor, (Cont.): this. I don't know if that answers your question.

Supervisor Kennedy: I don't know whether Mr. Myers is here this evening but I met with Mr. Myers also and he was concerned with the tower being placed anywhere near the hourglass because it was going to diminish his use of the other property. So there is a lot to be considered there.

Robert Pudlewski: I have one final comment to make. A couple of us neighbors have contacted Mr. Myers, most recently as last week. We have written him a letter collectively as a group expressing our concern about the tower and the siting of the tower from our property. The elevation, the topographical study that we did as layman, indicates that we will see above the tree line approximately one hundred and thirty (130) feet of tower with strobe lights. If we are forced as a town to have to do this we ask Sprint, is there anyway to lower the height of the tower to prevent the strobe lights from flashing, to prevent us from seeing a total of one hundred and thirty (130) feet of the tower projecting over these trees? Mr. Myers comments as recently as last week were, I am going to comment quote, I wish he was here, "I am going to contact Sprint. I don't want to do this anymore. I didn't realize that it was going to hurt the neighborhood this much". What he realized I believe after the letter, was he was going to see the tower as well. He discovered that after we made it apparent to him that he would. You have a copy of the letter that we sent to Mr. Myers. So he contacted Sprint and Sprint said "no you can't get out of the deal". Now that is quote Mr. Myers. So with that I will close and if there are any comments here, please do.

Richard Holmes, 6271 Ward Road: As we embark upon this endeavor we were led to understand that they cling to a public utility status that the Town Fathers, all you have to do is give them an alternate site that is acceptable. It doesn't have to have anything to do with economics. They have an alternate site. It is the WNED tower. I suggest that the Board deny their request or otherwise it will undermine the negotiations with WNED where it properly belongs for the good of everybody. Thank you.

Audience Member: We think it should be tabled until February 6th.

Supervisor Kennedy: We normally don't make a decision tonight anyway because we are going to have to evaluate all the comments that were made tonight. We are going to have to evaluate all the information that was received when we read through this transcript. There is no way the Board would endeavor to make a decision tonight. It wouldn't be conscionable.

Richard Waszak, 5504 Rice Hill Road: I am the alternate site off of Zimmerman Road. I live on Rice Hill Road just about a half mile away from the WNED towers. I think what we ought to keep in mind is we are opening the door here to build another thousand (1,000) plus foot tower up there. This one here is four hundred (400) some feet so whatever considerations are given don't let them come in and put a tower up that is twice as high as it is now so they can have more room for more stations later. It will be like a clothesline up there eventually.

Supervisor Kennedy: I didn't hear any mention of a thousand (1,000) foot tower.

Richard Waszak: I say a thousand (1,000) because Channel 49 wanted to put a tower up there and they wanted a thirteen hundred (1,300) foot tower. I would have looked now at a whole set of lights out my window and if you want to talk about possible health hazards, my

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PUBLIC HEARING (CONT):

Richard Waszak, (Cont.): wife died of a malignant brain tumor. Now that is totally removed but Channel 49 wanted to put up a thirteen hundred (1,300) foot tower up there. That is within a stones throw of this tower. I mean you would open the ice box and you would see Channel 49 or 17.
That is all I have to say.

Joan Schlenker, 5172 Shero Road: I have property on Ward Road and I am opposed to the site that they are talking about tonight but with Mr. Waszak I also live on Shero Road here and I would have feelings for the Zimmerman site also, that it doesn't go out of hand as he is speaking. So if anything goes along those lines I hope that we could have another serious meeting and we could discuss those possibilities.

Supervisor Kennedy: You opposition is basically aesthetics and disruption?

Joan Schlenker: I am concerned also for health reasons. I think that is an important factor.

Supervisor Kennedy: The reason I ask these things is because when the Board makes their evaluation, you know I don't think any of us wants to see anything that is going to destroy the aesthetics of the Town of Boston but we have to have certain justification to deny this application. If we didn't there would be no problem at all with the Town Board, believe me. We are going to research this very carefully and be sure that everything was done according to the way it has to be done so that we do have an alternative if possible. This is another case of the Federal Government usurping to a certain degree the authority of the local government. First of all you have the authority to make decisions and then they start telling you under what criteria you can make those decisions and how limited those decisions are.

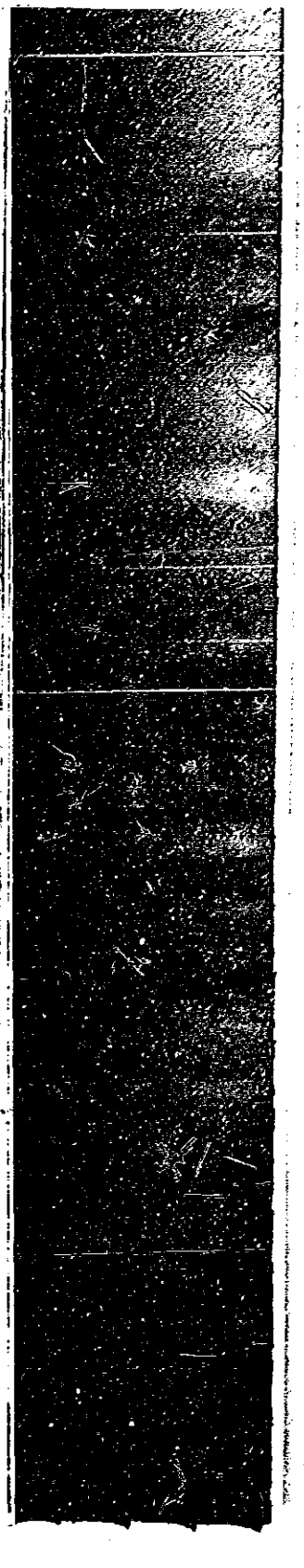
Joan Schlenker: Yes sir but I am just adding that careful consideration should be given so that it doesn't go beyond what Mr. Waszak is saying, an additional height and so on and so forth. There is a site there and yes it makes sense but also consideration should be given to not make that unduly unsightly for everybody too.

Supervisor Kennedy: We had applications before for a microwave transmission tower up there on the East Hill. We had, like you said, other applications and the Town has been very reluctant, in fact one of the towers that I think that they wanted to be built here was built in Colden.

Michele Adams: Just to clarify, we are talking about replacing an existing tower and it would not be any higher than the existing four hundred and seventy (470) feet.

Doug Zureck, 74 Normal Avenue, Hamburg: We're co-owners of a small cottage area right behind this tower in the woods. One thing that hasn't been brought up is that in the Town of Boston there is still a lot of area for hunting in this area. I also hear there is going to be a five hundred (500) gallon propane tank up there. Do you know what that does when five hundred (500) gallons of propane blows up by one single twenty-two (22) shot? You won't have a hill. That's all.

Supervisor Kennedy: Well that was one of the concerns that the Board also had when we found out there was going to have to be a propane tank although I am sure that if that were the only concern it could be encased somehow to eliminate the possibility of gunshots. That is something certainly to be considered. It does constitute a certain danger, absolutely.



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PUBLIC HEARING (CONT):

Robert Potter Jr., 7190 Serpentine Drive: In closing with our group, one of the gentlemen at one of the meetings we had here a couple of weeks ago, you must have repeated it eighteen (18) times and his comment was, "let's make sure that", we know it's got to be done ok, it's, going to happen, hopefully it will be good for everybody, "but let's make sure we don't necessarily, you don't always have to use the best site, you might have to try to go with the second best one that is not quite as good but it could please everybody". I think you must have mentioned that nine (9) times and it really hit me. You don't necessarily have to always use the first best if there is an alternative that is almost as good and it is good for everybody. You never mentioned that but you mentioned it a lot at that meeting and everybody can benefit and that's all.

Supervisor Kennedy: Are there any other comments other than relating to the aesthetics, the safety and the height for the tower?

Councilman Rood: I have a question for the Doctor as long as we have him here and since I live about a quarter of a mile away from the towers on Zimmerman Road. If they do go ahead and work with WNED could you tell me if there are any studies done and at what point do antennas pose a health risk?

Thomas S. Ely, M.D., Environmental Health: I am a M.D. and I have been in the business of evaluating the health safety and hazards of non-oninizing electra-magnetic fields for somewhat over forty-five (45) years now. It is not really the number of antennas. It is the magnitude of the fields produced by those antennas. So it is a quantitative issue. The proposed antennas, Mr. Olek mentioned two hundred (200) watts, effective radiated power, this is produced by sixteen (16) watts the amount of power that goes into any face of the tower that anybody can see is produced by sixteen (16) watts. Most of it goes, the vast majority of it in this case goes out at two hundred fifty (250) feet over everybody's head nearby. If at the maximum point of the field on the ground, which is not right under the tower incidently, it is out a ways, the source looks like two (2) watts and not sixteen (16) and not two hundred (200). There are standards that have existed for about the length of the time that I have been it. I was on the original American National Standards Institute Committee. We're somewhere around one hundred thousand (100,000) times below the safety standard which has a factor of safety of fifty (50) built into it which says we are somewhere around five million (5,000,000) times below a harmful level. We are about seven million (7,000,000) times below sunshine. I said that is radiating two (2) watts. We all radiate somewhere around a half (1/2) of a kilowatt, six hundred (600) watts or so. So we are all radiating each other and if you do that math it turns out that the field from the proposed antenna would be equivalent to being about a mile away from another human being. So if you are willing to come a mile away from another human being you should not have a problem with this. Now I had a great idea and I may get shot down by Sprint. Oh to answer your question, I am retained as an independent expert by Sprint, I am not a Sprint employee. I am a consultant to Sprint. I am being paid for my time. I am not being paid for what I said and this may demonstrate that. If Channel 17, and I love PBS, I come from the Rochester area and Channel 21 is about the only one we have on, if Channel 17 were willing, and got some kind of bargain in going on the same tower, of dropping it's power from a hundred percent (100%) of it's power to ninety-nine point nine nine percent (99.99%) of it's power and then you added Sprint, it's total amount would be less then Channel 17 is producing today and since that lowers the field that should make the Doctor happy too.

Supervisor Kennedy: Are there any other questions for the Doctor while he is up? Are there any questions from the Board Members or

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PUBLIC HEARING (CONT):

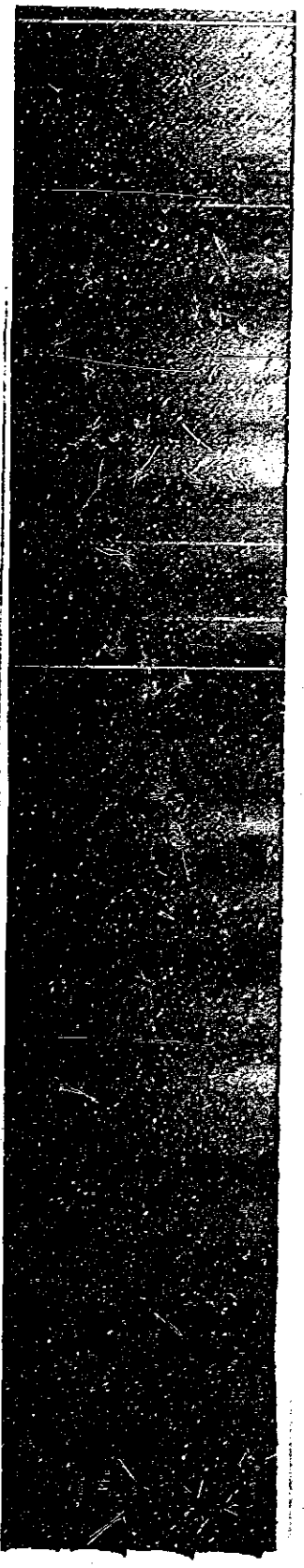
Supervisor Kennedy, (Cont.): any of the people here from Sprint? Of course the mention of the fact that it is going to constitute a major expenditure in the construction of a road way, it looks to me like it must be three thousand (3,000) feet back there from Ward Road to that tower. Isn't it, just looking at that map? The construction of that road alone would go a long way toward the shared expense of a tower that sits right beside the road on Zimmerman but I am not going to say one way or the other but it is something that certainly has to be considered in the overall cost.

Councilnan Rood: Have they begun work on the road yet? On the Myers property?

Attorney Elwell: No, absolutely not, that would never happen. A couple of things need to be clarified, a couple of misconceptions that are kind of flying around here. WNED, we did contact them. A lot of the questions here tonight that you have brought up, the Planning Board brought up, and again, we have been through this since August 1st. We showed them all the areas that we searched. We provided an affidavit from the site acquisition person that they did contact. The affidavit shows eleven (11) different tower owners about co-locating on their towers. Ok? For WNED it appears that this person contacted the engineers who didn't want to talk about co-location. Now I can tell you why they didn't want to talk about co-location. I can make a very good educated guess. The tower can't hold anything and the letter from Mike Sutton also explains that the tower can't hold anything. So in all likelihood when Sprint contacted them early in the year on this, the engineer wasn't Mike Sutton, the engineer probably said, "we can't put anything more on that tower", basically and that is the end of it.

Supervisor Kennedy: Especially that it won't support anything.

Attorney Elwell: Absolutely, even the way it is right now it needs to be rebuilt which I think Mike will tell you. Another misconception that came out were these dealings with WNED in Buffalo and Grand Island. Those are collateral issues but I am more than happy to address them because there is a lot of things going here that really aren't true. I am not saying that it is intentional. I think maybe there is just some mis-communication going on here. I did negotiate with WNED for both the Barton Street tower and Grand Island. The Grand Island tower, the reason that it didn't go was because for two (2) reasons. One (1) of them being that the cost was prohibited. At that time Sprint could get a lease with another landowner for less than what WNED was asking us to go. In fact on Grand Island we are going on two existing town owned structures and then two private structures. We have four structures on Grand Island. So it was more cost effective to go with the town owned property existing structure than it was to go with WNED. The issue she brought up about for our controlling future tenants, that is very misleading. We weren't asking to control any future tenants. It was an interference issue. The contract always provides that anyone who comes on to the tower after we come on, and this is a FCC rule in fact, it is not Sprint's rule, but anyone who comes on to a tower after we come on has to make sure that they don't interfere with the existing users on the tower. There are certain space requirements. It is just a broadcasting issue and again it is a FCC rule. Any tower owner will tell you that. You cannot have people come on who will interfere because then that destroys the ability to transmit at the site. Ok? So those two (2) things I think needed to be cleared up. The propane tank was brought up several times as you mentioned. We did our best. We have been working with the town to try and answer a lot of these things. We went to a group called Suburban Propane that provides propane tanks. We can not totally enclose a propane tank. We can surround it with a fence to prevent any bullets from entering it. We can protect as much as possible but because of the



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PUBLIC HEARING (CONT):

Attorney Elwell, (Cont.): volatile nature of propane you can not totally enclose a propane tank. It is against fire code safety. There is also an alternate source. We could do diesel fuel there but I am not sure that would address the issue any more than propane would at that point. But again we can't totally enclose it. We can do some things to protect it and we did offer that to the Planning Board.

Supervisor Kennedy: What is the generated power? What do you need the propane for? Can't you bring electricity there underground?

Attorney Elwell. It is for the lighting. It is a backup source for the generator if the electricity fails so that the light keeps going. The other thing is about picking the best site for everyone. We are trying to do that. We are trying to work with WNED. It think anybody in the town who knows what we've been doing realizes that this was brought to our attention, that they are now interested, about a week ago now. Ever since then we have been trying to do it but we don't have a contract in hand. We don't have anything that we can come to you and say that we have a deal. It is not a done deal. There are other issues out there but we are trying. We are not the black cats here. We are trying. We know it is the best solution if it can work but there are a lot of things, there are a lot of contract issues, there is a lot of organizational issues that have to be resolved and we are working toward that. I want to have some balance here so that they understand that these things are going forward. David, did you want to address any issues? You said you had something you wanted to address.

Supervisor Kennedy: David is the Engineer, correct?

David Olek: Yes.

Supervisor Kennedy: I always wondered how you zeroed in on those smaller perimeters and now maybe we can make a different adjustment.

David Olek: Meaning what? How we can adjust?

Supervisor Kennedy: Location was always a primary concern of mine and the utilization of existing facilities.

David Olek: As I said earlier this site was a compromise from day one because with the terrain we would have needed well over four hundred (400) feet to cover the area. Four hundred (400) feet is just too tall for our technology. So we had to consider this site in conjunction with the other sites. The major portion that the other sites didn't cover was that valley along your main street right here that runs up and down and that's why this site is so critical being on the hill above that major valley. It's important to understand that we use a computer tool developed by ATT Lucent Technologies to evaluate these sites and it is math based and it has the US geological terrain in it. So we could put a dot anywhere on a map and specify a height and it will tell us, show us pictorially what it covers. The plots that I have shown you basically have that. It measures the signal about five (5) feet from the ground and it tells you whether or not you will have service there. It is amazing the things you think are intuitive in terms of what it will cover because of the terrain, doesn't cover. If you can imagine a hillside that looks over a valley and if you could adjust it to the point where it can see down the valley, suddenly now you have a site that covers much better. I guess that is the best way to explain it to you. It is the proximity to the valleys that are very important for us because most of the roads go down the valleys and that is where most of the population base is and where most of the area is that we need to cover. We have

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PUBLIC HEARING (CONT):

David Olek, (Cont.): actually had situations where we have moved sites only two hundred (200) or three hundred (300) feet and lost coverage and had to go hundreds of feet taller in order to get it back. It is very sensitive to the terrain of the area. In flat areas up north near the lake, like the heartland of the world, the sites produce perfect round circles of coverage as you would expect because they are on flat land but down here we have the jagged ridges that you get from the hillsides. We have to live with that. The comment that came up about not taking the first site, I think we have already compromised that in saying that we would consider the radio station tower and I showed you on my plots that it wasn't the best site. I think we have already alluded to the fact that we would take that site if we could do it. Your economic analysis is in line. From a money standpoint it still would be a little more expense to construct a taller tower but when you consider the fact, assuming this Board would give us quick approval on that site, we would be able to get underway right away, we would be able to possibly make some of that revenue back in terms of getting our service on quicker so that washes basically for us in terms of doing that. That is really not an issue at this point if we could expeditiously approve and construct the other site. The other thing depends on the internal engineering policies of the television station, whether or not they would let us proceed right away with construction. We would break ground tomorrow if we got a permit to do the site. We would not want to be delayed and if the terms of the contract could cover a six (6) month delay and say we don't want to start this thing until next summer that would not be acceptable to us basically in terms of providing service.

Councilman Davenport: I am interested in constructing a wall not a fence around this tank. I have bullet holes in my barn so I know what they are talking about.

David Olek: We could construct a block wall around the tank, a little taller than the tank with the top being opened and it will still meet the fire protection standards but would have a twelve inch (12") or fifteen (15) or eighteen inch (18") concrete block in front of it. It would provide shielding if that were the case. That is an alternative. I don't know what the laws are around here about burying propane but where I live in Victory you could bury a propane tank by just having the top part show and in that way you could minimize it and put a smaller wall around the top so the majority of the tank was underground.

Supervisor Kennedy: Would it be cheaper in your case if there was a gas line available to run a natural gas line?

David Olek: Absolutely. In the case of Amherst we are locating on the water facility. We tap into natural gas all the time and just sub-meter. The only problem with that is that we would have to run a gas line 3,000 feet back to the site.

Councilman Rood: No, the Zimmerman Road site already would have gas available. Am I correct?

Supervisor Kennedy: That also diminishes the cost there also.

David Olek: Absolutely. We would prefer to have a source close by. If we had a natural gas available we would use that. Diesel fuel gets to be tough in the winter time with the freezing problems with heaters and everything else. That gets to be a little tricky. Thank you.

Councilman Rood: I would like to know that if this does proceed and we go with the Zimmerman Road site, what time frame are you talking and how long does it take to take one down and put a new one up?

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PUBLIC HEARING (CONT):

David Olek: We would construct the tower first, right along side the existing tower, keeping the television station in service. We would then put a new antenna on the tower, a new coax cable and run it to the TV station radio hut and let them hook the new tower in when they are ready. Meanwhile we construct our bay station equipment, the cabinets that we put at the base, right next to the new tower and get our service underway. Only when everything is running would we dismantle the tower that is there. The new tower would be ten (10) to twenty (20) feet away from the existing tower. We actually construct them right next to each other with guide wires and everything else.

Councilman Rood: Then would you clean up the site of the old tower and maybe reseed it and plant trees or something like that?

David Olek: The tower that is there only touches the ground in several locations. We would clean that up, excavate it and put dirt over it. Another issue that we bring up when you just talked about clean up.....

Supervisor Kennedy: I don't think that would be the responsibility of Sprint to make that aesthetically pleasing. I think that would be WNED's responsibility.

David Olek: Well again, these are some of the issues when you talk about just being able to sign an agreement to do this. These are some of the issues. There is also the environmental issue here. On every site that we construct a tower we do a Phase One Environmental Study to make sure that the site isn't contaminated. We would have to perform those type of things at the site to make sure that, or we would have to have the television station indemnify us accordingly

Supervisor Kennedy: You don't have to go through that unless it is a full blown SEQR. You don't have to go through that excavation to see if there was anything or whatever.

David Olek: Only if the phase one (1) turns up something that is positive. Right. It is only if it is positive, but those are some of the things that we would have to go through just to set this thing up to do it. We would be willing to do that but again it has to do both ways.

Michelle Adams: Could we just reiterate on that also? The two (2) towers would only be there for the 24 hours that it will take them to change from this tower to that tower. That is all the time it will take.

Councilman Rood: So did you say a time frame? Did you say a month?

David Olek: It is weather permitting too. We would construct the tower and get the new tower to be operational and lit and everything and then you would have two (2) towers there. Then I guess over a two (2) week span because the same crane would stay there and start dismantling the next tower. It doesn't come down in a day. We would not just knock it over. We take it down in twenty foot sections so four hundred and seventy (470) feet divided by twenty (20) foot sections is a lot of climbing and a lot of work to get the thing to come apart because our new tower is right next to it now so we have to be very careful about taking the old tower down.

Michele Adams: I just meant it would take Channel 17 twenty-four (24) hours to change from here to here. That is all I meant.

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PUBLIC HEARING (CONT):

Audience Member: Wouldn't Channel 17 already have a light and an alternate source for that light on their tower right at their point?

Councilman Walter: It has to because it is in operation now and it is FCC regulations.

Nancy Stetter: Why must there be an alternate site? What if the people don't want even one (1) tower?

Supervisor Kennedy: I think under the law and I will refer this to the Town Attorney, there is a certain criteria that we have jurisdiction over and certain criteria we don't.

Town Attorney Perley: There is a Federal Towers Communication Act that governs the process by which this application must be considered. However, I think it is advisable for me to advise the Town Board after we have had an opportunity to consider all the factors as to what alternatives you really have to speak of. Aesthetically, at this point, I think it would do a disservice to everyone here.

Steve Gaylor: A couple of clarifications that might illuminate some of the people here. This might give you a little bit of a perspective into what may have happened early last year. I should tell you this date has been circled on my calendar for a period measured in months. It has been very long long road for us to get here tonight. I was driving around literally before the trees had buds on them to do this and we have a severe time constraint. We are behind schedule and it is a problem for us. But then I guess that is our problem. When I contact a tower owner and ask to co-locate, I start at the top. Usually and this has nothing to do with WNED, this is generally speaking, usually the people at the top will not talk to me and I am referred to the engineering staff because the people at the top often times have not ever seen the tower. Many times the engineering staff hasn't seen it too often. Inevitably when I get to the engineering staff, they don't really give much thought to my request because they are generally not interested. I've tried to locate on many many towers and my success rate ratio is maybe fifteen (15) or twenty (20) or twenty-five (25) percent. It makes my day when I can do that. In this case I think that the engineers simply in their minds knew the condition of the tower and said, "no". We did have to supply an affidavit to the Planning Board showing that we had in fact contacted all these people. In that context you can imagine how frustrating it is for me when I have to field the questions about co-location. I can tell you that I did offer, and I think Mike Sutton was straining to do so, to meet with him last week to close this out, recognizing that I had a huge blind spot. I don't really know what it is going to cost. There is a lot of open questions. I have his figure but I don't construct towers every day and I can talk to people who can give me round figures but we were very much willing to sit down and to commit to it and with kind of an open amount on the check register. I say this on Sprint's behalf, economics do not rule that process. What rules that process is being able to come into a tower and have customers and not be regarded in a negative fashion and to do the right thing. I was a bit scared because I knew I was going to go into his office in downtown Buffalo and sit down and probably commit to something that I could go back and find my head on a platter for when the costs ultimately were determined because once we start down that road it is going to be awfully difficult for us to come back here and tell you wee don't want to do it because it costs too much. There are some small issues. There are issues of a few other people that are co-located on that tower. Our RF people are looking at it and I pray that none of those co-locating tenants that are on there now, I think one is a weather channel and one is a private stock quote

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PUBLIC HEARING (CONT):

Steve Gaylor (Cont.): provider, I pray that there is no interference issues. I am ninety-nine (99) percent sure there won't be. Those people will have to be relocated as well. This tower is much taller than anything I have been associated with, or twice as high, so the cost issues as well as taking down an existing tower, so it is a little bit personally for me, scary, nonetheless I was willing to bite the bullet and go in there and start down the road. I think Mike wanted very much wanted to. Regrettably I guess I had more discretion if you will, to bind us then he felt comfortable assuming in his position. That is understandable and not his fault. I want to make it clear that a lot of times when I do approach these people for co-location, if I cant' get through to the right person it is very very difficult to pierce that vail and get listened to. Most of them are not interested for a variety of reasons. They just don't want to be bothered. The significance there is that when those towers were built the climate was different. I don't mean the climate, climate, but the political climate. We agreed to allow co-location onto our tower even though for us that is not a pleasant idea. We don't really want that. Back then when the towers were built and the approvals were issued there was no such condition. So that all of the companies that I routinely approach for co-location where we are really promising up-front to let them on our facilities, I don't have that same card. I can't come to you and say, "can you force the co-location on to their tower?" We are going to be bound by that in the future. People are going to come and as long as they share our costs there is no question and I think that is the way it should be. One other thought about Mr. Myers because it came up about letting him out of this. When I go around I try very hard, if you look at this tower as an evil, I tried very hard to minimize it. His site, as they go in the search area was the least of all evils. If they had let him out of that option invariably I would have had to take my responsibilities, go up and down the road with a check book in hand and it probably would not have taken me too long to find someone else and maybe for less money but that is not a good idea. I am hopeful here and I pray that the whole thing with WNED works out and I wish we could have resolved that prior to coming here but this is also the end for us of a nine (9) month road. That does not mean that if this is approved WNED is going to be dropped. I am quite mindful of the fact that we will have a lot more friends in this town and looked upon more favorably if that works out. I can tell you it is not going to be dismissed truly on economics. If it costs more to go there and it can be done and be done on a timely basis, because to us that is a major requirement that is opposed upon us, to serve a certain percentage of the population, by a certain point in time, that I am already to go even though I am getting into an unknown situation a little bit.

Gabe Coppola: One final comment. I said was going to close before. This isn't for the Board by the way, I am supremely confident that you're sincere and dedicated to this process. You have an excellent Council so these comments are for Sprint. Ok? As your neighbors, and by the way the difference between a hundred people in this room and whether or not they buy your service isn't going to make or break the Sprint Corporation. We realize that but that isn't a part of the game. What we would ask is for you to consider, as I believe you have, has anyone gotten a sense for how things are going? I think this is going very well. I think the more we talk about it in public the less difficult it is going to become. I think this is the kind of thing that has to go on between a Board and your representation and their engineers. Work it out. You wouldn't want this thing blinking in your back yard. We don't want it in ours. All we ask is that you continue along the lines that you have taken tonight. Which is very community oriented, realistic in terms of business but at the same time sensitive to the community and the surroundings that we harbor up

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PUBLIC HEARING (CONT):

Gabe Coppola, (Cont.): in that area of this Town. If you'll take that attitude that you are expressing to us today forward to the negotiations I am confident that by the 6th of February we are going to have a resolution that is going to be amicable to everyone in the room. Maybe that will be my closing comment. I am not sure.

Councilman Davenport: I would like to thank all the citizens that wrote us letters and especially the last one that came today from Mr. Pudlewski. How up to-date he was and gave us the last word on everything. So thank you for your letters.

Supervisor Kennedy: It is obvious a lot of thought went into the letters and we certainly appreciate your comments. Having heard I believe everything and we are getting a little redundant now in stating the concerns. I think everyone has been heard. If we have any additional questions I think Sprint has been accommodating to us as Board Members to address them to whoever it might be, whether it is a legal problem or whether it has something to do with the engineering.

Audience member: Now if this tower is put up on Zimmerman Road, will this one tower be sufficient for the entire town or are other parts of the town going to be going through this same thing?

Supervisor Kennedy: You know what the engineer said. There is more than just Sprint that have been granted access to the Town of Boston. It is not inconceivable that somewhere down the road we could have another tower application. That is a very good possibility.

Audience Member: From what I understand every eight (8) to ten (10) miles you need another tower to relay a signal.

Supervisor Kennedy: Right for each entity. Supposing, what are the other two outfits that you said have been granted licensing in this area?

David Olek: The other two entities are ATT and OMNI Point and with all the jaw breaking that we have had to do and if they don't use the same grid that we have, they're nuts.

Supervisor Kennedy: They're nuts. Absolutely.

David Olek: So I would co-locate on this facility on those sites. There is a slight hole if you look at the drawing that I showed you. The search area that we have here is filled but a little further to the east there is one (1) valley that isn't covered. It is not clear what would be needed in the future to cover that valley.

Supervisor Kennedy: Where is that valley at? In the southern part of the town?

David Olek: That is essentially in Colden on the east side of the hill as you go down. Now that may change for the worse with Zimmerman Road.

Supervisor Kennedy: You mean it is on the other side of the Lower East Hill Road?

Councilman Walter: It is probably Hayes Hollow Road that you are talking about.

David Olek: Yes and if that were deemed necessary to fill that side in the future it probably could be done with a much smaller structure actually in the valley area itself. Right now over the

DRAFT

DAVID J. SHENK
BOSTON TOWN CLERK

28

REGULAR BOARD MEETING AND ANNUAL AUDIT MEETING — TOWN HALL
JANUARY 22, 1997 — 7:30 P.M.

PUBLIC HEARING (CONT):

David Olek, (Cont.): next two (2) years we don't anticipate any further applications here at the Town for another site. Does that answer the question?

Supervisor Kennedy: We certainly appreciate the comments that were made here tonight.

Richard Waszak: I have a question. Isn't there a water company tank going up there on Zimmerman Road in the future?

Supervisor Kennedy: There will be a water tank going but it will be way down on Wohlhueter Road.

Councilman Rood: No, the storage tank for the West Hill.

Supervisor Kennedy: There will be a stand pipe in the immediate vicinity of where this tower is, not to far away but we haven't acquired the land. That is the general are of Old Polish Hill Road and Zimmerman, somewhere in that area. We will be looking at acquiring a piece of property for our water storage tanks.

Richard Waszak: Isn't there another water storage tank going up on that side of the hill?

Supervisor Kennedy: Yes but it is way down on the southern end of the community, down around Wohlhueter Road. That is possible. That is one of the highest areas in the town but lets not get involved with that now. We certainly appreciate all your comment here tonight and the information we received from the people here representing Sprint.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to close the Public Hearing at 9:58 p.m.

five (5) Ayes — Carried

TOWN ATTORNEY REPORT

Town Attorney Perley reported the Glenn McKillen motion regarding the legality of Town Officials entering his property at 9692 Zimmerman Road was denied in court on January 17, 1997.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to adjourn the meeting at 9:59 p.m.

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING TOWN HALL
FEBRUARY 19, 1997 7:30 P.M.

Councilman Wiktor and Councilman Rood presented James Jehle with the "James J. Jehle Day" Resolution and a plaque as a token of appreciation for his service as Town of Boston Historian.

Supervisor Kennedy commented that it is appropriate to recognize James Jehle with this Resolution and thanked him for his many years of dedicated service to our community.

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to recognize Maryann Jehle as Interim Town Historian, to be compensated accordingly, until such time that a replacement can be found.

five (5) Ayes Carried

Supervisor Kennedy announced that a Public Hearing was held on February 19, 1997 on the Sprint Application for a Special Use Permit to erect a Communication Tower at 6405 Ward Road. The Application was not tabled and the decision is before the Town Board tonight. The entire Town Board was present at the Public Hearing on February 19, 1997 and is in attendance tonight.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor, on the recommendation of the Town Engineer, that the Town Board of the Town of Boston, as Lead Agency, having taken a hard look at this project adopt a Negative Declaration on the application which Sprint Spectrum has presented for a Special Use Permit subject to Section 123.48b of the Town Code, of which said application is further governed by the Telecommunications Act in 1996 and codified as 47USC332.

five (5) Ayes Carried

Supervisor Kennedy commented that after the Sprint Application Public Hearing was conducted, Councilman Wiktor had an opportunity to meet with concerned area residents. Letters requesting denial of the Sprint Application were received from Lori and Bob Potter, Ruth and Robert Smith and David and Patricia Gurney.

RESOLUTION 1997 - 4 SPRINT SPECTRUM, LP APPLICATION FOR A SPECIAL USE PERMIT TO CONSTRUCT A TELECOMMUNICATION TOWER ON 6405 WARD ROAD, DENIED

A motion was made by Councilman Walter and seconded by Councilman Davenport to reappoint Christopher Bifaro, Louise Manista and Bruce Chamberlain to the Conservation Advisory Council, terms to expire March 1, 2000.

five (5) Ayes Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport to grant the Boston Welcome Wagon use of the Boston Town property for their annual plant sale on May 17, 1997.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood to grant the Boston Historical Society use of the Town Hall Community Room and kitchen for their dinner meetings on March 4 and October 7, 1997.

five (5) Ayes Carried

REGULAR BOARD MEETING
FEBRUARY 19, 1997

TOWN HALL
7:30 P.M.

At 8:02 p.m. a Public Hearing was held for the purpose of hearing public comments to consider an amendment to the Zoning Law of the Town of Boston which would enact a six (6) month moratorium on the issuance of any and all permits and/or licenses to facilitate the construction of towers and their ancillary facilities within the Town of Boston. Supervisor Kennedy read the Town of Boston Proposed Local Law #1-1997, a Local Law to amend Local Law 6-1990, known as the "Zoning Law of the Town of Boston", adopted by the Town Board of the Town of Boston on 12/21/90. Town Clerk Shenk read the Legal Notice. Supervisor Kennedy convened the Public Hearing.

LEGAL NOTICE
TOWN OF BOSTON
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that in accordance with the Resolution of the Town Board of Boston, which was duly adopted on February 4, 1997, proposed Local Law #1 for the year 1997, an amendment will be considered to the Zoning Law of the Town of Boston which would enact a six (6) month moratorium on the issuance of any and all permits and/or licenses to facilitate the construction of towers and their ancillary facilities within the Town of Boston. A copy of the proposed amendment may be obtained from the Town Clerk's Office at 8500 Boston State Road, Boston, New York, 9 a.m. thru 5 p.m. and Tuesday Evening till 8 p.m.

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston will conduct a Public Hearing on the aforesaid Local Law at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on Wednesday, February 19, 1997 at 8:00 p.m., Eastern Prevailing Time at which time all interested persons will be heard.

Dated: February 5, 1997
Published: February 13, 1997
BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK
2-13

Robert Potter Jr., 7190 Serpentine Drive: This new law, it won't affect the negotiations going on between Channel 17 and Sprint?

Town Attorney Perley: Mr. Potter, to the extent there are negotiations, no it will not affect them.

Robert Potter Jr.: Because they were doing that before the law took place?

Town Attorney Perley: No, there is a specific provision in this law which allows for the reconstruction of an existing tower. It was put in precisely because of the possibility that may exist, and I don't want to encourage you to think that there is a strong possibility at this point, the law is structured such that were WNED in a position where it would like to replace it's tower or have someone replace it's tower within the six (6) month moratorium, provided the tower was substantially the same, it could be done.

Robert Potter Jr.: Obviously we are hoping that a marriage can take place between those two (2) and it will be done. I have a feeling from what was said the marriage might take place a little faster than not. Hopefully it will.

Supervisor Kennedy: Does everyone understand the intent of the Local Law or have any questions on it? We are certainly willing to hear your comments or your questions.

David Gurney, 7052 Chestnut Ridge Road: I have a question about whether during the moratorium, will there be any ordinances written with respect to establishing any telecommunication facilities in the Town of Boston?

Supervisor Kennedy: We are going to review ordinances that have been developed by a number of the surrounding communities. We also have some suggestions of our own which we may incorporate. Certainly all of these things could take place within the six (6) month time frame that we have available to us as we review and explore what we now have in effect and what we would like to see enacted.

David Gurney: As part of the group who have been much concerned with the tower, we thank you for your very recent vote to deny a Special Use Permit. We appreciate all the time and effort you have expended on this issue. Thank you.

Supervisor Kennedy: Are there any other comments on the proposed Local Law that stems from the moratorium?

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1997-5

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN OF BOSTON OF LOCAL LAW NO. 1-1997

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York , held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 19th day of February, 1997 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, a resolution was duly adopted by the Town of Boston for a public hearing to be held by the Town on the 19th day of February, 1997 to hear all interested parties on the proposal local law amending the Town Code of the Town of Boston by enacting a six (6) month moratorium on the issuance of any and all permits and/or licenses to facilitate the construction of towers and their ancillary facilities within the Town of Boston; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Boston; and

WHEREAS, said public hearing was held on February 19, 1997 at the Boston Town Hall, 8500 Boston State Road, Boston, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, pursuant to Part 617.5(30) of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) it has been determined by the Town of Boston that adoption of said proposed Local Law would be a Type II section and could be processed by applicable governmental agencies without further regard to SEQRA; and

WHEREAS, the Town of Boston after due deliberation finds it in the best interest of the Town to adopt said Local Law;

NOW, THEREFORE, BE IT,

RESOLVED, that the Town of Boston hereby adopts said Local law No. 1-1997, a copy of which is attached hereto and made a part of this resolution; and it is further

RESOLVED, the Town Clerk of the Town of Boston is directed to enter said Local Law in the minutes of this meeting and to give notice of the adoption to the Secretary of State of New York.

Seconded by **Councilman Rood** 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

TOWN OF BOSTON

LOCAL LAW NO. 1-1997

A LOCAL LAW, TO AMEND LOCAL LAW 6-1990 KNOWN AS "ZONING LAW OF THE TOWN OF BOSTON", ADOPTED BY THE TOWN BOARD OF THE TOWN OF BOSTON ON DECEMBER 31, 1990.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF BOSTON AS FOLLOWS:

SECTION 1. LEGISLATIVE INTENT

This Local Law amends a prior Local Law known as "Zoning Law of the Town of Boston enacted by the Town of Boston on December 31, 1995, as amended, relating to the Codes within the Town of Boston as herein set forth. Said amendment is intended to establish a six (6) month moratorium on any and all Special Use Permit applications for the construction of new telecommunications towers and ancillary facilities in order to allow the Town of Boston to review and to consider amendments to pertinent Sections of the Town Code relative to the tower(s) and their ancillary facilities.

SECTION 2. CHAPTER 123-ZONING

Section 123-173.1 Zoning is added as follows:

SECTION 123-173.1 - MORATORIUM

There shall be a six (6) month moratorium on the issuance of any and all permits and/or licenses to facilitate the construction of towers and their ancillary facilities within the Town of Boston, commencing upon the effective date of this Amendment, provided however, that nothing in this Section shall prohibit the reconstruction or replacement of any existing telecommunications tower and facilities ancillary thereto.

SECTION 3. MISCELLANEOUS

A. This Local Law shall be deemed to supersede and repeal any other Local Laws to the extent therein inconsistent herewith.

B. If any part of the Local Law shall be judicially declared to be invalid, void, unconstitutional or unenforceable, all unaffected provisions hereof shall survive such declaration and this Local Law shall remain in full force and effect as if the invalidated portion had not be enacted.

C. Nothing herein shall be deemed to be a waiver or restriction upon any rights and powers available to the Town of Boston to further regulate the subject matter of this Local Law.

SECTION 4. EFFECTIVE DATE

This Local Law shall become effective as provided by law.

REGULAR BOARD MEETING
FEBRUARY 19, 1997

TOWN HALL
7:30 P.M.

PUBLIC HEARING (CONT.)

Nancy Stetter, 5562 James Drive: Why six (6) months?

Supervisor Kennedy: It is not, "why six (6) months", we just established a six (6) month moratorium that gives us an opportunity to review our existing ordinance. It gives us an opportunity to incorporate items within that ordinance that we feel should be incorporated within it and to address deficiencies which we feel may be present in our Local Law that now exist on a Special Use Permit. We would be able to do it within that time frame.

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to close the Public Hearing at 8:11 p.m.

five (5) Ayes — Carried

RESOLUTION 1997 - 5 **RESOLUTION AUTHORIZING ADOPTION BY THE TOWN OF BOSTON OF LOCAL LAW NO. 1-1997**

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to approve the correction to the General Fund Transfer of Appropriations as follows:

Correction of Transfer of Appropriations by Town Board on 12/30/96

Transfer From:	Independent Audit	1320.4	3,965.00
To:	Buildings	1620.4	3,760.00
	Fiscal Agents	1380.4	205.00
			3,965.00

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and second by Councilman Davenport to grant Congressman Quinn use of the Town Hall to conduct the 1997 OUTREACH Program on May 16, and October 17, 1997.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Davenport to establish a Capital Project Fund titled, "North Boston Soccer Field." The method of financing the total project follows:

TOTAL PROJECT COST OF NORTH BOSTON SOCCER FIELD	$21,225.00
1) 1000 cy fill - Provided with town highway equip. and excess fill from expressway (Done)	$5,500.00
2) Cut existing grade and grade fill with highway personnel and rental of dozer (Done)	2,500.00
3) Drainage contract with stone and geo-textile fabric installed (contract with Slotman) Material and Labor	9,225.00
4) Final grading - Top soil/seeding (To be done)	2,775.00
5) Engineering - Site elevations and survey	1,225.00
TOTAL	$21,225.00

TO BE FINANCED AS FOLLOWS:

Grant from State of New York	$10,000.00
Park Dept. Appropriations and Donations of Manpower and Equip.from Highway Dept	11,225.00
TOTAL	$21,225.00

five (5) Ayes — Carried

REGULAR BOARD MEETING
FEBRUARY 19, 1997

TOWN HALL
7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to direct the Town Clerk to pay Kandey Co., Inc. the sum of $1,107.44 for the Trevett Road 2" Water Service Repair.

five (5) Ayes — Carried

RESOLUTION 1997 - 3 REFUSE LICENSE C.I.D. REFUSE SERVICE, INC.
REFUSE LICENSE B.F.I. OF NEW YORK , INC.
REFUSE LICENSE MAPLE CITY DISPOSAL SERVICE

Supervisor Kennedy announced bids were received and opened on February 13, 1997 at 2:00 p.m. for the Water District No. 1 Increase of Facilities, Chestnut Ridge Road Waterline, Pump Station and Tank and Extension No. 1 to Water District No. 1, Chestnut Ridge/Omphalius/Liebler Roads. Additional Public Hearings will be required because the bids differ from those originally approved when this project was approved for financing. The Town Attorney in conjunction with the Town Engineer will provide new specifications for the Public Hearings.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to schedule a Public Hearing on March 19, at 8:00 p.m. to consider Water District No.1 Increase in Facilities on the Chestnut Ridge Road Waterline Pump Station and Tank.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to schedule a Public Hearing on March 19, at 8:15 p.m. for the Extension of No. 1 to Water District No. 1 for Chestnut Ridge/Omphalius and Liebler Roads.

five (5) Ayes — Carried

Supervisor Kennedy read a letter from TVGA Engineering as follows: On February 13, 1997 at 2:00 p.m. bids for the above noted waterlines and pump station project were received and opened. Nine (9) bids were received for the waterlines (Contract 1, Bid Section A and B) as follows:

Kandey Co. Inc.	$318,492.00
Eastern Summit Development	332,098.59
J.D. Northrup Construction	349,879.00
Firstrhyme Construction Corp	364,325.00
CMH Company, Inc.	374,115.00
Klarberg, Inc.	376,353.00
Sergi Construction	396,370.00
Donald J. Braasch Const.	396,995.00
Joseph J. Kelly Blacktop	559,445.00
Engineer's Estimate	**245,395.00**

Seven (7) bids received for pump station (Contract 2) as follows:

Donald J. Braasch Const.	$143,600.00
Klarberg, Inc.	186,000.00
Kandey Co., Inc.	186,533.00
R.G. Rechin	200,000.00
Butler Construction	206,100.00
Amherst Construction, Inc.	212,300.00
Joseph Davis Refrigeration	219,500.00
Engineer's Estimate	**145,900.00**

Four (4) bids received for electrical work (Contract 3 as follows:

Tunney Electric. Inc.	$ 47,916.00
O'Connell Electric Co*	52,000.00*received late - 2:01 p.m.
Weydman Electric	53,490.00
CIR Electrical Const. Corp.	54,200.00
Engineer's Estimate	**65,000.00**

TOWN OF BOSTON

RESOLUTION 1997 - 3

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

TO THE TOWN BOARD
TOWN OF BOSTON:

The undersigned herein applies for a License to collect and dispose of municipal solid waste (referred to hereinafter as "MSW") and recyclable material, and states the following:

1. Applicant's name and address, telephone number:

BFI of New York, Inc.

2321 Kenmore Avenue P.O. Box 571

Kenmore, NY 14217 716-693-5185

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

A) INSTITUTIONAL customers

i. Manner of Collection:

Recyclables - Co-mingled and source separated containers

MSW - Hand service and containers

ii. Manner and Place of Disposal:

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

MSW - American Ref-Fuel, Niagara Falls, NY
BFI-Niagara Recycling, Inc., Niagara Falls, NY

B) INDUSTRIAL customers

i. Manner of Collection:

Recyclables - Co-mingled and source separated containers

MSW - Hand service and containers

ii. Manner and Place of Disposal:

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

MSW - American Ref-Fuel, Niagara Falls, NY
BFI-Niagara Recycling, Inc. Niagara Falls, NY

- TOWN OF BOSTON -

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

2. (Cont'd.)

C) COMMERCIAL customers

i. Manner of Collection:

Recyclables - Co-mingled and source separated containers

MSW - Hand service and containers

ii. Manner and Place of Disposal:

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

MSW - American Ref-Fuel, Niagara Falls, NY

D) RESIDENTIAL customers (excluding Town contract)

i. Manner of Collection:

Recyclables - Co-mingled

MSW - Hand Service

ii. Manner and Place of Disposal:

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

MSW - American Ref-Fuel, Niagara Falls, NY

3. The Applicant hereby agrees to:

(a) Indemnify and hold harmless the Town of Boston for any pending, threatened or actual claims, liability or expense arising from waste disposal in violation of Chap. 63 of the Town Code or not in conformance with this License (§63-502.B)

(b) To offer collection services for municipal solid waste and recyclables at the same time and on the same day to all of its customers (§63-502.C)

(c) To maintain separate monthly records of municipal solid waste and recyclables collected, transported and disposed of in conformance with §63-502.D of the Boston Town Code, and to provide to the Town of Boston quarterly reports containing such information.

(d) To amend or supplement this Application in writing, additional information is required to conform with Chapter 63 of the Boston Town Code.

4. That Applicant has not been adjudged or determined to have violated Chapter 63 of the Town Code within the preceding calendar year.

FEE: $100

LICENSE GRANTED BY RESOLUTION OF THE TOWN BOARD DATED 2/19/97.

David G. Hawes

Town Clerk

BFI of New York, Inc.

(type-in Company Name)

By: [signature]

Title: District V.P. Date: 1/25/97

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.

INSURED

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

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

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	RHGL 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 I (6/93) 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.

MARSH & MCLENNAN, INC.

CERTIFICATE OF INSURANCE

CERTIFICATE NUMBER: # 52878

PRODUCER

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

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INSURED

Browning-Ferris Industries of
New York, Inc.
2321 Kenmore Avenue
P.O. Box 571
Kenmore, NY 14217

COMPANIES AFFORDING COVERAGE

COMPANY LETTER	
A	NATIONAL UNION FIRE INS. CO.
B	AMERICAN INTL SOUTH INS. CO.
C	NATIONAL UNION FIRE OF LOUISIA
D	AIU INSURANCE CO

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 143-84-50	5/01/97	5/01/98	GENERAL AGGREGATE	$ 10000000
	[X] COMMERCIAL GENERAL LIABILITY				PRODUCTS-COMP/OP AGG.	$ 5000000
	[ ] 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 143-93-84	5/01/97	5/01/98	COMBINED SINGLE LIMIT	$ 5000000
A	[X] ANY AUTO	RMCA 143-93-85(TX)	5/01/97	5/01/98		
	[ ] 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 9325958	5/01/97	5/01/00	EACH OCCURRENCE	$ 7500000
	[X] UMBRELLA FORM				AGGREGATE	$ 7500000
	[ ] OTHER THAN UMBRELLA FORM					
B	WORKERS' COMPENSATION AND	RMWC 113-46-38 GA	5/01/97	5/01/98	STATUTORY LIMITS X	
C	EMPLOYERS LIABILITY	RMWC 113-46-40 LA	5/01/97	5/01/98	EACH ACCIDENT	$ 2500000
D		RMWC 1134641 MI,NY	5/01/97	5/01/98	DISEASE - POLICY LIMIT	$ 2500000
D		RMWC 113-46-42 WI	5/01/97	5/01/98	DISEASE - EACH EMPLOYEE	$ 2500000
	OTHER					

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:

MMB 1 (3/95) ISSUED AS OF: 4/22/97

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

CERTIFICATE #52878 (CONTINUED)

INSURED : Browning-Ferris Industries of

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

WORKERS COMPENSATION AND EMPLOYERS LIABILITY (cont'd from front page):

Company	Policy #	States Covered	Policy Period
IL National Ins Co.	RMWC1134639	IL	5/1/97-98
Ins Co, State of PA	RMWC1134643	AL,AR,AZ,CO,CT,DC,DE,FL HI,IA,ID,IN,KS,KY,MA,MD MN,MO,MS,MT,NC,NE,NH,NJ OK,PA,RI,SC,TN,TX,VA,VT	
Nat Union Fire Ins Co. of PA	RMWC1134644	CA	5/1/97-98
Nat Union Fire Ins Co. of PA	RMWC1134645	OR	5/1/97-98

Workers Compensation Limits - Statutory.
Employers Liability - $2,500,000 each accident/$2,500,000 disease policy limit/ $2,500,000 disease-each employee.

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

TOWN OF BOSTON

RESOLUTION 1997 - 3

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

TO THE TOWN BOARD
TOWN OF BOSTON:

The undersigned herein applies for a License to collect and dispose of municipal solid waste (referred to hereinafter as "MSW") and recyclable material, and states the following:

1. Applicant's name and address, telephone number:

C.I.D. Refuse Service, Inc.

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 2/19/97.

Daniel G. Hunt
Town Clerk

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

By: Kay Rung
Kay Rung

Title: Administrative Section Manager

Date: 1/22/97

ACORD. CERTIFICATE OF INSURANCE

CSR MR
CIDR-01

DATE (MM/DD/YY)
02/04/97

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
CID Landfill, Inc.
CID Group, Inc.
4588 South Park Avenue
Blasdell NY 14219

COMPANIES AFFORDING COVERAGE

COMPANY A: Reliance National Indemnity
COMPANY B: The North River Ins Co
COMPANY C: United Pacific Ins Co of NY
COMPANY D: United States Fire Ins Co

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	NGB1720817	01/01/97	01/01/98	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 $ 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	1380128238	01/01/97	01/01/98	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	$ $ $
D	EXCESS LIABILITY [X] UMBRELLA FORM [ ] OTHER THAN UMBRELLA FORM	5530457475	01/01/97	01/01/98	EACH OCCURRENCE AGGREGATE	$ 2,000,000 $ 2,000,000 $
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY THE PROPRIETOR/ PARTNERS/EXECUTIVE OFFICERS ARE: [X] INCL [ ] EXCL	NWA013441100	01/01/97	01/01/98	[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

TOWN-57

Town of Boston
Town Clerk
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

Lawley

ACORD 25-S (3/93)

©ACORD CORPORATION 1993

TOWN OF BOSTON

RESOLUTION 1997 - 3

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

TO THE TOWN BOARD
TOWN OF BOSTON:

The undersigned herein applies for a License to collect and dispose of municipal solid waste (referred to hereinafter as "MSW") and recyclable material, and states the following:

1. Applicant's name and address, telephone number:

MAPLE CITY DISPOSAL SERVICE, INC.

10567 RT.16 P.O. BOX 370

DELEVAN, N.Y. 14042 716-496-7480

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

A) INSTITUTIONAL customers

i. Manner of Collection:

Recyclables - _____

MSW - _____

ii. Manner and Place of Disposal:

Recyclables - _____

MSW - _____

B) INDUSTRIAL customers

i. Manner of Collection:

Recyclables - _____

MSW - _____

ii. Manner and Place of Disposal:

Recyclables - _____

MSW - _____

- TOWN OF BOSTON -

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

2. (Cont'd.)

C) COMMERCIAL customers

i. Manner of Collection:

Recyclables - SOURCE SEPARATION PICKED BY A TRAILER

MSW - CONTAINER 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 - _____

MSW - _____

ii. Manner and Place of Disposal:

Recyclables - _____

MSW - _____

3. The Applicant hereby agrees to:

(a) Indemnify and hold harmless the Town of Boston for any pending, threatened or actual claims, liability or expense arising from waste disposal in violation of Chap. 63 of the Town Code or not in conformance with this License (§63-502.B)

(b) To offer collection services for municipal solid waste and recyclables at the same time and on the same day to all of its customers (§63-502.C)

(c) To maintain separate monthly records of municipal solid waste and recyclables collected, transported and disposed of in conformance with §63-502.D of the Boston Town Code, and to provide to the Town of Boston quarterly reports containing such information.

(d) To amend or supplement this Application in writing, additional information is required to conform with Chapter 63 of the Boston Town Code.

4. That Applicant has not been adjudged or determined to have violated Chapter 63 of the Town Code within the preceding calendar year.

FEE: $100

LICENSE GRANTED BY RESOLUTION
OF THE TOWN BOARD DATED 2/14/97.

Daniel J. Hurley

Town Clerk

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

By: _____

Title: PRESIDENT Date: 2/15/97

ACORD. CERTIFICATE OF INSURANCE

CSR ZK
MAPL-06

DATE (MM/DD/YY)
12/16/96

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

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

COMPANIES AFFORDING COVERAGE

COMPANY A: Reliance Insurance

COMPANY B: American Home Assurance Co

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	JK2673796	07/01/96	07/01/97	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 $ 1,000,000 $ 50,000 $ 5,000
A	AUTOMOBILE LIABILITY [X] ANY AUTO [ ] ALL OWNED AUTOS [ ] SCHEDULED AUTOS [ ] HIRED AUTOS [ ] NON-OWNED AUTOS	JK2673796	07/01/96	07/01/97	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	$ $ $
	EXCESS LIABILITY [ ] UMBRELLA FORM [ ] OTHER THAN UMBRELLA FORM				EACH OCCURRENCE AGGREGATE	$ $ $
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY THE PROPRIETOR/ PARTNERS/EXECUTIVE OFFICERS ARE: [ ] INCL [ ] EXCL	WC8800397	11/22/96	11/22/97	[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

ATTI-02

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 (3/93)

©ACORD CORPORATION 1993

REGULAR BOARD MEETING — TOWN HALL
FEBRUARY 19, 1997 — 7:30 P.M.

On July 1, 1996 two (2) bids were received for the concrete tank. Natgun Corporation was the low bidder in the amount of $525,640.00. Natgun agreed in writing to hold bid price until March 1, 1997.

The project budget for Water District No. 1, Increase of Facilities, identified in the Map, Plan and Report is $844,600.00, which includes contingencies. This budget amount was presented at the public hearing held for this project.

Contract 1 was subdivided into two (2) separate Bid Sections, (A and B). Bid Section A is all waterline costs associated with the Increase of Facilities. Kandey Co., Inc.'s bid amount for Bid Section A is $228,668.00.

A summary of the total Increase of Facilities project is as follows:

Concrete Tank	Natgun	$525,640.00
Contract 1 - Bid Section A	Kandey	228,668.00
Contract 2 -	D.J. Braasch	143,600.00
Contract 3	Tunney	47,916.00
Sub Total		$945,824.00
Contingencies (Estimated)		44,176.00
Total Estimated Construction cost		$990,000.00
Less Original Budget Amount		-844,600.00
Project Shortfall		$145,400.00

Since the bids plus contingencies ($990,000.00) are over the original budget, a public hearing will be required.

We recommend that the Town Board schedule a public hearing to present the anticipated project construction cost of $990,000.00. Assuming no opposition to the project, award the four (4) contacts as previously outlined above following the public hearing.

Contract 1, Bid Section B, is for all waterline costs associated with the Omphalius and Liebler Roads extensions. Kandey Co., Inc.'s bid amount for Bid Section "B" us $89,824.00. Included in the bid is $26,200.00 for copper services from the main to the right-of-way and meter pits. This cost would be paid by the homeowner, through reimbursement to the Town when applying for water service. Therefore, the project construction costs for Omphalius and Liebler Roads is as follows:

Bid Amount	$89,824.00
Less Services and Meter Pits	-26,200.00
Sub Total	$63,624.00
Contingencies (Estimated)	6,376.00
Total Estimated Construction Cost	$70,000.00
Less Original Budget amount	-58,200.00
Project Shortfall	$11,800.00

The bid plus contingencies ($70,000.00) is over the original budget. Therefore, a public hearing will be required.

We recommend that the Town Board also schedule a public hearing to present the anticipated project construction cost of $70,000.00. Assuming no opposition to the project, award the bid Section (B) work to Kandey Co., Inc.

A motion was made by Councilman Walter and seconded by Councilman Wiktor to grant Highway Superintendent Ruchalski permission to advertise for bids for a 1997 diesel powered tandem dump truck equipped with plow, wing, sander and hydraulics. There will be two (2) separate bids, one (1) for chassis, and one (1) for dump box and plow, wing sander and hydraulics. Bids to be opened on March 13, 1997 at 2:00 p.m. and award bids on March 19, 1997.

five (5) Ayes — Carried

REGULAR BOARD MEETING
FEBRUARY 19, 1997

TOWN HALL
7:30 P.M.

SUPERVISOR REPORT

Supervisor Kennedy announced the Planning Board meeting for February 25, 1997 is canceled due to a lack of agenda items. A notice has been sent to the Town Official Newspapers.

Referred to Councilman Walter a report from Star Service regarding speeding and unsafe conditions at the Boston Colden and Boston State Roads intersection.

Councilman Walter responded that a letter has already been sent to the Erie County Highway Department requesting a "stop and go" sign, east and west and a caution light, north and south. Large stop signs were requested in the meantime and that hasn't been done.

A motion was made by Councilman Davenport and seconded by Councilman Walter to accept the Supervisor's 1996 Annual Report for the Town of Boston.

five (5) Ayes Carried

TOWN CLERK REPORT

Town Clerk Shenk reported that the 1997 Town and County tax bills were mailed on February 14, 1997. The Town Clerk's office will be open on Saturdays, March 1, 8, and 15, 1997 from 9:00 a.m. to 3:00 p.m. for the collection of taxes.

TOWN ATTORNEY REPORT

Town Attorney Perley reported that all the various Article 7 National Fuel Gas cases have been assigned to one Judge. Town Attorney Perley will attend a pre-trial on February 27, 1997.

Town Attorney Perley commented that Sprint Spectrum may be considering litigation in light of the Town Board's vote to deny the Special Use Permit Application.

A motion was made by Supervisor Kennedy and seconded by Councilman Water to allow Town Attorney Perley to act as an agent of the Town Board and to accept all summons and complaints on their behalf.

five (5) Ayes Carried

COUNCILMAN REPORT

Councilman Rood reported on the Association of Towns Conference in New York City. She attended a seminar on the Clean Water Revolving and spoke with representatives from the State Comptroller's Office. She also attended a seminar on updating the equipment for parks and brought back information.

Councilman Rood attended a NEST meeting on February 13, 1997 in Orchard Park and received information on the hazardous waste drop off program scheduled for June 21, 1997.

Councilman Wiktor held Councilman Office Hours on Saturday, February 8, 1997 and seven (7) people attended. Three (3) people had inquiries concerning the Sprint Tower Application and four (4) people were irate about the poor condition of Boston State Road while coming to register their children for Baseball. Councilman Wiktor assured the residents that Councilman Walter has been in contact with the Erie County Highway department concerning road conditions in Boston.

Councilman Wiktor attended the Fire Council meeting on January 27, 1997 and reported they are disappointed with the attendance at the annual Demonstration Day event. They will consider giving the event one more chance before discontinuing it in the future.

REGULAR BOARD MEETING
FEBRUARY 19, 1997

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.)

Councilman Wiktor met with Chestnut Ridge Road residents on February 15, 1997 to hear concerns on the Sprint Tower Application.

Councilman Wiktor attended the Fireman's retirement meeting and announced the retirement fund is doing very well financially.

Councilman Walter reported on the Association of Towns Conference in New York City. The debate on telecommunication towers is a big issue throughout New York state. Councilman Walter will register a complaint with the Association of Towns that the speakers appeared to be salesman and presented the pros and not the cons on various issues. Councilman Walter attended seminars concerning water pollution, drainage, roadways etc.

Councilman Walter noted that the drainage work in the Meadow Drive area can be completed soon and the project is well under cost.

Councilman Davenport reported on seminars she attended at the Association of Towns Conference in New York City. The Preservation Seminar concentrated on how to secure grants and was very informative. A business seminar focused on the issue of lost tax revenue due to church exemptions.

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to adjourn the meeting at 8:11 p.m.

David J. Shenk
DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
MARCH 5, 1997 — 7:30 P.M.

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

Absent: Supervisor Richard L. Kennedy and Councilman Peter A. Walter.

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 Davenport to adopt the minutes of the February 19, 1997 Regular Board Meeting.

three (3) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Rood that the General Fund and Special District Bills on Abstract #3, dated March 5, 1997 in the amount of $16,266.65 be paid.

three (3) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Davenport that the Highway Bills on Abstract #3, dated March 5, 1997 in the amount of $9,653.25 be paid.

three (3) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Wiktor to accept the Town Clerk's Monthly Report for February 1997.

three (3) Ayes — Carried

Received and filed a response from Senator Volker to a Town of Boston request for a legislative initiative in the amount of $25,000 to help finance the extension of Water District 2.

Received and filed a Erie County Legislative Resolution approving the County-Municipal Consolidation Committee and recommendations for committee consideration.

A motion was made by Councilman Wiktor and seconded by Councilman Rood to grant the Boston Lions Club use of the Lions Shelter on July 21 - July 26, 1997 for the Annual Summerfest. Alcoholic beverages will be served. A Certificate of Insurance will be furnished and a $50.00 deposit was received.

three (3) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Davenport to approve corrections to the General Fund and Special Districts, Abstract #1A as follows:.

Voucher #49 - ECWA	From	A4540.4	87.63	To	A1620.4	87.63
Voucher #67 - Nat Fuel	From	SM4540.4	470.62	To	A1620.4	470.62
Voucher #68 - NYSEG	From	SM4540.4	559.79	To	A1620.4	559.79
			1,030.41			1,030.41
Total Ambulance	From		1,087.62	To		57.21
Total General Fund	From		32,549.86	To		33,580.27

three (3) Ayes — Carried

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1997-6

A Resolution Establishing Dental Insurance Coverage for Full Time Employees of the Town of Boston

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York , held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 5 th day of March, 1997 at 7:30 o'clock in the evening Eastern Prevailing Time there were:

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

Councilman Wiktor presented the following Resolution and moved its adoption:

WHEREAS, the Town of Boston allows the following amounts to its full time employees for the purchasing of health insurance on behalf of single employees and employees with families:

$175.00 per month for single employee ("single employee")

$425.00 per month for an employee with a family ("family employee") and

WHEREAS, recently the Town of Boston, by selecting a different health insurance carrier, was able to secure Medical Health Insurance at the rate of $367.00 per family employee

per month and $120.26 per single employee per month leaving the following available balances in health insurance allowance.:

$58.00 per family employee per month

$54.74 per single employee per month

WHEREAS, the Town of Boston, thereafter offered to each full time employee the choice of one of the following options:

1. To receive the above balance as a direct payment; or

2. To authorize the Town of Boston to purchase dental insurance at a cost not to exceed the balance per month available to each said employee, depending on his or her status as a single or family employee.

NOW THEREFORE, BE IT

RESOLVED, that the Town of Boston secure dental insurance for its full time employees, provided that the total cost to the Town of Boston for health insurance coverage and dental insurance shall not exceed the sum of $425.00 per family employee per month, $175.00 per single employee per month, or such other amount as may be established by the Town Board of the Town of Boston from time to time; and be it further

RESOLVED, that, in the event a full time employee of the Town of Boston shall elect not to obtain the dental insurance provided in the Resolution, that such employee shall receive the amount equal to the premium for the dental plan which shall be payable to said employee in quarterly installments.

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

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

Councilman Wiktor Voting: Aye

AYES: 3 NOES: 0 ABSENT: 2

David J. Shenk-Town Clerk

REGULAR BOARD MEETING — TOWN HALL
MARCH 5, 1997 — 7:30 P.M.

A motion was made by Councilman Davenport and seconded by Councilman Rood to approve the Transfer of Appropriations for the Soccer Field Capital Project Fund as follows:.

Appropriations		$11,225.00
From: Gen Fund Contingent Acct	- A1990.4	$11,225.00
To: Capital Projects	- H9950.9	$11,225.00

three (3) Ayes — Carried

A motion was made by Councilman Rood and seconded by Councilman Wiktor to reappoint Mary Alice Tock as the Town of Boston Representative on the Erie County Environmental Management Council, term to expire May 31, 1999.

three (3) Ayes — Carried

Received a request from the Erie County Department of Environment and Planning for an appointment to serve as the Affirmative Action Officer for the Town of Boston.

Deputy Supervisor Genzel noted that Town Clerk Shenk was appointed as the Town of Boston Affirmative Action Officer on January 17, 1996, term to expire December 31, 1997.

Deputy Supervisor Genzel noted that prior to January 1, 1997 the Town offered Blue Cross/Blue Shield for full time employees at an annual total cost of $64,995.84. The Town now offers full time employees a choice of two (2) HMO's plus a Dental Plan at an annual savings of $10,277.00. There is a cap of $425.00 per month for family coverage and $175.00 per month for single coverage, including dental insurance. An employee refusing dental coverage will be reimbursed the amount not exceeding the cap.

RESOLUTION 1997 - 6 DENTAL INSURANCE COVERAGE FOR FULL TIME EMPLOYEES OF THE TOWN OF BOSTON

Prior to scheduling a Public Hearing, Deputy Supervisor Genzel requested Town Attorney Perley give some background on the proposed amendment to the Town Code, "Mobile Home Court Law of the Town of Boston."

Town Attorney Perley commented that the Planning Board studied a series of amendments to the "Mobile Home Court Law" following the last application. There were questions as to what the remedy would be if the Planning Board did not act on a completed application within sixty (60) days and as to when an application is deemed complete. The Planning Board considered a procedural amendment to increase the number of plans from three (3) to twelve (12) and to have a provision whereby the Town Board can call for the application if the Planning Board hasn't acted within sixty (60) days. This puts the question of whether or not the application is complete within the jurisdiction of the Planning Board, not the applicant, and establishes a procedure to affix an endorsement stamp to the plan so both the Town and applicant have a permanent record of the final plan. The amendment moderately changes the definition of what a "mobile home" is, which comports more accurately with the current definitions provided by the Federal Government and others. Also included is more detailed landscaping, different area and bulk requirements with regard to lot size, increase of lot size and lower density to provide more green space. Larger minimum yards and different specifications in terms of width and drainage on the road are provided. Town Attorney Perley is concerned about the procedural aspects as opposed to the area and bulk requirements. The Town Board has been offered what the Planning Board has reviewed and it is understood that the Town Board wishes to bring the entire legislation, as established by the Planning Board, to a Public Hearing.

REGULAR BOARD MEETING — TOWN HALL
MARCH 5, 1997 — 7:30 P.M.

A motion was made by Councilman Wiktor and seconded by Councilman Davenport to schedule a Public Hearing on March 19, 1997 at 8:30 p.m. for Local Law #2 - 1997 (proposed), a Local Law to Amend Local Law #2 - 1987, known as the, "Mobile Home Court Law of the Town of Boston."

three (3) Ayes — Carried

SUPERVISOR REPORT

A) Supervisor Bank Account Report for February 1997 was received and is on file in the Clerk's Office.

Deputy Supervisor Genzel announced that Supervisor Kennedy is on vacation and will return in two weeks.

TOWN CLERK REPORT

A motion was made by Councilman Wiktor and seconded by Councilman Davenport to accept the Registrar of Vital Statistics Report for February 1997.

three (3) Ayes — Carried

Town Clerk Shenk announced the Town Clerk's Office will be open on Thursday March 13th, and Friday March 14th, until 8:00 p.m. and on the due date, Monday March 17th until 9:00 p.m. for the collection of the 1997 Town and County Taxes. All taxes must be postmarked on or before March 17, 1997 to avoid penalty.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Ruchalski announced the Highway Department will be distributing flyers throughout town announcing the Brush Pick-up Schedule.

A motion was made by Councilman Davenport and seconded by Councilman Wiktor to grant the Highway Department funds from the General Fund for the brush pick-up beginning April 7, 1997.

three (3) Ayes — Carried

TOWN ATTORNEY REPORT

Town Attorney Perley reported the executed Lease Management Agreement has been received from the Erie County Water Authority.

Town Attorney Perley attended a pre-trial conference on the National Fuel Gas Assessment Case. The Town of Boston is among a number of defendants in the matter of whether or not the service lines running from the gas main, at the street or in the National Fuel Gas Easement, to the structure, constitutes taxable real property within the meaning of the real property tax law. There is going to be a motion for summary judgement brought by National Fuel Gas on this issue. It is a very sophisticated case with a complicated issue. The Town of Boston could put our case on hold, which is called "abiding the event", for the sole issue of whether or not these lines constitute taxable real property. The Town of Boston would agree to be bound by the decision rendered in the other actions which are all assigned to the same Judge and heard on the same day.

A motion was made by Councilman Wiktor and seconded by Councilman Rood to allow Town Attorney Perley to "abide the event" for the issue of National Fuel Gas Assessment Case.

three (3) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
MARCH 5, 1997 — 7:30 P.M.

TOWN ATTORNEY REPORT (CONT.)

Town Attorney Perley reported that a Small Claim proceeding has been brought against the Town by Robert Hull, the contractor who installed the first chair rail in the Town Hall. A counterclaim has been placed for $1,500 which is the approximate amount paid to another contractor to re-do the work. The Boston Town Justices have disqualified themselves on the grounds that they saw the work in progress so the case will be heard in the Town of Hamburg.

COUNCILMAN REPORT

Councilman Rood announced the Tire Drop-off Day will be April 19, 1997 from 9:00 a.m. to 2:00 p.m. behind the Boston Town Hall. The price from Huron Recovery is $69.50 a ton or $67.00 a ton if all tires are normal size. The Tire Drop-off Day will run in conjunction with Earth Day. Seedlings will be planted by the Conservation Advisory Council provided by the National Tree Trust.

Councilman Rood introduced her son Timothy who is a Bear with the Cub Scouts. Timothy needs to attend a meeting as part of a requirement to receive a badge on local government.

Councilman Wiktor announced that the Councilman Hours will be held on Saturday, March 8, 1997 from 10:00 a.m. to 12:00 noon.

Councilman Wiktor met with Assessor Eagan who expressed an interest in meeting with the Town Board at the Agenda Review Meeting on March 19, 1997 to present information on the new regulations concerning veteran exemptions.

On February 25, 1997 Councilman Wiktor attended a joint conference of the Erie and Niagara Counties Wetland Outreach Group at the ECC North Campus. This meeting was sponsored by the Western New York Land Conservation. The question, "What constitutes a wetland?" is defined by the Federal Government as follows: "A wetland is presented to mean any area that is flooded for a period of time during a growing season." The Town of Boston was identified as having seasonal wetlands which are attributed to overflowing creeks and land areas that become flooded due to the decreasing nature of farming in our area. The majority of the information presented was directed toward storm water management and the use of the GIS Mapping System to outline the flood prone areas. The Town of Boston is just getting involved with the GIS System and this will be another area where this would be applicable. A reference guide will be left in the Planning Board Room and presented to the Planning Board at the next Planning Board meeting. Information will also be put in Councilman Walter's material because it refers to water management in municipalities.

Councilman Davenport reported that the Erie County Nutrition Program's Valentine Day luncheon served ninety-one (91) people and was very successful. Assessor Eagan was the guest speaker and spoke on Senior Citizen exemptions. A question and answer period followed.

Councilman Davenport offered her condolences to the families of those seniors citizens who have passed away during the past few months.

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer monthly report for February 1997 was received and is on file in the Clerk's Office.

B) Deputy Code Enforcement Officer monthly report for February 1997 was received and is on file in the Clerk's Office.

REGULAR BOARD MEETING
MARCH 5, 1997

TOWN HALL
7:30 P.M.

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officer monthly report for February 1997 was received and is on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for February 1997 was received and is on file in the Clerk's Office.

A motion was made by Councilman Davenport and seconded by Councilman Rood to adjourn the meeting at 8:12 p.m.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
March 19, 1997 — 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 S. Ruchalski and Town Attorney Michael F. Perley.

A motion was made by Councilman Wiktor and seconded by Councilman Davenport to adopt the minutes of the March 5, 1997 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 #3A, dated March 19, 1997 in the amount of $66,394.33 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport that the Highway Bills on Abstract #3A, dated March 19, 1997 in the amount of $10,971.97 be paid.

five (5) Ayes — Carried

Received and filed Erie County Sheriff's Report for February 1997.

Received a Summons & Complaint from Sprint Spectrum, L.P. vs. Town Board and the Town of Boston.

Town Attorney Perley commented that the Sprint Spectrum Summons and Complaint seeks three (3) avenues of relief. The first avenue is to enjoin the Town from denying the Special Permit Application for the tower site on Ward Road. The second avenue of relief is to enjoin the Town from imposing a moratorium on the construction of tower sites and the third is for unspecified damages. An answer is being prepared but will not be served immediately because there is a claim for special damages and this matter may be covered under the Town of Boston's Public Officers Liability policy. The lawsuit has been brought within thirty (30) days of the Town Board denial of the Sprint Spectrum Special Use Permit Application, which brings it within the parameters of the Telecommunications Act of 1996 and will be subject to expedited handling by Federal statute.

A motion was made by Councilman Walter and seconded by Councilman Davenport to schedule the bid opening date for bus transportation for the Summer Recreation and Ski Programs for April 10, 1997 at 10:00 a.m.

five (5) Ayes — Carried

Supervisor Kennedy read a letter from Roger Duffett, 6693 Liebler Road inquiring if the Town of Boston is going to raise the veterans exemptions limit to $120,000 as allowed by New York State.

Supervisor Kennedy read a letter from Assessor Eagan recommending the veterans exemption limit be raised to $120,000.

A motion was made by Councilman Wiktor and seconded by Councilman Walter to schedule a Public Hearing on April 16, 1997 at 8:00 p.m. for an Amendment to the Veteran's Exemption - Real Property Taxes.

five (5) Ayes — Carried

A motion was made by Councilman Rood and seconded by Councilman Wiktor to table the request of Roy Ranic, 6698 Liebler Road, for a Second Accessory Building until the Town Board meeting of April 2, 1997.

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
March 19, 1997 — 7:30 P.M.

A motion was made by Councilman Davenport and seconded by Councilman Rood to grant use of the Lions Shelter for the "Concert in the Park" series for 6:00 p.m. to 9:00 p.m. on Tuesdays, July 1st, 8th, 15th, 29th, August 5th, 12th, 19th, 26th and September 3, 1997.

five (5) Ayes — Carried

On March 13, 1997, at 1:00 p.m. the following bids were opened and read aloud for a 1997 Heavy Duty Diesel Powered Tandem Axle Truck and Front Hitch with Plow, Wing, Sander and Dump Body:

1997 HEAVY DUTY DIESEL POWERED TANDEM AXLE TRUCK

COMPANY	BID w TRADE	BID w/o TRADE
Buffalo Truck	$66,337.00	$71,837.00
Hanson International	$56,485.00	$62,985.00
Bison Truck	$59,930.00	$66,430.00
Buffalo Mack	$65,316.17	$72,116.17

FRONT HITCH WITH PLOW, WING, SANDER & DUMP BODY

COMPANY	FRONT HITCH BID	SANDER BID	SPRAY SYS
T.W. Equip.	$32,019.00	$6,384.00	$1,670.00
Gator Eqp.(NO BOND)	$30,670.00	$6,200.00	$1,800.00
Roberts Eqp.	$31,913.00	$5,555.00	$1,991.00

A motion was made by Councilman Walter and seconded by Councilman Wiktor, on the recommendation of Highway Superintendent Ruchalski, to award the bid for a 1998 truck to Hanson International for $62,985.00 without a trade.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport, on the recommendation of Highway Superintendent Ruchalski, to award the bid for a front hitch to Roberts Equipment for $31,913.00.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Walter to authorize Highway Superintendent Ruchalski to put one (1) 1979 4X4 Autocar with plow equipment, appraisal value of $12,000 - $14,000, in the Roy Teitsworth, Inc. auction on April 19, 1997.

five (5) Ayes — Carried

At 8:00 p.m. a Public Hearing was held for the purpose of hearing public comments on the proposed Increase in Facilities - Water District No. 1, Chestnut Ridge Road Waterline, Pump Station and Storage Tank.

Supervisor Kennedy read the Legal Notice.

Supervisor Kennedy convened the Public Hearing.

Supervisor Kennedy: We had a Public Hearing previous to this. Last year when we were going to go forward with this project the bids came in much higher than anticipated so we separated the bids. There was a bid on the waterlines, the storage tank, the pump station and the electrical contracting that has to do with both the pump station and the storage tank. Because of the increase in the amount of monies needed to go forward with the project it is necessary that we hold this Public Hearing this evening. This is an opportunity for you to comment or to make your suggestions known to the Board. Is there anyone who wishes to speak on the matter of the Increase in Facilities in Water District No. 1? This is an opportunity to do so.

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1997-7

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 19th day of March, 1997 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:

BE IT RESOLVED that the Order to approve the increase facilites dated March 19, 1997 be adopted.

Seconded by **Supervisor Kennedy** 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

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 19th day of March, 1997.

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 February 19, 1997, duly adopted by the Town Board of the Town of Boston, a Public Hearing was called on March 19, 1997 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 $1,050,000.00 to be financed as follows:

Contribution from Erie County Water Authority; $251,000.00

Available funds in Water District No. 1; $39,000.00

Amount to be raised by issuance of serial bonds; $750,000.00; 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 February, 1997 and;

WHEREAS, an environmental assessment form has previously 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

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 $1,050,000.00 to be financed as follows:

Contribution from Erie County Water Authority: $251,000.00

Available funds in Water District No. 1: $ 39,000.00

Amount to be raised by issuance of serial bonds: $750,000.00; 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, the specifications and bid documents having previously been prepared and bids having been opened on the said project.

Dated: March 19, 1997
Boston, New York

TOWN BOARD OF THE TOWN OF BOSTON

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, in Erie County, New York

David J. Shenk - Town Clerk

REGULAR BOARD MEETING
March 19, 1997

PUBLIC HEARING (CONT.)

Victor Antonelli, 6496 Omphalius Road: What is the time frame that we are looking at from this Public Hearing date?

Supervisor Kennedy: You are mostly concerned with the next Public hearing which is the Omphalius, Liebler and Chestnut Ridge Roads extensions but this has to go forward in order for that to go forward also. Once this Public Hearing is terminated this evening and we enact a Resolution approving the Increase in Facilities in Water District No. 1 and the subsequent Public Hearing which will be held in another ten (10) minutes which has to do with Omphalius, Chestnut Ridge Road and Liebler and another Order enacting an Increase in Facilities for those particular roadways then the bids will be awarded and we will go forward. It is just a case of awarding the bids then. Because of the increase in the amounts it is necessary that a Public Hearing be held and that is the reason that we are here this evening.

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to close the Public hearing at 8:06 p.m.

five (5) Ayes Carried

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 19th day of February, 1997.

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 MARCH 19, 1997

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;

TOWN HALL
7:30 P.M.

WHEREAS, the maximum amount proposed to be expended for the completion of the construction of said improvement and facilities is $1,050,000.00 to be financed as follows:

Contribution from Erie County Water Authority: $251,000.00
Available funds in Water District No. 1: $ 39,000.00
Amount to be raised by issuance of serial bonds: $750,000

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 be held on the 19th day of March, 1997 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 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 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 nor more than 20 days before the date designated for such public hearing as aforesaid.

Dated: February 19, 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

3-6

RESOLUTION 1997 - 7 ORDER APPROVING INCREASE IN FACILITIES WATER DISTRICT #1

A motion was made by Councilman Wiktor and seconded by Councilman Davenport, on the recommendation of the Planning Board, to approve the Building Permit Application for the Faniel Hall Coach Home Community, 7281 Boston State Road.

five (5) Ayes Carried

TOWN ATTORNEY REPORT

Town Attorney Perley attended a pre-trial conference regarding the Falkides lawsuit against the Town of Boston. The matter is in litigation and a report will be made to the Town Board at such time as it is appropriate.

At 8:15 p.m. a Public Hearing was held for the purpose of hearing public comments on increasing the maximum amounts to be expended for the establishment of Chestnut Ridge/Omphalius/Liebler Roads Extension No.1 to the Town of Boston Water District No.1.

REGULAR BOARD MEETING
March 19, 1997

TOWN HALL
7:30 P.M.

PUBLIC HEARING (CONT.)

Supervisor Kennedy read the Legal Notice.

Supervisor Kennedy convened the Public Hearing.

Supervisor Kennedy: These are the extensions of the three (3) roadways which will now be able to service higher up the hill in elevation because of construction of the new tank at Chestnut Ridge Road is a higher elevation. It is going to increase water pressures to the people in the Town of Boston anywhere south of Chestnut Ridge Road. In other words, there are people who live at the ends of these streets like Hillcroft where the pressures have been very low and they also will have an increase in pressure reflected at those hydrants at the ends of those roadways. This is the Public Hearing for those three (3) roadways and if anyone wishes to comment or ask questions this is the time to do so.

Victor Antonelli, 6496 Omphalius Road: Once again, what is the time frame? What kind of a time frame are we looking at? If the contracts are awarded tonight when is the backhoe going to start digging?

Supervisor Kennedy: I will ask the Town Engineer. What would you anticipate would be the time when the actual construction would start on this project?

Town Engineer Pettit: I believe by the time the contracts are signed and the contractors gets in motion it will be the middle of April.

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 19th day February, 1997.

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

Proceedings to increase the maximum amounts to be expended for the establishment of the Chestnut Ridge/Omphalius/Liebler Roads Extension No. 1 to the Town of Boston Water District No. 1 pursuant to Article 12A of the Town Law.

WHEREAS, the Town Board of the Town of Boston by Order dated the 3rd day of July, 1996 established the Chestnut Ridge/Omphalius/Liebler Roads Extension No. 1 to the Town of Boston Water District No. 1 pursuant to Article 12 of the Town Law; and

WHEREAS, the Order establishing said extension established that the maximum amount to be expended to be $69,500.00 to be financed by the issuance of serial bonds in said amount; and

WHEREAS, the engineering firm of TVGA Engineering and Surveying, P.C., competent engineers licensed by the State of New York have prepared a map plan and report dated February, 1997 in which the maximum amount to be expended for the said project has been increased from $69,500.00 to $81,300.00; and

WHEREAS, Section 209-h of the Town Law (under Article 12A) has established a procedure for an increase in the maximum amount to be expended; and

WHEREAS, the 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 special assessments from the several lots and parcels of land within the district on the basis of their assessed valuation, to pay principal and interest upon 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	$320.00
Total:	$472.00

and that the cost of tap-in fees to obtain service from the Erie County Water Authority for said typical property [illegible] $750.00 and that the Town Board h[illegible] caused to be prepared and filed for pu[illegible]lic inspection with the Town Clerk, [illegible] detailed explanation of how the adjustments herein were computed and further that the cost of the District to such typical properties below the average estimated cost to the typical properties for the establishment of similarly type 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 the said Town on the 19th day of March, 1997 at 8:15 p.m. eastern prevailing time to consider the proposed increase and maximum amount to be expended for the consideration of the Chestnut Ridge/Omphalius/Liebler Roads Extension No. 1 to Water District No. 1 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 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 Subdi[illegible]sion 6 of Section 30 of the Town Law copy of this Order, certified by the To[illegible] Clerk, the first publication and said po[illegible]ing to be not less than 10 nor more tha[illegible] 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.

/s/
Richard L. Kennedy, Supervisor
/s/
Lisa M. Rood - Councilman
/s/
Damian P. Wiktor - Councilman
/s/
Peter A. Walter - Councilman
/s/
Josephine M. Davenport - Councilman
[SEAL]

Members of the Town Board
of the Town of Boston
/s/
David J. Shenk - Town Clerk

3-6

Supervisor Kennedy: The middle of April is about as good a time frame as we can give you. About a month from today.

Councilman Rood: How long before completion?

Town Engineer Pettit: The overall project is about six (6) months. At least Fall, Thanksgiving.

Supervisor Kennedy: I wouldn't say Thanksgiving but I would say you will have water for Christmas.

David Early, 7125 Omphalius Road: After revisions how far up Eddy and Liebler can you get water?

REGULAR BOARD MEETING
March 19, 1997

TOWN HALL
7:30 P.M.

PUBLIC HEARING (CONT.)

Supervisor Kennedy: I will let Bob (Town Engineer Pettit) answer that but we have had plans showing it is about a thousand (1,000) feet above the power line on Omphalius.

Town Engineer Pettit: Yes, it is about seven hundred (700) feet on Liebler Road. The exact properties have been identified on the plans to be served and still maintain a large enough safety in compression. Those plans are on file here in the Town Hall.

Supervisor Kennedy: We are governed by the Erie County Water Authority that requires a certain number of pounds of pressure in order to allow a tap in.

Town Engineer Pettit: We have to maintain a residual pressure of twenty-five (25) pounds during a fire flow condition so if the tank is at an elevation of thirteen hundred (1,300) feet we can only serve to approximately an eleven hundred (1,100) to eleven hundred and fifty (1,150) feet elevation. That is to allow for that margin of safety.

Victor Antonelli: I just have to say, being very skeptic and going through all this for how long, is there anything foreseeable that anyone is aware of that would delay this project once the contracts are awarded today? Does this look like it is going to happen?

Supervisor Kennedy: Once we award these contracts, which we are going to do as soon as this Public Hearing is closed, we are going to be obligated by law to pay the money for these contracts so there is no way the Town could stop it that I foresee.

Town Attorney Perley: This proceeding and the proceeding for the Increase in Facilities is subject to Permissive Referendum.

Supervisor Kennedy: That is right. We have to wait thirty (30) days.

Town Attorney Perley: We are not waiting thirty (30) days. We are going to give a "Notice to Proceed" so the contractors can hit the ground in thirty (30) days. Mr. Antonelli asked whether or not there was anything and there is something so I don't want to mislead anybody.

Supervisor Kennedy: That is correct. If the people in Water District No. 1, which encompasses the major part of the Town that is served with water, if for some reason someone wanted to circulate a petition in opposition to the project and were to present the number of signatures required by law to this Town Board within the thirty (30) day period, yes it could stop the project. I don't anticipate this since it is no cost to the people in Water District No. 1. I can't see why they would object because the people that are actually going to pay for the extensions are the people on Omphalius and Liebler Roads.

Town Attorney Perley: The way it actually breaks down for the extension is that only the people in the extension could file a petition.

Supervisor Kennedy: The Increase in Facilities is a District No. 1 obligation throughout the entire district. If that were to happen that would certainly stop the proceeding.

Victor Antonelli: I just hope you understand my skepticism.

Supervisor Kennedy: I understand but you have to understand what we went through to get this to this particular point in time. There is nothing that I would rather see and be brought to fruition before I leave here. It is taken a long time and you get no more

REGULAR BOARD MEETING
March 19, 1997

TOWN HALL
7:30 P.M.

PUBLIC HEARING (CONT.)

Supervisor Kennedy (Cont.): frustrated than we do. I appreciate that you have a condition that we don't have because you are the one that doesn't have water. Believe me, I am tired of this. I would rather see it done. It is something we worked long and hard on and I am hoping now that there is nothing that is going to stop it from happening because it is something that is vitally needed by the people in this area. It is certainly vitally needed by all the people in Water District No. 1 because we have reached that point where the original water storage facilities that we have in Eden, that pump station doesn't allow us the adequate pressures we need for fire flow or the addition of any more homes in the southern end of this community. We have reached the maximum without additional storage facility so it is not only to benefit you but to benefit all the people in Water District No. 1 that we went through this whole scenario. Are there any other questions?

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to close the Public hearing at 8:27 p.m.

five (5) Ayes — Carried

RESOLUTION 1997 - 8 ORDER TO INCREASE THE MAXIMUM AMOUNTS TO BE EXPENDED FOR THE ESTABLISHMENT OF THE CHESTNUT RIDGE/OMPHALIUS/LIEBLER ROADS EXTENSION NO. 1 TO WATER DISTRICT NO. 1

At 8:30 p.m. a Public Hearing was held for the purpose of hearing public comments on proposed Local Law No. 2-1997 to amend Local Law No. 2-1987 known as "Mobile Home Court Law for the Town of Boston", adopted by the Town Board of the Town of Boston on August 12, 1987.

Supervisor Kennedy read the Legal Notice.

Supervisor Kennedy noted that copies of the amendment to Local Law No. 2 - 1987 were sent to Mr. and Mrs. Falkides, owners and administrators of the Boston Hills Mobile Homes and Estates and to Mr. and Mrs. Boyd, administrators and owners of the Sprague Mobil Home Park.

LEGAL NOTICE
TOWN OF BOSTON
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that there has been presented to the Town Board of the Town of Boston, Erie County, New York, on February 27, 1997, a copy of Local Law Number 2 of the year 1997 (Proposed), entitled a Local to amend the Mobile Home Court Law of the Town of Boston.

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston will conduct a Public Hearing on the aforesaid Local Law at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on Wednesday, March 19, 1997 at 8:30 p.m., Eastern Daylight Savings Time, at which time all interested persons will be heard.

Dated: March 5, 1997
Published: March 13, 1997

BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK
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Supervisor Kennedy convened the Public Hearing.

Ronald Yormick, 6405 Deanna Drive: I would like to see the amendment to the Mobile Home Court Law and I am in favor of it. I think more green space and more density just adds to the characteristics of this town. I think all the amendments should just make it easier for the Planning Board and the Town Board and all the officials and planners involved.

Maryann Matyas, 6444 Willow Drive: I am in favor for the same reasons.

Supervisor Kennedy: Have you received a response from either the Falkides or Boyds to the letter you sent regarding the revisions?

Town Clerk Shenk: No, I haven't.

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 19th day March, 1997.

Resolution 1997-8

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

In the Matter
of the

Proceedings to increase the maximum amounts to be expended 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 12A of the Town Law.

WHEREAS, the Town Board of the Town of Boston by Order dated the 3rd day of July, 1996 established 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; and

WHEREAS, the Order establishing said extension established that the maximum amount to be expended to be $69,500.00 to be financed by the issuance of serial bonds in said amount; and

WHEREAS, the engineering firm of TVGA Engineering and Surveying, P.C., competent engineers licensed by the State of New York have prepared a map plan and report dated February,

1997 in which the maximum amount to be expended for the said project has been increased from $69,500.00 to $81,300.00; and

WHEREAS, Section 209-h of the Town Law (under Article 12A) has established a procedure for an increase in the maximum amount to be expended; and

WHEREAS, the 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 special assessments from the several lots and parcels of land within the district on the basis of their assessed valuation, to pay principal and interest upon said bonds as same shall become due and payable; and

WHEREAS an Order was duly adopted by the Town Board of the Town of Boston on the 19th day of February, 1997 reciting the filing of said Map, Plan and Report in which the maximum amount to be expended was increase and specifying March 19, 1997 at 8:15 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 Map, Plan and Report 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 19th day of March, 1997 commencing at 8:15 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 concerning the subject thereof.

NOW, THEREFORE, upon the evidence given at the Public Hearing and upon the Motion of Supervisor Kennedy, duly seconded by Councilman Walter and unanimously adopted, it is

RESOLVED AND DETERMINED that :

A. The Map Plan and Report is proper and legally sufficient;

B. That it is in the public interest to allow the increase in the maximum amount to be expended as set forth in the Map, Plan and Report from $69,500.00 to $81,300.00, 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

David J. Shenk - Town Clerk

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 ___ day of March, 1997 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 ___ day of March, 1997.

_____

David J. Shenk - Town Clerk

[SEAL]

REGULAR BOARD MEETING — TOWN HALL
March 19, 1997 — 7:30 P.M.

PUBLIC HEARING (CONT.)

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to close the Public Hearing at 8:45 p.m.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to table proposed Local Law No. 2 - 1997 until the April 2, 1997 regular Town Board meeting.

five (5) Ayes — Carried

Supervisor Kennedy read a letter from TVGA Engineering as follows: On February 13, 1997 at 2:00 p.m. bids for the above noted waterlines and pump station project were received and opened. Nine (9) bids were received for the waterlines (Contract 1, Bid Section A and B) as follows:

Kandey Co. Inc.	$318,492.00
Eastern Summit Development	332,098.59
J.D. Northrup Construction	349,879.00
Firstrhyme Construction Corp	364,325.00
CMH Company, Inc.	374,115.00
Klarberg, Inc.	376,353.00
Sergi Construction	396,370.00
Donald J. Braasch Const.	396,995.00
Joseph J. Kelly Blacktop	559,445.00
Engineer's Estimate	**245,395.00**

Seven (7) bids received for pump station (Contract 2) as follows:

Donald J. Braasch Const.	$143,600.00
Klarberg, Inc.	186,000.00
Kandey Co., Inc.	186,533.00
R.G. Rechin	200,000.00
Butler Construction	206,100.00
Amherst Construction, Inc.	212,300.00
Joseph Davis Refrigeration	219,500.00
Engineer's Estimate	**145,900.00**

Four (4) bids received for electrical work (Contract 3 as follows:

Tunney Electric. Inc.	$ 47,916.00
O'Connell Electric Co*	52,000.00 *received late - 2:01 p.m.
Weydman Electric	53,490.00
CIR Electrical Const. Corp.	54,200.00
Engineer's Estimate	**65,000.00**

On July 1, 1996 two (2) bids were received for the concrete tank. Natgun Corporation was the low bidder in the amount of $525,640.00. Natgun agreed in writing to hold bid price until March 1, 1997.

The project budget for Water District No. 1, Increase of Facilities, identified in the Map, Plan and Report is $844,600.00, which includes contingencies. This budget amount was presented at the public hearing held for this project.

Contract 1 was subdivided into two (2) separate Bid Sections, (A and B). Bid Section A is all waterline costs associated with the Increase of Facilities. Kandey Co., Inc.'s bid amount for Bid Section A is $228,668.00.

A summary of the total Increase of Facilities project is as follows:

Concrete Tank	Natgun	$525,640.00
Contract 1 - Bid Section A	Kandey	228,668.00
Contract 2 -	D.J. Braasch	143,600.00
Contract 3	Tunney	47,916.00
Sub Total		$945,824.00

TVGA ENGINEERING LETTER (CONT.)

Contingencies (Estimated)	44,176.00
Total Estimated Construction cost	$990,000.00
Less Original Budget Amount	-844,600.00
Project Shortfall	$145,400.00

Since the bids plus contingencies ($990,000.00) are over the original budget, a public hearing will be required.

We recommend that the Town Board schedule a public hearing to present the anticipated project construction cost of $990,000.00. Assuming no opposition to the project, award the four (4) contacts as previously outlined above following the public hearing.

Contract 1, Bid Section B, is for all waterline costs associated with the Omphalius and Liebler Roads extensions. Kandey Co., Inc.'s bid amount for Bid Section "B" is $89,824.00. Included in the bid is $26,200.00 for copper services from the main to the right-of-way and meter pits. This cost would be paid by the homeowner, through reimbursement to the Town when applying for water service. Therefore, the project construction costs for Omphalius and Liebler Roads is as follows:

Bid Amount	$89,824.00
Less Services and Meter Pits	-26,200.00
Sub Total	$63,624.00
Contingencies (Estimated)	6,376.00
Total Estimated Construction Cost	$70,000.00
Less Original Budget amount	-58,200.00
Project Shortfall	$11,800.00

The bid plus contingencies ($70,000.00) is over the original budget. Therefore, a public hearing will be required.

We recommend that the Town Board also schedule a public hearing to present the anticipated project construction cost of $70,000.00. Assuming no opposition to the project, award the bid Section (B) work to Kandey Co., Inc.

A motion was made by Councilman Wiktor and seconded by Supervisor Kennedy, on the recommendation of Town Engineer Pettit, to award the waterlines (Contract 1, Bid Section A and B) to Kandey Co. Inc. for $318,492.00.

five (5) Ayes Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport, on the recommendation of Town Engineer Pettit, to award the pump station, (Contract 2), to D.J. Braasch for $143,600.00.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor, on the recommendation of Town Engineer Pettit, to award the electrical contract, (Contract 3) to Tunney Co. for $47,916.00.

five (5) Ayes Carried

COUNCILMAN REPORT

Councilman Rood reported that a flyer announcing the Tire and Textile drop-off will be put in pennysaver boxes along with the brush pick-up schedule. The Tire and Textile drop-off date is scheduled for Saturday April 19, 1997 to coincide with Earth Day. The collections will be behind the Boston Town Hall from 9:00 a.m. to 2:00 p.m. The Town will receive $100 per ton of textile collected and will be used to offset the cost of the Tire drop-off. Acceptable textiles for collection are listed on the flyers. Forty-eight (48) to fifty (50) percent of the textiles are sold to developing countries. The remainder is recycled.

1997 - 09

INSTALL TRAFFIC SIGNAL AT INTERSECTION OF BOSTON STATE , BOSTON COLDEN, AND WEST TILLEN ROADS

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 March 1997 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, the NYS DOT has completed the Rice Road Interchange (exit) linking U.S. Route 219 and the Boston State Road and,

WHEREAS, Erie County has resurfaced the Boston Colden Road between Boston State Road and Route 240, in Colden and,

WHEREAS, since the completion of these projects numerous traffic accidents have occurred at the intersection of Boston State Road (north-south) and West Tillen and Boston Colden Roads (east-west) and,

WHEREAS, currently there is a stop sign for east and west travel, however with the increased traffic this is not a safe measures of control, now therefore,

BE IT RESOLVED, that a traffic signal at the intersection of Boston State Road (north-south) and West Tillen and Boston Colden Roads (east-west) is needed as soon as possible and,

BE IT FURTHER RESOLVED, that this traffic signal should have a yellow flashing light for north and south and a red flashing light for east and west traffic.

Seconded by **Councilman Wiktor** 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

REGULAR BOARD MEETING
MARCH 19, 1997

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.)

On April 19, 1997 the Conservation Advisory Council will be planting 300 trees from the National Tree Trust grant into containers for eventual out-planting in the Boston Town Parks.

Councilman Rood announced that Councilman Hours were held on March 8, 1997. One resident complained of a drainage problem on George Drive and the problem was referred to Highway Superintendent Ruchalski. Other residents were concerned on the status of the proposed Chestnut Ridge Tower.

Councilman Wiktor attended a Haz-Mat meeting on March 8, 1997. The Eden Fire Company has donated their old pagers to the Haz-Mat Team who turned them in for the new digital pagers. The Haz-Mat Team used the new digital system during the recent derailment in Colden and found the new system to be very effective. Haz-mat is conducting Awareness Programs for various industries in the area. Currently the Awareness Program is being conducted at the Lender Bagel Company in Cheektowaga. Due to costs, Haz-Mat will eliminate one (1) truck which will leave three (3) trucks in operation.

Councilman Walter noted tires are being thrown on the roadside of Omphalius Road. Residents are asked to record license plates and to report anyone observed discarding tires or rubbish.

Councilman Walter will meet with contractor David Slotman to complete the drainage project on South Abbott and Meadow Drive.

Councilman Walter reported a request was received from the Erie County Highway Department for a resolution for the proposed stop light at West Tillen and Boston State Roads.

RESOLUTION 1997 - 9 INSTALL TRAFFIC SIGNAL AT INTERSECTION OF BOSTON STATE, BOSTON COLDEN, AND WEST TILLEN ROADS

Councilman Walter reported that on February 28, 1997 there was a power outage on the East Hill and the Patchin Fire Company rerouted traffic around the many downed poles. New poles were installed by the Electric Company and hopefully there will be no more problems.

Councilman Walter reminded everyone of the Easter Egg Hunt sponsored by the Boston Democratic Party on Saturday, March 29, 1997 at 1:00 p.m. at the Boston Town Park. All children ages twelve and under are invited.

Councilman Davenport reported the Nutrition Program St. Patrick Day Celebration was a success. The servers wore green hats and there was Irish music and favors.

Councilman Davenport announced the Creative Playground Committee will be meeting during Easter Week and checking on the playground. A bike rack will be installed this year.

Councilman Davenport noted the Friday Night Recreation Program is still in effect and the Summer Recreation begins the first Monday in May for registration. Project Smart begins the third week in May which is a remedial program for math and reading. Registration for Soccer is the third week in May and Football is the second and third weeks in June. The Recreation Program schedules are available in the Town Clerk's Office.

A motion was made by Councilman Walter and seconded by Councilman Davenport to adjourn the meeting at 9:10 p.m.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
APRIL 2, 1997 — 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 Perley.

Absent: Highway Superintendent Eugene E. Ruchalski.

A motion was made by Councilman Wiktor and seconded by Councilman Walter to adopt the minutes of the March 19, 1997 Regular Board 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 #4, dated April 2, 1997 in the amount of $37,754.63 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter that the Highway Bills on Abstract #4, dated April 2, 1997 in the amount of $9,360.41 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 March 1997.

five (5) Ayes — Carried

Received and filed notification from TVGA Engineering of a pre-construction conference regarding Water District No. 1 Increase of Facilities to be held on April 15, 1997.

Received and filed notification from University at Buffalo State University of NY of a Clean Water/Clean Air Bond Act workshop.

Received and filed an invitation for the City of Buffalo 165th birthday celebration from Buffalo Dept. of Community Development.

Supervisor Kennedy read a letter from Assessor Eagan proposing a method of payment for a software package for the Assessor's office.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to approve the purchase of TSL Software for the Assessor's Office for $3,300 to be paid in the following manor $2,000 in 1997 and $1,300 to be paid in 1998 and to make the following transfers:

A1990.4	$1,000	to	A1355.2	$1,000
A1355.4	1,000	to	A1355.2	1,000

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood to re-appoint Gerald L. Hice to the Zoning Board of Appeals term to expire, April 1, 2002.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Walter to remove from the table a request from Roy Ranic, 6698 Liebler Road for a second accessory building tabled at the March 19, 1997 Town Board meeting.

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
APRIL 2, 1997 — 7:30 P.M.

A motion was made by Councilman Walter and seconded by Councilman Rood to grant the request for a second accessory building to Roy Ranic, 6698 Liebler Road.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Rood to remove from the table the proposed Amendments to Local Law No. 2 - 1987 Mobile Home Court Law, tabled at the March 19, 1997 Town Board meeting.

five (5) Ayes — Carried

Supervisor Kennedy read a letter dated March 31, 1997 from John and Katherine Falkides claiming the proposed amendment to the Mobile Home Court Law appears to be directed at them personally to prevent the proposed development of their land.

Supervisor Kennedy replied the proposed changes to the Mobile Home Court Law are not to discourage development but to correct problems that arose during the processing of former applications. When computing the proposed lot size of 10,000 square feet with 15% coverage, a double wide trailer with a carport and accessory building comes out to slightly more than what is allowable under the proposed amendment to the Mobile Home Court Law. Supervisor Kennedy proposed the 15% coverage be changed to 18%. This would not alter anything to a strict degree but would allow any R4 development to accommodate a double wide unit with a carport and an accessory building.

Councilman Walter: Can we change this legally and vote on this tonight?

Town Attorney Perley: Yes, provided that is the only change because that is a minor change not a major change.

Councilman Walter: It is not minor, it is a change in numbers not in wording. I would like to see it remain the same.

Supervisor Kennedy: Would you rather it remain the same or would you like to schedule another Public Hearing?

Councilman Walter: I would rather it remain the same.

Supervisor Kennedy: I have a motion on the table so we can act on that motion first. Does this in your opinion require another Public Hearing?

Town Attorney Perley: This would not in my opinion require another Public Hearing.

Supervisor Kennedy: I gave my reasons for changing from 15% to 18%.

Councilman Davenport: I have done some thinking and I would prefer this Mobile Law stay the same. I vote no.

Councilman Rood: I vote yes because it has been indicated to me by several people that when people move into a Mobile Home Court they are looking for less maintenance and by giving them the ability to put on carports and decks, which constitutes living space according to our law, I feel that 18% is a better number than 15%. It will give them more living space and more green space.

REGULAR BOARD MEETING
APRIL 2, 1997

TOWN HALL
7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to approve Local Law #2 of the year 1997, to amend Local Law No. 2 - 1987 Mobile Home Court Law with the change of 15% occupied area to 18% occupied area.

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

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

From:	Approp	A960		$4,000.00
	Contingent	A1990.4	$4,000.00	
To:	Approp	A960		$4,000.00
		A8540.4	$4,000.00	

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to grant Recreation Director O'Brien permission to attend the NYSRPS Conference in Lake Placid, New York from May 2 - 7, 1997, expenses not to exceed allocated amount budgeted.

five (5) Ayes Carried

Ronald Yormick, 6405 Deanna Drive: With the amendment to Local Law #2 pertaining to the Mobile Home Court Law, will this law now pertain to this application?

Supervisor Kennedy: I think their intent in submitting the application on the day of the Public Hearing on the Local Law was to circumvent the intent of the law. Whether in fact that would apply to this application I will ask legal counsel.

Town Attorney Perley: Our Local Law recites the following for the effective date, "This Local Law shall become effective as provided by law and shall apply to all applications pending on it's effective date or filed thereafter." So the intent of this Local Law is to apply the law to existing applications.

Supervisor Kennedy: So that would apply to this application?

Town Attorney Perley: I would render that opinion to the Town Board anytime it is required.

Ronald Yormick: What is the proper procedure now for this "Creation of a Mobile Home Court District" application? Does it go to the Planning Board for consideration?

Town Attorney Perley: It goes to the Planning Board for recommendation and review.

Ronald Yormick: Are the Planning Board meetings open to the public for comments?

Town Attorney Perley: The Planning Board meetings are open to the public but they are not necessarily open for comments.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to refer to the Planning Board the application of John and Katherine Falkides for the Creation of a Mobile Home Court District.

five (5) Ayes Carried

REGULAR BOARD MEETING TOWN HALL
APRIL 2, 1997 7:30 P.M.

SUPERVISOR REPORT

A) Supervisor Bank Account Report for March 1997 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 Registrar of Vital Statistics Report for March 1997.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to grant Town Clerk Shenk permission to attend NYS Association of Town Clerk's Conference on April 20- 23, 1997, expenses not to exceed allocated amount budgeted.

five (5) Ayes Carried

Town Clerk Shenk reported that he attended the Affirmative Action Officer's Training on March 27, 1997 sponsored by the Erie County Department of Environment and Planning. Town Clerk Shenk found the training informative and thinks a better description for a Affirmative Action Officer would be "Equal Housing Officer." The real intent of this office is to monitor and help keep people from being discriminated against while applying for housing or loans on both the tenant and the landlord side. The Town of Boston has always met the standards and has been in compliance with regards to publishing and posting signs at the Town Hall. The proper brochures are available in the Town Clerk's office.

Town Clerk Shenk was able to obtain a contract through the Erie County Bid process with Angier's Business Systems for a typewriter maintenance agreement. Previously, the cost was $365.40 annually for maintenance on three (3) machines and now the cost is $145.00 annually for six (6) machines.

Supervisor Kennedy and Town Clerk Shenk scheduled a Memorial Day Committee meeting for April 4, 1997 at 10:00 a.m.

TOWN ATTORNEY REPORT

Town Attorney Perley gave an update on the Sprint Spectrum Lawsuit. An answer to the Sprint Summons and Complaint will be served and filed on April 4, 1997. On March 24, 1997 Town Attorney Perley was served with an Article 78 Proceeding and was informed that Sprint Spectrum is contemplating a third lawsuit against the Town of Boston under the Telecommunications Act of 1996. WNED was requested to state their position on the negotiations for the tower site as part of our record to demonstrate that Sprint Spectrum had an available opportunity for a site. That report will also be filed on April 4, 1997. In the absence of a response from the Town of Boston insurance carrier all documents will be filed.

COUNCILMAN REPORT

Councilman Rood reported she inspected the Ranic property and Boyd's trailer park. There is a dumpster at the Boyd property and it appears the little house is being demolished. Councilman Rood inspected the McKillen property from the road and noted there doesn't appear to be any changes.

Councilman Rood announced the 300 trees provided by the National Tree Trust Grant will be planted by the Conservation Advisory Council on April 19, 1997 at the Town Park. The Textile and Tire Drop-off is also scheduled for April 19, 1997 from 9:00 a.m. to 2:00 p.m. behind the Boston Town Hall. This is the first annual Textile Drop-off in Erie County. Flyers announcing these events were delivered to pennysaver boxes by the Highway Department.

REGULAR BOARD MEETING
APRIL 2, 1997

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.)

Councilman Rood announced that Councilman Hours will be held on Saturday, April 12, 1997 at the Town Hall from 10 am to 12 pm.

Councilman Wiktor announced he is working with the officers of the Emergency Squad and Deputy Supervisor Genzel to provide the Key Trust Company with data request forms and beneficiary designation forms that need to completed by the squad as part of their Service Awards Program.

Councilman Wiktor will contact Dean Messing, Deputy Commissioner of Civil Defense and Disaster Preparedness for Erie County, regarding a request for an updated Town of Boston Disaster Plan.

Councilman Wiktor announced there is a vacancy on the Planning Board and any interested resident may forward a letter to the Supervisor for consideration.

Councilman Walter announced the drainage project on Meadow Drive was completed last week. Due to the underground Fiber Optic cables the project was monitored very closely. Damage to the cables would have cost a half million dollars. The project cost was under $200.

As requested, Councilman Walter forwarded a certified Resolution to the Erie County Highway Department regarding a Town of Boston request for a flashing light on Boston State, Boston Colden Roads and the Rice Road Interchange.

Councilman Walter noted that this is a wet Spring and the problem drainage areas seem to be under control.

Councilman Davenport noted there is still no guard rail at the foot of Feddick Road. Councilman Walter responded that he called the Erie County Highway Dept. again and was told a new one would be installed.

Councilman Davenport checked the Creative Playground and reported the playground may need a power wash.

The Boston Valley Elementary School has poured the base for an addition and the bike rack will be installed upon completion.

Councilman Davenport thanked all the businesses in the community that gave donations for the Easter Egg Hunt. The Egg Hunt was a success and approximately three hundred (300) children attended.

Councilman Davenport reported the Nutrition Program is doing well and on April 11, 1997 there will be a speaker from Haven House.

Councilman Davenport noted the children in the Friday Night Recreation Program were dyeing eggs for prizes.

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer monthly report for March 1997 was received and is on file in the Clerk's Office.

B) Deputy Code Enforcement Officer monthly report for March 1997 was received and is on file in the Clerk's Office.

Supervisor Kennedy referred an anonymous complaint regarding a property on May Drive to the Code Enforcement Officer noting the Town Board is reluctant to follow up on anonymous complaints.

Supervisor Kennedy noted that complaints have been expressed to him concerning the dis-repair of the Menzemer property, 7615 Boston State Road. There are two (2) junk cars on the property and Supervisor Kennedy is attempting to contact Mr. Menzemer's sons.

REGULAR BOARD MEETING — TOWN HALL
APRIL 2, 1997 — 7:30 P.M.

CODE ENFORCEMENT OFFICER REPORT (CONT.)

Councilman Davenport: I was driving by the Szalay property and I can't believe how big those decks on the back are.

Supervisor Kennedy: There has been a reference from the Town Engineer that was given to you as well as copies to myself and to the Code Enforcement Officer. I don't know whether he has given you that information or to Michael as Town Attorney to try to make a determination as to the legality of the decks and the size that they are.

Town Attorney Perley: I have to talk to Town Engineer Pettit about that.

Councilman Walter: Just one thing on the Code Enforcement Report. Code Enforcement Office Kramer has on 3/22 that he was on Rollin Drive inspecting John Szalay's property and there is no mention of the decks on the back. I was wondering why that wasn't incorporated into his report?

Supervisor Kennedy: It probably wasn't incorporated into his report because he is waiting for a determination. If you want to talk to Code Enforcement Officer Kramer personally, I advise you to do so.

Town Attorney Perley: The decks are not in conformance with the site plan.

Supervisor Kennedy: Well I would direct you to advise him of that.

Councilman Davenport: Are they going to keep working on it even if it hasn't been approved?

Town Attorney Perley: You mean on the decks themselves?

Councilman Davenport: Are the decks finished? They are pretty large.

Town Attorney Perley: The decks are done. By the time I knew about it they were finished.

Supervisor Kennedy: By the time almost everyone knew.

Town Attorney Perley: So the question is what is the approach? I want to talk to the Town Engineer and haven't had a chance.

Supervisor Kennedy: This is the second time we have had a problem with Mr. Szalay. The other item was a discrepancy in the corners and the foundation which was altered and changed. It gets very expensive for him to do this. Certainly if they are not right he will have to change it.

Councilman Davenport: I think he should be made to stop until he gets them right.

Supervisor Kennedy: Well you can't stop something that is already there.

Councilman Davenport: I mean the whole construction, until he gets part of it right.

Supervisor Kennedy: If that is what you want, do what you want. I think it is something that can be taken care of. If they are not there properly and not part of the site plan, they can be taken down. It has to be modified until it is in conformance. He is not going to get a Certificate of Occupancy until he does. He will not be able to get any revenue for this building until he does it right.

REGULAR BOARD MEETING
APRIL 2, 1997

TOWN HALL
7:30 P.M.

CODE ENFORCEMENT OFFICER REPORT (CONT.)

Councilman Wiktor: He has proposed and presented to both the Planning Board and Town Board what he wanted to build. He can't alter the plans once he is in progress.

Supervisor Kennedy: As soon as Town Attorney Perley conveys legal advice to the Building Inspector he can take appropriate action.

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officer monthly report for March 1997 was received and is on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for March 1997 was received and is on file in the Clerk's Office.

A motion was made by Councilman Walter and seconded by Councilman Davenport to adjourn the meeting at 8:16 p.m.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
APRIL 16, 1997 — 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.

Rev. John VanHaneghan, Good Shepherd Lutheran Church, opened the meeting with a prayer.

A motion was made by Councilman Wiktor and seconded by Supervisor Kennedy to adopt the minutes of the April 2, 1997 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 #4A, dated April 16, 1997 in the amount of $42,340.41 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 16, 1997 in the amount of $18,491.65 be paid.

five (5) Ayes — Carried

Received and filed Erie County Sheriff's Report for March 1997.

Received and filed a Traffic Engineering Speed Study Report on Zenner Road from Erie County Department of Public Works, Division of Highways.

A motion was made by Councilman Davenport and seconded by Councilman Wiktor to support the Town of Amherst Resolution to oppose the closing of Erie Community College's North and/or South Campuses.

five (5) Ayes — Carried

The following bids for bus service for the Summer Recreation and Winter Alpine Ski Programs were opened on April 9, 1997 at 10:00 a.m. in the office of the Town Clerk, Town of Boston:

	Summer - per bus/per day 3 buses needed (Approx. 30 days)	Ski - per bus/per day (8 times)
Laidlaw Transit	$106.95	$129.00
America's First	$136.67	$165.00
Niagara Scenic	$109.25	$121.00

A motion was made by Councilman Wiktor and seconded by Councilman Davenport, on the recommendation of Recreation Director O'Brien, to award the bid for bus service to Laidlaw Transit for the Summer Recreation Program at $106.95 and the Ski Program at $129.00.

five (5) Ayes — Carried

Referred a request from Joette Calabrese, 7458 Lower East Hill, to Councilman Walter, Chairman of the Traffic Safety and Roadways Committee for a reduced speed limit on Lower East Hill Road.

A motion was made by Councilman Walter and seconded by Supervisor Kennedy to grant People Inc. use of the Lions Shelter for an annual family picnic on August 16, 1997. Tables and chairs will be inspected by the Boston Town Hall Laborer before and after use.

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
APRIL 16, 1997 — 7:30 P.M.

A motion was made by Councilman Davenport and seconded by Councilman Wiktor to grant the Patchin Fire Company use of the Lions Shelter to hold Super Bingo Games on Sundays, June 8th, & 29th, July 20th and August 24th, 1997 from 11:00 a.m. to 6:00 p.m.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Walter to grant $400.00 to the AMVETS Post 219 and $250.00 to VFW Post 2556 for the Memorial Day services on May 26, 1997.

five (5) Ayes — Carried

Referred to Town Attorney Perley a NYS Department of Agriculture & Markets request for certification pursuant to Section 305(4)(g) for the proposed Extension No. 2 to Water District No. 2.

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to appropriate funds not to exceed $3,000 for the Tire/Textile Drop-off Earth Day Program on April 19, 1997.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to appoint Councilman Rood as delegate to N.E.S.T. (Northeast-Southtowns Solid Waste Management Board) and CAC Chairman Christopher Bifaro as an alternate delegate.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Wiktor to close the Salt Storage Project and approve the transfer of General Fund Appropriations as follows:

960 Appropriation of $1040.40 — to Salt Storage Project

Transfer from Gen Fd Buildings 1620.4 — $1040.40

five (5) Ayes — Carried

At 8:00 p.m. a Public Hearing was held for the purpose of hearing public comments on the proposed Local Law No. 3-1997 to Increase the Veterans Tax Exemption in the Town of Boston, New York.

Supervisor Kennedy read the Legal Notice, and letters of recommendation from Assessor Eagan and Roger Duffett, 6693 Liebler Road.

Supervisor Kennedy convened the Public Hearing.

John Snyder, 6356 May Drive: Could you read over that $80,000 example again?

Supervisor Kennedy: All I was showing in the example that was submitted to us by the Assessor was how much might be lost if the Town doesn't take action. In other words, if somebody had been granted in the past a $20,000 veteran exemption, if we don't take this action in increasing the levels that same $80,000 property would result in an exemption of $16,370 which means that the property owner who is the veteran would incur a loss of approximately $3,630. If we take this action we will maintain that current veterans exemption and there won't be any loss to the veterans.

John Snyder: Second question. With that increase in the exemption is there any adverse affect to the veteran that you can think of?

LEGAL NOTICE
TOWN OF BOSTON
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN a copy of Local Law Number 3 of the year 1997 (Proposed), entitled a Local Law to amend the amount of the Alternative Veterans Tax Exemption has been presented to the Town Board.

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston will conduct a Public Hearing on the aforesaid Local Law at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on Wednesday, April 16, 1997 at 8:00 p.m., Eastern Daylight Savings Time, at which time all interested persons will be heard.

Dated: MARCH 26, 1997
Published: APRIL 3, 1997

BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK
4-3

REGULAR BOARD MEETING TOWN HALL
APRIL 16, 1997 7:30 P.M.

PUBLIC HEARING (CONT):
Supervisor Kennedy: The veteran would be better off with us taking this action. I wouldn't see anything detrimental. In other words if we don't take this action he is going to incur a loss. By taking this action we are maintaining current levels of exemptions to all our veterans and it is important for us to do so. That is why they have increased this top level from $80,000 to $120,000.

John Snyder: The top level is only effective with this veterans exemption. It doesn't pass as a regular tax roll with a new valuation on your property for taxable purposes.

Town Attorney Perley: It just changes the level of the exemption. It doesn't revalue any property.

Richard Miller, 7668 Charles Drive: Does this affect the Town?

Supervisor Kennedy: There is always an effect with any exemption whether it is a senior citizen exemption or a veterans exemption. When we exempt property that of course puts that burden of tax levy on other persons in the community. Since this is just maintaining what is currently allowable under the previous exemptions that the veterans received, it is not going to increase the burden on anyone else. If we don't pass it, there will be a loss to the veterans.

Richard Miller: And to the town?

Supervisor Kennedy: No, not to the town. We are going to collect the same amount of revenue regardless, it is just how it is going to be distributed. Those people who have exemptions are forgiven a certain amount of their taxes whether it is a senior citizen exemption or a veterans exemption. They get a certain exemption from tax that the other residents don't receive. So if you have to collect $10,000, and you don't collect it from one place you collect it from another which means the remainder of the residents pick up whatever is exempted from taxes. That is the way an exemption works. We are not increasing the amount that the veterans previously received, we are maintaining a higher limit so they are not going to lose part of their exemption.

Councilman Walter: After the revaluation process, a property that was accessed at a $100,000 is now $140,000. The valuation of the property was increased for taxable purposes but the exemption the veteran was receiving was not increased. So when they increase the veteran exemption from $80,000 to $120,000 it is roughly on the same level that it was. In other words no one is suffering a loss and it is going to maintain at the same level.

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to close the Public Hearing at 8:10 p.m.

five (5) Ayes Carried

A motion was made by Councilman Walter and seconded by Councilman Rood to adopt Local Law No. 3 of the year 1997 to Increase the Veterans Tax Exemption in the Town of Boston, New York.

five (5) Ayes Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter to approve the Correction of Abstract #4, April 2, 1997 as follows:
Voucher 221 Advance 2000, Inc.
From A1220.4 Supervisor To A1355.4 Assessor
Voucher 232 NYSE&G Corp.
From A5182.4 Garage To A5182.4 Street Lt
Voucher 235 NYS Arts & Cultural Coalition
From A7310.4 Parks To A7310.4 Youth Prg

five (5) Ayes Carried

REGULAR BOARD MEETING — TOWN HALL
APRIL 16, 1997 — 7:30 P.M.

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 Summer Recreation Program, term effective immediately and to expire on August 31, 1997:

Jackie Russell	Summer Supervisor	$2,600.00	for Summer
Kathy Rooney	Administ. Assist.	$ 7.40	per hr.
Rebecca Dubicz	Site Supervisor	$ 7.40	per hr.
Eric Krajewski	Site Supervisor	$ 7.40	per hr.
Melissa Wilson	Asst. Site Supv.	$ 6.75	per hr.
Audrey Torno	Asst. Site Supv.	$ 6.75	per hr.
Christine Bubar	Arts/Crafts Supv.	$ 6.00	per hr.
Doris Pilato	Arts/Crafts Supv.	$ 6.25	per hr.
Mandi Malchoff	Rec. Att/Lifeguard	$ 5.00/6.75	per hr.
Julie Pavlovic	Rec./Att/Lifeguard	$ 5.25/6.75	per hr.
Jennifer Burroughs	Rec. Attendant	$ 5.25	per hr.
Michelle Clesse	Rec. Attendant	$ 5.00	per hr.
Julie Edwards	Rec. Attendant	$ 5.00	per hr.
Julie Ehlers	Rec. Attendant	$ 5.00	per hr.
Chris Emerling	Rec. Attendant	$ 5.25	per hr.
Jessica Kobiolka	Rec. Attendant	$ 5.25	per hr.
John Polowski	Rec. Attendant	$ 5.00	per hr.
Nathan Potter	Rec. Attendant	$ 5.00	per hr.
Keith Steward	Rec. Attendant	$ 5.25	per hr.
Rebecca Vara	Rec. Attendant	$ 5.00	per hr.
Charles Schreier	Rec. Attendant	$ 4.75	per hr.

five (5) Ayes — Carried

SUPERVISOR REPORT

A) Supervisor monthly report for March 1997 was received and is on file in the Town Clerk's Office.

Supervisor Kennedy announced the Waterline Tank and Pump Station work in District No. 1. pre-construction meeting convened on April 15, 1997 and all contract documents were signed with the respective contractors. The contracts will be initiated in a weeks time and begin in April. The contractors tentative completion date is October 21, 1997. It is hopeful residents will have water by Thanksgiving. We are working to see if the West Hill Water project can be initiated as soon as possible. Both the East and West Hill projects have been submitted for funding under the new State Grant Program and fund monies which were appropriated when the bond issue was approved.

TOWN CLERK REPORT

A motion was made by Councilman Wiktor and seconded by Councilman Davenport to accept the Tax Collection Report for March 1997.

five (5) Ayes — Carried

Town Clerk Shenk reported that he is notifying all organizations that conduct Bell Jar fundraising of the recent updates to the law passed by the NYS Legislature. Previously the Town of Boston received 2% of quarterly profits. It is now mandatory that 5% of quarterly profits be sent to NYS as opposed to the Town. In 1996, $776 in revenue was collected by the Town.

An agreement has been reached with Pitney Bowes for a new postal meter resulting in a 25% savings over the previous meter. Town Clerk Shenk is in the process of training the staff in the operation of the new meter.

REGULAR BOARD MEETING
APRIL 16, 1997

TOWN HALL
7:30 P.M.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Ruchalski inspected roads with Erie County Deputy Commissioner of Highways, David Comerford on April 11, 1997. The Boston State Road was scheduled for a complete reconstruction in 1997 but due to problems on Zenner and North Boston Roads it is now rescheduled for 1998. Omphalius and Zimmerman Roads will be spot patched this year along with Boston State Road.

TOWN ATTORNEY REPORT

Town Attorney Perley informed the Town Board that the Sprint Spectrum lawsuit is scheduled for argument on April 21, 1997. Two (2) motions, one on the Article 78 proceeding and one on the main lawsuit for an injunction.

The Costello Article 78 proceeding, which is the variance that was approved for a barn, is scheduled for argument on April 22, 1997.

COUNCILMAN REPORT

Councilman Rood reported that she attended the Boston Youth Advisory Board meeting on April 12, 1997. A non-resident fee for the Boston Recreation Program was discussed. Councilman Rood supports implementing this fee because other towns in surrounding areas have non-resident fees and non-residents are taking advantage of the grounds, maintenance and insurance policy that Boston taxpayers are paying for.

Councilman office hours were held on April 12, 1997. Several people voiced concerns over the condition of the softball fields. Next month Councilman hours will be held in the mail room so that there is access to a telephone and copy machine.

Councilman Rood attended the Chamber of Commerce dinner meeting on April 10, 1997 and announced the "Citizen of the Year" dinner will be at the Dock of the Bay restaurant on May 10, 1997. Tickets are available and everyone is invited.

Councilman Rood attended a N.E.S.T. (Northeast-Southtowns Solid Waste Management Board) meeting and the Hazardous Waste Drop-off date is Saturday, June 21, 1997, 9:00 a.m.- 2:00 p.m. at the ECC South Campus. Included in the items to be dropped off is oil based paints (no latex paints), paint thinners, and waste solvent, lead acid car batteries, pesticides, herbicides, fungicides in original label containers, motor oil and antifreeze, dry cell batteries and propane cylinders.

Councilman Rood reminded everyone that on Saturday, April 19, 1997, along with the tire and textile drop-off, trees will be planted from the National Tree Trust Grant received by the CAC Advisory Council at no cost to the Town. Three hundred (300) seedlings will be planted in containers in a trench near the Highway Department garage. Trees received from the same program three (3) years ago have been planted around the pond and the Town parks.

Councilman Wiktor announced the Erie County Department of Emergency Services Local Government Service Information Report has been completed. A copy was sent to Erie County and a copy is on file in the Supervisor's office. The Town of Boston Disaster Coordinator Report has been completed and is also on file in the Supervisor's office.

Councilman Wiktor attended the Chamber of Commerce dinner meeting on April 10, 1997 and reported the new Chaffee Hospital Town of Boston Medical facility on State Road is on construction schedule and the tentative opening will be the end of April.

REGULAR BOARD MEETING
APRIL 16, 1997

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT):

On April 12, 1997 Councilman Wiktor attended the Recreation Department meeting and congratulated Linda Carney on her many dedicated years of service to the Town as coordinator of the Bowling Program.

Councilman Wiktor reported that he had received many compliments to the Highway Department for their work in sweeping the roads.

Councilman Wiktor received a request from Norman Sequin, Air Bank System Chairperson for three (3) Boston fire companies, for a new Air Bank System because the old system is outdated. Councilman Wiktor will be working with Norman Sequin and the Town of Boston Grantsperson to find funding to upgrade this system.

Councilman Walter announced he received several calls regarding the poor condition of Omphalius Road. The Erie County Highway Department in East Aurora said they would patch the road soon. A complaint was received regarding a swamp being created near 5674 Herman Hill Road, which is a State Road. After inspecting the complaint, Councilman Walter notified the NYS DOT who will address the problem.

Councilman Walter noted that he was dissatisfied with the vote on the Mobile Home Court Law and called the Associate Counsel for the Association of Towns. He was advised that he could recommend that another Public Hearing be scheduled and the vote retaken.

Councilman Walter: It was stated that there was just a small change made. I don't feel it was a small change. I stated at the meeting that this change is a twenty percent (20%) increase in the size of a building. That is not a small change. The Associate Counsel advised me that this could be overturned. Twenty percent (20%) the size of the building was increased from fifteen percent (15%) of the property coverage to eighteen percent (18%) which is an increase of twenty (20%). I feel this decision should be reversed. I feel as though the public should have some input into this and another meeting should be scheduled and if after that next Public Hearing it is so decided to go along with this as it is, then it is another story. Until then I am against it.

A motion was made by Councilman Walter and seconded by Councilman Davenport to schedule another Public Hearing on Local Law No. 2 of the Year 1997.

Supervisor Kennedy: Before we would schedule the Public Hearing or vote on it, I would ask the Town Attorney to look into the matter to see if it is necessary to conduct another Public Hearing. I'll ask him to research it and if in fact that is the status or if he receives word from legal counsel in Albany that it is necessary, then I would think it would be appropriate at that time to convene another Public Hearing if you so desire.

Town Attorney Perley: Do you want me to look into it?

Supervisor Kennedy: Yes. If you would like to vote on your motion, fine, but I think that would be more appropriate.

Councilman Walter: I will agree to give the Town Attorney the courtesy of looking into it. If it is possible, yes I would like to schedule another Public Hearing but I will wait.

Town Attorney Perley: Nothing prevents a reintroduction of a Local Law at any time in the future to amend the Local Law as it stands.

Supervisor Kennedy: You can always introduce a law. You certainly have that prerogative as a legislator to introduce or forward any local law for consideration by this Board at anytime you so desire.

REGULAR BOARD MEETING — TOWN HALL
APRIL 16, 1997 — 7:30 P.M.

COUNCILMAN REPORT (CONT):

Councilman Walter: Rather than change any law I would like to have it correct before it is accepted.

Councilman Rood: How much does it cost to run a Public Hearing for all the publications and everything?

Town Clerk Shenk: Somewhere between eighteen ($18.00) and twenty-two ($22.00) dollars. Are you withdrawing your motion Councilman Walter?

Councilman Walter: To table my motion until we hear from Town Attorney Perley would probably be in order.

Supervisor Kennedy: We haven't voted on the motion so if you are willing to withdraw the motion until we hear form the Town Attorney that would be fine otherwise we could vote on your motion right now. Whatever you desire.

Councilman Walter: I will accept the legal counsel of Town Attorney Perley.

Town Attorney Perley: It is a matter of policy for the Board. I will report at the next meeting. You could withdraw the motion and you could bring it up again then.

Councilman Walter: I will withdraw the motion and bring it up at the next meeting and decide at that time.

Councilman Davenport reminded the Senior Citizens who attend the Nutrition Program that Memorial Day will be celebrated on Monday, May 26, 1997.

Councilman Davenport announced a meeting will be planned for the baseball, softball and various representatives to report on the condition of the playing fields. The Creative Playground Committee inspected the Playground at the Boston Valley School. The sandbox is infested with insects and the wood on the gym is rotten and in need of repair. The swings and steps need repair also. The builder said the gym should be powerwashed annually and treated with a special preservative. Councilman Davenport presented each Town Board member with a list of needed repairs and when a decision is made as to what will be done first, the committee members will be notified.

Supervisor Kennedy: In response to Councilman Davenport's report, I reported at the last Town Board meeting that the prisoners from Collins are scheduled to work on the playground. At that time we will have people there with power equipment and replacement wood. I have been informed today by Mr. Pfarner (Parks Department) that all the swings have been replaced. I agree it is in fairly bad shape. It seems like all the Creative Playgrounds that have been initiated by Mr. Leathers have had the same problems after a length of time. Whether they tell you that this wood is good for forty (40) years or not, and it has been treated with a good quality wood preserver, it just hasn't held up. We are going to see if we can, like you say, maintain and enhance it so it will last for a little while by using the prisoners. They can do the sanding and the replacement of the wood and I think it will be to our advantage to do it in that manner. They are going to work at the playground and the soccer field in N. Boston. This will save us money.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to adjourn the meeting at 8:40 p.m.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
MAY 7, 1997 — 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 Perley.

Absent: Highway Superintendent Eugene E. Ruchalski.

Rev. Gary Burdick, Faith United Church of Christ, opened the meeting with a prayer.

A motion was made by Councilman Wiktor and seconded by Councilman Davenport to adopt the minutes of the April 16, 1997 Regular Board Meeting.

five (5) Ayes — Carried

see correction p. 247

A motion was made by Councilman Davenport and seconded by Councilman Walter that the General Fund and Special District Bills on Abstract #5, dated May 7, 1997 in the amount of $62,568.64 be paid.

five (5) Ayes — Carried

see correction p. 247

A motion was made by Councilman Walter and seconded by Councilman Davenport that the Highway Bills on Abstract #5, dated May 7, 1997 in the amount of $17,522.16 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 April 1997.

five (5) Ayes — Carried

Received and filed NYS Office of Real Property Services Residential Assessment Ratio on the 1997 Assessment Roll of 74.31.

Received and filed NYS Board of Real Property Services Notice of Tentative Special Franchise Assessments.

RESOLUTION 1997 - 10 ENACTMENT OF NEW BELL JAR TICKET LAW

Received and filed a letter from County Executive Dennis Gorski acknowledging receipt of the Town of Boston letter opposing the closing of Erie Community College's (ECC) North and South Campuses.

Councilman Wiktor drafted a letter signed by the Boston Town Board to Mr. Louis Bellittiere, Chairman of the Erie Community College Board of Trustees, supporting the opposition to the proposed consolidation of the three (3) campuses.

Received and filed a letter from Erie County Deputy Commissioner of Highways, David Comerford regarding the recent news articles concerning the Zenner Road speed reduction request.

Councilman Walter noted that three (3) requests for a speed reduction on Zenner Rd. were denied. The condition of the road is a safety hazard and he will once again request a speed reduction.

Supervisor Kennedy agreed that although the State has the jurisdiction of establishing speed limits, the speed limit should be reduced due to the deplorable condition of the County road.

Supervisor Kennedy directed Town Clerk Shenk to send a letter to EC Deputy Commissioner of Highways, David Comerford regarding the condition of Zenner Road and the speed reduction request.

Received and filed a response to Herbert Klein from Dennis Gorski, County Executive, regarding the repair of North Boston Road.

TOWN OF BOSTON

1997 - 10

ENACTMENT OF NEW BELL JAR TICKET LAW

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 May 1997 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

Supervisor Kennedy presented the following resolution and moved its adoption:

WHEREAS, Legislation went into effect on January 9, 1997 that Chapter 309 of the Laws of 1996, sections 422 through 428, delegate the responsibility for statewide enforcement of charitable fundraising ticket activity (bell jar tickets) to the New York State Racing and Wagering Board, and

WHEREAS, each municipal clerk will continue to accept, review and issue bell jar license applications pursuant to existing provisions of the General Municipal Law, and

WHEREAS, the NYS Wagering and Racing Board has arbitrarily taken over receipt of the additional license fee for bell jar operations, and there was no input on a local level on the changes. Local governments will lose needed revenue and the local organizations will lose revenue by the increase in additional fees, now, therefore,

BE IT RESOLVED, that this Town Board protests this administrative change resulting in an annual loss of revenue to the Town of Boston in excess of $770.00, and

BE IT FURTHER RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Governor George Pataki, State Senator Dale M. Volker, State Assemblyman Richard A Smith, and the NYS Wagering and Racing Board.

Seconded by **Councilman Walter** 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

REGULAR BOARD MEETING — TOWN HALL
MAY 7, 1997 — 7:30 P.M.

Received and filed a Notice of a Public Hearing from the Erie County Legislature for the required 8-year review for the Eden Valley, Eden-Boston and Eden-Langford Agricultural Districts.

A motion was made by Councilman Wiktor and seconded by Councilman Walter to authorize Supervisor Kennedy to sign a NYSEG Easement for the Water Distict No. 1 pole location for the new Pump Station.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood to authorize Supervisor Kennedy to sign a Permit Application for Kandy Company, Inc. to construct a Public Improvement for the Increase of Facilities to Water District #1 Liebler Road Waterline.

five (5) Ayes — Carried

Referred to Deputy Town Attorney Bender a Change of Use request from Sam Butera, Boston Valley Mini Storage, 7849 Boston State Road. Due to the fact Town Attorney Perley represents Mr. Butera, Deputy Town Attorney Bender is requested to be present at the May 21, 1997 Agenda Review meeting, 6:15 p.m.

Received a letter from Niagara Scenic Bus Lines, Inc. claiming to be the low bidder for the Recreation Department Bus Contract.

Town Attorney Perley responded that Niagara Scenic Bus Lines would be the low bidder if all the field trip bids were totaled. After the bids were received, the Recreation Department chose which field trips they would take and Laid Law was determined to be low bidder.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor, on the recommendation of Code Enforcement Officer Kramer, to approve the Soil Removal Permit Application of Roy Emerling, 7957 Boston State Road, for a maximum removal of six hundred (600) cubic yards and on condition that the highway is cleaned of all dirt and debris. Removal of more than six hundred (600) yards will require DEC approval.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport to purchase the NYS Contract John Deere 345 Tractor with a 48" Mowing Deck for $5,106.50.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to approve the Soil Removal Application for Permit for Joseph Simmeth, 8010 Boston State Road.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to approve the General Fund Transfer of Appropriations as follows:

From:	Control of Dogs	A3510.4	Cont.	$1,500.00
To:	Control of Dogs	A3510.2	Equip.	$1,500.00
From:	Assessor	A1355.2	Equip.	$1,000.00
To:	Assessor	A1355.4	Cont.	$1,000.00
From:	Cap. Project.	9950.9		$7,500.00
To:	Cont. Acct.	A1990.4		$7,500.00
From:	Approp	A960		$1,800.00
To:	Cont. Acct.	A1990.4		$1,800.00
To:	Historical Soc/Equip.	A7510.2		$1,800.00

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
MAY 7, 1997 — 7 30 P.M.

A motion was made by Councilman Wiktor and seconded by Councilman Rood on the recommendation of Code Enforcement Officer Kramer, to grant a temporary Certificate of Occupancy to the Boston Health Care Center, 8975 Boston State Road.

five (5) Ayes — Carried

Supervisor Kennedy read a report from Deputy Code Enforcement Officer Lisowski regarding the Sprague Mobile Home Park, 8229 Boston State Rd. The Mobile Home Park was reinspected on May 5, 1997 and the Town Board noted improvements were made.

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to grant the 1996-1997 Mobile Home Park License to Sprague Mobile Home Park, 8229 Boston State Road, expiration June 30, 1997.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Davenport to hold a Public Hearing on June 4, 1997 at 7:45 p.m. for the Proposed Local Law No. 4 - 1997 to Amend Local Law No. 2 - 1987, known as "Mobile Home Court Law of the Town of Boston."

five (5) Ayes — Carried

SUPERVISOR REPORT

A) Supervisor Monthly Report for April 1997 was received and is on file in the Clerk's Office.

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to reduce the Supervisor's salary to $13,500 effective 9/1/97.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Davenport to purchase a Baldwin Piano for the Senior Center at a cost of $3,495. Funds will be appropriated from a portion of the remaining Supervisor's salary.

five (5) Ayes — Carried

Referred to Code Enforcement Officer Kramer, a complaint regarding mud on Trevett Road as a result of trucking fill/materials by Richard Poore, 9721 Trevett Road.

A motion was made by Councilman Wiktor and seconded by Councilman Rood to appoint Jeff Eimer as part-time laborer, Parks Department, term effective May 12, 1997 to August 15, 1997, $6.00 per hour.

five (5) Ayes — Carried

Supervisor Kennedy announced work will begin the week of May 12th on the Boston State Road water mains near Chestnut Ridge Road. Residents may experience low water pressures and/or a sediment in the water while the work is in progress.

TOWN CLERK REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to accept the Registrar of Vital Statistics Report for April 1997.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Rood to accept the Tax Collector Report for April 1997.

five (5) Ayes — Carried

TOWN OF BOSTON

RESOLUTION 1997-11

PEARL EMERLING - 1997 CITIZEN OF THE YEAR

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 May 1997 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:

WHEREAS, the Town of Boston recognizes that the Boston Chamber of Commerce annually selects a Citizen of the Year. The Town of Boston further recognizes that the 1997 Citizen of the Year is Pearl Emerling. Selected for her unselfish commitment to the Town of Boston and its citizens, Mrs. Emerling is recognized for her unselfish participation with the American Red Cross, the Welcome Wagon of Boston, her church and family. Mrs. Emerling is further recognized for her support and promotion in helping to bring a full-time medical facility to our town.

NOW THEREFORE:

BE IT RESOLVED, the Boston Town Board does hereby honor Pearl Emerling for being selected the 1997 Boston Chamber of Commerce Citizen of the Year. We thank her for her many years of distinguished and dedicated service to this community.

Seconded by **Supervisor Kennedy** 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

REGULAR BOARD MEETING — TOWN HALL
MAY 7, 1997 — 7:30 P.M.

TOWN CLERK REPORT (CONT.):

A motion was made by Councilman Walter and seconded by Councilman Rood to accept the Tax Collector Report for April 1997.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Walter to grant Town Clerk Shenk permission to attend the NYALGRO Conference in Newburgh, NY June 1-4, 1997, all appropriate expenses to be paid.

five (5) Ayes — Carried

TOWN ATTORNEY REPORT

Town Attorney Perley gave an update on the Sprint Spectrum lawsuit and noted there has been no decision to date.

The Costello vs. Town of Boston Article 78 lawsuit was dismissed in Supreme Court. Code Enforcement Officer Kramer was directed to lift the Cease and Desist Order on the Brian and Debra Fucile property.

Town Attorney Perley announced the Evans National Bank agreed to a private sale of bonds to fund the Water District No. 1 Increase in Facilities loan. Evans Bank approved Town Attorney Perley as Bond Counsel which will save the Town a substantial amount of money.

Councilman Davenport questioned the status of the Szalay property. Town Attorney Perley responded that Mr. Szalay applied for and was denied a building permit for the decks on his property. Mr. Szalay will now appeal to the Zoning Board of Appeals.

Councilman Rood requested an update on the McKillen property. Town Attorney Perley reported that a joint inspection will be scheduled so that he, Code Enforcement Officer Kramer, Glenn McKillen, his attorney, and Town Engineer Pettit can reinspect the property.

COUNCILMAN REPORT

Councilman Rood reported that the Earth Day events were a success and 16.43 tons of tires were collected at a disposal fee of $1,117. The textile collection brought approx. 7,000 lbs. of textiles. The Town was paid a nickel a ton. Trees were planted by volunteers, CAC members, Boy Scouts and 4-H club members.

RESOLUTION 1997 - 11 PEARL EMERLING - 1997 CITIZEN OF THE YEAR

Councilman Rood announced the Saturday councilman hours will be held on May 10, 1997 from 10:00 a.m. to 12:00 p.m. in the Boston Town Hall mail room.

Councilman Wiktor welcomed the Hamburg High School students in attendance.

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to grant Councilman Wiktor permission to attend the upcoming training session at Houghton College on May 15, 1997, all appropriate expenses to be paid.

five (5) Ayes — Carried

Councilman Wiktor attended the Boston-Colden East Eden Fire Council meeting and gave a radio frequency report update.

Councilman Wiktor attended the Southtowns Planning and Development Group meeting on April 28, 1997 and announced that the Southern Rural Preservation Company (SRPC) will be making low interest

REGULAR BOARD MEETING — TOWN HALL
MAY 7, 1997 — 7:30 P.M.

COUNCILMAN REPORT (CONT.):
loans, up to a maximum of $4,000, available to commercial properties in need of repair. Information was distributed on developing inter-municipal cooperation per highway services and superintendents.

Councilman Walter met with Erie County Deputy Commissioner of Highways, David Comerford and was informed that Boston State, Zenner and Omphalius Roads will be maintained and paved in 1997 and are scheduled for resurfacing in 1998.

Councilman Walter will address a complaint from David Stringfellow, Emergency Squad member that there are dead spaces in the transmissions received from the Cole Road tower.

Councilman Davenport attended the NYS Teachers Convention in Washington D.C. May 1-4, 1997. Vice President Gore spoke on having higher educational goals for our children. On the ballot this year will be a proposal for a NYS Constitution Convention. There is fear among NYS public employees that removal of a clause would jeopardize NYS retirees pension protection.

Supervisor Kennedy, in response to Councilman Davenport's inquiry, announced the prisoners from Collins Correctional Facility are scheduled to repair the Creative Playground during the last week in June as requested.

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer monthly report for April 1997 was received and is on file in the Clerk's Office.

B) Deputy Code Enforcement Officer monthly report for April 1997 was received and is on file in the Clerk's Office.

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officer monthly report for April 1997 was received and is on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for April 1997 was received and is on file in the Clerk's Office.

PLANNING BOARD REPORT

Received and filed a Planning Board negative recommendation on the John and Katherine Falkides application for the Creation of a Mobile Home Court District.

A motion was made by Councilman Wiktor and seconded by Councilman Davenport to hold a Public Hearing on June 4, 1997 at 8:00 p.m. on the application of John and Katherine Falkides for the Creation of a Mobile Home Court District.

five (5) Ayes — Carried

Town Clerk Shenk was directed to notify Dennis Mead, 6780 Hillcroft Drive to attend the Agenda Review meeting on May 21, 1996 at 6:15 p.m. regarding his request for appointment to the Planning Board vacancy.

A motion was made by Councilman Walter and seconded by Councilman Rood to adjourn the meeting at 8:59 p.m.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING
MAY 21, 1997

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, Highway Superintendent Eugene E. Ruchalski and Town Attorney Michael F. Perley.

Rev. Ronald Sprehe, Saint Martin's 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 May 7, 1997 regular monthly meeting.

five (5) Ayes Carried

A motion was made by Councilman Walter and seconded by Councilman Rood that the General Fund and Special District Bills on Abstract #5A, dated May 21, 1997 in the amount of $38,918.79 be paid.

five (5) Ayes Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter that the Highway Bills on Abstract #5A, dated May 21, 1997 in the amount of $22,039.13 be paid.

five (5) Ayes Carried

Received and filed Erie County Sheriff's Report for April 1997.

Referred to the Conservation Advisory Council and J. O'Connell & Associates Grants Consultants, a letter from NYS Emergency Management Office (SEMO) regarding the Flood Mitigation Assistance Program (FMA).

Received and filed a NYS Office of Real Property Services Certificate of Attendance for the Board of Assessment Review Training for Ken W. Kloeber.

Supervisor Kennedy announced that the ECWA is considering withdrawing a previous commitment to undertake a capital investment of up to $520,000 for the Town of Boston's East Hill Water District No. 3 that would also serve Town of Colden Water District No. 1.

Supervisor Kennedy read a letter to ECWA from Nussbaumer & Clarke CEO, Michael Smith, regarding the Town of Boston East Hill Water District No. 3 and the Town of Marilla Water District No. 4. Mr. Smith requested that the ECWA make a final decision and submit in writing their statement of commitment or non commitment as soon as possible in order to enable the towns to revise any applications for both State and financial assistance.

Supervisor Kennedy noted he was upset because the Town has incurred considerable expenses based on the promises of the previous ECWA administration.

Supervisor Kennedy read a letter he sent to the ECWA Commissioners requesting assurance that the ECWA will honor their previous commitment to make a capital investment to the towns of Boston and Colden. Included with the letter was a copy of the July 21, 1995 letter of commitment from the ECWA.

Councilman Rood noted that CAC member Mary Alice Tock requested that people be encouraged to write their Congressman and Senators to support the re-authorization of ISTEA (1991 Federal Transportation Law) and that consideration be given to the construction of a bike path along Boston State Road.

REGULAR BOARD MEETING — TOWN HALL
MAY 21, 1997 — 7:30 P.M.

A motion was made by Councilman Rood and seconded by Councilman Wiktor to support and to request the support of our Congressman and Senators, for the re-authorization of ISTEA (1991 Federal Transportation Law).

five (5) Ayes — Carried

Received and filed the Town of Boston Memorial Day Program for May 26, 1997.

Received and filed notification of the Planning Board cancellation of the May 27, 1997 meeting due to a lack of agenda items.

Received a letter from Patricia Hacker, 8702 Maplelawn Drive requesting appointment to the Boston Planning Board.

Supervisor Kennedy reported that the Town Board, prior to this Town Board meeting, interviewed Dennis Mead, 6780 Hillcroft Drive, for an appointment to the Planning Board. Patricia Hacker will be interviewed at the Agenda Review meeting, June 2, 1997 at 6:30 p.m.

A motion was made by Councilman Wiktor and seconded by Councilman Walter to accept the withdrawal notification from Katherine H. Falkides, Boston Hills Homes & Estates dated May 16, 1997 for the rezoning application filed March 19, 1997 and to cancel the Public Hearing on June 4, 1997.

five (5) Ayes — Carried

REQUESTS FROM THE FLOOR

Patricia Hacker, 8702 Maplelawn Drive requested a discussion of the "Change of Use" request from Sam Butera, Boston Valley Mini Storage and the construction trailer parked on the property.

Supervisor Kennedy responded that Councilman Walter reported that a storage shed was placed on the property for sale. Deputy Town Attorney Bender met with the Town Board regarding Mr. Butera's "Change of Use" request and Code Enforcement Officer Kramer has indicated to Mr. Butera that the storage shed must be removed. Permission has been given to the Braasch Co. to place a construction trailer on site for the construction of a new Pump Station for Water District No. 1. The trailer will remain on the site until the Water District project is completed. Code Enforcement Officer Kramer will request a sign be placed on the construction trailer so people will know why the trailer is there.

A motion was made by Councilman Davenport and seconded by Councilman Rood, on the recommendation of Recreation Supervisor Lindsey, to appoint the following officers, coaches and assistants for the 1997 Boston Youth Baseball season:

President - Greg Burrorghs
First Vice President - Tom Lanham
Second Vice President - Pat Thompson
Secretary - Jim Gastle
Treasurer - Kevin Elsasser

Coaches & Assistants:

Mike Fairl	Jim Gastle	Tom Lanham
Kevin Elsasser	Carl Emerling	John Marron
Jerry May	Jeff Wright	Bill Forness
Mike Ehlers	Greg Burroughs	Bill Solak
John Roedel	Jim Nabozny	David Fregeletta
Larry Phillips	Jim May	Doug Bellanti
Kirk Klein	Vieden Zahariev	Tom Kaletta
Rich Schrecengost	Mike Kobiolka	Chuck Sienk
Pat Thompson	Bob Cymerman	Roger Jackson
Jeff Sullivan	Ron Pachan	Bob Monczynski

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
MAY 21, 1997 — 7:30 P.M.

A motion was made by Councilman Davenport and seconded by Councilman Walter, on the recommendation of Recreation Supervisor Lindsey, to appoint the following officers, coaches and assistants for the 1997 Boston Youth Softball season:

President	-	Galen Musselman
First Vice President	-	Leigh Emerling
Second Vice President	-	Kevin Hesse
Secretary	-	Cindy Moran
Treasurer	-	Michael Agliata

Coaches:

Bob Ehlers	Woody Friedrich
Wayne Krieger	Rick young
Jim Salvalzo	Carolyn Adams
Henry Abramowski	Jennifer Cochran
Galen Musselman	Dennis Russell
Chris Emerling	Jessica Kobiolka
Martin White	Mary Partridge
Lucille Werth	Marcy Torre
Adam Renzi	Geraldine Barone
Bonnie Renzi	Carol Shoemaker
Shelly Miller	Tim Shoemaker
Amy Thill	Sara Reimondo
Susan Lanham	David Miller

five (5) Ayes — Carried

A motion was made by Councilman Rood and seconded by Councilman Davenport to approve corrections to the May 7, 1997 General Fund Abstract #5, as follows:

From:	Total Fire Protection	$30,982.80
To:	Total Fire Protection	$32,822.80

Abstract Total	From:	$62,568.64
	To:	$64,408.64

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Rood to approve corrections to the May 7, 1997 Highway Fund Abstract #5, as follows:

Abstract Total	From:	$17,522.16
	To:	$17,568.82

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood to grant the Boston Republicans permission to use the South Boston Park, July 15,1997 from 5:00 p.m. to 9:30 p.m. for a Chicken and Rib Barbecue fundraiser. No alcoholic beverages will be served.

five (5) Ayes — Carried

Referred to Councilman Walter a letter sent to Erie County Superintendent of Public Works from Sue F. Buyer, 6426 West Tillen Road, of a hazardous condition existing on West Tillen Road.

At the request of Richard Bankert, 4766 Enser Road, the Town Board accepted a video regarding the flooding condition on Enser Road.

Highway Superintendent Ruchalski responded that he inspected the site and the problem has been created because the creek filled in with gravel and the water jumped the creek bed. A bull dozer is scheduled to clean out the creek on May 22, 1997 and that should take care of the flooding.

REGULAR BOARD MEETING
MAY 21, 1997

TOWN HALL
7:30 P.M.

Received and filed a letter from the Erie County Water Authority relative to the construction of a new eighty (80) foot tower attached to the side of the tank on Ward road, which will replace the proposed sixty (60) foot Mobile Radio Antenna Tower at the Patchin Fire Department site on Cole Road.

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to remove from the table the ECWA request for a Special Use Permit for a Mobile Radio Antenna Communication Tower on Ward Road.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter to reopen the Public Hearing on June 18, 1997 at 8:00 p.m. for the ECWA request for a Special Use Permit for a Mobile Radio Antenna Communication Tower on Ward Road.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to direct the Town Clerk to notify the same residents that were notified for the initial Public Hearing that a new Public Hearing will be reconvened for the Special Use Permit for a Mobile Radio Antenna Communication Tower on Ward Road.

five (5) Ayes — Carried

RESOLUTION 1997 - 12 **ISSUANCE OF SERIAL BONDS TO FINANCE PART OF THE COST OF CONSTRUCTING A WATER SYSTEM IN A TOWN WATER DISTRICT** (Water District No. 1 Extension)

RESOLUTION 1997 - 13 **ISSUANCE OF SERIAL BONDS TO FINANCE PART OF THE COST OF CONSTRUCTING AN INCREASE IN FACILITIES IN A TOWN WATER DISTRICT** (Water District No. 1)

Councilman Rood thanked Town Attorney Perley for acting as Bond Counsel for the Town and the Evans Bank which has resulted in a savings of approximately $8,200 to the Town of Boston.

Town Attorney Perley commented that Philip Rothman and the Evans Bank were extremely easy to deal with. It was a win/win situation for everyone and it was good business to work with a local bank.

Received and filed a TVGA Engineering Property Inspection Report dated May 20, 1997, on the McKillen Property, Zimmerman and Rice Roads.

Town Attorney Perley will forward the TVGA Engineering Property Inspection Report to Glenn McKillen's Attorney and present a complete report at the June 2, 1997 Town Board meeting.

SUPERVISOR REPORT

Supervisor Kennedy gave an update on the pump station, waterlines and tank site for the Water District No. 1 Increase in Facilities project.

HIGHWAY SUPERINTENDENT REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to grant Highway Superintendent Ruchalski permission to attend the Associations of Towns 1997 Highway School at Ithaca College, June 2-4, 1997, all appropriate expenses to be paid.

five (5) Ayes — Carried

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1997-12

RESOLUTION FOR ISSUANCE OF SERIAL BONDS TO FINANCE PART OF THE COST OF CONSTRUCTING A WATER SYSTEM IN TOWN WATER DISTRICT

BOND RESOLUTION, DATED MAY 21, 1997, AUTHORIZING THE ISSUANCE OF $81,300 SERIAL BOND FOR CHESTNUT RIDGE/OMPHALIIUS/LIEBLER ROAD EXTENSION NO. 1 TO WATER DISTRICT NO. 1 BONDS OF THE TOWN OF BOSTON, IN THE COUNTY OF ERIE, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE PART OF THE COST OF CONSTRUCTING A WATER SYSTEM IN CHESTNUT RIDGE/OMPHALIIUS/LIEBLER ROAD EXTENSION NO. 1 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 21st day of May, 1997 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, Chestnut Ridge/Omphaliius/Liebler Road Extension No. 1 to Water District No. 1, (the "Extension") hereafter described, is an extension to an existing water district of the Town of Boston in the County of Erie, duly established by the Town Board of said Town and, as such, proposes to construct, maintain and operate a water system for said District in accordance

with Article 12 of the Town of Law of New York, and the purpose, hereinafter described, is a special improvement authorized by said Article 12:

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF BOSTON, IN THE COUNTY OF ERIE, AS FOLLOWS:

Section 1. The Town of Boston, in the County of Erie, shall issue its serial bonds of the aggregate principal amount of $81,300 for a period of 15 years from the date hereof, pursuant to the Local Finance Law of New York, in order to finance the specific purpose hereinafter described, which said bonds shall be payable in substantially level annual installments of principal and interest pursuant to Section 21.00 of the Local Finance Law of the State of New York.

Section 2. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the construction of a water system in the Extension of said Town, consisting of the laying of water mains, the installation of distribution pipes, reservoirs and hydrants, necessary for the operation of such system, and including the acquisition of necessary rights-of-way and easements in accordance with and at the locations stated in the map and plan referred to in the order establishing said Extension adopted by the Town Board of said Town on the 3rd day of July, 1996, establishing said Extension pursuant to Article 12 of the Town Law of New York.

Section 3. It is hereby stated that (a) the maximum cost of said purpose as estimated by the Town Board is $81,300 pursuant to a Resolution adopted by the Town Board adopted on the 19th day of March, 1997 approving an increase in the maximum amount to be expended for the

said Extension, and (b) no money has heretofore been authorized to be applied to the payment of the costs of said purpose, (c) the Town Board plans to finance the Town's cost of said purpose entirely from funds raised from the issuance of such Serial Bonds and from said grant, and (d) the costs of such improvements is to be paid by assessments upon benefited real property in an area less than the area of said Town.

Section 4. It is hereby determined that said purpose is an object or purpose descried in Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty (40) years. The final redemption date of this bonds to be issued will not extend beyond May 31, 2037.

Section 5. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

Section 6. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 60.00, inclusive, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the Serial Bonds authorized by this resolution and the renewal of said notes and the power to prescribe the terms form and contents of said Serial Bonds, and said Bond Anticipation Notes, and the power to sell and deliver said Serial Bonds and any Bond Anticipation Notes, and the power to sell and deliver said Serial Bonds issued in anticipation of the issuance of such bonds is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town

Supervisor is hereby authorized to sign any Serial Bonds issued pursuant to this resolution and any Bond Anticipation Notes issued in anticipation of the issuance of said Serial Bonds, and the Town Clerk is hereby authorized to affix the corporate seal of said Town to any of said Serial Bonds or any Bond Anticipation Notes and to attest such seal. Each interest coupon representing interest payable on such Serial Bonds shall be authenticated by the facsimile signature of the Town Supervisor.

Section 7. That the Serial Bonds herein authorized shall be redeemable prior to maturity by the Town pursuant to Local Finance Law Section 53.00 and the interest rate thereof shall be subject to negotiation upon demand by the Bearer thereof no sooner than 5 years from the date of this Resolution in accordance with Local Finance Law Section 168.00, or in the alternative be callable by the bearer at said time in accordance with the applicable provisions of the Local Finance Law.

Section 8. This resolution shall be published in full by the Town Clerk of said Town, together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in Hamburg Sun and Springville Journal published in the Towns of Hamburg and Springville, and having a general circulation in said Town. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the said of said serial bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money or the provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or if said obligations are authorized in violation of the Constitution of New York.

Section 9. The Deputy Town Clerk is hereby authorized to execute any and all documents in the absence of the Town Clerk.

Section 10. This resolution shall take effect immediately upon its adoption.

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: 5 NOES: 0 ABSENT: 0

Karen A. Ellis - Deputy Town Clerk

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1997-13

RESOLUTION FOR ISSUANCE OF SERIAL BONDS TO FINANCE PART OF THE COST OF CONSTRUCTING AN INCREASE IN FACILITIES IN A TOWN WATER DISTRICT

BOND RESOLUTION, DATED MAY 21, 1997, AUTHORIZING THE ISSUANCE OF $750,000.00 SERIAL BOND FOR WATER DISTRICT NO. 1 BONDS OF THE TOWN OF BOSTON, IN THE COUNTY OF ERIE, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE PART OF THE COST OF CONSTRUCTING AN 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 21st day of May, 1997 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, Pursuant to a Map, Plan and Report prepared by TVGA Engineering and Surveying, P.C., competent engineers, licensed by the State of New York the Town Board adopted a Resolution on the 19th day of March, 1997 to provide for an Increase in Facilities in Water District No. 1 of the Town of Boston for the purpose of constructing a pump station, tank and related facilities including mains, hydrants, valves and other facilities to improve the operation of the water service provided by Water District No. 1 in the said Town of Boston;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF BOSTON, IN THE COUNTY OF ERIE, AS FOLLOWS:

Section 1. The Town of Boston, in the County of Erie, shall issue its serial bonds of the aggregate principal amount of $750,000.00 for a period of 25 years from the date hereof pursuant to the Local Finance Law of New York, in order to finance the specific purpose hereinafter described.

Section 2. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the construction of an increase in facilities in the said water system in the District of said Town, consisting of the laying of water mains, the installation of a pump station, storage tank, distribution pipes, reservoirs and hydrants, necessary for the operation of such system, and including the acquisition of necessary rights-of-way and easements in accordance with and at the locations stated in the map and plan referred to in the order establishing said Increase in Facilities adopted by the Town Board of said Town on the 19th day of March, 1997, approving the said Increase in Facilities pursuant to Article 12-A of the Town Law of New York.

Section 3. It is hereby stated that (a) the maximum cost of said purpose as estimated by the Town Board is $1,050,000.00 and (b) $39,000.00 has heretofore been authorized to be applied to the payment of the costs of said purpose, (c) the Town Board plans to finance the Town's cost of said purpose partially from funds raised from the issuance of such Serial Bonds and from the money appropriated by the District for the said project and from a contribution to

the project by the Erie County Water Authority in the amount of $251,000.00, and (d) the costs of such improvements is to be paid by assessments upon benefited real property in an area less than the area of said Town

Section 4. It is hereby determined that said purpose is an object or purpose descried in Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty (40) years. The final redemption date of this bonds to be issued will not extend beyond May 31, 2037.

Section 5. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

Section 6. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 60.00, inclusive, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the Serial Bonds authorized by this resolution and the renewal of said notes and the power to prescribe the terms form and contents of said Serial Bonds, and said Bond Anticipation Notes, and the power to sell and deliver said Serial Bonds and any Bond Anticipation Notes, and the power to sell and deliver said Serial Bonds issued in anticipation of the issuance of such bonds is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign any Serial Bonds issued pursuant to this resolution and any Bond Anticipation Notes issued in anticipation of the issuance of said Serial Bonds, and the

Town Clerk is hereby authorized to affix the corporate seal of said Town to any of said Serial Bonds or any Bond Anticipation Notes and to attest such seal. Each interest coupon representing interest payable on such Serial Bonds shall be authenticated by the facsimile signature of the Town Supervisor

Section 7. That the Serial Bonds herein authorized shall be redeemable prior to maturity by the Town pursuant to Local Finance Law Section 53.00 and the interest rate thereof shall be subject to negotiation upon demand by the Bearer thereof no sooner than 5 years from the date of this Resolution in accordance with Local Finance Law Section 168.00, or in the alternative be callable by the bearer at said time in accordance with the applicable provisions of the Local Finance Law.

Section 8. This resolution shall be published in full by the Town Clerk of said Town, together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in Hamburg Sun and Springville Journal published in the Towns of Hamburg and Springville, and having a general circulation in said Town. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the said of said serial bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money or the provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after

the date of such publication; or if said obligations are authorized in violation of the Constitution of New York.

Section 9. The Deputy Town Clerk is hereby authorized to execute any and all documents in the absence of the Town Clerk.

Section 10. This resolution shall take effect immediately upon its adoption.

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

Karen A. Ellis - Deputy Town Clerk

REGULAR BOARD MEETING — TOWN HALL
MAY 21, 1997 — 7:30 P.M.

TOWN ATTORNEY REPORT

Town Attorney Perley announced that there has not been a determination from Justice Keane on the Sprint Spectrum/WNED lawsuit.

COUNCILMAN REPORT

Councilman Rood attended the Chamber of Commerce "Citizen of the Year" Dinner on May 10, 1997 in honor of Pearl Emerling.

Councilman Rood reported on the Southern Tier West Local Government Conference at Houghton College on May 15, 1997. She reported that one third of the towns in New York State do not have zoning laws and they get along just fine. She also attended a class on a Municipal Equipment Service Exchange Program where towns can borrow or exchange services with each other. A Municipal Purchasing Alliance has been formed where towns may purchase supplies such as paper etc. from one source at reduced costs.

Supervisor Kennedy welcomed the students in attendance from Hamburg High School.

Councilman Wiktor reported that he and Councilman Rood held the monthly Saturday Councilman hours on May 10, 1997. Residents questioned the condition of Boston State Road, the progress of the Sprint Tower Application and the Brush Pick-up Schedule.

Councilman Wiktor attended the dedication of the Patchin Fire Company new fire truck and toured their new fire hall. He encouraged residents to stop by and see the new facility.

Councilman Wiktor attended the on-site inspection of the Glenn McKillen property on Rice and Zimmerman Roads on May 14, 1997.

On May 15, 1997 Councilman Wiktor met with the Town Volunteer Fireman's Airpact Committee and gave a report on a new system available to refill oxygen canisters. Councilman Wiktor spoke to our grantsperson regarding a possible grant to help offset the purchase price.

Councilman Wiktor gave a report on the Southern Tier West Local Government Conference at Houghton College on May 15, 1997.

On May 19, 1997 Councilman Wiktor attended the Boston-Colden-East Eden Fire Council meeting and announced there will be a mutual aid drill in the near future. On June 23, 1997 the North Boston Fire Company will be holding a Mercy Flight Ground School.

Councilman Wiktor reminded residents in the Hamburg School District that on May 28, 1997 an election will be held at the Hamburg Senior High Gym from 7:00 a.m. to 9:00 p.m. on the proposed Hamburg School Budget and the election of three (3) School Board Members.

Supervisor Kennedy announced the Eden School Budget and Board Member election is on June 2, 1997.

Councilman Walter reported that he attended the Chamber of Commerce "Citizen of the Year" Dinner on May 10, 1997.

Councilman Walter attended the dedication of the new hall for the Patchin Volunteer Fire Company and noted the large building can easily accommodate large equipment. There was a blessing of the new Tanker #5 with a baptism of water. The event was well attended by area residents.

Councilman Walter commented that he attended the property inspection of Glenn McKillen on May 14, 1997 and the property is a safety hazard.

REGULAR BOARD MEETING — TOWN HALL
MAY 21, 1997 — 7:30 P.M.

Councilman Walter announced that he was very disappointed with the recent ECWA announcement of the problem with the tower on Cole Road. It would appear that Motorola should have known the height was inadequate and would produce dead spots before the project went forward.

Councilman Walter addressed numerous drainage problems on the East Hill and reported that conditions have improved and the problems have been solved.

Councilman Davenport attended the Chamber of Commerce "Citizen of the Year" Dinner on May 10, 1997 in honor of Pearl Emerling and noted she has done much for the residents of Boston.

Councilman Davenport attended the property inspection of Glenn McKillen on May 14, 1997 and commented that the property is in terrible condition.

Councilman Davenport gave a report on the Summer Recreation Program.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to adjourn the meeting at 8:57 p.m.

KAREN A. ELLIS, DEPUTY TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
JUNE 4, 1997 — 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 Perley.

Rev. John VanHaneghan, Good Shepherd Lutheran Church, opened the meeting with a prayer.

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to adopt the minutes of the May 21, 1997 Regular Board Meeting with the following change:

From: A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to grant Highway Superintendent Ruchalski permission to attend the Associations of Towns 1997 Highway School at Ithaca College, June 2-4, 1997, all appropriate expenses to be paid.

To: A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to grant Highway Superintendent Ruchalski permission to attend the Associations of Towns 1997 Highway School at Ithaca College, June 2-4, 1997, all expenses to be paid by the Highway Superintendent.

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 #6, dated June 4, 1997 in the amount of $280,298.99 be paid.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter that the Highway Bills on Abstract #6, dated June 4, 1997 in the amount of $9,769.01 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood to accept the Town Clerk's Monthly Report for May 1997.

five (5) Ayes — Carried

Received and filed notification from Adelphia Cable of rate increase effective August 1997.

Received and filed a response from the Erie County Highway Division regarding the status of the Zenner Road resurfacing project.

Received and filed a request from NYS Department of Agriculture and Markets for Lead Agency Status regarding waterline construction within Water District No. 3. Also requested was a certification on the initial determination made by the Commissioner of Agriculture and Markets on the Final Notice of Intent concerning the advance of public funds for watermain construction within the proposed Extension No. 2 to Water District No. 2, Erie County Agricultural District No. 3.

Town Attorney Perley commented that in regards to Water District No. 2, Town Engineer Pettit confirmed that the Certification will be forwarded when a design is reached for the District after Audit and Control passes on the application. Town Attorney Perley will respond to the request of NYS Department of Agriculture and Markets and forward a copy of the letter to the Town Board.

Supervisor Kennedy noted that there has been no response from ECWA to the Town of Boston request for clarification of the purported withdrawal of funding for Water District #3.

REGULAR BOARD MEETING — TOWN HALL
JUNE 4, 1997 — 7:30 P.M.

Town Attorney Perley will inquire as to the status of the ECWA determination of the purported withdrawal of funding for Water District #3 and inform the Town Board.

Received and filed the Erie County Water Authority Letter of Intent advising of their willingness and ability to supply water to Town Water District No. 2, Extension No. 2 and to reaffirm intentions to operate and maintain water facilities to be constructed in Water District No. 2, Extension 2, pursuant to the ECWA/Town of Boston Lease Management Agreement currently in force.

A motion was made by Councilman Wiktor and seconded by Councilman Walter appoint David Bernas, 7083 Boston State Road, to the North Boston Volunteer Fire Company, term to expire upon resignation, replacement or removal from office.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Wiktor to grant the Churchill Child Center permission to use the Lions Shelter for graduation ceremonies on June 12th & 13th, 1997 from 10:30 a.m. to 12:00 noon.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to direct Town Clerk Shenk to send a letter of support to the Erie County Sheriff Department for continuance of the Rural Rim Grant Project which protects family violence victims.

five (5) Ayes — Carried

five (5) Ayes — Carried

At 7:48 p.m. a Public Hearing was held for the purpose of hearing public comments on the proposed Local Law No. 4 of the Year 1997 entitled, "A Local Law to amend Local Law No. 2 - 1987 known as Mobile Home Court Law of the Town of Boston".

Supervisor Kennedy read the legal notice and the Proposed Local Law No. 4 - 1997.

Supervisor Kennedy convened the Public Hearing.

LEGAL NOTICE
TOWN OF BOSTON
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that there has been presented to the Town Board of the Town of Boston, Erie County, New York, on May 2, 1997, a copy of Local Law Number 4 of the year 1997 (Proposed), entitled a Local Law to amend the Mobile Home Court Law of the Town of Boston.

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston will conduct a Public Hearing on the aforesaid Local Law at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on Wednesday, June 4, 1997 at 7:45 p.m., Eastern Daylight Savings Time, at which time all interested persons will be heard.

Dated: May 13, 1997
Published: May 22, 1997

BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK

Supervisor Kennedy: The Public Hearing is now convened to hear public comments on the proposed Local Law No. 4 - 1997 which would change Local Law No. 2 - 1997 that was adopted on April 2, 1997, from 18% to 15 %. It does not change the 15,000 square feet.

Marianne Matyas, 6444 Willow Drive: I would like to see you vote no to an increased percentage of coverage on the lots.

Karen Yormick, 6405 Deanna Drive: I second it.

William Sprague, former owner of Sprague Mobile Home Park: I think that is a little excessive, 10,000 square feet. Is that in a new lot or is that in existing lots that they are changing?

Supervisor Kennedy: These are new lots. We had a problem before with people who wished to put a double car garage on the lots that we had constructed. There were exceptions made and some people

REGULAR BOARD MEETING TOWN HALL
JUNE 4, 1997 7:30 P.M.

PUBLIC HEARING (CONT.)

Supervisor Kennedy (Cont.): supported those exceptions. At the time I can't remember whether I did or not. We increased the lot size from 8,000 to 10,000 square feet. It was my contention, and I put this in Local Law No. 2 - 1997, that it be increased to 18% to allow for the double car garage so we wouldn't run into the same problem that we had before where we had carports and no provision for a garage. I advocated the change because we had already increased the square footage requirements by 2,000 square feet which, for all practical purposes, makes it almost impossible to develop anyway. That is 10,000 square feet for each lot.

William Sprague: You are saying it makes it impossible to develop another community?

Supervisor Kennedy: It doesn't make it impossible, it makes it very difficult.

William Sprague: You probably realize that is double the size of the State ordinance of 5,000 square feet.

Supervisor Kennedy: We had the Planning Board review this and their recommendation was to increase the previous regulations that we had from 6,000 to 10,000 square feet. We increased it by 40% or whatever it is.

William Sprague: Does all Mobile Home Court Ordinances require a two (2) car garage?

Supervisor Kennedy: The 10,000 is already incorporated in the Mobile Law. That has already been adopted by the Town Board. This change would just change the percentage that could be occupied on that 10,000 square feet, what they call occupied space. We consider the garage as part of the occupied space. We had a problem with people who wanted to put a garage on some of those mobile home lots. I said, "if we are going to make it 10,000 square feet at least they should have a place for a garage".

Councilman Walter: Just to clarify one point, the proposal here of 15% has been reduced from 18%. I introduced this because the law was passed to allow them to cover 18% of the property. That was an increase of 20% to the size of the building. I introduced this law to reduce it to 15% and I am asking the Town Board to vote in favor of and not against. Just to clarify this one point.

Karen Yormick: Then I misunderstood and I would like to withdraw my second. We would like less building on the lot.

Councilman Walter: This is to introduce 15% instead of 18%.

Karen Yormick. Yes, we are clear on that. All nine of us. On a 10,000 square foot lot what does that net out to be on a lot size for a regular home?

Councilman Walter: One hundred by one hundred (100 x 100) feet.

Karen Yormick: That is a postage stamp.

Supervisor Kennedy: Well I wouldn't say that because in R-2 zoning right now we allow 15,000 square feet.

Town Attorney Perley: At one time if you had sewers you could have R-2 with 12,000 square feet.

Supervisor Kennedy: Yes there are some 12,000 square foot lots in town that do have houses on them.

REGULAR BOARD MEETING — TOWN HALL
JUNE 4, 1997 — 7:30 P.M.

PUBLIC HEARING (CONT.)

Councilman Walter: The reason I introduced this proposed local law was and again I hate to be redundant on it, but the lot was 10,000 square feet, the building was allowed to cover 15%. It was increased to 18%. It only sounds like 3% but the actual size of the building is 20% bigger. This 20% larger can accommodate more people and more taxes are required to provide for these people.

Supervisor Kennedy: What is the present coverage allowed in a R-2 zoning?

Town Attorney Perley: I think it is 15%.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to close the Public Hearing at 7:55 p.m.

five (5) Ayes — Carried

Councilman Rood noted it is 15% in R-2 and R-3 zoning.

Supervisor Kennedy: We have had a request to increase it to 18%. I supported this and I was probably the one that advocated the change in the Mobile Home Court Law when we increased the size of the lots from 6,000 to 10,000 (which is probably 4,000 more than most other communities in Western NY) because of the problems that we had previously. If you have a local law that allows for an R-4 zoning then you should allow for the R-4 zoning to have provision for a two car garage on the property because otherwise you get stuff all over the place. That was my reason for advocating the change. It certainly doesn't diminish the restrictions or requirements for anyone who wishes to put a R-4 zoning in the Town of Boston. With a 10,000 square foot restriction it becomes almost economically difficult to develop.

Councilman Rood: You have to take into consideration that they count decks, accessory sheds and a garage as living space that is all worked into that percentage.

A motion was made by Councilman Walter and seconded by Councilman Davenport to adopt Local Law No. 4 - 1997.

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) Noes — Carried

Town Clerk Shenk was directed to schedule the Town Board Mobile Home Parks Inspection for June 28, 1997. The Boston Hills Homes and Estates will be at 9:00 a.m. and the Sprague Mobile Home Park at 10:00 a.m.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to set the Town Board Summer Schedule as follows:

AGENDA REVIEW	REGULAR TOWN BOARD MEETING
Monday 7/14/97 7:00 p.m.	Wednesday 7/16/97
Monday 8/11/97 7:00 p.m.	Wednesday 8/13/97

five (5) Ayes — Carried

RESOLUTION 1997 - 14 **ADOPTING AN ORDER FOR THE ESTABLISHMENT OF THE OLD POLISH HILL ROAD HIGHWAY IMPROVEMENT NO. 1 PURSUANT TO SECTION 200 OF THE TOWN LAW OF THE STATE OF NEW YORK**

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1997-14

Resolution adopting an Order re: Establishment of the Old Polish Hill Road Highway Improvement No. 1 pursuant to Section 200 of the Town Law of the State of New York

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York , held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 4th day of June, 1997 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 16th day of July, 1997 *In the Matter of the Establishment of the Old Polish Hill Road Highway Improvement No. 1 pursuant to Section 200 of the Town Law of the State of New York*

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: 5 NOES: 0 ABSENT: 0

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 4th day of June, 1997

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

----------X

In the Matter :

of the : ORDER CALLING PUBLIC HEARING

Establishment of the Old Polish Hill Road Highway Improvement No. 1 pursuant to Section 200 of the Town Law of the State of New York

----------X

WHEREAS, a written Petition dated June 1, 1997 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 Old Polish Hill Road Highway Improvement No. 1 in the said Town of Boston (hereinafter "the Highway Improvement") 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 approximayely 3200 feet of two lane highway within the said Highway Improvement.

WHEREAS, the maximum amount proposed to be expended for the said Highway Improvement as stated in the Petition is $340,000.00.

WHEREAS, the said amount proposed to be expended for the construction of the said Highway Improvement 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, relative benefit and front footage 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 Highway Improvement to a Typical Property as defined in the Town Law of the State of New York is as follows:

Ad Valorem Charge (46.66/$1000 assessed val.)	$466.00
Frontage Charge (@ $1.75/foot)	437.50
Areage (@ $562.22/acre)	311.10
	$1214.60

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 be it further,

ORDERED that a meeting of the Town Board of the Town of Boston be held at the Town Hall in said Town on the 16th day of July, 1997 at 8:00 P.M., Eastern Prevailing Time, to consider the proposed establishment of the Old Polish Hill Road Highway Improvement No. 1 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 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 - 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

SPECIAL IMPROVEMENT DISTRICT

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 Nos. 11, 12 and 18, Township 8, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point on the north line of Lot No. 11 a distance of 831.30 feet east of the northwest corner of Lot No. 11; thence southerly parallel to the west line of Lot No. 11 a distance of 1048.08 feet to a point; thence westerly parallel to north line of Lot No. 11 a distance of 831.30 feet to the west line of Lot No.11; thence northerly along west line of Lot No. 11 a distance of 297.0 feet to a point; thence westerly parallel to north line of Lot No. 18 a distance of 785.08 feet to the east line of lands appropriated by the People of the Sate of New York for Section 3 of the Southern Expressway by Notice of Appropriation recorded in the Erie County Clerk's Office in Liber 9002 of Deeds at page 375; thence along the east perimeter of said lands so appropriated the following distances more or less, (1) northerly 530.0 feet; (2) easterly 180.0 feet; (3) northeasterly 220.0 feet to the north line Lot No. 18; (4) northwesterly 184.0 feet; (5) westerly 214.0 feet; (6) northerly 594.35 feet to the south line of lands described in Liber 1667 of Deeds at page 499; thence east along south line of said Liber 1667 of Deeds at page 499 a distance of 1755.07 feet to the southeast corner of said Liber 1667 page 499; thence north along east line of said Liber 1667 page 499 a distance of 987.13 feet to the northeast corner of said Liber 1667 page 499 being the half line of Lot No. 12; thence east along the half line of Lot No. 12 a distance of 1966.41 feet to a point; thence south 06 04'08" east a distance of 135.54 feet; then southerly in a straight line a distance of 628 feet more or less to the north west corner of lands to Eugene M. Sullivan and Roberta Sullivan by deed recorded in Liber 9162 of Deeds at page 518; thence south along west line of said Liber 9162 page 518 a distance of 245.20 feet to the center line of Polish Hill Road; thence westerly along the center line of Polish Hill Road a distance of 132.76 feet to the point where the west line of lands to Gerald C. Mead and wife recorded in Liber 7659 of Deeds at page 337 intersects with the center line of Polish Hill Road; thence along the west and north perimeter of said Liber 7659 page 337 the following distances: (1) southerly 670 feet more or less, (2) southwesterly 550.0 feet to the northwest corner of said Liber 7659 page 337, (3) southerly 278.05 feet to the southwest corner of said Liber 7659 page 337; thence southerly a distance of 50 feet more or less to the south line of Lot No. 12; thence west along the south line of Lot No. 12 a distance of 1440 feet more or less to the point of beginning.

REGULAR BOARD MEETING — TOWN HALL
JUNE 4, 1997 — 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to schedule a Public Hearing for proposed Local Law No. 5 - 1997, to ammend the Zoning Law of the Town of Boston, for June 16, 1997 at 8:15 p.m.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to establish a Capital Project Account titled "Chestnut Ridge/Omphalius/Liebler Road Extension #1 to Water District #1.

Project Bid Amount - Kandy Co.	$89,824.00
Less Service Extensions (Customer tap-ins)	-26,200.00
Subtotal	$63,624.00
Add Contingencies	+ 6,676.00
	70,300.00
Add Engineering	+ 6,900.00
	77,200.00
Add Legal and Administrative	+ 4,100.00
Total Project Cost	**$81,300.00**

To be financed by sale of serial bonds in the amount of $81,300. Cost to be paid by the homeowners in the extension area on an Ad Valorem basis (same method of charge in existing Water District #1).

five (5) Ayes — Carried

SUPERVISOR REPORT

A) Supervisor Monthly Report for May 1997 was received and is on file in the Clerk's Office.

A motion was made by Councilman Wiktor and seconded by Councilman Rood to authorize Supervisor Kennedy to sign the permit and approve the cost of a bulk storage application in the amount of $250.00 to the DEC for a gasoline storage tank located at the Boston Highway Garage.

five (5) Ayes — Carried

Supervisor Kennedy announced he was pleased with the turnout for the Memorial Day celebration in the Town of Boston and disappointed that more Town officials were not present. The celebration was very well received by the veterans in the community.

TOWN CLERK REPORT

A motion was made by Councilman Walter and seconded by Councilman Davenport to accept the Registrar of Vital Statistics Report for May 1997.

five (5) Ayes — Carried

Town Clerk Shenk commended Deputy Town Clerk Ellis for a job well done while he was on vacation.

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to grant Kathy Heimburger, 6665 Hillcroft Drive, permission to use the South Boston Park on June 21, 1997 from 1-3 p.m. for a birthday party. No alcoholic beverages will be served.

five (5) Ayes — Carried

Town Clerk Shenk introduced Nicholas Mann, a Orchard Park High School student who has been working in the Town Clerk's office on a internship program.

REGULAR BOARD MEETING — TOWN HALL
JUNE 4, 1997 — 7:30 P.M.

TOWN CLERK REPORT (CONT.)

Town Clerk Shenk announced he will be on military leave from June 16th - 30th, 1997. He will be doing home duty in Niagara Falls and may be reached during the day.

HIGHWAY SUPERINTENDENT REPORT

A motion was made by Councilman Walter and seconded by Councilman Wiktor to authorize Highway Superintendent Ruchalski to sell a 1967 Motor Grader, Model 303, for an amount he deems reasonable.

five (5) Ayes — Carried

TOWN ATTORNEY REPORT

RESOLUTION 1997 - 15 — **APPROVING THE APPLICATION TO THE STATE COMPTROLLER FOR WATER DISTRICT NO 2 IMPROVEMENT**

Town Attorney Perley announced he met with Justice Kane and representatives of Sprint Spectrum regarding the ongoing litigation. Town Attorney Perley and WNED will attend another meeting with Sprint Spectrum on June 20, 1997 at 1:30 p.m.

Communication was received on the McKillen proceeding from Mr. McKillen's previous attorney. Further action will be deferred until June 20, 1997 to allow time for Mr. McKillen to seek another attorney, demolish the property or present the Town Board with a proposal. If there is no response from Mr. Mckillen, Town Attorney Perley will seek an "Order to Show Cause" why this building should not be demolished and why Mr. McKillen should not be enjoined from unreasonably interfering. A court order will allow Erie County authorities to protect those people involved with the demolition process. Securing a court order now will protect everyone involved and prevent future unfounded litigation which could continue for a substantial period of time.

The Bond Issue for Water District No. 1 Improvement was successfully closed with Evans National Bank.

The lawsuit regarding the contractor for the Boston Town Hall decorating project was transferred by court order to the Town of Hamburg before Justice Rooth on June 16, 1997. The matter may be adjourned due to a conflict for Town Attorney Perley. Code Enforcement Officer Kramer and Deputy Town Clerk Ellis will serve as witnesses for the Town of Boston.

The Coregis Insurance Company has sent a preliminary disclaimer on the Notice of Claim filed by Mr. Walter Blazynski against the Town of Boston. A hearing will be conducted on June 6, 1997 pursuant to section 58 of the General Municipal Law and the transcript will be sent to Coregis Insurance Company in the event the matter becomes a lawsuit.

Town Attorney reported that Richard Emerling, 9794 Trevett Road, has noted the zoning map was not established properly and there is a M-2 zone where there should be a R-1 zone. Should a rezoning application be necessary to correct this problem, it will be presented to the Town Board at the next Town Board meeting. The Town Board can the adopt the change with a motion.

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1997-15

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York , held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 4th day of June, 1997 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 hereby ratifies, endorses and confirms the Application made to the Office of the New York State Comptroller to approve the formation of Extension No. 2 to Water District No. 2 executed by the Supervisor on April 21, 1997 including the contents thereof and statements contained therein.

Seconded by **Councilman Rood** 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
JUNE 4, 1997

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT

Councilman Rood reported that she attended the Memorial Day ceremonies and commended all the groups that took part.

Councilman Rood attended a meeting with Vincent Bonerb on June 5, 1997. He has ideas that he would like to see concerning parklands in the Town of Boston.

Councilman Rood contacted Gary Kane at the Erie County Highway Department regarding inquiries from residents concerning the condition of the roads in the Town of Boston. Mr. Kane confirmed that Boston State Road was going to have maintenance paving done from Patchin Road to West Tillen Road. Zimmerman will have an inch of blacktop, oil and chips. Portions of North Boston and Zenner Roads will be resurfaced. These projects will begin in mid June and be completed in late August.

Councilman Wiktor reported that Braasch Construction Company has put a sign on the construction trailer on Boston State Road to identify the trailer as being used for the Water District project.

Councilman Wiktor announced the monthly Councilman Hours will be held Saturday, June 7, 1997 from 10:00 a.m. to 12:00 p.m.

Councilman Walter reported a resident requested a four-way stop sign on Rice and Zimmerman Roads and he advised her to circulate a petition among residents in the neighborhood and he will attempt to secure the request.

Councilman Walter inspected a property on Parkside Drive with severe water problems in the back yard. The town cannot correct the problem because this is private property but Councilman Walter promised to reinspect the property next week.

Councilman Walter advised a resident on Trevett Road to call the Army Corps of Engineers or secure a private contractor to remedy the problem of Eighteen Mile Creek eroding his property. The resident called the Army Corps of Engineers and was given some useful information.

Councilman Walter noted he did not attend the Memorial Day celebration due to a prior family commitment.

Councilman Walter reported a drainage problem on Herman Hill Road to NYS DOT Representative Charles Smith, and they will investigate the situation.

Councilman Walter noted a previous problem with a drainage ditch on George Drive has been backing up and he and Highway Superintendent Ruchalski will remedy the situation. Work has been done on Allen Drive by the Highway Department to alleviate problems in that area.

Supervisor Kennedy inquired as to whether the guardrail across from North Boston and Feddick Roads has been repaired.

Councilman Walter responded that he has called again for attention to this matter and as of this date it has not been repaired. He will again request this repair.

Councilman Davenport reported the Nutrition Program is doing well and the meals are very good for a nominal fee of $1.75. This is a wonderful program for our seniors age sixty-five and older to receive nutritious meals and also socialize with fellow seniors.

Deputy Supervisor Genzel noted the age for the Erie County Nutrition Program is sixty years old.

REGULAR BOARD MEETING
JUNE 4, 1997

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.)

Councilman Davenport announced that fifty-eight (58) seniors attended the 55 Alive Program and remained for a meal. This program is successful and Councilman Davenport would like to see this program remain in Boston. She has heard that many seniors are not aware of the program. The menu is printed in the Pennysaver weekly and notices were sent out with the tax bills. Councilman Davenport suggested that perhaps a letter from the Supervisor would help to inform more people of the program.

Supervisor Kennedy responded that he has written twice on the merits of the program.

Karen Yormick suggested targeting people in that age group and post a 4 X 4 sign in front of the Town Hall.

Patricia Hacker suggested calling local Churches and requesting that an announcement be put in the church bulletins.

Councilman Davenport thanked everyone for their suggestions and commented that she wishes to see this program grow.

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer monthly report for May 1997 was received and is on file in the Clerk's Office.

B) Deputy Code Enforcement Officer monthly report for May 1997 was received and is on file in the Clerk's Office.

A motion was made by Councilman Wiktor and seconded by Councilman Walter to issue a Temporary Certificate of Occupancy to expire August 15, 1997, to John Szalay, 6680 Boston State Road, contingent on the final landscaping and seeding of the lawn area, replacement of the trees that appeared on the original site plan and that was cut by the developer. Replacement trees are to be of a comparable species not less than 1 1/2 inches caliper. A deed is to be filed.

five (5) Ayes — Carried

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officer monthly report for May 1997 was received and is on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for May 1997 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 Rood to appoint Patricia Hacker, 8702 Maplelawn Drive, to the Planning Board, term effective June 10, 1997 to February 1, 2004.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood to adjourn the meeting at 8:50 p.m.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
JUNE 18, 1997 — 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

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 June 4, 1997 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 #6A, dated June 18, 1997 in the amount of $156,745.25 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter that the Highway Bills on Abstract #6A, dated June 18, 1997 in the amount of $14,292.62 be paid.

five (5) Ayes — Carried

Supervisor Kennedy read an Answer and Counter Claim received on June 18, 1997 from Glenn McKillen regarding the Town of Boston lawsuit and directed the Town Clerk to notify the Town of Boston insurance company.

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to authorize Town Attorney Perley to act on behalf of the Town of Boston regarding the Town of Boston vs Glenn McKillen lawsuit.

five (5) Ayes — Carried

Received and filed notification from Erie County Legislator Frederick Marshall of a Household Hazardous Waste Drop-Off scheduled for June 21, 1997 in Orchard Park.

Received and filed Erie County Sheriff's Report for May 1997.

Received and filed a report from Sandra Styka, Chautququa Conference on Regional Governance.

REQUESTS FROM THE FLOOR

Timothy Nizialek, 7706 Omphalius Road, inquired as to the current status of Water District No. 3.

Supervisor Kennedy responded that the ECWA is considering withdrawing a previous commitment to undertake a capital investment of up to $520,000 for the Town of Boston's East Hill Water District No. 3 that would also serve Town of Colden Water District No. 1. Supervisor Kennedy requested that the ECWA make a final decision and submit in writing their statement of commitment or non commitment as soon as possible in order to enable the towns to revise any applications for both State and financial assistance. As of this date the Town of Boston is waiting to hear from the Erie County Water Authority and Supervisor Kennedy will now request a meeting with the ECWA Commissioners. The Town of Boston has expended a considerable amount of money and has determined the feasibility of this project based on the commitment of the Erie County Water Authority. Without the ECWA funds the project, as planned, would be unaffordable to the residents involved.

REGULAR BOARD MEETING — TOWN HALL
JUNE 18, 1997 — 7:30 P.M.

A motion was made by Councilman Wiktor and seconded by Councilman Rood to grant the Boston Fire Company use of the South Boston Park on July 20, 1997 for a family picnic. A $50.00 deposit and Certificate of Insurance has been received.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport to grant St. John the Baptist Catholic Church use of the Lions Shelter on August 10, 1997 for a family picnic, contingent upon receipt of a $50.00 deposit.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Rood to appoint the following to the Boston Summer Recreation Department term effective immediately and to expire on August 31, 1997:

Michelle Allen	Site Supervisor	$7.40 per hr.
Jill Tibbetts	Arts/Crafts Supervisor	6.00 per hr.
Christine Kalisz	Rec Att/Lifeguard	5.25/6.75 hr.
Mandi Malchoff	Rec Att/Lifeguard	5.25/6.75 hr.
Scott Bihl	Recreation Attendant	4.75 per hr.
Lauren Bankert	Recreation Attendant	4.75 per hr.
Molly McNamara	Recreation Attendant	4.75 per hr.
Melissa Dzkowski	Recreation Attendant	4.75 per hr.
Marge Ermer	Recreation Attendant	4.75 per hr.
Jennifer Kittie	Recreation Attendant	4.75 per hr.
Beth Marschner	Recreation Attendant	4.75 per hr.
Melissa Martin	Recreation Attendant	4.75 per hr.
Kathy Matyas	Recreation Attendant	4.75 per hr.
Aaron Pavlovic	Recreation Attendant	4.75 per hr.
Andy Pfeiffer	Recreation Attendant	4.75 per hr.
Andrew Smith	Recreation Attendant	4.75 per hr.
Kevin Steffan	Recreation Attendant	4.75 per hr.
Amanda Vara	Recreation Attendant	4.75 per hr.
Stacy Vezina	Recreation Attendant	4.75 per hr.
Heather Weber	Recreation Attendant	4.75 per hr.
Tammy Rockwood	Recreation Attendant	4.75 per hr.
Ashley Becker	Recreation Attendant	5.00 per hr.

five (5) Ayes — Carried

Supervisor Kennedy read the following three (3) written quotes received for the installation of 565 feet of fencing in the Boston Town Park:

City Fence, Inc.	$5,788.00
Armor Fence	$4,225.00
Lakeshore Fence	$3,945.00

A motion was made by Councilman Wiktor and seconded by Councilman Rood to authorize Supervisor Kennedy to enter into a contract with Lakeshore Fence in the amount of $3,945.00 for the installation of 565 feet of fencing in the Boston Town Park. Money has been approved in the budget.

five (5) Ayes — Carried

Supervisor Kennedy announced that a mistake was made on the Town of Boston Official Zoning Map and a correction has been requested by Richard Emerling, 9794 Trevett Road.

REGULAR BOARD MEETING — TOWN HALL
JUNE 18, 1997 — 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to schedule a Public Hearing on July 16, 1997 at 8:30 p.m. on the proposed Local Law #7, to Amend the Zoning Law of the Town of Boston (Local Law No. 6-1990 as Amended) providing an amendment to the zoning map of the Town of Boston rezoning property designated as section 258.00-1-20.1 situated on Trevett Road in the Town of Boston from zoning classification R-A (Residential Agricultural) to M-1 (Industrial Park Research & Development Dist).

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to schedule a Public Hearing on July 16, 1997 at 8:25 p.m. on the proposed Local Law #8, to Amend the Zoning Law of the Town of Boston (Local Law No. 6-1990 as Amended) providing an amendment to the zoning map of the Town of Boston rezoning property designated as section 258.00-1-18.1 situated on Trevett Road in the Town of Boston from zoning classification M-1 (Industrial Park Research and Development Dist.) to R-A (Residential Agricultural).

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to refer to the Planning Board for mandatory review and recommendation of proposed Local Law No. 7 and Local Law No. 8.

five (5) Ayes — Carried

Received and filed the following Boston Planning Board Summer Schedule: Meetings on July 22, and August 26, 1997 at 7:30 p.m.

SUPERVISOR REPORT

A) Supervisor Monthly Report for May 1997 was received and is on file in the Town Clerk Office.

Supervisor Kennedy reported that ten (10) people from Gowanda were successful in working on the soccer field and preparing it for seeding. The seeding was not done due to the recent rains but the playing field will be seeded and ready for playing next year.

At 8:00 p.m. a Public Hearing was held for the purpose of hearing public comments on the Erie County Water Authority request for a Special Use Permit to construct a Mobile Radio Antenna Tower between 7173 and 7207 Ward Road.

Supervisor Kennedy read the legal notice and the letter sent to thirteen (13) residents of Orchard Park and thirteen (13) residents of Boston along with an Assessor's map and a letter of intent with project description.

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, June 18, 1997 at 8:00 p.m., Eastern Prevailing Time, to consider the application of the Erie County Water Authority for a Special Use Permit to construct a Mobile Auto Antenna 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: May 28, 1997
Published: June 5, 1997

BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK
6-5

Supervisor Kennedy gave a background update and noted a decision from a previous Public Hearing was tabled in hopes that the construction of a new sixty (60) foot tower at the Patchin Fire Department site on Cole Road would service the ECWA request. Motorola Corp. assured the ECWA that the tower would meet their needs but after refusing to execute a contract, E.F. Johnson, Radio Consultants determined the Patchin/Cole Tower would not allow transmissions of signals back to the ECWA Service Center. The ECWA is now proposing to replace the 20-foot mast mounted on top of the Ward Road tank with a new 80 foot tower attached to the tank side.

REGULAR BOARD MEETING — TOWN HALL
JUNE 18, 1997 — 7:30 P.M.

PUBLIC HEARING (CONT.)

Supervisor Kennedy read a letter from the ECWA dated May 13, 1997 and a letter from the Planning Board recommending approval of the ECWA application.

Supervisor Kennedy convened the Public Hearing.

Town Attorney Perley commented that there is currently a moratorium on the construction of Towers in the Town of Boston but it does not affect this application because the application was pending at the time the moratorium was placed.

Supervisor Kennedy noted that this tower is an improvement because it is attached to the tank and is lower in height. The town was hopeful the Cole Road site would have been used because it would have helped with other transmissions. Councilman Walter pursued this possibility diligently.

David Stringfellow, Emergency Squad member: Is it reasonable not to give the ECWA an answer until we get the money they promised us?

Supervisor Kennedy responded that we must not confuse issues here.

Paul Becker, ECWA Municipal Liaison, reported that he contacted William Poole, 7173 Ward Road, concerning his objections that the tower would cause interference on his radio equipment. He is now satisfied and agreed it is not the tower that caused his problems.

Councilman Rood inquired if the tower is five (5) feet higher.

Paul Becker: Yes, it is about five (5) feet higher.

Councilman Wiktor: Is the entire height about twenty-four (24) feet plus or minus?

Paul Becker: Yes, plus or minus. David Jaros, ECWA representative has worked diligently on this project and is here to answer your questions.

Councilman Walter: Will there be space on this tower for everyone?

David Jaros, ECWA Representative: I wouldn't say no. The site works perfectly.

Patricia Hacker, 8702 Maplelawn Drive: What is the timetable on this project?

David Jaros: We hope to be done by Christmas. We would like to begin work in August.

A motion was made by Councilman Wiktor and seconded by Councilman Walter to close the Public Hearing at 8:15 p.m.

five (5) Ayes — Carried

Supervisor Kennedy commented that he realizes Mr. Becker is not here representing the ECWA Commissioners on their proposed withdrawal of a commitment to undertake a capital investment of up to $520,000 for the Town of Boston's East Hill Water District No. 3. He noted that a letter was sent to the Commissioners over two weeks ago and to date no response has been received. We need an answer because we have to know our plan of action.

Paul Becker responded that he has been working on this with the budget director and as of last Friday they have looked at every district that is served by the ECWA so a meaningful dialogue and discussion could be had on what it is really costing the ECWA to provide service to areas that want capital contributions as well as

REGULAR BOARD MEETING TOWN HALL
JUNE 18, 1997 7:30 P.M.

Paul Becker, (Cont.): existing areas. A meeting is planned with the budget director to go over all the information and an agenda will be set for a meeting with not only Boston but Colden, Newstead and Marilla.

Supervisor Kennedy questioned whether he could expect a written reply within a week.

Paul Becker responded that he will request a written reply be given to the Town of Boston within a week.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport, that the Town Board of the Town of Boston, having taken a hard look at the many potential environmental impacts with respect to the ECWA request for a Special Use Permit to construct a Mobile Radio Antenna Tower between 7173 and 7207 Ward Road, hereby determines that there are no significant adverse environmental impacts associated with the said project and hereby adopts a Negative Declaration.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor, on the recommendation of the Planning Board, to grant the ECWA a Special Use Permit to construct a Mobile Radio Antenna Tower between 7173 and 7207 Ward Road.

five (5) Ayes Carried

TOWN CLERK REPORT

A motion was made by Councilman Wiktor and seconded by Councilman Rood to accept the Tax Collection Report for May 1997.

five (5) Ayes Carried

TOWN ATTORNEY REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to schedule a Public Hearing on July 16, 1997 at 8:35 p.m. for Local Law #6 to Amend the Zoning Law of the Town of Boston (Local Law No. 6-1990 as Amended) providing supplemental regulations pertaining to the permitting and construction of telecommunication facilities.

five (5) Ayes Carried

Town Attorney Perley informed Robert Summers from NYS Dept. of Agri. Markets that the status of Water District No. 2 is somewhat in doubt based upon the current position of ECWA. Town Attorney Perley is waiting for a financial analysis of the last ten years of BAN's to present to the State Comptroller for approval of a rate other than 7% over 20 years which would be inordinately high.

Councilman Rood asked if the present rate is 5 1/4%.

Town Attorney Perley responded that the present rate of a BAN is 5.35% over 5 years.

Town Attorney Perley will meet with representatives of WNED and Sprint Spectrum in the chambers of Justice Keane in hopes of resolving the Sprint lawsuit prior to the hearing scheduled for July 8, 1997.

Town Attorney Perley announced that he and Councilman Wiktor are involved with the Boston Library and Adelphia Cable program where books are read and videotaped in local libraries. Supervisor Kennedy has been nominated to be the reader for the Boston library.

REGULAR BOARD MEETING
JUNE 18, 1997

TOWN HALL
7:30 P.M.

TOWN ATTORNEY REPORT (Cont.)

Town Attorney Perley noted he is a member of the Orchard Park Symphony and they are opening the Pavilion Concert series in Orchard Park on June 19, 1997 and everyone is welcome.

COUNCILMAN REPORT

Councilman Rood announced the monthly Saturday Councilman hours were held on June 14, 1997.

Councilman Rood attended the N.E.S.T. (North East Southtowns Solid Waste Management Contortion) meeting in Orchard Park on June 12, 1997. N.E.S.T. is the sponsor of the Hazardous Waste Drop-off scheduled at ECC South on June 21, 1997 and Councilman Rood is a volunteer. The media is requested to inform people to use the Big Tree Road entrance to the campus.

The schedule for the Town of Boston Summer Concert Series is available in the Town Clerk's office.

Councilman Wiktor reported that a teacher from Boston Valley School complained that when she had her class in the Boston Town Park for a science project she was informed by a Parks Department representative that she needed a permit and a fee to be in the Town Park. Councilman Wiktor will inform personnel that we should be encouraging students and that action was not necessary.

The Planning Board has received copies of the proposed changes and amendments to the zoning codes and will discuss and make recommendations at the June 24, 1997 Planning Board meeting.

Councilman Wiktor reported that when he and his son were fishing at the Town Park pond and a man was taking a string of fish home to eat. The pond is a catch and release pond and only barbless hooks may be used.

Supervisor Kennedy noted the purpose of the pond was for the pleasure of the handicapped and children.

A motion was made by Councilman Wiktor and seconded by Councilman Rood to request the Town of Boston to provide a sign at the Town Park pond stating that the pond is a catch a release facility and only barbless hooks may be used.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Walter that a stipulation be added to the motion made at the June 4, 1997 Town Board meeting which allowed the Highway Superintendent to sell a Motor Grader, model 303 for a price he deemed reasonable. The stipulation being that funds generated from the sale of the Motor Grader, model 303 be put in a fund to help offset any new equipment and/or trucks that the Highway Superintendent might need.

five (5) Ayes — Carried

Councilman Walter reported the guardrail on Feddick Road will be repaired this week.

Councilman Walter noted Ms. Calabrase, a new resident in the Town of Boston, has withdrawn her request for a speed limit reduction on Lower East Hill Road.

Councilman Walter announced Omphalius Road has been repaired and work will begin soon on Boston State Road.

Councilman Walter will respond to a call on a drainage problem on Elmtree Road and noted he always responds to calls or problems.

REGULAR BOARD MEETING
JUNE 18, 1997

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (Cont.)

Councilman Walter reported the County expects to fix many roads in the area providing money is available.

Councilman Davenport announced the Boston Valley School Principal will send a catalog choice for the bike rack.

Councilman Davenport inquired as to whether the prisoners had worked on the Creative Playground.

Supervisor Kennedy responded that they are scheduled to work at the Creative Playground on June 23, 1997.

Councilman Davenport gave Supervisor Kennedy a list of repairs for the playground and requested the sandbox be boarded up first.

Councilman Davenport investigated the Town Park on the complaints of the recreation coaches and reported the ground appears rough and fences need attention.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to adjourn the meeting at 8:57 p.m.

Karen A. Ellis

KAREN A. ELLIS, DEPUTY TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
JULY 16, 1997 — 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 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 18, 1997 Regular Board 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 16, 1997 in the amount of $76,294.86 be paid.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor that the General Fund and Special District Bills on Abstract #7, dated July 16, 1997 include a voucher approved by TVGA Engineering in the amount of $47,093.97 to Donald Braasch Construction for the Water District No. 1 Increase in Facilities project, coded to Water District No. 1 Capital Projects account.

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 16, 1997 in the amount of $9,457.98 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Walter to accept the Town Clerk's Monthly Report for June 1997.

five (5) Ayes — Carried

Received and filed the Erie County Sheriff Report for June 1997.

Received and filed notification of a liquor license renewal from the Boston Garden, Inc.

Received and filed a denial from NYS Local Government Records Services for the Local Government Records Management Improvement Fund grant application submitted by the Town of Boston for a pilot G.I.S. study.

REQUESTS FROM THE FLOOR

Clive Rucker, 6910 Boston Cross Road, reported that a dangerous situation exists on the Boston Cross Road as a result of the increased traffic and speeding. A sign or a blinker should be installed to warn people that there are school busses from the Catholic Church parking lot and children from the recreation program in the area.

Supervisor Kennedy agreed and will work with Councilman Walter to contact the Sheriff and State Police to enforce the 35 mile per hour speed limit on that road.

Reed Garver, 8363 Lower East Hill Road inquired if there was anything new about the water district.

Supervisor Kennedy responded that on July 14, 1997, he, Town Attorney Perley, and Town Engineer Pettit met with the ECWA Attorney, Supervisor Calhoon, R&D Engineer John Reed, three (3) ECWA Commissioners and ECWA Finance Chairman Mendez. Town Attorney

Supervisor Kennedy, (Cont): Perley gave a synopsis of what has taken place since day one on this water district and how long it has been in the planning stages in an effort to acquire water. The ECWA reiterated that their financial situation, and the expenditures and commitments made by previous commissioners far exceeded their ability to pay. The contention of the Town of Boston is that the ECWA made a commitment and the Town of Boston spent $20,000 on engineering, map plans and reports. There was a public vote and all plans were based on the premise that the ECWA would provide the tank and the pump station. This would also provide water for the Town of Colden. If the ECWA denies Boston they will also deny Colden. Since this is a joint application it was presumed it would have more clout than a single application. The monies that were originally committed to Colden were going to be used to help fund this project. The ECWA was still going to have to have a storage tank for the Town of Colden. This in essence takes care of their storage facility also. Whatever was possible was done to make our case before them. The ECWA did not make any commitment to us and they didn't deny us. We will continue to pursue it and will be meeting to see if there is any follow up we can do to enhance our position. The ECWA has indicated that the Town of Boston did not respond in writing to their proposal. The Town of Boston replied that the ECWA proposal to fund the replacement of the water tank that sits next to the Emerling potato barn was not responded to in writing. What the ECWA committed to refurbishing the tank was then committed to the replacement. The ECWA Chairman and Commissioners will be given access to the Town of Boston water file which includes the initial efforts to secure water on the East Hill down to the ECWA final commitment to provide monies for the tank and the pump station. We are now waiting for a decision in writing.

Thomas Williams, 5330 Keller Road commented that as an amateur radio operator he is pursuing getting an antenna installation at his home. Presently the zoning laws in the Town of Boston are not written to specifically accommodate amateur radio. The process to obtain a permit is overly restrictive and expensive. You must apply for a variance and the neighbors are polled and if there are objections the application is denied. The zoning law states anything over fifty (50) pounds is not allowable, which for an amateur radio antenna is a very low and unusual weight.

Town Attorney Perley responded that he has reviewed the material from Code Enforcement Officer Kramer submitted by Mr. Willams and noted legislation is being considered tonight on telecommunication towers but doesn't address ham radio issues. He is looking into this and will propose amendments to this legislation. There were time constraints in adopting this legislation due to the construction of PCS Cellular towers that needed to be regulated. Currently there is a moratorium on the construction of all towers but he is willing to look at the Mr. William's material and to discuss the needs of ham radio operators. He noted that Mr. Williams lived on Keller Road and was zoned R-A so he would need a Special Permit and not a variance.

Mr. Williams responded that a federal law was enacted by congress that precludes overly restrictive zoning laws and includes something specifically for amateur radio operators. He has copies of the zoning laws from Orchard Park and from different cities around the United States which Supervisor Kennedy requested. Mr. Williams noted that he wants to work with the Zoning Board to have the zoning laws not only address his concerns but the concerns of all amateur radio operators seeking to install antennas in the Town of Boston.

Anthony Bernardi, 6385 Willow Drive commented that he wishes to put a house on his acreage on Willow Drive and to either deed a turn-a-round or request a variance for another building lot. The water and sewer authorities don't have problems with his proposal.

Anthony Bernardi, (Cont): Four years ago he deeded property to the Town for a small turn-a-round and his frontage is now about ten feet shy for another lot. He would like to put another house on the thirteen acre parcel.

Supervisor Kennedy responded that if he doesn't have the requisite frontage he will require a variance application to the Zoning Board of Appeals and if there is enough frontage it can be processed for a permit.

RESOLUTION 1997 - 16 AUTHORIZE EVANS NATIONAL BANK TO IMPLEMENT CHECK IMAGES PROCESS

A motion was made by Councilman Davenport and seconded by Councilman Walter to authorize the Town Clerk to issue licenses for the operation of Mobile Home Parks to Richard and Joy Boyd and John and Katherine Falkides for the period of 7/1/97 - 6/30/98.

five (5) Ayes Carried

Supervisor Kennedy read a request from Town Clerk Shenk for the purchase of four (4) voting machines. Bids were received from:

Sequoia Pacific Voting Equip. Inc.	$2,500.00 ea.
Voting Machine Service Center,Inc.	$1,995.00 ea.

Councilman Rood inquired if there had been discussion among the Town Clerks about the municipal sharing of spare voting machines. She noted the odds for maybe three (3) towns all having a failed voting machine would be very slim.

Town Clerk Shenk responded that each town has a different makeup of what is being voted upon so therefore municipal sharing is not feasible. The Board of Election programs the voting machines and locks them approximately ten days before an election.

A motion was made by Councilman Davenport and seconded by Councilman Walter, on the recommendation of Town Clerk Shenk, to approve the purchase of four (4) voting machines at a cost of $7,980 from the Voting Machine Service Center Inc., with a deposit of $2,000 by August 1997 and the remainder of $5,980 by January 1998.

five (5) Ayes Carried

At 8:02 p.m. a Public Hearing was held for the purpose of hearing public comments on the establishment of Old Polish Hill Road Highway Improvement No. 1.

Supervisor Kennedy read the legal notice and Resolution 1997-14 adopting an Order re: Establishment of the Old Polish Hill Road Highway Improvement No. 1 pursuant to Section 200 of the Town Law of the State of New York.

Supervisor Kennedy commented that on Monday July 14, 1997, he, Town Attorney Perley, and Town Engineer Pettit met with Gary R. Eckis, manager of Boston Hill LLC. Mr. Eckis determined the costs associated with the proposed district would be too high to make the lots marketable. Mr. Eckis would like to explore the possibility of the private construction of that roadway at a more reasonable cost and requested the Public Hearing be adjourned. Supervisor Kennedy noted it cannot be adjourned, it can be recessed.

Supervisor Kennedy read a letter from Gary R. Eckis, manager of Boston Hill LLC, dated July 14, 1997 requesting the Public Hearing scheduled for July 16, 1997 regarding the proposed drainage and Road improvements for Polish Hill be tabled pending further study.

TOWN OF BOSTON

TOWN OF BOSTON

RESOLUTION 1997-16

At a regular meeting 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 July, 1997 at 7:30 p.m., 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.

WHEREAS, under various statues and regulations, local governments and/or their officers and employees are from time-to-time required to receive, retain, and/or produce for examination canceled checks drawn upon the account of said local government; and

WHEREAS, Section 99-b of the New York General Municipal Law, as amended by Chapter 140 of the Laws of 10996, now permits local governments, their officers or employees, if so authorized by the governing body of the local government, to receive, retain and/or produce proper alternative documentation in the form of check images supplied by the payor bank or trust company in lieu of canceled checks drawn on the accounts of the local government; and

WHEREAS, said statute requires that the check images show both sides of each check and shall be considered the equivalent of original canceled checks for purposes of record-keeping and auditing requirements; and

WHEREAS, it is the Town of Boston's understanding that Evans National Bank ("Bank") has implemented a process whereby check images are produced and supplied to customers which satisfies the requirements of Section 99-b of the New York General Municipal Law; and

WHEREAS, the Town of Boston wishes to authorize the Evans National Bank and its officers and/or employees to receive, retain and/or produce such check images in lieu of canceled checks, as the same is facilitated by the process which has been implemented by the Bank. If there is any problem whereby it is impossible to reproduce a check image, the Town of Boston will be provided the original cancelled check.

NOW, THEREFORE, BE IT RESOLVED:

1. That the officers and/or employees of the Evans National Bank be and are hereby authorized to receive, retain, and/or produce alternative documentation in the form of check images supplied by the Bank in accordance with the system which has been implemented by said Bank; and be it further resolved

2. That this authorization is intended to satisfy the requirements of Section 99-b of the New York General Municipal Law amendment by Chapter 140 of the Laws of 1996; and be it further resolved

3. That the Evans National Bank and/or other authorized officers or employees be and hereby are authorized to take any and all further measures necessary to accomplish the intent of the provisions herein.

Resolution was seconded by Councilman Wiktor and put to a vote, 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

TOWN OF BOSTON

Richard L. Kennedy

Richard L. Kennedy, Supervisor

Date 7/21/97

S E A L

ATTEST:

David J. Shenk

David J. Shenk, Town Clerk

REGULAR BOARD MEETING
JULY 16, 1997

TOWN HALL
7:30 P.M.

LEGAL NOTICE
TOWN OF BOSTON
NEW YORK
RESOLUTION
NUMBER 1997-14

Resolution adopting an Order re: Establishment of the Old Polish Hill Road Highway Improvement No. 1 pursuant to Section 200 of the Town Law of the State of New York.

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 4th day of June, 1997 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 16th day of July, 1997 In the Matter of the Establishment of the Old Polish Hill Road Highway Improvement No. 1 pursuant to Section 200 of the Town Law of the State of New York.

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: 5 NOES: 0 ABSENT: 0

David J. Shenk - Town Clerk

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 4th day of June, 1997

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 Old Polish Hill Road Highway Improvement No. 1 pursuant to Section 200 of the Town Law of the State of New York

WHEREAS, a written Petition dated June 1, 1997 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 Old Polish Hill Road Highway Improvement No. 1 in the said Town of Boston (hereinafter "the Highway Improvement") 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 approximately 3,200 feet of two lane highway within the said Highway Improvement.

WHEREAS, the maximum amount proposed to be expended for the said Highway Improvement as stated in the Petition is $340,000.00.

WHEREAS, the said amount proposed to be expended for the construction of the said Highway Improvement 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, relative benefit and front footage 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 Highway Improvement to a Typical Property as defined in the Town Law of the State of New York is as follows:

Ad Valorem Charge (46.66/$1,000 assessed val.)	$466.00
Frontage Charge (@ $1.75/foot)	437.50
Areage (@ $562.22/acre)	311.10
	$1214.60

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 be it further,

ORDERED that a meeting of the Town Board of the Town of Boston be held at the Town Hall in said Town on the 16th day of July, 1997 at 8:00 p.m., Eastern Prevailing Time, to consider the proposed establishment of the Old Polish Hill Road Highway Improvement No. 1 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 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 - 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

SPECIAL IMPROVEMENT DISTRICT

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 Nos. 11, 12 and 18, Township 8, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point on the north line of Lot No. 11 a distance of 831.30 feet east of the northwest corner of Lot 11; thence southerly parallel to the west line of Lot No. 11 a distance of 1048.08 feet to a point; thence westerly parallel to north line of Lot No. 11 a distance of 831.30 feet to the west line of Lot No. 11; thence northerly along west line of Lot No. 11 a distance of 297.0 feet to a point; thence westerly parallel to north line of Lot No. 18 a distance of 785.08 feet to the east line of lands appropriated by the People of the State of New York for Section 3 of the Southern Expressway by Notice of Appropriation recorded in the Erie County Clerk's Office in Liber 9002 of Deeds at page 375; thence along the east perimeter of said lands so appropriated the following distances more or less, (1) northerly 530.0 feet; (2) easterly 180.0 feet; (3) northeasterly 220.0 feet to the north line Lot No. 18; (4) northwesterly 184.0 feet; (5) westerly 214.0 feet; (6) northerly 594.35 feet to the south line of lands described in Liber 1667 of Deeds at page 499; thence east along south line of said Liber 1667 of Deeds at page 499 a distance of 1755.07 feet to the southeast corner of said Liber 1667 page 499; thence north along east line of said Liber 1667 page 499 a distance of 987.13 feet to the northeast corner of said Liber 1667 page 499 being the half line of Lot No. 12; thence east along the half line of Lot No. 12 a distance of 1966.41 feet to a point; thence south 06 04'08" east a distance of 135.54 feet; then southerly in a straight line a distance of 628 feet more or less to the north west corner of lands to Eugene M. Sullivan and Roberta Sullivan by deed recorded in Liber 9162 of Deeds at page 518; thence south along west line of said Liber 9162 page 518 a distance of 245.20 feet to the center line of Polish Hill Road; thence westerly along the center line of Polish Hill Road a distance of 132.76 feet to the point where the west line of lands to Gerald C. Mead and wife recorded in Liber 7659 of Deeds at page 337 intersects with the center line of Polish Hill Road; thence along the west and north perimeter of said Liber 7659 page 337 the following distances: (1) southerly 670 feet more or less, (2) southwesterly 550.0 feet to the northwest corner of said Liber 7659 page 337, (3) southerly 278.05 feet to the southwest corner of said Liber 7659 page 337; thence southerly a distance of 50 feet more or less to the south line of Lot No. 12; thence west along the south line of Lot No. 12 a distance of 1440 feet more or less to the point of beginning.

Supervisor Kennedy: In discussing this with Gary (Mr. Eckis) we also addressed the problem of drainage. Currently the bulk of the drainage comes down the Old Polish Hill roadway and is being collected and distributed and this is what washed out the water lines at the corner of Backcreek Road and Hillcroft Drive when we had the hard long rainfall. Mr. Eckis feels there is a possibility of intercepting that water at a higher level up the road because when they constructed the 219 expressway they actually put more water down one ravine than the other ravine. There is probably something that can be done that would mutually help both the Town of Boston and Mr. Eckis if something is done on the roadway. That is something that will be discussed in the future. Now he would like the opportunity to examine if it could be done much more reasonable on a private basis. In view of that I would move that we recess the Public Hearing on the proposal that I read into the record.

Town Attorney Perley: To be reconvened on notice to the Public.

Councilman Walter: There are quite a few people who did show up here tonight to express opinions. These people traveled from their homes and maybe we should take a few minutes to listen to them.

Supervisor Kennedy: There is no sense in conducting a Public Hearing if he doesn't wish to pursue the intent of it. I respect the fact that there are people here who came in regards to publications that were circulated. I didn't have an opportunity (to publish a cancellation notice) but I talked to the only other property owner on Polish Hill Road which is Mr. Weller. I talked with him at length tonight and I told him that if there was anything done on that roadway which would impact the property owners, which are at the present time, Mr. Eckis and Mr. Weller, that they would be notified immediately.

Nancy Walczyk, 6572 W. Hillcroft: I would be interested in knowing how you are going to get large equipment up there. I don't know how much more that bridge and road can take.

Supervisor Kennedy: Which bridge are you referring to?

Nancy Walczyk: Hillcroft Drive.

Supervisor Kennedy: They can always come across the other bridge for that matter. It has been rebuilt. I don't know how or what they intend to do.

Nancy Walczyk: How will they get up that hill? How do they propose getting in to work on that property?

Supervisor Kennedy: If they were going to work on the roadway, and that is just making the supposition that they might, they would take a bulldozer up the road, I would guess. That is what you would normally do. They would unload the dozer somewhere in the proximity of the lower end there near Mead Lane and take the dozer up there. They certainly wouldn't try and drive a truck up that roadway now because there is a large ditch running right down the middle of the road. Since it's abandonment it has a pretty good size ditch coming down the middle of the road. Right now it is a drainage ditch.

Karen Krajewski, 6552 Colonial Drive: Excuse me, that is no longer true. He has come in there and has worked that road and that road is so smooth you can drive a car all the way up to the top.

Supervisor Kennedy: Already?

Karen Krajewski: Already. He did the road without Town permission.

Supervisor Kennedy: No, he was supposed to go to the Highway Superintendent and get permission so I don't know if the Highway Superintendent granted him permission. He is not here this evening.

Nancy Walczyk: I also think the people on the corner and probably Colonial Drive have a vested interest in the drainage problem.

Supervisor Kennedy: I agree with you whole heartily. I think that the drainage problem is the biggest vested interest and has gotten worse over the years rather than better.

Nancy Walczyk: Well I think you should hear what they have to say.

Supervisor Kennedy: Who is that?

Nancy Walczyk: The people that live in the area.

Supervisor Kennedy: Absolutely.

Floyd Jones, 6587 Colonial Drive: There were a couple of signs before you came to that bridge with "Restricted" on them. Somebody has taken the signs. Those dump trucks go on there and the bridge shakes. They could slow down if they are going to be going over it. Even if they are going over it illegally or legally they are beating the hell out of our bridge.

Supervisor Kennedy: Well I agree with you. If there is supposed to be a restrictive weight limit on that bridge we should contact the County and find out what it is.

Floyd Jones: Somebody has taken the signs down. It is kind of ironic that all of the sudden there is construction out there and the sign is gone. It must have fell down or something.

Supervisor Kennedy: If somebody took a restrictive sign down they are certainly subject to whatever the penalties of the law are. I don't know that for a fact but if you are aware of that I would hope you would contact the County because it is the County's bridge.

Floyd Jones: We will be calling the County on it.

Karen Krajewski: Besides the bridge which is a major concern, when you talk about the Town co-signing or giving bonds for this developer to develop the road at thousands of dollars, what happens if those fifty thousand dollar lots on that undeveloped area that has no water, no sewers, don't sell?

Supervisor Kennedy: I agree with you. He understands that there is no way you can transfer that amount of debt to that few lots and expect that you would be able to market them.

Karen Krajewski: Does the Town Board understand that we are not supporting the Town Board doing this for them?

Supervisor Kennedy: I understand.

Karen Krajewski: We are all for development. Go ahead, do it right but do it with your money.

Supervisor Kennedy: We already conveyed basically that idea to him and I think he is understood first and foremost that the cost that he would incur by doing it through municipal would be at least double what it would cost doing it privately. That is usually the case.

Karen Krajewski: The fact that you are thinking about that is scary to the rest of us.

Town Attorney Perley: Let's get something straight. The Town Board isn't necessarily thinking of anything. The Town Board is acting on it's obligation to process an application. The Town Board has an obligation to process the application. Anybody who makes an application or files a petition to form a district for any reason, and there are any number of reasons you can petition this town to form a district, then it is the obligation of the government to handle that petition. When a petition is filed in certain circumstances it is even the obligation of the town to draw the legal descriptions, to draw all the orders and to process that petition. Whether or not the Town Board is in favor of it or not, that is our obligation as a government to do and that is what is happening tonight. The Town Board hasn't made any decision one way or the other on the merits of the application. They are only processing the application. If I were asked by anyone I would tell them it is their legal obligation to process an application the way they are doing it tonight regardless of whether or not they are in favor of it.

Supervisor Kennedy: Well we did. After we received the application we published the Public Hearing and we were going to hear it before the public. Mr. Eckis has decided economically that it isn't feasible to transfer that kind of debt load to that many lots since, as you have indicated, there would be no way he would be able to market them. Of course one of the things that this Board would look at very critically if we were going to utilize any of our capacity to incur debt is whether or not it was even marketable for the amount of money that we are talking about here. I think he understood that it probably would not be.

Karen Krajewski: The other thing I am interested in is that there is a type of silent partnership for this development.

Supervisor Kennedy: There is?

Karen Krajewski: That is what we've been told.

Supervisor Kennedy: The only one that we have had any contact with is Mr. Eckis. He is the only one who came to us and asked to initiate a Public Hearing on this matter.

Town Attorney Perley: You should be able to go to the County Hall and find out who the other members of the company are.

Karen Krajewski: We tried.

Town Attorney Perley: It has got to be filed. They have to publish.

Councilman Rood: Well what did they say at the County?

Karen Krajewski: They wouldn't give us the information.

Supervisor Kennedy: That is a matter of public information. You ought to tell them it is a matter of public record and under the Freedom of Information Law they have to provide that information to you.

Karen Krajewski: I have also been asked to address questions to Mr. Perley a second.

Town Attorney Perley: Sure.

Karen Krajewski: Were you involved in the transfer of the properties?

Town Attorney Perley: I represented the seller.

Karen Krajewski: David(Town Clerk) did you get that for the record?

Town Clerk Shenk: This is a Public Hearing. Everything will be in the record.

Town Attorney Perley: I represented the seller. It was well known to the Town Board that I represented the seller. I indicated to the Town Board that I would not act or in any way advise the Town Board in this application or even sit here and help put the application forward and process it as the Town Board is legally obligated to do if anybody has told me not too. Since I don't represent Boston Hill LLC, and I have never represented them, I have never represented any of the partners in the company and I have never represented Mr. Eckis. I have only represented the man who sold them the property.

Supervisor Kennedy: There is a motion that we recess the Public Hearing according to the request of the applicant.

Councilman Davenport: Mr. Kennedy, I am having a problem with the word "recess". I am not familiar with that. I know "tabling" something and asking for it to be dismissed but I just have no understanding of what this kind of a term means.

Town Attorney Perley: You can recess a Town Board meeting and reconvene it.

Supervisor Kennedy: You can recess a Town Board meeting and reconvene it. This allows you to reconvene at a later date and every one will be duly notified.

Karen Krajewski: Will it be published again?

Town Attorney Perley: Yes. It wouldn't be published in the same fashion with a legal description but it would be published.

Supervisor Kennedy: No, there wouldn't be another legal description but it would be published and those people that are here would be notified.

Town Clerk Shenk: If anyone here wants to be notified and you were not on the original list, please call my office and giving your name or see Karen (Deputy Town Clerk Ellis) after the meeting.

Councilman Davenport: Could this be a tabled item and with the intent to kill for now and then he reapplies when he is ready?

Supervisor Kennedy: I don't what the "intent to kill" is. I would say that you have to duly hear everyone that speaks on anything that comes before this Board before you make a decision. Even though you may have personal feelings one way or another, I think you have an obligation to hear everyone who wishes to speak. Since we are not having a Public Hearing tonight and we are just recessing it and everyone hasn't had an opportunity to speak, I don't think you should make an opinion until such time as you've heard all the information. You could just make an evaluation on the information that you've heard.

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to recess the Public Hearing regarding the proposed Adoption of an Order for the Establishment of the Old Polish Hill Road Highway Improvement No. 1 Pursuant to Section 200 of the Town Law of the State of New York, to be reconvened on notice to the public.

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 Rood: It might be a dead issue. I mean just recess it and move on with this meeting.

Supervisor Kennedy: I don't know if it will ever be reconvened. It might be a dead issue. He is saying he would rather do it privately but he wants to explore that. Now if he wants to reconvene it we will certainly notify everybody here and everybody will have an opportunity to speak. Absolutely.

At 8:23 p.m. a Public Hearing was held for the purpose of hearing public comments on the proposed Local law No. 5-1997 to Amend Local Law No. 6-1990, known as "Zoning Law of the Town of Boston."

Supervisor Kennedy read the legal notice and the Proposed Local Law No. 5-1997, a Local Law to amend Local Law No. 6-1990 known as "Zoning Law of the Town of Boston", adopted by the Town Board of the Town of Boston on December 31, 1990.

Supervisor Kennedy commented that proposed changes to the zoning laws have been developed as a result of suggestions from the Town Board Members, Code Enforcement Officers, Members of the Planning Board, the Town Attorney, and others. For example there has been concern with the number of dogs that could be harbored in a residential area. In this legislation we are limiting the number of dogs harbored in a residential area to three (3). Temporary Certificates of Occupancy can be issued by the Code Enforcement Officer.

LEGAL NOTICE
TOWN OF BOSTON
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that there has been presented to the Town Board of the Town of Boston, Erie County, New York, on May 30, 1997, a copy of Local Law Number 5 of the year 1997 (Proposed), entitled a Local to amend the Local Law #6-1990 known as "Zoning Law of the Town of Boston." Said amendment is intended to modify certain substantive and procedural regulations within the Zoning Code pertaining to: Accessory Buildings, Temporary Certificates of Occupancy, Minimum Dwelling Size, Residential uses in "C" Zones, Orientation of lots for Single Family Dwelling, and Dog Kennels.

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston will conduct a Public Hearing on the aforesaid Local Law at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on Wednesday, July 16, 1997 at 8:15 p.m., Eastern Daylight Savings Time, at which time all interested persons will be heard.

Dated: June 23, 1997
Published: July 3, 1997

BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK

Supervisor Kennedy convened the Public Hearing.

There were no comments.

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to close the Public Hearing at 8:25 p.m.

five (5) Ayes Carried

RESOLUTION 1997 - 18 ADOPT LOCAL LAW NO. 5 - 1997, A LOCAL LAW TO AMEND LOCAL LAW NO. 6-1990 KNOWN AS "ZONING LAW OF THE TOWN OF BOSTON".

Councilman Wiktor thanked the Town Board on behalf of the Planning Board and noted some of these issues have been presented by the Planning Board as long as four or five years ago. They are procedural in nature and help the Planning Board to a great degree.

At 8:25 p.m. a Public Hearing was held for the purpose of hearing public comments on the proposed Local Law No. 8-1997, the rezoning of 2.79 acres of land from M-1, (Industrial Park Research and Development District) to R-A, (Residential Agricultural), vacant land between 9742 and 9766 Trevett Road owned by Maurice and Pearl Emerling.

Supervisor Kennedy read the legal notice, the proposed Local Law No. 8 - 1997 and the letter sent to neighboring property owners with an Assessor's map outlining the properties in question. Supervisor Kennedy noted it was unfortunate that the property owner was not notified. Normally, the property owner would not be notified because they would be making the application. Since this was not an application made by the property owner, he should have been notified that the Town of Boston was considering the rezoning of his property. Supervisor Kennedy apologized publicly to Maurice

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1997-18

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 July, 1997 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:		

Supervispr Kennedy presented the following Resolution and moved its adoption:

BE IT RESOLVED that Local Law no. 5 of the year 1997 be adopted.

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: 5 NOES: 0 ABSENT: 0

David J. Shenk

David J. Shenk-Town Clerk

REGULAR BOARD MEETING
JULY 16, 1997

TOWN HALL
7:30 P.M.

Supervisor Kennedy, (Cont): Emerling for the action that was not taken by this Town Board in notifying him property. Supervisor Kennedy also apologized that a sign was not placed on the property to be rezoned. He noted that there is one on Mr. Richard Emerling's property and he knows we have more than one (1) sign.

Town Clerk Shenk: Mr. Supervisor, this property has been rezoned. First of all this is the Public Hearing to rezone Richard Emerling's property.

Supervisor Kennedy: It says M-1 to R-A.

Town Clerk Shenk: You are correct on that point however this property is being rezoned to agricultural and the sign only goes up when the property is being rezoned to commercial or industrial.

Supervisor Kennedy: I see. Well I can understand where Maurice Emerling might think that we were trying to not adhere properly to notification since he never even knew that this was happening until he read it in the Springville Journal.

Supervisor Kennedy read a letter from Maurice Emerling dated July 16, 1997 opposing the rezoning of his property from M-1 to R-A.

Supervisor Kennedy convened the Public Hearing.

Supervisor Kennedy: I read into the record Mr. Emerling's contention that under the assumption since 1991 that the property has been zoned M-1, he has gone ahead and made plans contingent upon the present zoning of the property.

Town Clerk Shenk: I would just like to have it noted that there were twenty-two (22) neighbors notified.

Supervisor Kennedy: All surrounding neighbors were properly notified by the Town Clerk in accordance with the law.

Maurice Emerling: Number one, if you have any questions on what Dick (Supervisor Kennedy) just read pertaining to any phase of it, there is one (1) on number eight (8) that goes back to 1940-1950 and up to the seventies. I can tell you even the type of machinery that was stored on that lot in the building that was sold in 1973. Before that we were cramped for room on our present conditions up there and we showed trucks and cars on this property in those times. I don't think too many of you remember, but some might in the audience, might remember what we had up there. That is why we moved in 1970. We also talked about National Fuel. The reason we did that, and this was delayed for some time, is the high pressure gas line. I have a drawing here of what we went through to have this moved. It is still not in the finish stage but we've been working on this for some time and this is why you were reading a lot about National Fuel. I have a blueprint of this building which could not have been designed the way we wanted it by letting the high pressure line go in and go south and then to the west.

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 16, 1997 at 8:25 p.m., Eastern Prevailing Time, the time and place above noted all interested persons will be heard for or against Local Law #8 1997 (Proposed). This Local Law is intended to correct an error in the Zoning Map of the Town of Boston.

PROPOSED LOCAL LAW NO. 8
OF
THE YEAR 1997

A LOCAL LAW TO REZONE APPROXIMATELY 2.79 acres of land from M-1 (Industrial Park Research and Development District) to R-A (Residential Agricultural)

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF BOSTON AS FOLLOWS

Section I.

A Local Law of the Year 1997 to amend Local Law No. 6 of the Year 1990, any amendments thereto and the Town of Boston zoning map, by rezoning approximately 2.79 acres of real property from M-1 to R-A, such property being described as Town of Boston, Erie County, New York, Lot 1, Township 8, Range 7 of the Holland Land Company's survey and located on the western side of Trevett Road south of the intersection of Boston State Road and Trevett Road.

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Boston, County of Erie and State of New York, distinguished as the middle part of lot No. 1, Township 8, Range 7 of the Holland Land Company's Survey bounded and described as follows: Beginning in the center of the highway leading from Boston over the hill at a point North 80 degrees East from a certain maple tree; thence North 16 degrees East 5.39 chains; thence North 81 degrees West 5.17 chains; thence South 12 degrees West 6.04 chains to the North line of land now or formerly owned by Truman Horton (see deed recorded in Liber 240 of Deeds at Page 452); thence East on said North line 4.42 chains to the place of beginning, containing 2.79 acres, more or less.

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 as provided by the Municipal Home Rule Law.

Dated: June 25, 1997
Published: July 3, 1997

BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK

Maurice Emerling, (Cont): That is what I have here if anyone would be interested in looking at this. If there are any questions I also have other proofs of the reading and documentation of some of the readings that you read. Thank you. By the way maybe the architect would like to say a few words or Dan Genzel.

Robert Harris, Architect: I don't want to prolong any concern of the Board but we have been working on it and we are just about ready to set some elevations and determine whether the structure will be a metal or wood constructed building. We are just about at that point. We finished our preliminary plans. The building will be about sixteen (16) feet high, "L" shaped and approximately 10,000 square feet, a fairly simplistic structure accommodating the simpleness of the rural area. We don't think it will be at all a determent to the community. We think it will be an asset where the property was perchance might be fallow land. So in this respect it will return some taxes to the community.

Supervisor Kennedy: Mr Genzel doesn't wish to speak but I spoke at length with both Mr. Genzel and Mr. Emerling this morning and I understand the planning that has gone forward on this project up to this point.

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to close the Public Hearing at 8:36 p.m.

five (5) Ayes Carried

Supervisor Kennedy: I would just like to say in this respect that there was an error made originally it the zoning map. I did not realize, and we probably would have realized had Mr. Emerling been duly notified after the last Town Board meeting, but I did not realize that Mr. Emerling had made plans on the basis on what the present zoning is. In other words we were going to correct an error that this Town Board had made when we did the original rezoning and that is why I was of a mind that there wouldn't be any objection to it. I know that Richard Emerling certainly doesn't have any objections to the correction of his property because he certainly wants to use it for the purpose that it was originally intended under the M-1 zoning. Given the fact that Mr. Emerling has made plans on the premise that he was zoned M-1, and he has been zoned M-1 since 1991, I think we would be hard pressed to deny him access of the M-1 zoning now since he went on the premise that he is already zoned M-1 and made plans accordantly. Should we do that, I think we may very well be subject to legal ramifications and given that situation I would move that this proposal be negated.

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to deny the proposed Local Law No. 8 - 1997, a Local Law to Rezone Approximately 2.79 acres of land from M-1 to R-A, vacant land between 9742 and 9766 Trevett Road owned by Maurice and Pearl Emerling.

five (5) Ayes Carried

At 8:38 p.m. a Public Hearing was held for the purpose of hearing public comments on the proposed Local Law No. 7-1997, the rezoning of 2.5 acres of land from R-A, (Residential Agricultural), to M-1, (Industrial Park Research and Development District), vacant land at 9776 Trevett Road owned by Richard Emerling.

Supervisor Kennedy read the legal notice, the Proposed Local Law No. 7 - 1997, the letter sent to twenty-two (22) neighboring property owners with an Assessor's map outlining the properties in question, and noted a sign was placed on the property.

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1997-19

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York , held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 16th day of July, 1997 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:

BE IT RESOLVED upon the Town Board of the Town of Boston taking a hard look at the Short Environment Assessment Form submitted with respect to this Local Law and having determined that there is no adverse environmental impact pursuant to Article 8 of the Environmental Conservation Law and the Regulations promulgated thereunder (specifically Part 617 thereof); that Local Law no. 7 of the year 1997 be adopted.

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: 5 NOES: 0 ABSENT: 0

David J. Shenk-Town Clerk

REGULAR BOARD MEETING
JULY 16, 1997

TOWN HALL
7:30 P.M.

Supervisor Kennedy: This is the property that presently Richard Emerling owns which was Valley Truck and Equipment at one time. It is now Valley Fabricating and Equipment. It is at the same location that the former Emerling Chevrolet was years back. Accordingly, that property was zoned improperly. It was supposed to be zoned M-1. That was an error that this Town Board made and certainly there is no denial. There is admission on the part of the Board that when we transferred some of the information at the Public Hearing on to the maps, out of thirty-six hundred parcels, there were probably a half dozen that were done incorrect. Unfortunately Mr. Emerling was the recipient of a couple of them. He has a little mistrust of the Board in view of that fact I apologize for that because I don't think this Board nor anyone in the government had any intention of doing such a thing.

Councilman Walter: Just to clarify one thing. We won't refer to it as this Town Board. It was the Town Board at that time.

Councilman Rood: It was that Town Board.

Supervisor Kennedy: All right, it was that Town Board. I wouldn't infer that you made any mistakes.

Councilman Walter: You know I don't.

Supervisor Kennedy: Well, I admit mine. I am sure Mr. Emerling is speaking affirmatively for this rezoning because it is what he was supposed to be zoned.

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 16 at 8:30 p.m., Eastern Prevailing Time, at the time and place above noted all interested persons will be heard for or against Local Law #7 1997 (Proposed). This Local Law is intended to correct an error in the Zoning Map of the Town of Boston

PROPOSED LOCAL LAW NO. 7
OF
THE YEAR 1997

A LOCAL LAW TO REZONE APPROXIMATELY 2.5 acres of land from R-A (Residential Agricultural) to M-1 (Industrial Park Research and Development District)

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF BOSTON AS FOLLOWS:

Section I.

A Local Law of the Year 1997 to amend Local Law No. 6 of the Year 1990, any amendments thereto and the Town of Boston zoning map, by rezoning approximately 2.5 acres of real property from R-A to M-1, such property being described as Town of Boston, Erie County, New York, Lot 1, Township 8, Range 7 of the Holland Land Company's survey and located on the western side of Trevett Road south of the intersection of Boston State Road and Trevett 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 Number 1, Township 8, Range 7 of the Holland Land Company's survey, described as follows:

BEGINNING at a point in the centerline of Trevett Road at the southeast corner of lands conveyed to Byron A. Churchill by deed recorded in Erie County Clerk's Office in Liber 225 of Deeds at Page 553 and at the northeast corner of lands conveyed to Maurice J. Emerling and Pearl M., his wife, by deed recorded in Erie County Clerk's Office in Liber 5953 of Deeds at Page 455; thence northeasterly along the center line of Trevett Road and along the eastline of lands conveyed to Churchill by aforesaid deed, thirty-eight (38) feet to a point; thence westerly at an interior angle of 86° 08', three hundred two and seventy hundredths (302.70) feet to a point; thence southerly at an interior angle of 86° 49', ninety and sixty hundredths (90.60) feet to a point in the north line of lands conveyed to Emerling by aforesaid deed, said point being three and ninety-eight hundredths (3.98) feet northeasterly from the northwest corner thereof; thence southwesterly three and ninety-eight hundredths (3.98) feet to the northwest corner of lands conveyed to Emerling by aforesaid deed; thence southerly at an interior angle of 95° 27' and along the west line of lands conveyed to Emerling by aforesaid deed two hundred forty-one (241) feet to the southwest corner thereof; thence easterly at an interior angle of 81° and along the south line of lands conveyed to Emerling by aforesaid deed, three hundred six (306) feet to the southeast corner thereof, said southeast corner being a point in the center line of Trevett Road, two hundred twenty-two (222) feet southerly from the southeast corner of lands conveyed to Churchill by aforesaid deed and from the northeast corner of lands conveyed to Emerling by aforesaid deed; thence northerly along the center line of Trevett Road and along the east line of lands conveyed to Emerling by aforesaid deed two hundred twenty-two (222) 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 as provided by the Municipal Home Rule Law.

Dated: June 25, 1997
Published: July 3, 1997
BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to close the Public Hearing at 8:40 p.m.

five (5) Ayes — Carried

RESOLUTION 1997 - 19 — **ADOPT LOCAL LAW NO.7 - 1997, A LOCAL LAW TO AMEND THE ZONING LAW OF THE TOWN OF BOSTON (LOCAL LAW NO. 6-1990 AS AMENDED) TO REZONE APPROXIMATELY 2.5 ACRES OF LAND FROM R-A TO M-1**

REGULAR BOARD MEETING
JULY 16, 1997

TOWN HALL
7:30 P.M.

At 8:41 p.m. a Public Hearing was held for the purpose of hearing public comments on the proposed Local Law No. 6-1997, to Amend Local Law 6-1990, known as "Zoning Law of the Town of Boston" - Chapter 123. Said amendment is intended to establish regulations regarding the construction of communication towers and their ancillary facilities.

LEGAL NOTICE
TOWN OF BOSTON
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that there has been presented to the Town Board of the Town of Boston, Erie County, New York, on June 13, 1997, a copy of Local Law Number 6 of the year 1997 (Proposed), entitled a'Local to amend the Local Law #6-1990 known as "Zoning Law of the Town of Boston." Said amendment is intended to establish regulations regarding the construction of communications towers and their ancillary facilities.

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston will conduct a Public Hearing on the aforesaid Local Law at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on Wednesday, July 16, 1997 at 8:35 p.m., Eastern Daylight Savings Time, at which time all interested persons will be heard.

Dated: June 23, 1997
Published: July 3, 1997

BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK

Town Attorney Perley: What this legislation does is establish a series of supplemental rules for the regulation of telecommunication facilities which are antennas used in private and commercial radio and telecommunications. The legislation requires among other things, that applicants reimburse the town for extraordinary engineering expense and it creates a series of guidelines and criteria for the evaluation of tower sites and for the evaluation of alternative tower sites. It develops criteria to encourage co-location on existing towers and it develops criteria for the construction of towers. It also provides for the Town, within reason to evaluate the engineering proposals of the telecommunication providers who are proposing to construct the site and for the Town under those engineering proposals to attempt to encourage co-location or re-siteing of the tower. The intent of this law is to dovetail with the Telecommunication Act of 1996 where the Town currently possesses or where municipalities currently possess authority to regulate to a small degree the commercial telecommunications industry. That is the law in a nutshell, the specifics would take a substantial amount of time to go over.

Supervisor Kennedy: In other words, what it is doing is tightening up and requiring the consideration of co-location and some of these items weren't specifically outlined in previous legislation.

Town Attorney Perley: What it does is it provides the Town with a check list to evaluate these applications. It provides the Town Board, the Town Planning Board and the engineers with a specific road map on which to process these applications. I still maintain that in three (3) sentences in the existing Special Permit Law you've got everything that you have here. It is just not written down. In all honesty that three (3) sentence law has served us admirably in the last six (6) months. What this does however, and the reason that it is important, among other things, is that this does provide the check list. It provides the specific criteria so you don't have to establish those criteria within the context of the general guidelines that the current law has. It also provides for reimbursement to the Town for extraordinary engineering expenses. It provides for a substantial increase of the Building Permit fee and a substantial increase of the filing fee. As I have indicated to the Board privately and I will indicate to them publicly, I will propose amendments by the next meeting to address certain issues that I think the fee structure of this law works to contravene the intent of the law. The fee structure in this law does not encourage co-location. The fee structure of this law does not encourage reconstructing towers on sites so that we group towers. I am going to propose to the Board legislation to look at those issues more specifically and also perhaps address this gentleman's (Mr. Thomas Williams) concern as well because this law does now affect him. In fact if he wanted to build a ham radio tower right now he would pay a $5,000 filing fee. That is not appropriate however let's not lose site of the fact that there is a moratorium that the Town Board established. This moratorium expires at the end of August. At that time new applications can be processed for telecommunication facilities within the town.

Town Attorney Perley, (Cont): I strongly recommend that, although there are some deficiencies in this law and some areas that we need to address, that the Town Board look strongly at adopting the law in it's present form, so that we maintain the criteria, establish the protection that we have to protect ourselves against extraordinary engineering expense in the future and those types of laws by adopting the law as it currently stands.

Supervisor Kennedy: You are saying that any tower applicant according toe the provisions in this law would have to provide us with funding to hire experts to make a determination as to whether or not what they say is correct? Telecommunication is very difficult for most people to understand and transmissions and they can tell you things that you may not concur with but you have to have someone that has expertise for the documentation that this law does not provide. If that documentation is necessary they have to provide the funds for it.

Town Attorney Perley: Exactly.

Audience Member: Can you please speak into the microphones?

Supervisor Kennedy: I just said that under the provisions of the law that he has proposed and that we have all had an opportunity to review, if we need expertise and it is very difficult to determine telecommunication expertise, they have to provide the funding for those experts and they can be very expensive. For an hourly rate they are almost as expensive as Attorneys.

Patricia Gurney, 7052 Chestnut Ridge Road: In regard to those experts that we might have to hire, would we choose them?

Town Attorney Perley: Absolutely.

Patricia Gurney: With regard to the construction, is there a limitation on height?

Town Attorney Perley: No. As a matter of fact that is one of the reasons that the Amherst law got defeated. It was struck down in the courts.

Supervisor Kennedy: Do you live on Chestnut Ridge Road?

Patricia Gurney: Yes.

Supervisor Kennedy: Did Sprint renew their expiring application with the Mr. Meyers? I don't know whether they did. I just thought maybe you knew.

Patricia Gurney: We don't know that they didn't. In my latest conversation with Lisa in the grocery store yesterday indicated that they are putting an experimental tower up Friday to see if the cell system works.

Supervisor Kennedy: Correct. They are going to put it up there.

Patricia Gurney: I assume because they've covered everything else that they have probably got some extension on that lease with him. If that doesn't fly I am sure they'll be ready to roll on Ward Rd.

Supervisor Kennedy: That is one of the things that we are concerned with too. Is the outcome of that trial where they will put that antenna up?

Patricia Gurney: It is my understanding that you as a Town Board also have someone to check on if what they do is appropriate?

Supervisor Kennedy: Yes we do, the Town Attorney is going to address that under his report tonight.

REGULAR BOARD MEETING
JULY 16, 1997

TOWN HALL
7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to close the Public Hearing at 8:53 p.m.

five (5) Ayes — Carried

RESOLUTION 1997 - 20 **ADOPT LOCAL LAW TO ADOPT LOCAL LAW NO. 6 - 1997, TO AMEND LOCAL LAW 6-1990, KNOWN AS THE "ZONING LAW OF THE TOWN OF BOSTON" - PROVIDING SUPPLEMENTAL REGULATIONS PERTAINING TO THE PERMITTING AND CONSTRUCTION OF TELECOMMUNICATION FACILITIES**

Supervisor Kennedy read a letter of resignation from Deputy Dog Control Officer, Michael Brown dated June 11, 1997 and received by the Town Clerk on July 1, 1997.

Supervisor Kennedy directed Town Clerk Shenk to send a letter to Michael Brown thanking him for his service to the Town of Boston.

Councilman Rood commented that she understood that when she and Town Clerk Shenk were present that Michael Brown was going to resign as of June 1, 1997.

Town Clerk Shenk responded that he told Mr. Brown that the Town could not officially terminate his employment until he presents a letter to either the Town Clerk or the Supervisor.

Councilman Rood noted that he didn't do anything in an official capacity since June 1st and that he had no enumeration reports which was part of the description of the job.

Supervisor Kennedy noted that the Town Board can't terminate his salary until he is either removed or a letter of resignation is received from him. This is the third year that a dog enumeration has not been done and that is unfortunate because the Town is losing revenue. More important is the incidence of rabies that is taking place in the community and that we have no record of shots unless dogs are enumerated and licensed.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to accept the resignation of Deputy Dog Control Officer Brown with salary to be paid to the middle of the month.

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

A motion was made by Councilman Walter and seconded by Councilman Rood to grant the Patchin Volunteer Fire Company permission to use the Lions Shelter on July 27, 1997 for an annual chicken barbecue. Alcohol will be served. A certificate of insurance and a $50.00 deposit has been received.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood to grant the Boston dance group, "Pistols and Petticoats", permission to use the Lions Shelter on August 17, 1997 for their first annual family picnic. No alcohol will be served. A $50.00 deposit has been received.

five (5) Ayes — Carried

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1997-20

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 July, 1997 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 Walter presented the following Resolution and moved its adoption:

BE IT RESOLVED that the Local Law no. 6 - 1997 be adopted.

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

David J. Shenk-Town Clerk

TOWN OF BOSTON

1997 - 17

WEST TILLEN 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 16th day of November 1997 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, Susan Buyer, a resident of West Tillen Road, in the Town of Boston has written a letter and requested a speed reduction on West Tillen Road (attached exhibit"A"), and

WHEREAS, Peter A. Walter, Councilman and Chairman of the Traffic Safety and Roadways Committee after inspection recommends this reduction in speed, 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 45 mph speed limit on West Tillen Road, and

BE IT FURTHER RESOLVED, all necessary signs be installed acknowledging "45 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, TOWN CLERK

EXHIBIT " A "

ERIE COUNTY
D.P.W.
HIGHWAYS-BFLO.
97 MAY 15 PM 2:51

6426 W Tillen Rd
Boston NY 14025
May 13,1997

Superintendent of Public Works
County of Erie
95 Franklin St
Buffalo NY 14202

Dear Sir:

Several months ago, we wrote to say that on two different evenings in the six month peior prior to my letter, drivers had skidded on non-icy pavement in front of our house, knocking down trees and a small fence. You quickly put up reflectors there and we thank you.

We are now writing to say that someone has skidded in to one of the new reflectors and knocked it down. I think someone should check the grade of the road at this point before there is an accident that kills more than trees.

Sincerely,

Sue Buyer

CC; R Kennedy
Boston Supervisor

IF 35 OR 40 MPH SPEED LIMIT MIGHT HELP

REGULAR BOARD MEETING — TOWN HALL
JULY 16, 1997 — 7:30 P.M.

A motion was made by Councilman Wiktor and seconded by Councilman Davenport to grant Billy J. Robinette permission to use the Lions Shelter on August 24,1997 for a company picnic. No alcohol will be served. A $50.00 deposit has been received.

five (5) Ayes — Carried

RESOLUTION 1997 - 17 WEST TILLEN ROAD LOWER SPEED LIMIT

A motion was made by Supervisor Kennedy and seconded by Councilman Rood, on the recommendation of Recreation Director O'Brien, to appoint the following to the Boston Summer Recreation Program, effective June 26, 1997 and to expire on August 31, 1997:

Kevin Steward	Site Supervisor	$7.40	per hour
Joseph O'Bryant	Rec. Att/Lifeguard	$4.75/$6.75	per hour
Kris Krajewski	Recreation Att.	$4.75	per hour

* Delete appointment of Julie Pavlovic as Rec. Att/Lifeguard

five (5) Ayes — Carried

SUPERVISOR REPORT

A) Supervisor Monthly Report for June 1997 was received and is on file in the Clerk's Office.

A motion was made by Councilman Davenport and seconded by Councilman Walter to authorize Supervisor Kennedy to expend not more than $3,000 for landscaping at the Boston Town Hall.

five (5) Ayes — Carried

TOWN CLERK REPORT

A motion was made by Councilman Wiktor and seconded by Councilman Davenport to accept the Registrar of Vital Statistics Report for June 1997.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to accept the Tax Collection Report for June 1997.

five (5) Ayes — Carried

Town Clerk Shenk thanked Deputy Town Clerk Ellis for running the Town Clerk's office while he was on military leave.

TOWN ATTORNEY REPORT

Town Attorney Perley noted Deputy Town Clerk Ellis and Code Enforcement Officer Kramer were witnesses for the Town of Boston in the Small Claims lawsuit brought against the Town by Mr. Hull, the contractor for the Town Hall remodeling project. There has been no decision to date.

On July 11, 1997 there was a Hearing before Judge Kane for Sprint Spectrum and WNED. Sprint Spectrum and WNED agreed that a whip antenna be placed on the WNED tower to conduct a test of the signal capability for the Sprint system. In the opinion of Town Attorney Perley an independent individual should monitor the testing procedures. William P. Johnson, Associate Professor of Electrical Engineering at the Rochester Institute of Technology and a specialist in this area has submitted a proposal for a scope of work and compensation. Sprint, subject to written conformation, will reimburse the Town of Boston for this charge.

REGULAR BOARD MEETING TOWN HALL
JULY 16, 1997 7:30 P.M

A motion was made by Councilman Wiktor and seconded by Councilman Walter, on the recommendation of Town Attorney Perley, to authorize Supervisor Kennedy to sign the proposal for William P. Johnson for duties preformed in connection with the Sprint Spectrum PCS Cellular Tower Application.

five (5) Ayes Carried

Town Attorney Perley has filed a reply on behalf of the Town of Boston to the counter claim of Glenn McKillen. A motion is being made to dismiss Mr. McKillen's counterclaim and to enjoin him from interfering with the Town of Boston's execution of the Demolition Order.

Supervisor Kennedy inquired that if the court approved proceeding with the Demolition Order, does the Town of Boston then request a Deputy Sheriff to attend the demolition.

Town Attorney Perley replied that the Town of Boston may have to pay a fee for an officer to be in attendance.

Town Attorney reported that National Fuel Gas has a pending lawsuit against all towns in Erie County with regards to the assessment of the private distribution lines that run from the main to the house. At the present time these lines are accessed as part of National Fuel Gas property. National Fuel Gas contends that it is beyond the scope of the authority of the Real Property Tax Law for the Assessors to levy a real property tax assessment on that facility as part of the National Fuel Gas property. The Town of Boston's stake in this lawsuit is about $2,000 a year in town tax. National Fuel gas has been successful in having legislation adopted that the assessors can no longer access those lines as National Fuel Gas facilities as part of Real Property. Assessor Eagan and fellow accessors have entered into an agreement for a three (3) year phase out of the assessment. A stipulation has been received, and reviewed with the Town Board, from National Fuel Gas to execute on behalf of the Town of Boston.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to authorize Town Attorney Perley to execute an agreement with National Fuel Gas, on behalf of Town Assessor Eagan and the Town of Boston, consenting and stipulating to the settlement that an order be entered setting these assessments.

five (5) Ayes Carried

COUNCILMAN REPORT

Councilman Rood reported that she was the only volunteer to participate in the Hazardous Waste Drop at ECC South College Campus on June 21, 1997. The NEST organization is a contortion of towns in Erie County that is working to bring an even keel to solid waste management. The highlight of the program was that 920 gallons of motor oil, 1985 gallons of oil paint and 1740 pounds of pesticides were brought in by people who waited in long lines from ten minutes to an hour. Councilman Rood received thanks from the NEST organization and County Executive Gorski.

Councilman Rood attended the trailer park inspection.

Councilman Rood made several inspections to the water tank being constructed on Chestnut Ridge Road and the Pump Station on State Road for the water extension.

Councilman Rood inspected two (2) of the sites being used for the summer recreation program and noted the children are having a good time.

REGULAR BOARD MEETING TOWN HALL
JULY 16, 1997 7:30 P.M.

Councilman Wiktor participated in the mobile home park inspection noting the Boston Estates was found to be satisfactory and Mr. Boyd's facility has shown some effort for improvement but there is still more to do. Councilman Wiktor commented that Mr. Boyd did mention he was hoping to have all of his roads paved and a suggestion was made to have speed bumps installed.

Councilman Wiktor gave an update on the inspection of the Chestnut Ridge Road water tank site he made with Supervisor Kennedy and Councilman Rood.

On June 14, 1997 Councilman Wiktor attended a meeting sponsored by the Town of Hamburg on the utilization of the 800 mega hertz radio band for rescue police facilities. Hamburg Fire Control is contemplating going to the 800 mega hertz system. In a major emergency this band is more accessible to all emergency vehicles. The Town of Boston presently uses the Town of Hamburg control system. The Town of Hamburg will still maintain their present system but eventually the Town of Boston would have to join the new system. Deputy County Executive Keane noted the County has proposed to help fund this system because the estimated cost will be 35 to 40 million dollars. The proposal is to have the County legislature pass a home room bill which will be sent to Albany and which will allow Erie County to add another sur charge to our 911 phone sur charge. An estimate is an additional 35 to 65 cents on each phone bill.

Councilman Wiktor met with the office representative of Senator Volker about the possibility of the State helping to finance the purchase of a new breathing air system for our three (3) fire companies. Senator Volker is very interested in this and is keenly aware of the plight of our volunteer firemen. He is attempting to secure funds for this project.

Councilman Walter received a letter from Charles Smith, NYS DOT engineer, regarding a drainage problem at 5674 Herman Hill Road. He stated that the North Boston Fire Company violated the permit because a culvert was to be installed underneath the driveway leading into the fire hall building. Instead the entire lot was filled which created a problem on one end of the lot. The State has agreed to bring in fill and elevate the lot by the road. Councilman Walter secured the proper easements requested by the State and this project should be done next month.

Councilman Walter met with Gary Eckis, manager of Boston LLC and discussed development and drainage on the Polish Hill project.

Councilman Walter met with lawyer James Shea regarding a drainage problem that has been going on for about thirty (30) years at Mrs. Seil's home at 7099 East Lane. Some work has been done and the problem will be addressed.

Councilman Walter spoke with Bill Polewski from the Erie County Highway Department who promised to fix the guardrail on North Boston Road. Councilman Davenport reported that the guardrail has been repaired as well as the other guardrail in the area.

On July 15, 1997 Councilman Walter met with the residents on Colonial Drive regarding the development on the West Hill. Councilman Walter walked up the proposed highway noting that it is a long steep walk and a lot of work has already been done such as relocating some of the soil. The drainage problem still needs to be addressed. Councilman Walter would like to meet with Highway Superintendent Ruchalski to discuss things that can be done to alleviate some of the flooding in the Colonial Drive area.

Councilman Walter noted Supervisor Kennedy will call the State Police and he will call the Sheriff's Department in regards to the complaint of traffic and speed problems on Boston Cross Road.

REGULAR BOARD MEETING — TOWN HALL
JULY 16, 1997 — 7:30 P.M.

Councilman Davenport inspected the recreation program playground area and reported that there were 150 children registered that day. The principal of the Boston Valley School is happy with the renovations to the Boston Valley playground. The bike rack has been ordered.

Councilman Davenport reported that attendance has increased for the Erie County Nutrition Program.

Councilman Davenport met with the recreation coaches a few weeks ago and gave Supervisor Kennedy a list of requests and recommendations. Some of the suggestions were safety issues such as fences and rails to prevent children from being hit by bats as they walked by. Councilman Davenport asked Supervisor Kennedy if any progress had been made.

Supervisor Kennedy responded that progress had been made on many of the recommendations but fencing in the batting circle is an unreasonable request and would be more dangerous than it already is. The coaches have a responsibility to teach children not to approach people when they are swinging a bat in a batting circle.

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer monthly report for June 1997 was received and is on file in the Clerk's Office.

B) Deputy Code Enforcement Officer monthly report for June 1997 was received and is on file in the Clerk's Office.

Supervisor Kennedy inquired as to the status of the Building Permits for this year.

Code Enforcement Officer Kramer responded that the issuance of building permits in the Town of Boston is half of what it was last year at this time. There have been about twenty five (25) single family dwellings built per year. This year nine (9) building permits have been issued for single family dwellings.

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officer monthly report for June 1997 was received and is on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for June 1997 was received and is on file in the Clerk's Office.

A motion was made by Councilman Davenport and seconded by Councilman Rood to adjourn the meeting at 9:31 p.m.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

** Clerk's Note - Number 21 was never used for a Resolution. **

REGULAR BOARD MEETING — TOWN HALL
AUGUST 13, 1997 — 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 Perley.

Absent: Highway Superintendent Eugene E. Ruchalski

A motion was made by Councilman Wiktor and seconded by Councilman Walter to adopt the minutes of the July 16, 1997 Regular Board 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 #8, dated August 13, 1997 in the amount of $565,793.72 be paid. see correction page 305

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Rood that the Kandy Company be paid $12,589.68, Capital Projects (XH8340.2), on the General Fund and Special District Bills on Abstract #8, dated August 13, 1997.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Rood that the Kandy Company be paid $48,784.45, Capital Projects (H8340.2), on the General Fund and Special District Bills on Abstract #8, dated August 13, 1997.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Davenport that the Highway Bills on Abstract #8, dated August 13, 1997 in the amount of $43,245.08 be paid.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to accept the Town Clerk's Monthly Report for July 1997.

five (5) Ayes — Carried

Received and filed notification from Assemblyman Smith of an increase in the CHIPS (Consolidated Highway Improvement Program) funding for 1997-1998.

Received notification from Erie County Executive Dennis Gorski of the elimination of sales taxes on clothing less than $100 purchased during the week of September 1st through 7th 1997.

Supervisor Kennedy directed the Town Clerk to send a letter to Erie County Executive Dennis Gorski stating that the Boston Town Board is not only in favor of the elimination of sales taxes on clothing purchased during the week of September 1st through 7th 1997 but also favors the state pursuing a complete reduction of sales tax on clothing. NYS residents cross the boarder to shop in Pennsylvania because there is no sales tax on clothing and a stimulus is needed for the State of New York. It was further suggested that the "No Sales Tax" week be changed to a week in August to aid families preparing for the school year.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to direct the Bookkeeper to pay Robert Hull $100 for payment of a Hamburg Town Court Small Claims Award against the Town of Boston and supply the Court Office with a copy of the check.

five (5) Ayes — Carried

REGULAR BOARD MEETING
AUGUST 13, 1997

TOWN HALL
7:30 P.M.

Received and filed a request from NYSEG for support against acquisition by CalEnergy.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to table the request for funding from the Southtowns Rural Preservation Co., Inc. until the 1998 Budget meetings in October.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport to grant Cheryl Sparcino permission to use the South Boston Park Shelter on August 17, 1997 for a birthday party. No alcohol will be served. A $50.00 deposit has been received.

five (5) Ayes — Carried

A motion was made by Councilman Rood and seconded by Councilman Wiktor to appoint the following coaches for the Boston Youth Soccer League:

Paul Speich
Steve Manning (Equip.)
Linda Darling (Vice-Pres.)
John Solomon
Scott Suchan
Mary Ann Sullivan (Treas.)
Dave Derkacz
Wally Odden (Sec.)
Ed Thill
Mike Hacker
Melinda Rieske
Jeff Kummer
Ken Bihl
Paul Rosiek
John Marron
Brian Thompson
Larry Kosowski
Curt Etzel
Bob Newton
Scott Straton
Jerry Higgins

Scott Draudt (Pres.)
Alan Winship
Gerald May
Jack Grech
Tom Crabtree
Mike Kozina
Sue Ewanic
Jay Boardway
Sean Greene
Mark McCallister
Barry Decker
Tom Williams
George Persons
Sherrie Persons
Mark Schictel
Bob Smith
Jeff Kowles
Jim Gormley
John Roedel
Ed Rosser
Walt Filkorn

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to allow Paul and Joyce Sorrentino, 7536 Chestnut Ridge Road, to become an "out of district" customer to Water District #1 Extension, contingent upon their approval of all the costs they will incur as an "out of district" customer.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport to grant Town Clerk Shenk permission to use the Boston Town Hall for the collection of the 1997-1998 School Taxes for that portion of the Hamburg School District in the Town of Boston and the Town of Eden, upon payment of $1,000 to the Town of Boston.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to accept with regrets, the resignation of Nutrition Director Anna Sokolinski, effective October 1, 1997 and to direct the Town Clerk to send a letter of appreciation for her service to the community.

five (5) Ayes — Carried

REGULAR BOARD MEETING TOWN HALL
AUGUST 13, 1997 7:30 P.M.

Councilman Davenport thanked Anna Sokolinski for her contribution to the success of the Nutrition Program.

Supervisor Kennedy requested that the media announce that interviews are being held to fill the Nutrition Program position on October 1, 1997.

A motion was made by Councilman Wiktor and seconded by Councilman Rood to approve the renewal of a Lease Agreement between the Town of Boston and the New York State Police for a period of five (5) years beginning October 1, 1997 at the rate of thirty thousand five hundred ($30,500) per annum.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Walter to refer to the Planning Board a request from Roy Emerling to rezone the proposed 36 lot, Emerling Development on the Boston State Road from R-A to R-2.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Walter to approve a request from Jeff Kuhn to bring fill material onto his property in North Boston (SBL 211.14-1-1.1 and 211.14-1-5.1) with the stipulation that the project be monitored and that the permit be subject to revocation upon recommendation of the Code Enforcement Officer.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood to refer to the Planning Board, the site plan submitted by Maurice and Pearl Emerling for a machine shop at 9748 Trevett Road and to direct the Deputy Code Enforcement Officer to send a copy of the documents to the adjoining neighbor, Mrs. Becony, 9766 Trevett Road.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to accept with regrets the resignation of David G. Unger as a member of the Conservation Advisory Council, effective immediately and to direct the Town Clerk to send a letter of appreciation for his service.

five (5) Ayes Carried

A motion was made by Councilman Rood and seconded by Councilman Wiktor to appoint Gary E. Huber to the Boston Conservation Advisory Council, term effective immediately and to expire on 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 change the salary of Recreation Attendant Andrew Pfeiffer from $4.75 per hour to $5.25 per hour retroactive from June 23, 1997 to August 7, 1997.

five (5) Ayes Carried

Town Attorney Perley gave an synopsis on the proposed Local Law No. 9-1997, a local law to amend Local law 6-1990 Known As "Zoning Law of the Town of Boston" which will apply fee structures that will encourage co-location and reconstruction of existing tower facilities as well as aid ham radio antenna applicants for non-commercial use.

REGULAR BOARD MEETING — TOWN HALL
AUGUST 13, 1997 — 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to schedule a Public Hearing on September 3, 1997 at 8:00 p.m. for Local Law No. 9-1997, a local law to amend Local law 6-1990 Known As "Zoning Law of the Town of Boston."

five (5) Ayes — Carried

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

Appropriations	960	$3,500.00		
From - General Fund Contingency		1990.4	$3,500.00	
To - Highway Fund General Repairs		5110.4		$3,500.00

five (5) Ayes — Carried

SUPERVISOR REPORT

A) Supervisor Monthly Report for July 1997 was received and is on file in the Clerk's Office.

Supervisor Kennedy reported that TVGA Engineering has announced that the water will soon be turned on from the pump station and the water tank on Lower Crestwood Circle. All homeowners located between Chestnut Ridge Road and Rucker Lumber on Boston State Road and all side subdivisions will be notified by letter that there will be an increase in water pressure and it is the homeowner's responsibility to install a pressure reducing regulator by September 15, 1997 on all incoming water lines to protect the homeowners property. The Town Clerk will place a notice in the Hamburg Sun, the Springville Journal and the Hamburg Pennysaver. The Town of Boston will provide, at a reduced cost, a 3/4 inch pressure regulator which will be available in the Town Clerk's office along with maps of the area. Should a service require a larger diameter regulator, arrangements will have to be made with a plumber.

TOWN CLERK REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to accept the Registrar of Vital Statistics Report for July 1997.

five (5) Ayes — Carried

TOWN ATTORNEY REPORT

Town Attorney Perley reported that the application to the NYS Comptroller to approve the formation of Water District No. 3 has been ratified, endorsed and confirmed by the Boston Town Board and signed by the Supervisor on August 13, 1997.

RESOLUTION 1997 - 22 WATER DISTRICT NO. 3 APPLICATION

Supervisor Kennedy announced that we are still awaiting a favorable official notification from the Erie County Water Authority on their participation in Water District No. 3. We have been led to believe that a favorable response is forthcoming and so the application is being filed based on what we believe will soon be announced by the Water Authority. Should there be a different dispensation the application will be amended.

Town Attorney Perley noted that Sprint Spectrum has installed a whip antenna on the tower but has not yet run a test. The test results are due in court on August 25, 1997.

Town Attorney Perley reported that the Town of Boston vs. Glenn McKillen lawsuit is scheduled for court on July 29, 1997.

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1997-22

A RESOLUTION APPROVING THE APPLICATION TO THE COMPTROLLER OF THE STATE OF NEW YORK FOR APPROVAL OF WATER DISTRICT NO. 3 IN THE TOWN OF BOSTON, NEW YORK

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York , held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 13th day of August, 1997 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 hereby ratifies, endorses and confirms the Application made to the Office of the New York State Comptroller to approve the formation of Water District No. 3 executed by the Supervisor on August 13, 1997 including the contents thereof and statements contained therein.

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: 5 NOES: 0 ABSENT: 0

David J. Shook-Town Clerk

REGULAR BOARD MEETING
AUGUST 13, 1997

TOWN HALL
7:30 P.M.

TOWN ATTORNEY REPORT (CONT.)

Town Attorney Perley has been in contact with the NYS Comptroller's office regarding Water District No. 2.

COUNCILMAN REPORT

Councilman Rood reported that she attended the CID open house at Chaffee, NY and found the landfill process very interesting.

Councilman Rood received a call from Mr. Allen Foster on Chestnut Ridge Road who complained that he and his neighbors were concerned because concrete was being dumped in ditches next to where the water tank is being built. Upon checking the ditches Councilman Rood noted the ditches were cleaned and Mr. Foster was satisfied.

Councilman Rood spoke with National Fuel Representative, Kevin McCarthy regarding a petition that she submitted to obtain fuel service for the residents on Rockwood Road.

Councilman Wiktor attended the Erie County Water Authority annual town meeting at their Sturgeon Road plant and was able to discuss the Town of Boston's position on the water situation with the three (3) Commissioners and the Finance Chairman, Mr. Mendez. Councilman Wiktor reported that the ECWA responded that they are attempting to propose a favorable solution to this problem.

Councilman Wiktor reported that at the July 16, 1997 Town Board meeting, a statement was made that road signs were removed from the east and west sides of the Hillcroft Road bridge. Councilman Wiktor inspected the bridge that same evening and again the next day and the signs were there. If someone did remove the signs and replace them they would be subject to the appropriate penalties.

Councilman Wiktor spoke with the project engineer regarding complaints from residents on the "road closed" signs placed on Chestnut Ridge Road. Councilman Wiktor requested that in the future if any "road closed" signs were used, that the State Police, Sheriff Department, the fire companies and the Rescue Squad be informed. The engineer agreed and explained that all signs are removed when work for the day is complete.

Councilman Wiktor attended the Southtowns Planning and Development Group meeting on July 28, 1997. County Legislator Dale Larson informed the towns that the County had been late in sending payments for town snow plow removal. The Town of Boston received payment on time. The issue of new tower installations was discussed and it was noted that the Town of Springville and Concord adopted legislation to have a maximum height of eighty (80) foot towers. The Town of Boston has set the maximum height at sixty (60) feet.

Councilman Wiktor reminded residents that Legislator Swanick will conduct a Public Hearing on the Rich Stadium Lease on August 18, 1997 at 7:00 p.m. at the Orchard Park High School.

Councilman Wiktor congratulated Rev. VanHaneghan who has been permanently installed as the pastor of the Good Shepherd Lutheran Church in the Town of Boston.

Councilman Wiktor congratulated the Lake Effect Harmony Group, the Boston Town Band and soloist Mrs. Ruchalski for their concert on August 5, 1997.

Councilman Wiktor announced that the Councilman Hours will be held on Saturday, August 16, 1997 from 10:00 a.m. to 12:00 p.m. in the Boston Town Hall.

REGULAR BOARD MEETING — TOWN HALL
AUGUST 13, 1997 — 7:30 P.M.

COUNCILMAN REPORT (CONT.)

Councilman Walter reported that he received a call the day after the July 16, 1997 Town Board meeting thanking him for getting the signs posted again on the Hillcroft Bridge.

Councilman Walter reported that he called the Sheriff Department and Supervisor Kennedy called the State Police regarding the complaint of speeding on the Boston Cross Road. The road will be checked periodically for violations.

Councilman Walter contacted Highway Superintendent Ruchalski regarding a complaint of a drainage problem on Kevington Drive and Mayer Road that has been going on for several years. The problem will be addressed.

Councilman Walter spoke with the Service Station owner on the Boston State and Boston Colden Roads regarding the safety problem in that area. An application has been made for a stop sign.

Councilman Walter attended the Erie County Water Authority annual town meeting at their Sturgeon Road plant and noted that the ECWA reported that they will spend 33 million dollars in the future on improvements but did not mention the $520,000 they previously committed to the Town of Boston. Councilman Walter concluded that if the ECWA intended to honor their commitment to the Town of Boston they would have mentioned it. Councilman Walter found the ECWA was evasive in answering his questions.

Councilman Walter responded to complaints of water problems on Back Creek Road.

Councilman Walter again contacted the Sheriff's Dept. regarding a complaint of speeding vehicles on Meadow Drive. Councilman Walter requested that the complainant attempt to get a license plate number because many times it is local residents who are speeding.

Councilman Davenport announced there will be a "55 Alive" Driving Program sponsored by AARP on September 6, 1997 from 9:00 a.m. to 3:00 p.m. Anyone 50 years old or older (spouse maybe younger) may attend at a cost of $8.00 per person. This program allows a ten percent reduction in your insurance policy for a three year period or a reduction in the points on your license. Deputy Town Clerk Ellis may be contacted for registration.

Councilman Davenport was invited to attend the grand opening of the Compressed Natural Gas Station on August 25, 1997 at the University of Buffalo Amherst Campus. The program is geared toward using this fuel for clean communities.

Councilman Davenport inspected the South Boston Park and found that the merry-go-round is in good shape. The shelter could stand to be painted and the railroad ties need to be straightened to keep vehicles off the grass. The park sign has been damaged. The speed bumps and ten mile per hour signs were posted in the Town Park. Fencing is still needed where the road comes close to the warm up circles.

Supervisor Kennedy noted that the roadways will be oiled and screened soon and suggested that Councilman Davenport contact Lee Pfarner of the Parks Department regarding any other problems.

Councilman Rood reported that she received a complaint from a women who said that when she was coming up the driveway from soccer practice, where the fence ends near the concession stand, she drove to the left side of the fence instead of the right side and almost hit multiple children. Councilman Rood inquired if a sign or another section of fence could be installed in the interim period until a permanent solution is in place.

REGULAR BOARD MEETING
AUGUST 13, 1997

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.)

Supervisor Kennedy responded that the town has been waiting to see how much fill Eastern Summit is going to truck in before the town adds more fill to the area. Although the Town received a $10,000 grant from former Assemblyman Pordum's office, more money was expended for the completion of the soccer field than was anticipated and this has affected the projects this year.

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer monthly report for July 1997 was received and is on file in the Clerk's Office.

B) Deputy Code Enforcement Officer monthly report for July 1997 was received and is on file in the Clerk's Office.

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officer monthly report for July 1997 was received and is on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for July 1997 was received and is on file in the Clerk's Office.

A motion was made by Councilman Davenport and seconded by Councilman Rood to adjourn the meeting at 9:00 p.m.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
SEPTEMBER 3, 1997 — 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 Perley.

A motion was made by Councilman Walter and seconded by Councilman Davenport to adopt the minutes of the August 13, 1997 Regular Board 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 #9, dated September 3, 1997 in the amount of $105,437.80 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Davenport that the Highway Bills on Abstract #9, dated September 3, 1997 in the amount of $16,919.38 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 1997.

five (5) Ayes — Carried

Received and filed notification from NYS DOT that a Traffic Engineering Study has been initiated for West Tillen Road.

Received and filed notification from NYS DOT that the Town of Boston will receive $8,779.36 under the Operation and Maintenance Grant portion and $32,729.57 under the Capital Reimbursement portion of the CHIPS program for 1997-1998.

Received and filed Erie County Sheriff's Report for August 1997.

Referred to Councilman Rood and the Conservation Advisory Council notification of a EPA Eighteen Mile Creek Water Quality and Community Conservation Grant and the availability of the Project Coordinator position for the Western New York Conservancy.

Received and filed notification from Town Attorney Perley of the discontinuance of the Falkides vs. Town of Boston lawsuit.

REQUESTS FROM THE FLOOR

Darcey Stotz, 6682 Holiday Drive: I just have a concern and I was wondering if it was being addressed, the political use of soccer team uniforms. I think there should be some sort of regulation passed that this is a business thing and that these children are not to be used as bill boards for a politician. Debbie Bender could not put a sign in my front yard but she could put one on my child's back. I don't think that is right or appropriate.

Supervisor Kennedy: I don't know what the law reads in regards to that or whether that is applicable under our sign law. I saw it on television and I didn't condone what was done although she could have put "Bender" on the back without putting "elect". I understand where you are coming from and I have some concerns about that myself. In the past we didn't allow any political signs placed on town property and I think that is a good thing. I think the person should be advised that is not something that the Town Board condones or thinks is appropriate.

Darcey Stotz: So it will just be left and the kids will be running around with those shirts?

REQUESTS FROM THE FLOOR (CONT.):

Supervisor Kennedy: I would say that you don't have to allow your child to run around in that shirt if you really strongly feel that way. I don't think I would.

Susan Janker, 6754 Omphalius Road: It was my son and when we saw the shirts we didn't think it was a very good idea although she is a lawyer so I thought she probably has researched it and it is probably to the law. I didn't think it was very ethical. We asked if my son could wear his regular red shirt with no name on it and the referee at the time said "yes" but I guess the Soccer Board had a meeting and ruled "no".

Supervisor Kennedy: I don't see any reason why he couldn't have done that. I can't regress now and address something that happened to your son and the reason why he wasn't allowed to play. I will however look into it because I am of the same mind you are in this particular instance. It is not the first time that somebody has used something political, believe me. On both sides.

Darcey Stotz: Well the lines have to be drawn somewhere.

Supervisor Kennedy: I agree with you. I don't think it is good practice on town property. I don't think we are in a position now to pass legislation but if the Board so desires I am sure the Town Attorney can draft something that would apply to everyone.

Councilman Davenport: Mr. Kennedy, I think it would be appropriate and timely right now that a letter from you go to the head coach and the head referee and all the people that we gave our signature of approval to last week.

Councilman Rood: Josephine has anyone come to you because you are the liaison to the Recreation Department?

Councilman Davenport: Actually parents did come to me this week and I have had phone calls about it. It is not really ethical to use kids to promote something political and I am dead set against it. As a teacher of thirty-eight (38) years, I think a professional ought to know what the rules of the game are.

Councilman Rood: What action did you take? What did you tell the parents that were upset?

Councilman Davenport: I told the parents that I would discuss it tonight and I would suggest that a letter go from this Board reminding all the coaches, sub-coaches and referees.

Supervisor Kennedy: I don't think the coaches are the ones that should be addressed. I think a letter should be written to anyone that sponsored a team stating that it is perfectly legitimate and acceptable in this town to have an identification as to who the sponsors are but it shouldn't promote any candidates and it shouldn't be used in a political way. She could have "Bender" on there and there would be nothing that people could say about it.

Councilman Davenport: Are you going to write the letter Dick or am I going to write the letter?

Supervisor Kennedy: I will write the letter advising the sponsors of the soccer team and other teams that might be submitting monies used for a jersey or advertisement that the advertisement must be confined to businesses.

Councilman Rood: I think they should be allowed to wear the same colored jersey without "elect Debra Bender" on it. I don't see a problem with that at all.

REGULAR BOARD MEETING TOWN HALL
SEPTEMBER 3, 1997 7:30 P.M.

REQUESTS FROM THE FLOOR (CONT.):

Councilman Davenport: Well I would like to suggest that the shirts not be worn unless they are inside out.

Susan Janker: That was another reason for a ruling on this because perhaps twenty minutes before my son left for the game it was said "no you cannot wear your shirt inside out. You must wear the shirt that was issued to you or you will not play."

Supervisor Kennedy: Well if your son has a red shirt and he is denied to play you let me know and I will see if I can do something about it.

Councilman Walter: I think the main thing we are looking at here is the fact that a little kid was subjected to this verbal abuse by one of the directors of this league. I think that is what the whole thing boils down to, not the fact of just a jersey. We are talking that about a little kid that was told "you wear it or get lost". If those words had not been spoken it probably wouldn't have gone this far.

Michael Kobiolka, 8025 Boston State Road: I just want to re-emphasize to keep political campaigns off the backs of our children. I want to know what is going to be done about it? Are you going to write a letter? We need to have it stopped. We all fight hard in political campaigns from one side to the other but we can't have this with the children. These are our children and we can't have politics on their backs. I am bringing a concern to you.

Supervisor Kennedy: I know and I told you that I am going to take care of that concern. I don't need you to reiterate it.

Herb Klein, 7690 Back Creek Road: I don't think you should condemn the person who bought the shirts for these kids. I think she did it not knowing there was going to be a problem because this has never come up before. I can remember when I was Town Clerk and this building opened up. The Board did not take a stand on who could use this building so as the Clerk I let everyone use it. I didn't care if they were Republican, Democrat, Conservative or who they were. I wasn't going to make that determination if the Board couldn't. They are the lawmakers of this town. Until this Board gives some guidelines I don't think we should condemn people. I don't think we should condemn Mrs. Bender because she made this in good faith, to pay for these shirts for these two teams. I think if now you are going to require those shirts to come off you had better refund her money for one thing. At least a part of it for the remainder of the season. You don't start setting rules in the middle of the stream is the way I look at it and I think that is something you ought to take into consideration when you make judgement on this case. What I came to address the Board about is that on September 30, 1996 I wrote this Board a letter on behalf of the Christmas Lighting Committee, to utilize the poles on the south end of the expressway for Christmas decorations. I informed you that we wanted to use four (4) poles. One (1) of them was missing. It is now a year later. That pole is still missing. I asked if it would be up for us to attach a Christmas decoration. I didn't get any communication back.

Councilman Davenport: Why didn't you remind us if we forgot?

Herb Klein: I sent you a letter on September 30. I would have thought by now that the light pole would have been put up. I didn't think it would take over a year because that pole had been down six months before I wrote you a letter. So I am here again asking if it is going to be up by December first for us to utilize it this year? These are town owned poles not NYS Electric.

REQUESTS FROM THE FLOOR (CONT.):

Councilman Davenport: I would just like to make a comment or two before we leave this subject. I am the liaison to the recreation department in this town and I feel badly that a professional didn't have enough smarts to catch this. Parents are not usually aware of all the protocol and ethics involved in running a team but my colleagues should have been and any of us who watch down there should have been aware. I came to this town in 1958 and I don't like when I get reminiscent of "you do it this way or your kid is not going to play." That is an old time disease that we had in this town and I don't want to see it rise again. I think a letter should be sent to all the people that are handling children in this community and on these public grounds, reminding them that they have a duty and that those children are not to be used to carry anyone's hidden agenda. I agree with the parents and I compliment them for catching it and I know the mother, the one that reported it to Channel 17, did not want to blow this up into anything big. She doesn't want to do that and she doesn't want to hurt the lawyer that is involved but something has to stop right now while it is timely and people remember.

Supervisor Kennedy: Perhaps what Mr. Klein has suggested is appropriate. We probably have never made an official designation although that has been the unofficial acceptable practice by persons here, that they never utilized the grounds at the Town Hall for political purposes other than in the fact that signs are placed so many feet from the polling place on election day. Since this has occurred perhaps it would be in the best interest of the Board if we would make some kind of an official designation. We should say definitely that it is not allowed and then it won't be allowed. So I will take it upon myself, as was suggested by some of the people here, to write the soccer team and ask them why in fact this person first of all, was not allowed to play with a plain jersey. Second of all, that the Board doesn't condone shirts that promote any individual candidate on the football or baseball fields. I am not going to tell her to take the soccer shirts back now if she paid $150 for them. Turn them inside out or something but I am certainly not going to tell them that they can't wear the shirts because those shirts are fairly expensive. Maybe there is some way they can be altered and still be used. Let's examine and see what we can do. I don't think anyone here is in favor of having the children wear a shirt that politically advertises anyone as a candidate. She used bad judgement there. It doesn't mean that she is not a good person. It doesn't mean she is not a good judicial candidate. It means she made a mistake politically and I will take action to see that it is rectified.

Thomas Lucas, Boston Emergency Squad: Yesterday Jenny Hacker from the Boston Emergency Squad submitted a proposal and asked me to address the Board tonight to receive permission to do a one year pilot study to increase the level of care that the Boston Emergency Squad provides for the town. Currently what we provide is intermediate level care whereby we can defibrillate, do advanced airway techniques and start IV's. What we would like to do is increase the level of care to a paramedic level of care. The difference between the two is that with a paramedic level care we are also able to give drug therapy. In a variety of situations both cardiac and medical, drugs are given to a patient before they get to the hospital and can keep them from getting worse and in some cases after cardiac arrest keep them from going back into cardiac arrest. Also there would be additional skills we could do in trauma situations such as if a lung was collapsed there are procedures used that could re-inflate the lung at the scene of the accident. We have gone to the Erie County Health Dept. and the Medical Director has approved the concept of what we would like to do. As far as equipment goes we would need two (2) additional defibrillators that are different from the ones that we have now. The ones we have currently are automatic and they give us what is

REGULAR BOARD MEETING — TOWN HALL
SEPTEMBER 3, 1997 — 7:30 P.M.

REQUESTS FROM THE FLOOR (CONT.):

Thomas Lucas, (cont.): called one lead which looks at one portion of the heart and doesn't tell us a lot. The one that we need has more capabilities. A diagnosis could be made as far as what is happening and where in the heart and which appropriate treatment could be done. We have been selected, if this is approved, to be part of a study for NYS which would send twelve EKG's to the hospital. The reason for this is because it is just not taking care of something after it happens but trying to prevent it. If a person is suffering a heart attack there are drugs today which can dissolve the clot and prevent the heart attack from going further. However, it is important that it be done very quickly. What this study is designed to do is to have us transmit twelve EKGs to the hospital for people who are having chest pains and are having a heart attack. By doing that and some additional type of screening and giving additional drugs, by the time they get to the hospital assessments have been done and if they are a candidate for that therapy it is done a lot quicker which is what part of the study would be. As far as the defibrillator, at this point in time, if it is approved we would be receiving one (1) defibrillator from the state, that has all these capabilities, at no cost to the town. There is a potential for a second one to be donated although not with all the features that we need but one that could be used on a second ambulance if the first one was in use. As far as the budget for this year is anticipated there would be no additional charges. Our cost in the squad budget should be able to cover what is necessary. For the future I think the budget considerations were given to you in the proposal yesterday so basically they have asked me to come here today to do two things. One, is to ask permission for the one year pilot study to provide an increased level of care and second for the budget items that are necessary for the defibrillator and if they can get permission to do a fundraiser in order to get that equipment.

Supervisor Kennedy: I think we need a little time to digest it before we take action on it and be prepared to draw up some kind of a resolution at the next Town Board meeting. There is a certain amount of money that will be needed and it was indicated that there is a possibility that a fundraiser could be initiated that could actually begin next summer and will give you an opportunity to raise the additional funds to purchase the second defibrillator. We are preparing the budget. There is some extra money available in the budget depending on what this Board so desires to do after January when I am no longer a part of it. In this budget some of the monies that you indicated, $500 or $700, are available but certainly not the money for two defibrillators at $23,000. We will discuss that and we can take action at the next meeting.

At 8:07 a Public Hearing was held for the purpose of hearing public comments regarding the proposed Local Law No. 9 of the Year 1997, entitled a "Local Law to amend the Local Law #6 -1990 known as the Zoning Law of the Town of Boston". Said amendment is intended to establish regulations regarding the construction of ham radio antennas and their ancillary facilities.

Supervisor Kennedy read the legal notice and a letter from Thomas Williams, 5330 Keller Road.

LEGAL NOTICE
TOWN OF BOSTON
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that there has been presented to the Town Board of the Town of Boston, Erie County, New York, on August 8, 1997, a copy of Local Law Number 9 of the year 1997 (Proposed), entitled a Local Law to amend the Local Law #6-1990 known as "Zoning Law of the Town of Boston." Said amendment is intended to establish regulations regarding the construction of ham radio antennas and their ancillary facilities.

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston will conduct a Public Hearing on the aforesaid Local Law at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on Wednesday, September 3, 1997 at 8:00 p.m., Prevailing Time, at which time all interested persons will be heard.

Dated: August 15, 1997
Published: August 21, 1997

BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK
8-21

REGULAR BOARD MEETING
SEPTEMBER 3, 1997

TOWN HALL
7:30 P.M.

Public Hearing (cont.):

Supervisor Kennedy convened the Public Hearing.

Thomas Williams, 5330 Keller Road: I feel this proposed law falls short of what amateur radio operators would want and also what the federal government has mandated. The biggest concern is that this is placed under a Special Use Permit. Under a Special Use Permit, it would require a public hearing. It would require quite a bit of red tape and as I read it, I would have to get ten surveys stamped by a professional engineer or architect. The big thing is this public hearing. If the point of the Zoning Board is to allow radio antennas of a certain height, my question is, why would it have to go to a public hearing under a Special Use Permit? The federal government has said you cannot preclude the operation. Not allowing an antenna would be a preclusion. So if we have a public hearing and the people object to it and the Board denies it, I think it is pretty clear that it is precluding the operation.

Supervisor Kennedy: I don't know what the law would be or what would be interpreted as a preclusion. You and I did discuss this and I am still of the same mind. I believe the Special Use Permit is a good idea in this respect. It gives an opportunity for all your neighbors to voice an opinion for or against the construction of an antenna which isn't a popular item. The decision shouldn't be made on the basis of whether it is a popular issue or not. It's made on the merits of the application. As elected representatives of the government we have to listen to the people also. That is the reason why I think a Special Use Permit is a good facet to examine the application for an antenna. We have always had a lot of controversy in this community regarding the construction of antennas. The people have to have at least some input into the discussion. It doesn't mean that this Board should base any decision on the popularity but base a decision on the facts and whether they think it is an appropriate use of the property and whether it is actually going to infringe on the neighbors. You are speaking of the portion of the law that deals with the denial of an antenna just arbitrarily without some concrete reason.

Town Attorney Perley: Don't confuse the concept of a Special Use Permit with a variance. A Special Permit is a permitted use within the district where it is allowed. It falls within the definition of the use that is permitted. The purpose behind a Special Permit and a public hearing for a Special Permit is to address not the underlying ability of a property owner to use it or to exercise that use but specifically to determine the feasibility of exercising the use on a specific lot and to determine the manner and means in which the use would be exercised. Specifically, when you talk about a tower it relates to the site. It relates to aesthetic considerations to the extent they can be addressed. If you build a fifty foot tower then you can't plant a fifty foot tree right next to it. There are certain screening issues that can be addressed. Maybe not in Mr. Williams case but maybe in other cases and the purpose behind the public hearing is to receive public input from the neighbors especially as to the manner and means as to which these issues can be addressed. It doesn't go to the fundamental premise that a Special Use Permit use is a permitted use in the district. This is specifically in a R-A district. I understand it is a procedure you have to follow but the applicant does not seek exceptional relief from this Board when they apply for it. Everyone likes to call everything like this red tape. Maybe it is red tape but I think this Board and government in general have a responsibility not only to preserve the rights of someone who is licensed under the Federal Communications Act but to listen to and preserve the rights and the integrity of the surrounding neighborhood and the best way for us to do that is to have a public hearing. That is the purpose behind it but it doesn't change the fact that is a permitted use in a R-A zone.

REGULAR BOARD MEETING
SEPTEMBER 3, 1997

TOWN HALL
7:30 P.M.

Public Hearing (cont.):

Supervisor Kennedy: I think Tom is pointing out that under the new FCC rulings they have determined that we can't arbitrarily deny someone a permit application just because you don't want a radio antenna.

Town Attorney Perley: Under our zoning law, even without that, we couldn't deny that merely because we didn't want it because it is a permitted use.

Supervisor Kennedy: In order to make sure that it is structurally sound all these things should be addressed as part of the application and there should be people able to comment. That is part of the governmental process that we go through when we rezone or anything else. It is unfortunate and I agree with you that the fee is considerable but we are not making a lot of money by the time that we advertise and we go through the whole scenario that is required. We just think it is necessary to give everybody else a chance to speak.

Thomas Williams: I feel that the town should conserve it's legitimate purpose in regulating ham radio antennas for height, location, screening by putting it under an Accessory Use and just requiring the same things you are requiring here without the public hearing and the higher fees. The fees are $125 application fee plus $250 for the building permit fee. The tower that I proposed to put up only costs $200. These are costs that I would have to dish out and would not recoup because I am not a commercial Sprint tower or anything like that. Amateur radio operators perform a public service in times of emergency and we don't take any pay for that. We can't or we would lose our licenses. So I feel that the fees involved with that Special Use permit are too high. Other towns charge minimal fees and some charge none at all. I would like Boston to adopt the kind of zoning laws that other towns have.

Supervisor Kennedy: I have requested some information from Orchard Park but I haven't received it yet so I am not prepared to address some of the items that we discussed.

Thomas Williams: The other part of this was the definition of a ham radio antenna. We are talking about putting up a tower not an antenna. This is a ham radio antenna. Certainly I don't think this proposed law expects me to pay $125, $250 for this.

Supervisor Kennedy: That looks like a CB antenna.

Thomas Williams: No, this is a 5/8 wave 2 meter antenna. It mounts on a car but it can also be mounted on the roof of your house. By definition of a ham radio antenna in the proposed law this requires the complete procedure, application, public hearing etc.

Supervisor Kennedy: Well it should be addressed because I don't think that the town expects to regulate something like that.

Thomas Williams: Under the current zoning law I could put this up. I could put up an antenna that weights less than fifty (50) pounds. However, that doesn't address any type of tower with an antenna attached to it because a ten foot section of tower probably weighs fifty pounds by itself. When this proposed law was written it gave a height limitation of sixty (60) feet. I feel that is reasonable. There are ham radio operators who would not want any height restriction. I feel that sixty (60) feet is a reasonable compromise. I feel you should go to the building department with your valid ham radio license and a survey of your property locating where the tower is going to be. It should only be in your rear yard and not in the required side yard or front yard. I do want to point out what the US Congress has adopted. It says that the towns

REGULAR BOARD MEETING TOWN HALL
SEPTEMBER 3, 1997 7:30 P.M.

Public Hearing (cont.):

Thomas Williams, (cont.): must do this with the minimum amount of regulation and reasonably accommodate radio amateurs. I think that could be done under the building department jurisdiction and applying for a building permit for $25.00. My building permit for my home cost $90. I can't understand why I would have to pay $375 for a $200 antenna or tower. I think amateur operators because of the public service that they perform deserve a little bit better than being over regulated. There are only about thirteen (13) active amateurs in this town. Of the thirteen (13) only six (6) or seven (7) of them are general class or higher licenses. The other five 5) or six (6) are the type of licenses that is typically the person who would buy one of the hand held radios and just carry it around with them and that is all they would do. They wouldn't be interested in putting up a tower. It is not like the town is going to be overrun with towers from ham radio operators.

Councilman Walter: So basically what you are saying is that you are willing to go along with everything that is written here except the money. So the big thing is the money and I think we can work it out because we are definitely going to discuss all this.

Supervisor Kennedy: He would like to not go through the Special Use Permit Process. He thinks it should be an Auxiliary Use and handled through the building department.

Thomas Williams: Yes, but I don't understand the reasoning and the town's involvement of having to pay out money to post public hearings and having to pay the secretary to transcribe the minutes. All these costs are associated with a Special Use Permit application. It wouldn't be necessary if we came up with these guidelines and another thing on bringing information to the building department was that you bring in the manufactures data on the towers itself. It was mentioned to me that the town was not likely to rewrite the proposed antenna law. I hope that is not true.

Supervisor Kennedy: The town is open to any suggestion and after a public hearing we digest the public comments that were made. If we feel they have merit they may be incorporated into the law. That is the purpose of the public hearing.

Robert Webb: I am the ex-president of the Southtowns Amateur Radio Club. It is a club of about 250 members. The Town of Hamburg, every year in January asks us to perform operations at the NIKE base and communicate around the world for their winterfest. The boy scouts, cub scouts and general public come to see what amateur radio is all about. We have a 75 foot tower there and it has been up for 25 years. I maintain that tower and there was never a time when we had to worry about it falling down. We also have a ham station at the youth center where all the high school kids come a couple of times a week. We have an instructor there so they also get educated about what amateur radio is all about. A prime example of communication, the reason why we need height on an antenna, is because it is the only way you can communicate around the world. During the Bosnia war, the only way communications got to our country was through ham radio operators. During the Persian Gulf War there was a reservist from Niagara Falls who was flying in a C5 aircraft over Saudia Arabia. I happened to be on the radio and he needed a phone patch to his wife in Niagara Falls and we were able to do that while he was up 20,000 feet. I want to tell you people what amateur radio is all about. It is not about a tower that is sitting next to a guys home. I have a tower in my area, it's been up for nineteen years, and I have never had a neighbor complain about it and I don't cause any interference. I just wanted you to know the significance of amateur radios throughout the world and to a lot of disasters that come up during the year. As for the fee, it is astronomical considering we are

REGULAR BOARD MEETING
SEPTEMBER 3, 1997

TOWN HALL
7:30 P.M.

Public Hearing (cont.):

Robert Webb, (cont.): not in it to make any money. We are out to perform a service. That particular fee sounds of course like the cellular towers and those types of people can make a hundred times that in a week. I have a friend over in Derby and his fee was $20.00 to have his building permit and put up a tower. So I think we have to look at this and revise this because the amount of amateurs out here is very limited to begin with. It is very important that we would still want to do this without it costing us an arm and a leg.

Supervisor Kennedy: I think it has been reiterated quite a bit that the fee schedule is out of order and at least they would like to see some revisions.

Robert Center: I live across the street and have a small vertical antenna in my backyard. As far as the services ham radios do in the community, we do pumpkin patrols. During halloween we sit on overpasses on the thruway to prevent pumpkins from being thrown on cars. We also provide communication for the marathons, for people with health problems etc. I think ham radios are an asset to the community and in no way are we trying to make the neighborhood look unsightly.

David Baco, 6791 Pin Oak Drive: Senator Barry Goldwater was well known around the world for his amateur radio activities. In the Vietnam War, he was a man who used his personal ham radio equipment from his home in Arizona to carry communications from the men on the field back to the United States.

David Tinkham, 7335 Hickory Drive: I have been a ham radio operator for over forty (40) years. I've got a tower in Boston that I got a permit for in 1980. This weekend I am going on a MS bicycle track and we are providing communications for that. The American Lung Association does it and for Cystic Fibrosis we have carried on many important safety things like keeping track of bicyclists and runners events in case of danger. I have also carried on oversees communications between missionaries and families in this area and also in Brazil and other places like that. Your modern day cellular phones, your television sets and your radios that you have today are probably possible because of the ham radio operators of years ago because of the experimenting they have done and the development of this radio.

Supervisor Kennedy: The Board will take into account what has been said here this evening. We will review the costs that are incurred by ham radio operators in our surrounding towns so we know what price frame we are talking about.

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to close the Public Hearing at 8:40 p.m.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to reserve decision or any changes to proposed Local Law #9-1990 to amend Local Law #6-1990 until the September 17, 1997 Town Board meeting.

five (5) Ayes — Carried

REGULAR BOARD MEETING
SEPTEMBER 3, 1997

TOWN HALL
7:30 P.M.

At 8:45 a Public Hearing was held for the purpose of hearing public comments regarding the application of Jeff Kuhn for a Special Permit to bring in fill from outside the Town of Boston to vacant property on Herman Hill Road and Boston State Road near the intersection of 391 & 277.

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 3, 1997 at 8:15 p.m., Eastern Prevailing Time, to consider the application of Jeff Kuhn for a Special Permit to bring in fill from outside the Town of Boston to vacant property on Herman Hill Road and Boston State Road near the intersection of Routes 391 & 277.

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

Dated: August 18, 1997
Published: August 21, 1997
BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK
8-21

Supervisor Kennedy read the legal notice and a letter addressed to fifty-six (56) neighboring property owners which included a copy of the Assessor's map outlining the property, the Special Permit Application and the letter of intent.

Supervisor Kennedy read the Planning Board recommendation of approval with the following stipulations:

1) Required setback for yards and road frontage be shown on the sketch plan.
2) Location of proposed haul roads be indicated as well as gates to keep unauthorized dumping from occurring.
3) Piles of fill material be segregated to prevent the commingling of tree and brush debris with dirt, rock and other fill.
4) Existing trees and brush in the required yard areas be protected to provide screening for neighboring properties.
5) Work be done in a planned and orderly manner and not be permitted to become unsightly.
6) Material be used on site and not used for other projects.

Supervisor Kennedy convened the Public Hearing.

Thomas Mercurio, 7186 Parkside Drive: My property butts the area in question. Is this a blanket permit as far as how much fill he can stockpile? It says "stone, masonry broken concrete and brick. It is unsightly. If they are going to use that for a stone base for a foundation I can accept it. I wonder what the specifications are? What the stockpile sizes are? I know there are stipulations here but it is kind of a grey area.

Supervisor Kennedy: We have a layout of what he intends to do on that property and it is in my office if you wish to look at it.

James Davis, 7503 Valley Circle Lane: I object to any dumping being done in the Town of Boston that is stockpiled until a definite use is determined for the property. I believe it was mentioned that trees could not be cut. I drove by the Boston Hardware store and trees have already been cut. I would just like it to be known that we have a beautiful town and to see what is left of the Seneca Mall to be transported from there or elsewhere to North Boston is not proper use. If you are going to allow it to be stockpiled, sixty (60) days should be it.

Ken Kloeber, Consulting Engineer: The intention of Jeff Kuhn asking for this permit is that much of the property over the years has been stripped of top soil and there are low pockets in it. There was a concept plan and the purpose of the rezoning was for an eventual warehouse there. That plan has not moved forward because a downturn in business has put the project on hold. A feasibility study is being done to look at what could economically be supported in that area. So we don't want to come before you and say there

Public Hearing (cont.):

Ken Kloeber, (cont.): is a development going in there because right now there isn't. So why does he want fill? We know we are going to need it and if he runs across demolition projects or construction projects where there are excess materials, he wants the right to be able to bring it in and stockpile it so he can fill low areas when he has a development plan. This is something that is going to happen over years or months and he can't wait until he has a plan in place. There is no where in our application that says he is not going to cut down trees or clear brush. We are not at this point asking or would we be willing to give up any rights he would have on the property just for the sake of getting a permit to bring in fill so he can eventually develop the property. He has cleared some areas next to the Hardware Store. I think it looks a lot better than it did. As far as bringing the material in and leaving it, that is not his intention either. There are piles that you are never going to see from the area highways.

Supervisor Kennedy: What do you think of the proposal the Planning Board is offering? It has merit and you are going to have a roadway to go in there and dump fill and if it isn't secured there will be other people that will drive in that roadway.

Ken Kloeber: We would have no problem with item #2 or item #1. Item #3, we passed that. Item #4, all existing trees be protected to provide screening for the neighboring property. I have a problem with that.

Supervisor Kennedy: This is written by the Planning Board and I have a problem with that too. I don't know how to designate all the trees because some trees will be removed for the project.

Ken Kloeber: In the existing law the purpose of the Special Use Permit is to control what is in the offsite material. You don't want hazardous or toxic waste. That is really the issue that should be addressed. Not screening or issues that may take away his rights on the property.

Supervisor Kennedy: They are thinking that if he doesn't intend to develop the property immediately, he should leave the trees along the perimeter to help screen it until such time that he is ready to develop and then he can cut the trees down.

Ken Kloeber: I agree and I am sure he would agree with some kind of a restriction in terms of a time limit before the piles are knocked down, graded and seeded.

Councilman Wiktor: When he submitted his conceptual plan to the Planning Board he did submit a landscaping plan. I think the Planning Board's intent was to go along with what he wants to do but we don't want him to strip the land and start stockpiling which is the opposite of what he did when he submitted a landscape plan to show how he was going to beautify the property but in the process he doesn't show how he is going to devastate it until he gets to the beauty.

Councilman Rood: Ken, is there any way that they could put a haul road in to the middle of the property where they could stockpile and not offend anyone and leave some of the brush around the perimeters of the property? I can sympathize with the neighbors because I wouldn't like to look at pile of debris either.

Thomas Mercurio: There is about an acre with a twelve foot drop from the residential area and that is where I was assuming that the fill was supposed to be going. Why would you start clearing the brush from the top side, the high side of the property if you are going to put fill or the haul road down at the low end? My back yard is fairly wooded and now I am seeing Herman Hill Road. I have

Public Hearing (cont.):
Thomas Mercurio, (cont.): no problem if there was a showroom or warehouse going up there. Now we are talking about clearing an area that is not even going to get filled and we are going to be looking at the concrete that is going to be hauled in and it doesn't make any sense to me.

Supervisor Kennedy: The Board really can't comment on what you are saying until we look at it ourselves. Certainly we would not be in a position where we could restrict the man from cutting trees on land that he owns. We can restrict the bringing in of fill outside of the community because of this ordinance. Ken can show us and we can reserve our decision until the next Board meeting if the Board has no objections.

Ken Kloeber: With the clearing around the hardware store there are two things going on that is independent of any fill. He wants to get in and get the area cleaned up and get the brush out and save the good trees. It really has nothing to do with the fill.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to close the Public Hearing at 9:10 p.m.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to meet with Mr. Kloeber on Wednesday, September 10, 1997 at 5:00 p.m. at the Hardware Store on Herman Hill Road to inspect the Kuhn property and to reserve decision on the application of Jeff Kuhn for a Special Permit to bring in fill from outside the Town of Boston to vacant property on Herman Hill Road and Boston State Road until the September 17, 1997 Town Board meeting.

five (5) Ayes Carried

REQUESTS FROM THE FLOOR (CONT.)

Phyllis Pawlowski, 6069 Thornwood Drive: I am here on behalf of myself and a lot of concerned parents in the community about the old schoolhouse on Backcreek Road next to the Boston Valley School. There have been rumors that the building may be available for the future use of this community and I believe that with the support of many parents we could turn this historic building into a youth center for the Town of Boston residents. At present our school children have to go into the village of Hamburg for that type of recreation. Funding for this project could come from the government, the town, private contributions, and some monies from community donations and fund raising.

Supervisor Kennedy: We are in the process of negotiating with the attorney representing the school district and they have committed to selling the property to the town for $1.00. We are examining the premises to see if it is restorable within a certain amount of monies. We have people who are interested in restoring half of it as the old school house to maintain it historically and to preserve it. Recreation would like to use it for a weight room for young kids and there is a group here that plays pool every day that thinks we should put three pool tables in there for the seniors. The parks department thinks they should use the bottom part for the storage of equipment. Now all of these things have merit and this Board is going to make the decision. I am not. I want them to know some of the uses that have been forwarded to me as to what this site could be used for. Yours certainly has merit and the others have merit also. We want to make sure that there isn't any asbestos in the building and we are not buying into something that is just going to cost the town a pile of money to correct. We want to make sure that there is no buried fuel tanks on the premises. You have indicated your willingness to help and I have put your name down as well as all the people you have suggested in the

REQUESTS FROM THE FLOOR (CONT.)

Supervisor Kennedy, (cont.): neighborhood that are willing to work on this project. Maybe we can raise some of the revenue outside of the tax revenue by going to the people and asking for donations.

Phyllis Pawlowski: Maybe there would be money in grant or something from the government.

Supervisor Kennedy: We could explore the grants. I know there is a grant for historical preservation. We can go to our representatives in the legislature and ask for a member item appropriation.

Phyllis Pawlowski: Is there something I could do to meet with some members or is there a Recreation Coordinator?

Supervisor Kennedy: Why don't you meet with the Recreation Director and Councilman Davenport. I wouldn't make any plans until the engineers look at the building and we make a determination as to whether or not this Board wants to undertake the responsibility of the building. I will take you over there and we will talk to Mr. Mandell who is the janitor. It was in pretty bad shape the last time I looked at it but I am sure that we can probably accommodate more than one of these requests.

Herb Klein: Don't forget the first request was for the storage of Christmas decorations.

RESOLUTION - 1997-24 OUT OF DISTRICT WATER SERVICE

A motion was made by Councilman Wiktor and seconded by Councilman Davenport to approve the General Fund Transfer of Appropriations:

Approp		960	$1,000	
From Celebrations	A7550.4		$1,000	
To Cap Project Xmas Light	H7550.4			$1,000

five (5) Ayes Carried

A motion was made by Councilman Rood and seconded by Councilman Wiktor, on the recommendation of Town Attorney Perley, to authorize the Supervisor to give written consent for the transfer of the BFI of NY contract to BFI Waste.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Supervisor Kennedy to accept with regret the resignation of Fred J. Leydecker III from the Boston Planning Board, effective immediately and to direct the Town Clerk to send a letter thanking him for his service on the Planning Board and wishing him the best in the future.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to conduct interviews on Monday, September 15, 1997 at 7:00 p.m. for the positions of Nutrition Director and Assistant Nutrition Director, Deputy Dog Warden/Enumerator, and the Planning Board applicants, Gerald Lindsey and Dennis Mead.

five (5) Ayes Carried

Councilman Davenport requested that ads be put in the pennysaver advertising the positions to be filled.

Supervisor Kennedy responded that there are two applicants for every position and Mr. Dennis Mead was told he would be given every consideration for the next Planning Board position after the

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1997-24

A Resolution permitting water service to certain customers residing outside of Water District No. 1 in the Town of Boston, New York

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York , held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 3rd day of September, 1997 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 following homeowners be and are hereby eligible to receive water service from Water District No.1 through the Chestnut Ridge, Omphalius, Liebler Road Extension No. 1 as out - of - district customers upon their execution and filing of an Agreement substantially in the form annexed hereto as Exhibit A:

Mark Heusinger - 7523 Chestnut Ridge Road
Russell J. Tomaka - 7526 Chestnut Ridge Road
Mr. & Mrs. Paul Sorrentino - 7526 Crestwood Circle
Nancy Hoyler - 7536 Chestnut Ridge Road

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: 5 NOES: 0 ABSENT: 0

David J. Shenk-Town Clerk

TOWN OF BOSTON
WATER DISTRICT NO. X
OUT OF DISTRICT CUSTOMER AGREEMENT

This Agreement is entered into this _____ day of _____, 1997, between the Town Board of the **Town of Boston**, (Town), acting as Commissioners of Water District No. X, (District), and Water District No. 1, Chestnut Ridge/Omphalius/LieblerRoad, Ext. No. 1 and **X** (Owner), residing at **X (S/B/L/ # X).**

WHEREAS, the Town has constructed Water District No. 1 including various extension thereto, and the Owner is the owner of property located at **X (S/B/L/ # X)** which is adjacent to the District but not included in Water District No. X, and/or any extension thereto which said property is more fully described in Appendix A attached hereto, incorporated herein and made a part hereof; and

WHEREAS, the Owner has requested permission to obtain water service as an out of district customer of the District; and

WHEREAS, the Town is willing to provide such service only upon certain terms and conditions which would require Owner to pay a reasonable cost for water service and not to interfere with the efforts of the Town to extend water service to other residents of the Town.

NOW, THEREFORE, in consideration of the mutual benefits and terms and conditions contained herein, the parties do agree as follows:

1.) The Town agrees to provide water service to Owner as an out of district customer.

2.) The Town makes no representations or warranties as to the adequacy of water volume or pressure and the Owner agrees that the Town shall have no responsibility to provide any particular volume or pressure and Owner will be solely responsible to take any measures necessary to provide for adequate volume and pressure (including the installation, operation, and maintenance of a booster pump or any other device or appurtenance).

3.) The Parties agree that Owner will be a customer of the Erie County Water Authority and agrees to be bound by any and all the provisions of the Lease Management Agreement between the Town and the Erie County Water Authority including any tap-in charges and water rates and fees as more fully set forth in the Tariff of the Erie County Water Authority and its schedule of rates and fees; and agrees that any overdue water bills may be added by the Town of Boston against the Owner's annual County and Town tax bill and assessed against the property with such tax bill and shall constitute a lien against the real property.

4.) The Parties agree that in consideration of receiving water as an out of district customer, the Owner will pay an annual fee to the District equivalent to the amount that would be assessed against such Owner on the annual tax bill if the Owner's property being served were

located in the District, including any and all charges pertaining toWater District No. X as well as any taxes or assessments levied in connection with any other Water District in which the property of the Owner is now located or in which the said property may be included hereafter until the water service provided in this Agreement is terminated as hereinafter set forth.

5.) The Owner further agrees that the Town may include Owner in any future water district or extension that may subsequently be created and that Owner will not object to being included in such future water district or extension and Owner shall not be entitled to receive any offset for any costs paid to the District as an out of district customer, such payment being deemed the reasonable cost of the provision of water service to such Owner. If Owner shall breach this provision, the Town shall be entitled to the sum of $3,500.00 as liquidated damages which the Parties agree to a fair and reasonable compensation to the Town and the Town shall be entitled to discontinue water service, the provision of such water service being expressly conditional on the Owner's agreement to this provision.

6.) This Agreement shall be recorded in the Erie County Clerk's Office and shall be binding upon the successors in interest to the parties and is intended to run with the real property set forth in Appendix A attached hereto.

7.) The Owner shall have the right to terminate this Agreement, if, and only if, the Owner requests that water service to the property be discontinued. There shall be no penalty for terminating this Agreement upon termination of water service, but Owner shall have no further right to water service.

8.) The Town shall have the right to terminate this Agreement, if in the Town's sole reasonable determination, water is no longer available at the property at sufficient pressure to minimally service the property or if the Owner represents to the Town that water pressure is insufficient at the property.

9.) Upon termination of service pursuant to paragraphs 8 and 9, water service shall be discontinued and neither party shall be entitled to receive any payment from the other party.

10.) This Agreement shall take effect immediately, but the provision of water service is conditional upon Owner making application to the Erie County Water Authority for water service, or, at the sole option of the Town, payment of tap in fee to the Town if the Town is able to provide for a tap in under Town's contract and the construction and acceptance by the Town of the necessary water lines to service Owner.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date set forth above.

TOWN OF BOSTON

EXHIBIT A

_____
Owner

By: _____
Supervisor, and on behalf of Commissioners
of Water District No.

_____
Owner

STATE OF NEW YORK)
COUNTY OF ERIE) SS.

On this day of , before me, the subscriber, personally appeared Richard L. Kennedy to me personally known, who, being by me duly sworn: did depose and say that he resides in Erie County; that he is the Supervisor of the Town of Boston , the corporation described in, and which executed, the within Instrument; that he knows the seal of said corporation; that the seal affixed to said Instrument is such corporate seal; that it was so affixed by order of the Town Board of said corporation; and that he signed his name thereto by like order.

_____
Notary Public

STATE OF NEW YORK)
COUNTY OF ERIE) SS.

On this day of , before me, the subscriber, personally appeared X to me personally known and known to me to be the same person described in and who executed the within Instrument, and he acknowledged to me that they executed the same.

_____
Notary Public

EXHIBIT A

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1997-25

A Resolution approving a Stipulation of Settlement with Tennessee Gas Pipeline Company: Supreme Court, Erie County: Index No. 1996/6747

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 September, 1997 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 pending lawsuit between the Town of Boston and the Tennessee Gas Pipeline Company be settled in accordance with the terms and conditions of the drat Stipulation of Settlement annexed to this Resolution.

Seconded by **Councilman Rood** 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. Sherer, Town Clerk

SUPREME COURT : STATE OF NEW YORK
ERIE COUNTY : EIGHT JUDICIAL DISTRICT

DRAFT

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW BY TENNESSEE GAS PIPELINE COMPANY,

Petitioner,

STIPULATION AND ORDER

vs.

THE TOWN OF BOSTON, NEW YORK, ITS ASSESSOR AND ITS BOARD OF ASSESSMENT REVIEW,

Index No. I1996/6747

Respondents.

WHEREAS, petitioner Tennessee Gas Pipeline Company has commenced the above-entitled consolidated proceeding against the respondents Town of Boston, New York, and its Assessor and Board of Assessment Review (the "Town") to review the assessment of Petitioner's natural gas pipelines, bearing SBL Nos. 666.00-88-1.1 and 666.00-88-1.2, for the tax years 1994-1995, 1995-1996, and 1996-1997 pursuant to Article 7 of the Real Property Tax Law ("RPTL"); and

WHEREAS, the proceeding having progressed for trial and negotiations for settlement having been conducted, the parties have approved and recommended a settlement; it is hereby

STIPULATED, that Petitioner and the Town agree that the total assessment for the year 1994 shall be reduced to $431,754, that the total assessment for the year 1995 shall be reduced to $386,597, that the total assessment for the year 1996 shall be reduced to $353,438, and the total assessment for the year 1997 shall be reduced to $321,174, thereby resulting in an overpayment of real property taxes in the amount of $23,398.58 which shall be runded with interest to Petitioner, and it is further

STIPULATED, that the refund of $23,398.58 shall be allocated among Erie County, the Town of Boston, and the Eden and Hamburg Central School Districts as follows:

TAX YEAR	COUNTY/TOWN	EDEN C.S.D.	HAMBURG C.S.D.
1993-94	$2,689.53	$1,987.89	$1,637.03
1994-95	$3,323.51	$2,479.92	$2,159.39
1995-96	$3,967.86	$2,718.56	$2,434.89

and it is further

STIPULATED, that the Treasurer of the Eden Central School District pay to Petitioner said refund, with interest, and it is further

STIPULATED, that the Treasurer of the Hamburg Central School District pay to Petitioner said refund, with interest, and it is further

STIPULATED, that the Commissioner of Finance for the County of Erie pay said refund to Petitioner, representing overpayment of taxes, with interest, and it is further

STIPULATED, that the Chief Fiscal Officer of the Town refund said overpayment of taxes to Petitioner, without interest, and it is further

STIPULATED, that this Agreement encompasses the entire understanding of the parties and that nothing herein shall bind the parties beyond the 1997 tax year.

DATED: Buffalo, New York
November 14, 1997

HISCOCK & BARCLAY, LLP
Attorneys for Petitioner,
Tennessee Gas Pipeline Company
Mark R. McNamara, Esq., *of Counsel*

DATED: Boston, New York
November 14, 1997

By _____
Attorneys for Respondents,
Town of Boston
Michael E. Perley, Esq., *of Counsel*

TOWN OF BOSTON

By _____
William Eagan, Assessor

SO ORDERED:

_____
Hon. Barbara Howe, J.S.C.

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1997-23
RESOLUTION FOR ISSUANCE OF SERIAL BONDS TO FINANCE THE PURCHASE OF A 1998 INTERNATIONAL HIGHWAY TRUCK

BOND RESOLUTION, DATED SEPTEMBER 3, 1997, AUTHORIZING THE ISSUANCE OF $85,000.00 SERIAL BOND FOR THE TOWN OF BOSTON, NEW YORK

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York , held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 3rd day of September, 1997 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 BY THE TOWN BOARD OF THE TOWN OF BOSTON, ERIE COUNTY, NEW YORK AS FOLLOWS:

WHEREAS, the Town Board of the Town of Boston, New York, by a Resolution duly adopted on the 19th day of March, 1997 and pursuant to General Municipal Law Section 103, duly accepted an offer and authorized the purchase of one (1) 1998 International

truck and related attachments at a total cost of $94,898.00 and it is provided that the sum of $448.00 of such cost was to be paid from existing funds in the Highway Budget, the sum of $9,450.00 was to be paid from the proceeds derived from the sale of certain used highway equipment or machinery, and the balance of $85,000.00 of such cost was to be paid from the proceeds of obligations to be issued, pursuant to the Local Finance Law.

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1. That the specific object and purpose for which the obligations are to be issued, pursuant to this Resolution, is to finance the cost of said highway truck.

SECTION 2. That the maximum estimated cost of such specific object or purpose is $94,898.00 and the plan for financing therefor is as follows:

a) By the issuance of separate Serial Bonds in the total amount of $85,000.00, consisting of five (5) separate annual principal payments each in the amount of $17,000.00, hereby authorized to be issued pursuant to the Local Finance Law and this Resolution;

b) By allocation of $448.00 from the Highway Fund of the Town of Boston available therefor and appropriated for such purpose in the 1997 Budget of the Town of Boston.

c) By allocation of $1,800.00 from the proceeds derived from the sale of a used grading machine and by further allocation of $7,650.00 derived from the sale of a 1979 International Truck

SECTION 3. The following determinations are hereby made:

a) The period of probable usefulness of such vehicle is five (5) years;

b) The subdivision of Paragraph "a" of Local Finance Law Section 11.00 applicable in the circumstances is Subdivision "29";

c) The proposed maturity of the obligations authorized by this Resolution will not be in excess of five (5) years.

SECTION 4. That the Town of Boston, Erie County, New York, issue its serial bonds in the amount of $85,000.00 to finance such cost in accordance with the financial plan set forth above. Such bonds shall be dated approximately as of the date of adoption of this Resolution and the power to fix and determine the exact date of such bonds is hereby delegated to the Supervisor.

SECTION 5. That such bonds shall be numbered consecutively and shall be in the total amount of $85,000.00 and shall mature in annual installments in the years and in the total amounts as follows:

$17,000.00	September 3, 1998
$17,000.00	September 3, 1999
$17,000.00	September 3, 2000
$17,000.00	September 3, 2001
$17,000.00	September 3, 2002

in such individual amounts to be determined; and said bonds shall be issued in bearer form without coupons and shall contain a power to convert to registered form in accordance with the applicable provisions of the Local Finance Law. The bonds shall bear interest at a rate not exceeding five percent (5%) per annum. Payments of such interest shall be evidenced by notation thereof on said bonds at the time of payment. The bonds shall be substantially in the form of the proposed bond which is attached hereto and made a part of this Resolution.

SECTION 6. That the Supervisor is hereby delegated the power to prepare such bonds and to sell such bonds at private sale at not less than par and accrued interest, and at such sale to fix the interest to be borne by such bonds within the limitations set forth in this Resolution. The Supervisor shall deliver such bond to the Purchaser thereof only against cash or a certified check. The proceeds of sale of the bond shall be deposited in a special bank account, as required by Section 165.00 of the Local Finance Law and the powers delegated to the Supervisor by this Resolution shall be exercised in conformity with the provisions of the Local Finance Law.

SECTION 7. That the faith and credit of the Town of Boston, Erie County, New York are hereby irrevocably pledged for the payment of principal and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property in such Town, a tax sufficient to pay the principal of and interest on such bonds as the same shall become due and payable.

SECTION 8. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 60.00, inclusive, of said Law, the power to authorize Bond Anticipation Notes in anticipation of the issuance of the Serial Bonds authorized by this resolution and the renewal of said notes and the power to prescribe the terms form and contents of said Serial Bonds, and said Bond Anticipation Notes, and the power to sell and deliver said Serial Bonds and any Bond Anticipation Notes, and the power to sell and deliver said Serial Bonds issued in anticipation of the issuance of such bonds is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign any Serial Bonds issued pursuant to this resolution and any Bond Anticipation Notes issued in anticipation of the issuance of said Serial Bonds, and the Town Clerk is hereby authorized to affix the corporate seal of said Town to any of said Serial Bonds or any Bond Anticipation Notes and to attest such seal. Each interest coupon representing interest payable on such Serial Bonds shall be authenticated by the facsimile signature of the Town Supervisor

SECTION 9. That the Serial Bonds herein authorized shall be redeemable prior to maturity by the Town pursuant to Local Finance Law Section 53.00.

SECTION 10. This resolution shall be published in full by the Town Clerk of said Town, together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in Hamburg Sun and Springville Journal published in the Towns of Hamburg and Springville, and having a general circulation in said Town. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the said of said serial bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money or the provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or if said obligations are authorized in violation of the Constitution of New York.

SECTION 11. This Resolution shall take effect immediately.

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: 5 NOES: 0 ABSENT: 0

David J. Shenk - Town Clerk

MICHAEL F. PERLEY
ATTORNEY AT LAW
1000 CATHEDRAL PARK TOWER
37 FRANKLIN STREET
BUFFALO, NEW YORK 14202
(716) 853-4600
FAX: (716) 853-4610

September 4, 1997

Town Board, Town of Boston
8500 Boston State Road
Boston, New York 14025

Dear Sirs:

I have examined a record of proceedings relating to the issuance of a $85,000 Bond Anticipation Note for the purchase of a 1998 International highway truck and related equipment (the "Project") by the Town of Boston, County of Erie, a municipal corporation of the State of New York. Said Note is dated September 4, 1997, matures September 3, 1998 , is numbered No. 1, bears interest at the rate of 4.00% per annum, payable at maturity, is of the denomination of $85,000, is payable to bearer without coupons and registerable as to both principal and interest, is issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York, the bond resolution adopted by the Town Board of the Town of Boston, authorizing the issuance of serial bonds for the construction of said Project, and the Certificate of Determination executed by the Town Supervisor on September 4, 1997.

In my opinion, the Bond is a valid and legally binding general obligation of the Town of Boston for which the Town has validly pledged its faith and credit and unless paid from other sources, all the taxable real property within the Town is subject to the levy of ad valorem real estate taxes to pay the Note and interest thereon without limitation of rate or amount. The enforceability of rights or remedies with respect to such Note may be limited by bankruptcy, insolvency, or other laws affecting creditors' rights or remedies heretofore or hereafter enacted.

The Internal Revenue Code of 1986, as amended (the "Code"), establishes certain requirements that must be met subsequent to the issuance and delivery of the Note in order that interest on the Note be and remain excludable from gross income under Section 103 of the Code. The Town Supervisor, in executing the Arbitrage and Use of Proceeds Certificate, has certified to the effect that the Town will comply with the provisions and procedures set forth therein and that it will do and perform all acts and things necessary or desirable to assure that interest paid on the Note is excludable from gross income under Section 103 of the Code. I have examined such Arbitrage and the Use of Proceeds Certificate of the Town delivered concurrently with the

delivery of the Note, and, in my opinion, such certificate contains provisions and procedures under which such requirements can be met.

In my opinion, the interest on said Note is excludable under existing statutes an court decisions from the gross income of the recipients thereof for federal income tax purposes pursuant to Section 103 of the Code, and under existing statutes, interest on the Note will not be treated as a preference item in calculating the alternative minimum tax that may be imposed under the Code with respect to individuals and corporations. In rendering the foregoing opinion, I have assumed that Town's compliance with the arbitrage and Use of Proceeds Certificate.

Further, in my opinion, under existing statutes, interest on the Note is exempt from New York State and New York City personal income taxes.

Other than such record of proceedings, I have not been requested to examine or review and have not examined or reviewed the accuracy or sufficiency of any additional proceedings, reports, correspondence, financial statements or other documents, containing financial or other information relative to the Town, which have been or may hereafter be furnished or disclosed to purchasers of said Note, and I express no opinion with respect to any such financial or other information or the accuracy or sufficiency thereof.

The form of said note is prescribed by Schedule B, 2 of the Local Finance Law of the State of New York.

Very truly yours,

MICHAEL F. PERLEY

MFP/noe

CERTIFICATE OF DETERMINATION
BY THE TOWN SUPERVISOR
RELATIVE TO THE AUTHORIZATION, SALE, ISSUANCE,
FORM AND CONTENTS
OF A
$85,000.00 BOND ANTICIPATION NOTE
FOR
THE PURCHASE OF A HIGHWAY TRUCK AND RELATED
EQUIPMENT TOWN OF BOSTON, NEW YORK.

I, **RICHARD L. KENNEDY**, Town Supervisor of the Town of Boston, New York herein called the "Town", **HEREBY CERTIFY** the pursuant to the powers and duties delegated to me, the chief fiscal officer of the Town by the Town Board of the Town pursuant to the resolution duly adopted and as referred to in paragraph "1" hereof, and subject to the limitations prescribed in said resolution, I have made the following determinations:

1. A bond anticipation note (the "Note") of the Town in the principal amount of $85,000.00 shall be issued in anticipation of the sale of serial bonds authorized pursuant to the resolution entitled:

**RESOLUTION FOR ISSUANCE OF SERIAL BONDS TO
FINANCE THE PURCHASE OF A
1998 INTERNATIONAL HIGHWAY TRUCK**

**BOND RESOLUTION, DATED SEPTEMBER 3, 1997,
AUTHORIZING THE ISSUANCE OF $85,000.00 SERIAL BOND FOR
THE TOWN OF BOSTON, NEW YORK**

2. The terms, from the details of said Note shall be as follows:

Amount and Title:	$85,000.00 Bond Anticipation Note
Dated:	September 4, 1997
Matures:	September 3, 1998
Number and Denomination:	No. 1 - $85,000.00
Interest rate per annum:	4.00%
Form of Note:	Substantially in accordance with form prescribed by Schedule B, of the

Local Finance Law of the State of New York

3. The serial bonds authorized pursuant to the resolution referred to in paragraph "1" hereof are for an improvement which is assessable.

4. Said Note is not issued in renewal of any note or notes.

5. The amount of bond anticipation notes originally issued in anticipation of the issuance of serial bonds authorized pursuant to the resolution referred to in paragraph "1" hereof, including the Note, is $85,000.00 and the amount of bond anticipation notes which will be outstanding after the issuance of the Note, including said Note will be $85,000.00.

To Evans National Bank, Boston, New York, for the purchase price of $85,000.00 plus accrued interest, if any, from the date of said Note to the date of delivery thereof, and I FURTHER DETERMINE that said Note shall be payable as to both principal and interest at Evans National Bank, Boston, New York, and shall bear interest at the rate of 4.00% per annum, payable at maturity.

6. Said Note shall be executed in the name of the Town by its Town Supervisor and the corporate seal of the Town shall be affixed thereto and attested by its Town Clerk.

I HEREBY FURTHER CERTIFY that the powers and duties delegated to me to issue and sell the Note herein above referred to are in full force and effect and have not been modified, amended or revoked.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of September, 1997

Richard L. Kennedy
Town of Boston Supervisor

Clerk's Certificate

I, **DAVID J. SHENK**, Town Clerk of the Town of Boston, in the County of Erie, New York, **HEREBY CERTIFY** that I have compared the foregoing copy of the Certificate of Determination executed by the Town Supervisor and the same is true and complete copy of the Certificate filed with said Town in my office as Town Clerk on the 23rd day of May, 1997; and

I FURTHER CERTIFY that no resolution electing to reassume any of the powers or duties mentioned in said Certificate and delegated to the Town Supervisor by the resolution cited in said Certificate has been adopted by said Town Board.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 4th day of September, 1997.

(SEAL)

David J. Shenk
Town Clerk

CERTIFICATES AS TO SIGNATURE, LITIGATION, AND DELIVERY AND PAYMENT

WE, the undersigned officers of the Town of Boston, in the County of Erie, a municipal corporation of the State of New York and herein referred to as the Town, **HEREBY CERTIFY** that on or before September 4, 1997, we officially signed and properly executed by manual signatures a $85,000 Bond Anticipation Note (the "Note") of the Town payable to bearer and otherwise described in Schedule A annexed hereto and by this reference made a part hereof, and that at the time of such signing and execution and on the date hereof we were and are the duly chosen, qualified and acting officers of the Town authorized to execute said Note and holding the respective offices indicated by the titles set opposite our signatures hereto for terms expiring on the respective dates set opposite such titles.

WE FURTHER CERTIFY that no litigation of any nature is now pending or threatened, restraining or enjoining the issuance or delivery of said Note or the levy or collection of any taxes to pay the interest on or principal of said Note, or in any manner questioning the authority or proceedings for the issuance of said Note or for the levy or collection of said taxes, or relating to said Note or affecting the validity thereof or the levy or collection of said taxes, that neither the corporate existence or boundaries of the Town nor the title of any of the present officers thereof to their respective offices is being contested, and that no authority or proceedings for the issuance of said Note has or have been repealed, revoked or rescinded.

WE FURTHER CERTIFY, that the seal which is impressed upon this certificate has been affixed, impressed, imprinted or otherwise reproduced upon said Note and is the legally adopted proper and only official corporate seal of the Town.

And, I **Richard L. Kennedy**, Town Supervisor, **HEREBY FURTHER CERTIFY** that on September 4, 1997 I delivered said Note to Evans National Bank, Boston, New York, the purchaser thereof, and at the time of such delivery of said Note, I received from said purchaser the amount herein below stated, in full payment for said Note, computed as follows:

Price	$85,000.00
Interest on said Note accrued to the date of such delivery	
Amount received	$85,000.00

(SEAL)

IN WITNESS WHEREOF, we have hereunto set our hands and said corporate seal has hereunto been affixed this 4th day of September, 1997.

Signature	Term of Office Expires	Title
Richard L. Kennedy	[12/31/97]	Town Supervisor
David J. Shenk	[12/31/99]	Town Clerk

I HEREBY CERTIFY that the signatures of the officers of the above-named Town which appear above, are true and genuine and that I know said officers and known them to hold the respective offices set opposite their signatures.

Mary Jane Murphy (Signature) Manager (Title) of Evans National Bank (Name of Bank)

No. 1 $85,000.00

UNITED STATES OF AMERICA
STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF BOSTON

BOND ANTICIPATION NOTE FOR THE TOWN OF BOSTON

The Town of Boston, in the County of Erie, a municipal corporation of the State of New York, hereafter the Town, hereby acknowledges itself indebted and for value received promises to pay to the bearer of this Note, or if it be registered, to the registered holder, the sum of Eighty-Five Thousand and no more Dollars on the 3rd day of September, 1998, together with interest thereon from the date hereof at the rate of (4.00%) per annum, payable to maturity. Both principal of and interest on this Note will be paid in lawful money of the United States of America, at Evans National Bank, Boston, New York.

At the request of the holder, the Town Clerk shall convert this Note into a registered Note by registering it in the name of the holder in the books of the Town kept in the office of such Town Clerk and endorsing a certificate of such registration hereon, after which both principal of and interest on this Note shall be payable only to the registered holder, his legal representatives, successors or transferees. This Note shall then be transferable only upon presentation to such Town Clerk with a written transfer of title and such Town Clerk shall thereupon register this Note in the name of the transferee in his books and shall endorse a certificate of such registration hereon. Such transfer shall be dated, and signed by the registered holder, or his legal representatives, and it shall be duly acknowledged or proved, or in the alternative the signature

thereto shall be certified as to its genuineness by an officer of a bank or trust company located and authorized to do business in this State.

This Note is the only Note of an authorized issue, the principal amount of which is $85,000.00.

This Note is issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of new York, and the bond resolution adopted by the Town Board on September 3, 1997, authorizing the issuance of serial bonds for the purchase of a 1998 International highway truck and related equipment by the Town of Boston and the Certificate of Determination executed by the Town Supervisor on September 3, 1997. This Note has been designated by the Town as a qualified tax exempt obligation pursuant to the provisions of Section 265 of the Internal Revenue Code of 1986, as amended.

It is hereby certified and recited that all condition. acts and things required by the Constitution and statutes of the State of New York to exist, to have happened and to have been performed precedent to and in the issuance of this Note, exist, have happened and have been performed, and that this Note, together with all other indebtedness of such Town of Boston is within every debt and other limit prescribed by the Constitution and laws of such State.

IN WITNESS WHEREOF, the Town has caused this Note to be signed by its Supervisor and its corporate seal to be hereunto affixed and attested by its Town Clerk and this Note to be dated as of the 4th day of September, 1997.

(Seal)

TOWN OF BOSTON

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

Attest:

David J. Shenk
David J. Shenk
Town Clerk
Town of Boston

ARBITRAGE AND USE OF PROCEEDS CERTIFICATE

I, **RICHARD L. KENNEDY**, Town Supervisor of the Town of Boston in the County of Erie, New York, **HEREBY CERTIFY** and reasonably expect with respect to the issuance of the $85,000.00 Serial Bond, for the purpose of purchasing a 1998 International Truck, of the Issuer, dated and issued on September 4, 1997. as follows:

Unless the context clearly requires otherwise, all capitalized terms not otherwise defined herein shall have the meanings set forth below in the Resolutions, the Code or the Regulations (each as defined below):

ARTICLE I

General

1.1 Authority of Signatory. I am an officer of the Issuer charged with the responsibility for the execution, delivery, and issuance of the Note and am acting for and on behalf of the Issuer in signing this certificate.

1.2 Purpose of Certificate. This certificate is made for the purpose of establishing evidence of the expectations of the Issuer as of the date hereof as to future events regarding the amount and use of the proceeds of the Note. It is intended and may be relied upon for purposes of Section 103 and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and as a certification described in Section 1.148-2(b)(2) of the Treasury Regulations (the "Regulations"). This certificate is executed and delivered as part of the record of proceedings in connection with the issuance of the Note. The provisions of this certificate constitute a contractual obligation of the Issuer in consideration for the purchase of and payment for the Note by the purchaser thereof.

1.3 Reasonable Expectation. This certificate sets forth the facts, estimates and circumstances now is existence which from the basis for the Issuer's expectation that the proceeds of the Note will not be used in a manner that would cause the Note to be an arbitrage bond under Section 148 of the Code or a private activity bond under Sections 103 and 141 of the Code. To the best of my knowledge and belief, such expectation is reasonable and there are no other facts, estimates or circumstances that would materially change that expectation.

1.4 No Composite Issue. No other governmental obligations have been sold fewer that 15 days prior to, or will be sold fewer than 15 days after, the sale date of the Note, pursuant to a common plan of financing which is expected to be paid from substantially the same source of funds as the Note.

1.5 No Federal Guarantee. The Issuer represents and covenants that, except for the gross proceeds of the Note which are: (a) invested during the temporary period referred to in Article III, (b) held in any refunding escrow, or (c) invested in obligations of the United States Treasury or in obligations issued pursuant to Section 21B(d)(3) of the Federal Home Loan Bank Act, as amended by Section 511(a) of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, or any successor provisions to Section 21B(d)(3) of the Federal Home Loan Bank Act, as amended:

(i) No portion of the payment of principal or interest with respect to the Note is or will be guaranteed directly or indirectly by the United States or any agency or instrumentality thereof (herein "federally guaranteed"); and

(ii) No portion of the gross proceeds of the Note in excess of five percent of such gross proceeds is or will be (a) used in making loans the payment of principal or interest with respect to

which is to be federally guaranteed, or (b) invested directly or indirectly in federally insured deposits or accounts.

1.6 Tax Representation. The Issuer expects to be able to and will comply with all the procedures and provisions set forth herein, and will do and perform all acts and things necessary and desirable within its reasonable control in order to assure that interest paid on the Note shall be excluded from gross income of the owner thereof for the purpose of federal income taxation.

1.7 Additional Information. The Issuer will provide such other information as may be required to assure the exclusion from gross income of interest on the Note for federal income taxation purposes.

1.8 Non-Purpose Investments. Not more than 50% of the proceeds of the Note are being invested in investments not acquired to carry out the governmental purposes of the issue at a guaranteed yield and have a term of 4 years or more.

1.9 IRS Information Reporting. The Issuer will make a timely filing of the appropriate IRS Form 8038-G or such other form as may be required.

ARTICLE II

Use of Project and Proceeds

2.1 Authorization.

(a) The note is authorized to be issued pursuant to applicable provisions of the laws of the state of New York and the bond resolution duly adopted by the Town Board of the Town of Boston on September 3, 1997 (the "Resolution").

(b) For the purposes of this Article II the term "proceeds" means the net amount (after payment of all costs and expenses associate with issuing the Note) received by the Issuer from the sale of the Note, excluding accrued interest.

2.2 Purpose of Issue. The Note is being issued to finance the purchase of a 1998 International Truck for the use of the Highway Department as further described in the Resolution (the "Project").

2.3 Use of Proceeds. The proceeds of sale of the Note will be used to provide original funds for the purchase.

2.4 Ownership/Lease/Sale. The truck purchased will be owned by the Issuer or another state or local governmental unit and will not be leased to any person who is not a state or local governmental unit. It will not (except to the extent that any of the items financed involves grants) be sold or otherwise disposed of, in whole or in part, except for incidental sales of surplus items the proceeds of which will not constitute net operating profits or net capital profits to the Issuer. prior to the maturity date of the Note.

2.5 Private Loans. Not more than the lesser of 5 percent of $5,000,000 of the proceeds of the Note will be used directly or indirectly to make loans to persons other than a governmental unit.

2.6 Private Use. The aggregate amount of proceeds of the Note used directly or indirectly in a trade or business carried on by a person other than a state or local governmental unit ("Private Use"), will not exceed 10% of such proceeds in the event that more than 10% of the principal or 10% of the interest due on the Note directly or indirectly secured by any interest in property used or to be used for a Private Use or in payments in respect of property used or to be

used for a Private Use or to be derived from payments, whether or not to the Issuer, in respect of property or borrowed money used or to be used for a Private Use.

2.7 Unrelated/Related Disproportionate Use. No more than 5% of the proceeds of the Note will be used directly or indirectly in the trade or business of a person other than a governmental unit that is unrelated or related and disproportionate to the governmental use of the property being financed, including any private loan financing described in Section 2.5 which meets this test. For purposes of this Arbitrage and Use of Proceeds Certificate, proceeds of the Note are allocable to an unrelated Private Use if such use is neither directly nor operationally related to a governmental use and proceeds of the Note are allocable to a disproportionate related Private Use to the extent that the proceeds of the Note which are to be used to finance property used by a non-governmental person in a trade or business which is related to the governmental use of the property referred to in Section 2.6 above, exceeds the proceeds of the Note which are to be used for the governmental use to which said Private Use relates.

2.8 Other Private Use Defined. For purposes of Section 2.6 and 2.7, a Private Use consists of any contract or other arrangement including, without limitation, leases, management contracts, guarantee contracts, take or pay contracts, or put or pay contracts which provides for a use of the Project by a person or persons who are not state or local governments on a basis different than the general public. Any management, or operations contract or agreement which provides for nongovernmental use will provide for reasonable compensation which is in no part based on net profits and will satisfy the provisions of (a), (b) or (c) below:

> (a) for contracts which provide compensation for each annual period based on a periodic fixed fee, a capitation fee or combination thereof, (i) the contract has a term (including renewal option) not exceeding five years; (ii) the issuer may terminate the contract,

without penalty, at the end of any three-year period, and (iii) at least 50% of the compensation paid in on a periodic, fixed fee basis;

(b) for contracts entered into or materially modified (other than pursuant to a renewal option) after March 15, 1993, which provide compensation based on a per unit fee or a combination per unit and periodic fixed fee, (i) the contract has a term (including renewal options) not exceeding three years, (ii) the issuer may terminate such contract (without penalty) at the end of the second year of the term, and (iii) the amount of the per unit fee is specified in the contract or otherwise limited by the qualified user or a third party;

(c) for contracts entered into or materially modified (other than pursuant to a renewal option) after March 15, 1993, which provide compensation based on a percentage of fees charged, (i) the contract has a term (including renewal options) not exceeding two years, (ii) the issuer may terminate the contract (without penalty) at the end of the first year, and (iii) the service provider primarily provides services to third parties or the contract involves a facility during an initial start-up period;

(d) For purposes of this Section 2.8.:

(i) "capitation fee" means a fixed periodic amount paid under a management contract or agreement for each person for whom the service provider assumes the responsibility to provide all needed services for a specified period, provided the quantity and type of services actually provided vary substantially;

(ii) "periodic fixed fee" means a stated dollar amount for services rendered during a specified period of time (i.e., $XX per month) which amount may automatically increase according to a specified, objective, external standard; and

(iii) "per unit fee" means a stated dollar amount for each unit of service provided (i.e., $XX per medical procedure).

2.9 Pooled Loan Financings. To the extent the amount of proceeds of the Note to be used to make loans to any borrowers (including loans referred to in Section 2.5 above and loans to state or local governmental units) exceeds $5,000,000, at least 95% of the net proceeds of the issue (as defined in Section 150 of the Code but without including proceeds used to finance costs

of issuance or capitalized interest) that are to be used to make loans, will have been used within 3 years of the date hereof to make such loans. The payment of legal and underwriting costs is not contingent and at least 95% of the reasonably expected legal and underwriting costs associated with the issuance will be paid within 180 days of the date hereof.

2.10. Output Facilities No more than 5% of the proceeds of the Note is to be used with respect to any output facility (other than a facility for the furnishing of water). No more than the lesser of $5,000,000 or 5% of the proceeds of the Note is to be used (directly or indirectly) for the acquisition of a nongovernmental output facility.

ARTICLE III

Arbitrage/Rebate Exemption

3.1 Temporary Period.

(a) The issuer has entered into or will enter into within six months from the date of this certificate, binding commitment(s) for the acquisition, construction or accomplishment of the Project, and the amount of such commitment(s) with respect to such Project will or do exceed the amount to 5% of $85,000.00 being the aggregate amount of obligations currently issued for such Project.

(b) Such Project has been completed, or, if such Project has not been completed, work on the acquisition, construction or accomplishment or such Project will proceed or is proceeding with due diligence to completion.

(c) It is reasonably expected that at least 85 percent of the net sale proceeds of the Note will be expended within three years from the date of this Certificate. No more than 50 percent of

the proceeds of the bonds will be invested in nonpurpose investments with a term of four years or more.

3.2 Rebate. The Note is not subject to the rebate requirement imposed by Section 148 of the Code because:

(i) the Issuer is a governmental unit with general taxing powers;

(ii) the Note does not constitute a "private activity bond" as that term is defined in Section 141 of the Code.

(III) ninety-five percent or more of the net proceeds of the sale of the Note is to be used for local governmental activities of the Issuer; and

(iv) the Issuer (including all agencies, instrumentalities and political subdivisions of the Issuer) reasonably expects that the aggregate face amount of all tax-exempt bonds issued by the Issuer during the current calendar year will not exceed $5,000,000. For purposes of such determination, no tax-exempt obligation shall be taken into account if it is a current refunding obligation issued in the calendar year in which the Note is being issued which does not exceed the outstanding principal amount of the obligation to be refunded.

3.3 No Excess Proceeds. The total proceeds of sale of all bond anticipation notes issued to date for the Project do not exceed the total cost of the Project.

3.4 Source of Repayment Funds. The Note will be paid from taxes and the proceeds of other obligations of the Issuer issued to fund the Note.

3.4 Debt Service Fund. The taxes used to pay principal and interest on the Note, whether or not deposited in a debt service fund, will be expended within 13 months of the date of deposit in such fund, or the date of their accumulation, in the payment of debt service on the Note. Any amounts received from the investment of such deposit or accumulation will be expended within one year of receipt. The debt service fund, if any, will be used to achieve a proper matching of

revenues and debt service and will be depleted at least annually, and except for a reasonable carryover amount, will not exceed the greater of the earnings on such find for the immediately proceeding year or one-twelfth of the debt service on the Note for the immediately proceeding year.

3.6 Sinking Funds. Except for the debt service fund described herein, the Issuer has not created or established, and does not expect to create or establish, any sinking fund or other similar fund which the Issuer reasonably expects to use to pay principal or interest on the Note.

ARTICLE IV

Bank Qualification

4.1 Designation The Note is hereby designated as a "qualified tax-exempt obligation" pursuant to the provisions of Section 265 of the Code. In making such designation it has been determined that:

(i) the Issuer does not reasonably anticipate the amount of "qualified tax-exempt obligations" to be issued by the Issuer during the current calendar year will exceed $10,000,000; and

(ii) the amount of "qualified tax-exempt obligation" issued by the Issuer during the current calendar year does not as of this date, and including this issue, exceed $10,000,000.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Town of Boston, this 23rd day of May, 1997.

(SEAL)

Richard L. Kennedy, Town of Boston
Town Supervisor

Supervisor Kennedy, (cont.): previous Planning Board position he applied for was filled by Mrs. Hacker. Mr. Gerald Lindsey has also applied for the Planning Board position. Supervisor Kennedy agreed to the advertisement of the positions requesting any applicants be put on the agenda for interviews on September 15, 1997.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to schedule a Public Hearing on the Roy Emerling Rezoning Request of Subdivision 36 Lot Development for October 1, 1997 at 8:00 p.m.

five (5) Ayes Carried

RESOLUTION 1997 - 25 TENNESSEE GAS ASSESSMENT

A motion was made by Councilman Rood and seconded by Councilman Wiktor to approve the correction to General Fund Abstract #8:

From V #402	7310.4	1,362.00	To	7140.4	1,362.00
From V #426	7310.3	1,200.00	To	7140.1	1,200.00

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Davenport to refer the application for an Accessory Building from Douglas Hellman, 7772 Eddy Road to the Planning Board.

five (5) Ayes Carried

RESOLUTION 1997 - 23 1998 INTERNATIONAL HIGHWAY TRUCK FINANCING

SUPERVISOR REPORT

A) Supervisor Monthly Report for August 1997 was received and is on file in the Clerk's Office.

Supervisor Kennedy gave a memorandum to the Councilman regarding the appointment of a Deputy Dog Warden and the fact that the town is being cheated out of a minimum of $2,000 a year in dog licensing fees as a result of no enumeration and limited follow-up to persons not applying for license renewals. He reminded the Councilman that it is important to keep in mind when interviewing for the Deputy Dog position that the newly appointed person must begin the enumeration process immediately.

TOWN CLERK REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to accept the Registrar of Vital Statistics Report for August 1997.

five (5) Ayes Carried

Town Clerk Shenk announced that Doe Permit applications must be postmarked by September 5, 1997.

Town Clerk Shenk noted the Primary Election is Tuesday, September 9, 1997.

Town Clerk Shenk reported the Hamburg School tax mailing may be delayed due to the Hamburg School District vote on August 28, 1997.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Ruchalski announced that the 1998 International Highway Truck was delivered on August 26, 1997 and sent to Roberts Equipment to have the hydraulics and box installed for snowplowing. The truck should be in service in the Town of Boston in a week to ten days. Highway Superintendent Ruchalski thanked the Town Board for purchasing the truck.

HIGHWAY SUPERINTENDENT REPORT (CONT.):

Supervisor Kennedy thanked the Highway Department for their help with the Town Hall landscaping project.

Highway Superintendent Ruchalski reported that he has been working with the NYS DOT for more than a year to have the overhead bridges on the 219 expressway marked and they will be marked in two weeks.

Highway Superintendent Ruchalski announced that the town wide brush pick-up began today.

TOWN ATTORNEY REPORT

Town Attorney Perley reported that the testing of the two (2) tower sites for Sprint Spectrum began today. The court proceeding in this matter is set for September 25, 1997.

Town Attorney Perley announced the Town of Boston vs. Glenn McKillen lawsuit has been rescheduled for September 12, 1997.

COUNCILMAN REPORT

Councilman Rood reported that she attended the NEST meeting in Orchard Park on August 14, 1997 and reviewed the Hazardous Waste details from the last drop-off.

Councilman Rood announced that she has responded to many inquires regarding the water pressure reducing valves being sold to residents by the Town of Boston for the scheduled increase in water pressure due to the new water tank being put in service.

Councilman Rood attended the Senior Citizens Boston's Young At Heart Group meeting on August 29, 1997. Mr. Bonerb has been working on a plan for over a year and has secured two million dollars in commitments from various companies toward a Senior Citizen "ABC" card. The card will work much like the green stamp program worked years ago. Purchases in participating stores will receive benefit points to be used toward products and services. Councilman Rood thinks this pilot program in the Town of Boston is a great plan and will inform the other senior group. Mr. Bonerb has intentions of expanding the program throughout the United States and eventually the world. He intends to include young people who can transfer their points to senior citizens.

Councilman Rood requested that the Town Attorney investigate the legality of billing insurance companies for emergency squad ambulance calls for people who have medical insurance. There are approximately three hundred (300) emergency squad ambulance calls made per year in the Town of Boston. Assuming that two thirds had medical insurance and the emergency squad was reimbursed for a median charge of $300 per call, $60,000 would be added to the emergency squad fund per year. People who did not have insurance would still be covered under the emergency squad. Presently, only the insurance companies are profiting from our current policy.

Town Attorney Perley responded that the emergency squad provides a service and when Rural Metro comes into Boston they are compensated for their calls. The ambulance calls are paid by the insurance companies through the "No Fault" law for automobile accident cases. Town Attorney Perley will determine what procedures need to be done to enable a free standing ambulance squad under contract to the Town of Boston to bill individual insurance companies. He will research the question and report at the next Town Board meeting.

Councilman Rood announced that the Councilman hours will be held on Saturday, September 13, 1997 from 10:00 a.m. until 12:00 p.m. at the Boston Town Hall.

REGULAR BOARD MEETING
SEPTEMBER 3, 1997

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.):

Councilman Wiktor announced there will be a Western New York Municipalities Workshop on Thursday, September 18, 1997, at the Hamburg Fairgrounds Grange Building.

Councilman Wiktor thanked Jennifer Hacker for her presentation to the Town Board on behalf of the Boston Rescue Squad.

Councilman Walter announced that there was a drainage problem on Back Creek Road created by fill being hauled in and flooding the adjacent properties. The Code Enforcement Officer is aware of the problem and the situation is not the responsibility of the Town. The parties involved have been advised of a solution. All other drainage problems have been routine.

Councilman Walter noted the State will haul in two or three truckloads of fill on Herman Hill Road to compensate for the low area created when Herman Hill Road was reconstructed.

Councilman Davenport reported the Summer Recreation Program is a big success and one hundred and fifty (150) children have attended.

Councilman Davenport noted that a bike rack has been ordered for the Boston Valley School.

Councilman Davenport announced that the Nutrition Program is having an Italian Feast on Friday, September 5, 1997. There will be an accordion player playing Italian music.

Councilman Davenport noted that the Seniors are still waiting for the parking spaces behind the Town Hall to be marked so they know where to park.

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer monthly report for August 1997 was received and is on file in the Clerk's Office.

B) Deputy Code Enforcement Officer monthly report for August 1997 was received and is on file in the Clerk's Office.

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officer monthly report for August 1997 was received and is on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for August 1997 was received and is on file in the Clerk's Office.

A motion was made by Councilman Wiktor and seconded by Councilman Rood to adjourn the meeting at 10:05 p.m.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
SEPTEMBER 17, 1997 — 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.

Supervisor Kennedy deferred the correction and adoption of the minutes of the September 3, 1997 Town Board Meeting until the October 1, 1997 Town Board Meeting.

A motion was made by Councilman Wiktor and seconded by Councilman Rood that the General Fund and Special District Bills on Abstract #9A, dated September 17, 1997 in the amount of $156,875.31 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Rood and seconded by Councilman Walter that the Highway Bills on Abstract #9A, dated September 17, 1997 in the amount of $71,945.51 be paid.

five (5) Ayes — Carried

Received and filed Erie County Sheriff's Monthly Activity Report for August 1997.

five (5) Ayes — Carried

Received and filed notification from the Town of Colden of the proposed zoning changes in their Telecommunication Code.

Town Clerk Shenk was directed to inform the Zoning and Planning Board members of a NYS Association of Towns seminar on October 2, 1997 at the Pendleton Town Hall, Niagara County.

Town Clerk Shenk was directed to post a Notice of Proposal for the 8-Year Concord Agricultural District at five conspicuous places in the Town of Boston.

Received and filed notification from the Erie County Department of Environment and Planning of the Public Forum Dates for the Community Development Block Grant Consortium.

RESOLUTION 1997 - 26 STOP DWI GRANT PROGRAM

A motion was made by Councilman Wiktor and seconded by Councilman Rood to grant a Special Use Permit to Jeff Kuhn to bring in fill for the Herman Hill, Boston State Road property, contingent on periodic inspections and to expire on July 1, 1998 and thereafter renewable on a yearly basis.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to table until the October 1, 1997 Town Board meeting, the Proposed Local Law No. 9-1997 intended to establish regulations regarding the construction of ham radio antennas and their ancillary facilities.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to authorize Supervisor Kennedy to enter into a contract with Lumsden & McCormick for the Annual 1997 Financial Statements for a fee of $2,600.

five (5) Ayes — Carried

0 0 2 5 4 6

TOWN OF BOSTON

RESOLUTION 1997-26

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 17th day of September 1997 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 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, 1997 through December 31, 1997.

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, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
SEPTEMBER 17, 1997 — 7:30 P.M.

A motion was made by Councilman Rood and seconded by Councilman Walter to defer the appointment of the Deputy Dog Control Officer until the October 1, 1997 Town Board meeting.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Davenport to appoint Dennis Mead to the Planning Board, term to expire February 1, 2001.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter to appoint Theresa Horshcal as the Nutrition Program Director Part-time, and Donna Pfarner as the Assistant Nutrition Program Director Part-time, term to expire December 31, 1997, salary $6.20 per hour.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to grant Douglas Hellman permission for an Accessory Building at 7772 Eddy Road.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to approve the General Fund Transfer of Appropriations as follows:

Appropiaton	960	$2,540.00	
From Contingent	1990.4		$2,540.00
To Attorney	1420.4		$2,540.00

five (5) Ayes — Carried

SUPERVISOR REPORT

A) Supervisor Monthly Report for August 1997 was received and is on file in the Clerk's Office.

Supervisor Kennedy announced that he will meet with the ECWA on September 22, 1997 regarding efforts to put the waterline and pump station online. The discussion will include a report of how many people purchased the water pressure reducing valves at a reduced cost from the town. Also included will be a discussion of what notification procedures were followed to ensure that all people involved were duly notified of the possible damage to their pipes from the increased pressure when the water is turned on. Letters were sent to each homeowner in the described geographic boundaries from address information provided by the ECWA and revised by the town for accuracy. The media wrote articles in the local newspapers and a paid publication was put the Hamburg Pennysaver. The Town of Boston distributed a flyer to each home in the affected district. Supervisor Kennedy again encouraged everyone involved to please install the water pressure reducers before the water goes online in eight to ten days.

TOWN CLERK REPORT

Town Clerk Shenk announced that the Hamburg School taxes were mailed on September 16, 1997 and requested that the media report that there is a misprint on the tax bills. The Town Clerk's office will be open on Saturdays October 4th and 11th from 9:00 a.m. to 3:00 p.m. and not from 9:00 a.m. to 9:00 p.m. on October 11th.

Town Clerk Shenk noted he is sponsoring the Flu Shot Program on Friday October 3, 1997 from 10:00 a. m. to 2:00 p.m. The charge is $9.00 except for people with a Medicare Part B. A new system will be used this year called the Bio-Jet Needle Free Injection System.

REGULAR BOARD MEETING
SEPTEMBER 17, 1997

TOWN HALL
7:30 P.M.

HIGHWAY SUPERINTENDENT REPORT

Supervisor Kennedy announced that the town wide brush pickup has begun and the Highway Superintendent has requested that residents be patient because all the brush will be picked up.

TOWN ATTORNEY REPORT

Town Attorney Perley reported that in answer to Councilman Rood's request as to whether or not it is permissible for an ambulance district to establish a schedule of fees and charges for the ambulance service, it is permitted under section 198 of the Town Law. The law allows the Town Board to adopt rules and regulations and to fix charges and fees for the providing of ambulance and emergency medical services. Town Attorney Perley will research the manner and means in which other towns implement these regulations especially in circumstances where there is a free standing contract with an ambulance district for the provision of ambulance services. This is not the same as an ambulance service being provided out of a fire district.

Councilman Rood noted that she wanted to make it clear that the fees would only be collected from the insurance companies and not from people who do not have insurance. This would help to subsidize the emergency squad.

Town Attorney Perley responded that by virtue of the fact that there are no charges involved, the Town of Boston is subsidizing the insurance business. Town Attorney Perley noted he will investigate whether or not the town would become accountable for any uninsured portions of charges and he will contact the attorneys from the Health Care Providers and from the adjacent municipalities to try and devise a system that is the least cumbersome for all concerned.

Town Attorney Perley reported that a motion for injunction was argued on September 12, 1997 for the Town of Boston vs. Glenn McKillen lawsuit. The court has ordered that Mr. McKillen must complete the demolition of his property by October 15, 1997 or thereafter be enjoined from interfering with the Town's demolition of his property. Mr. McKillen must submit a DEC certification that there is no hazardous materials on the property to the Town before commencing any work on the property. Town Attorney Perley requested the Town Clerk notify him of any information on this matter.

A motion was made by Councilman Wiktor and seconded by Councilman Rood to designate Deputy Code Enforcement Officer Lisowski to monitor Mr. McKillen's activities with regards to the demolition of the property.

five (5) Ayes — Carried

Town Attorney Perley will reaffirm with the contractor who was awarded the demolition bid that he will honor his prior commitment. A sheriff's vehicle will be at the scene for demolition purposes.

Town Attorney Perley reported that the tests have been conducted for the Sprint Tower at the WNED site and the results will be reported when they are received.

COUNCILMAN REPORT

Councilman Rood announced that several groups of Boy Scouts are unable to begin this season due to the lack of leaders. Gentlemen with leadership talents are encouraged to call Rick Reiner and offer their services.

REGULAR BOARD MEETING
SEPTEMBER 17, 1997

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.):

Councilman Rood spoke with Emergency Squad members this week regarding the proposed ambulance fees for people with medical insurance.

Councilman Rood attended the inspection of Jeff Kuhn's property on Herman Hill and Boston State Roads.

Councilman Rood reported that at the Councilman Hours on Saturday, September 13, 1997, people commented that the AARP Safe Driving Course at the Town Hall was overwhelmingly received. The AARP program is only open to people fifty years old and older so Councilman Rood will research the possibility of holding Driver Safety Programs at the Town Hall for people under the age of fifty.

Councilman Rood noted she had the opportunity to speak with a ham radio operator regarding the pending legislation and he opened her eyes to some facts that were discussed at the Agenda Review meeting.

Councilman Wiktor reported that he has received numerous phone calls about the pressure relief valves. Many people seemed confused in spite of the efforts to educate the public.

Councilman Wiktor announced he investigated the Kuhn property and the property at 7772 Eddy Road.

Councilman Walter reported that he informed Jeff Kuhn to monitor the trucks bringing in fill to his property because his permit would be revoked if it were discovered that the fill was polluted. The dumping times would only be during daylight hours so as not to disturb the neighborhood.

Councilman Walter reported that a drainage problem on the West Hill was received from a person from Boston Mass. had not yet bought the land. In an effort to welcome the man to town, Councilman Walter set a time to meet him on the land but the man never showed up.

Councilman Walter noted that Boston State Road has been semi-resurfaced and the total resurfacing project is scheduled for 1998. The lines on the road will be put back on soon.

Councilman Davenport reported that the bike rack for the Boston Valley School has arrived and it will be installed.

Councilman Davenport noted the newly appointed Assistant Nutrition Director has agreed to come to the Town Hall before October 1st to be trained for her position.

Councilman Davenport announced there is a meeting on September 18, 1997 with the Senior Citizen Site Managers at the Schiller Park site. The meetings focus on how to improve the Erie County Nutrition Program and how to attract people.

Councilman Davenport reported that the AARP 55 Alive Program targets people of that age and statistics have shown that this is the age group where the most accidents occur. Once the course is completed you can get a reduction in your car insurance for three years and you can get points removed from your license.

Councilman Davenport commented that people have been requesting to have their wedding and graduation pictures taken at the beautiful Kuhn property on Boston State Road but not one person has said thank you. No one lets them know that they appreciate it but they know where to call to ask for it.

REGULAR BOARD MEETING
SEPTEMBER 17, 1997

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.):

Councilman Wiktor asked Supervisor Kennedy if the flu shots were being sponsored by the Town or was there another agency that is providing this service to the residents of the town?

Town Clerk Shenk responded that the flu shots are being sponsored by the VNA (Visiting Nurses Association) Health Care Group and he is the local coordinator. There is no expense to the town.

A motion was made by Councilman Walter and seconded by Councilman Rood to adjourn the meeting at 8:23 p.m.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 1, 1997 — 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 S. Ruchalski and Town Attorney Michael F. Perley.

Rev. Gary Burdick, Faith United Church of Christ, opened the meeting with a prayer.

A motion was made by Councilman Walter and Councilman Davenport to adopt the minutes of the September 3, and September 17, 1997 regular monthly meetings with the clarification that the Flu Shot Program is sponsored by the VNA (Visiting Nurses Association) and is coordinated by Town Clerk Shenk as stated in the September 17, 1997 minutes under Councilman Wiktor's report.

correction see page 309

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Davenport that the General Fund and Special District Bills on Abstract #10, dated October 1, 1997 in the amount of $15,486.75 be paid.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport that the Highway Bills on Abstract #10, dated October 1, 1997 in the amount of $22,558.88 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Walter to accept the Town Clerk's Report for September 1997.

five (5) Ayes — Carried

Received and filed a repair update from Legislator Frederick Marshall on the county roads in the Town of Boston.

Received a letter and video regarding a drainage problem from Mr. & Mrs. Paul Rybak, 6460 Lu-Don Drive.

Supervisor Kennedy noted that he and Highway Superintendent Ruchalski investigated the problem when water was collecting in front of the Methodist Church on Boston State Road as a result of a culvert being blocked off by Mr. Barrett, owner of Barrett's Equipment. Mr. Barrett was threatened with legal action from the county because this is a county road.

Councilman Walter commented that the letter from Mr. Rybak stated that nothing had been done when in fact this problem was reported several times at Town Board meetings and he read an excerpt from the Town Board minutes. Councilman Walter stated that he did everything he could and will continue to work on this problem.

Highway Superintendent Ruchalski reported that he and Supervisor Kennedy worked on this project four (4) years ago and they know where the problem is. At that time they met with the county engineers and talked with Mr. Barrett. Supervisor Kennedy sent Mr. Barrett a letter stating that he violated the law by filling in the culvert. When he opened the receiver and boxed it in, he sent the water to Lu-Don Drive. He has now blacktopped over the top of it and Highway Superintendent Ruchalski has recommended that another letter be sent to Mr. Barrett noting that court action is possible.

Supervisor Kennedy commented that he has the previous letter sent to Mr. Barrett on file and he will send a follow-up letter. Mr. Rybak was invited to attend the next Town Board meeting and present his problem to the Town Board.

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 1, 1997 — 7:30 P.M.

Received and filed the Erie County Department of Health Approval of Completed Works - Water District No. 1. Improvement for lines on Chestnut Ridge Road and Lower Crestwood Circle.

A motion was made by Councilman Rood and seconded by Councilman Wiktor to direct the Town Clerk to inform the SPCA that the rear Town Hall parking lot is a suitable location for the SPCA "Wisker Wag'n" and has a 110 electrical power outlet available.

five (5) Ayes — Carried

Received and filed the Christmas Lighting Committee 1997 plans.

Supervisor Kennedy requested that the Highway Department remove the Christmas tree stump that is lodged in the holder in front of the Town Hall.

Councilman Walter requested that Highway Superintendent Ruchalski repair the broken light standard near the 219 expressway for the Christmas decorations.

A motion was made by Councilman Wiktor and seconded by Councilman Rood to grant the Boston Republican Club use of the Community Room for the Halloween Party on October 31, 1997, 6:30 to 8:30 p.m.

five (5) Ayes — Carried

REQUESTS FROM THE FLOOR

Karl Simmeth, 6678 Meadowbrook Drive: This question is directed to Councilman Walter. When are they going to paint the lines on Boston State Road?

Councilman Walter replied that the county just completed paving last week and there is still work to be done on the driveways meeting the road. The county said they would stripe the road shortly. Councilman Walter said he would call the county again and call Mr. Simmeth with their answer.

At 8:00 p.m. a Public Hearing was held for the purpose of hearing comments on the proposed Local Law No. 10 of the Year 1997 to rezone approximately 27.7 acres of land from R-A (Residential Agricultural) to R-2 (Single Family Residence District).

Supervisor Kennedy read the legal notice, a letter sent to sixty-nine (69) neighboring property owners with an Assessor's map and the letter of intent from E & M Engineers and Surveyors PC, and a letter from the Town Clerk noting the Long Environmental Assessment Forms were sent to the Town Engineer for review and a completed Full Environmental Report from TVGA Engineering was enclosed.

Supervisor Kennedy read a letter of approval from the Planning Board for the application for a single family detached R-2 subdivision contingent upon the filing of and approval of a subdivision plat for single family detached dwellings.

Supervisor Kennedy read a letter of opposition from James Kersten, 6480 Lu-Don Drive.

Supervisor Kennedy convened the Public Hearing.

Paul Becker, 6468 Lu-Don Drive: I would like the Town Board to not make any decisions that might contribute to the already excess and surplus amount of real estate that is presently for sale in the town and that hasn't sold. There have been discussions of the regional context of things and how it affects various communities. The county has lost population since the 1990 census and housing values have become depressed. That is not the case in Boston but there is negative growth and if we encourage additional development

LEGAL NOTICE
TOWN OF BOSTON
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston, Erie County, New York, will hold a Public Hearing at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on Wednesday, October 1, 1997 at 8:00 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.

"TOWN OF BOSTON
PROPOSED LOCAL LAW NO. 10
OF THE YEAR 1997

A LOCAL LAW TO REZONE APPROXIMATELY 27.7 acres of land from R-A (Residential Agricultural) to R-2 (Single Family Residence District)

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF BOSTON AS FOLLOWS:

Section I.

Proposed Local Law No. 10 of the Year 1997 (which, if adopted will be re-numbered Local Law No. 9 of the year 1997) shall amend Local Law No. 6 of the Year 1990, any amendments thereto and the Town of Boston zoning map, by rezoning 27.7 acres of real property from R-A to R-2, such property being described as being situated in the Town of Boston, Erie County, New York, Lot 14, Township 8, Range 7 of the Holland Land Company's survey and located on the western side of Boston State Road adjacent to the intersection of Boston State Road and Omphalius Road and more particularly 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 14, Township 8, Range 7 of the Holland Land Company's survey, bounded and described as follows:

COMMENCING at the point of intersection of the center of Boston-Hamburg Road 66 foot wide (f.k.a. Route 219) (a.k.a. Route 391) and the northerly bounds of lands of now or formerly Joseph Simmeth et ux. As filed in the Erie County Clerk's office in Liber 5022 at Page 104; thence westerly turning an interior angle of 69-33'-10" along said north bounds of Liber 5022 at Page 104 a distance of 420 feet more or less to a point of intersection of a line parallel and westerly 400 feet more or less from said center of Boston-Hamburg Road being the point of Beginning; thence northeasterly along said parallel line being 400 feet more or less from said center of Boston-Hamburg Road a distance of 610 feet more or less to a point of intersection with the south bounds of lands now or formerly of William G. Lehning et ux. As filed in Liber 4320 at Page 452 also being the middle line of Lot 14; thence westerly along said middle line of Lot 14 and south bounds of Map Cover No. 2359 to the approximate center of Eighteen Mile Creek (May 1997) a distance of 2190 feet more or less; thence southeasterly along said center of Eighteen Mile Creek as it meanders a distance of 2370 feet more or less to a point of intersection with said center of Eighteen Mile Creek and the said north bounds of Joseph Simmeth Liber 5022 at Page 104 also said line being parallel to the middle line of Lot 14; thence easterly along said north line of Liber 5022 at Page 104 a distance of 1440 feet more or less to the point or place of beginning. A westerly portion of lands of now or formerly Roy L. Emerling as filed in Erie County Clerk's office in Liber 10232 at Page 437.

Section II.

If any provisions of this Local Law shall be invalid, the remaining provisions shall not be effected thereby.

Section III.

This Local Law shall take effect upon its filing with the Secretary of State as provided by the Municipal Home Rule Law.

Dated: SEPTEMBER 15, 1997
Published: SEPTEMBER 18, 1997
BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK
9-18

Paul Becker (Cont.): and put more real estate in the pot, it is only going to work to depress the existing housing values to the extent that we might have to increase tax rates.

Paul Mikolajek, 6243 Wildwood Drive, read the following petition that forty-six (46) residents on Wildwood and Lu-Don signed:

"We the undersigned residents living in the area surrounding the property in question are opposed to the rezoning to R-2 for the following reasons:

1. The Town of Boston is and should stay a rural setting. With growth and expansion both welcome and needed, subdivisions such as Wildwood, Lu-Don, Kevinton etc. all zoned R-1 help preserve the open space and rural atmosphere. Any new subdivision allowed to build with an R-2 zoning, having smaller lot sizes and minimal square footage will compromise both the towns integrity and value.

2. If allowed to go through it will certainly put an added strain on the already flat real estate market in our area. Especially for homes in neighboring subdivisions.

3. Both subdivisions between the proposed property, Lu-Don and Wildwood, are zoned R-1. If the zoning change is allowed it will adversely effect the continuity of these neighborhoods, as well as the future housing in a critical area of the town. If we were to look at our neighboring towns, we would see that none are expanding with less than what we would consider R-1 zoning. In this way they are preserving and guaranteeing a better tax base for their communities. The Town of Boston should not allow herself to lower her standards.

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 1, 1997 — 7:30 P.M.

PUBLIC HEARING (CONT.)

Paul Mikolajek: I don't see how a small square footage for a home and lot size is in any way going to benefit my home. There are houses on the street that can't sell now that have been for sale for a year. This is totally depreciating what I have. I don't have a problem with him building a subdivision but build what everyone else has. Don't put smaller homes or a smaller lot in.

Karl Simmeth, 6678 Meadowbrook Drive: My father and Uncle Joe own the property just south of the proposed subdivision and they agree with the people on Wildwood and Lu-Don that the subdivision should be zoned R-1 instead of R-2.

Glenn Cooley, PE, E & M Engineers, Surveyors PC: Mr. Emerling feels this area can sustain this small development of R-2 units. A number of the lots in the proposed subdivision toward the rear meet the R-1 size regulations. The front does have a number of the smaller frontage, 15,000 square foot, lots. I don't think there is much difference between the lot sizes and he feels it is something that can be sold in the area and there is a market for.

Supervisor Kennedy: The difference between a R-1 and R-2 zoning is that in a R-2 zoning the lot size can be 15,000 square feet with seventy-five (75) feet frontage and in a R-1 zoning it must be at least 20,000 square feet with one hundred (100) feet of frontage. The Town Board has the authority to change the zoning and the Planning Board has the authority to review the subdivision plans and grant subdivision approval. There is a application to rezone the property from R-A to R-2. R-A zone requires three (3) acres to build. I don't want you to think that R-2 subdivisions are a bad place to live. There are some nice expensive homes in R-2 subdivisions.

Town Clerk Shenk placed a map of the proposed subdivision on a table for audience viewing.

Samuel Butera, 6233 Wildwood Drive: The R-2 subdivisions seem to be older than the R-1 subdivisions. Take a look at the homes that have been for sale in those subdivisions for a long time. People would like to move into bigger homes and if they are lucky enough to sell those homes chances are we loose them because we don't have anything to offer them. We could use an R-1 subdivision but a R-2 subdivision would allow more homes to be built that we already have and that we can't sell. That is not going to affect anyone in any positive manner.

Eric Hoffman, 7956 Boston State Road: I prefer that this town not become a Lancaster or Cheektowaga. My major concern it the traffic problem that this will create. Between the hours of 7:15 and 7:45 a.m. it is difficult to get on to Boston State Road. If thirty-six (36) homes, assuming one and one half cars per family you are adding another forty-eight (48) vehicles to get to the 219 expressway. Another concern is the noise and a concern over storm water management. Changing the twenty-seven (27) acres from Agricultural to Residential zoning will make the time of concentration for storm water to get to Eighteen Mile Creek rapidly increase and I express that this be evaluated prior to any change in zoning.

Samuel Butera: If the Board acted on this we wouldn't have to worry about this happening because it wouldn't go any further.

Supervisor Kennedy: All these things will be considered by the Planning Board, that is their function before they grant approval for any subdivision whether it is zoned R-1 or R-2.

Paul Mikolajek: R-1 is not an issue here now, is it?

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 1, 1997 — 7:30 P.M.

PUBLIC HEARING (CONT.)

Supervisor Kennedy: No, this is an application for a R-2 zoning from a R-A zoning and it has nothing to do with a R-1 zoning. If he wants R-1 zoning he would have to reapply.

Paul Mikolajek: I live on Wildwood Drive and we have a severe problem with radon gas in the houses. When someone builds a subdivision do they tell people about radon gas or are you on your own to spend a couple thousand dollars and twenty dollars a month in utility bills to clean this up?

Supervisor Kennedy: There are areas in Boston where radon levels are high. There is no law requiring radon disclosure for builders.

Paul Mikolajek: There isn't a house on our street that doesn't have radon. They told me that level four (4) is safe and mine is level one hundred and forty (140). Most people's house on the street is that high. It is like smoking twenty (20) packs of cigarettes a day. A lot of people had tested their homes over the winter and the levels were one hundred and ten (110) through one hundred and forty (140). No one had levels lower than sixty (60). It is because it is all gravel soil there and it leeches out. For me to sell my house, a real estate agent would tell me to get it tested before it is marketed. So here is a guy who is going to build and he won't tell anyone there is a potential problem there. I have called Channel 7 News to see what we can do about this. There were a lot of people who were upset when they moved in there.

Raymond Bubar, 6162 Wildwood Drive: Let's not make a mistake here. Let's let lot sizes be big enough. I moved out here in 1978 and had my house for sale a couple times in the last four or five years and found it very hard to sell. We were told the values of the homes didn't go down every time we expanded our trailer court over there. I haven't been able to sell my house. We have a great community with natural scenery. I would hate to see R-2 zoning.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to close the Public Hearing at 8:33 p.m.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to defer action on proposed Local Law No. 10 of the Year 1997 to rezone approximately 27.7 acres of land from R-A (Residential Agricultural) to R-2 (Single Family Residence District) until the October 15, 1997 Town Board meeting.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to refer to Town Attorney Perley the NYS New Century Land Use Compact Inter-Municipal Cooperation Agreement for review.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood, on the recommendation of Town Attorney Perley, to authorize Supervisor Kennedy to sign a Turnaround Easement Agreement with Niagara Mohawk Power Corporation for Pin Oak Drive

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to authorize the Town Clerk to publish the notification for a Public Hearing on October 15, 1997 at 8:00 p.m. for the Community Development Block Grant.

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 1, 1997 — 7:30 P.M.

Received a letter from Linda Smolarek regarding a proposal to use the Back Creek Road Old Schoolhouse for a teen center.

Supervisor Kennedy read a letter he sent to Edwin Osborne, Interim Superintendent Hamburg Central School District requesting permission to examine the building for possible restoration.

Supervisor Kennedy reported that Superintendent Edwin Osborne has given permission to enter the building for an inspection so the building will be examined for possible restoration.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to adopt the following changes in the Personnel Work Rules:

HIGHWAY DEPARTMENT: Adopted Aug 1983 - Rule V (11) - Page 5:

	current	change
150 days accumulated sick leave	$700	$1,500
120 days accumulated sick leave	500	1,000
90 days accumulated sick leave	300	600
60 days accumulated sick leave	100	200

FULL TIME CLERICAL EMPLOYEES: Adopted Oct 1984 - Sec. 6(11)-pg 5

	current	change
150 days accumulated sick leave	$600	$1,200
120 days accumulated sick leave	400	800
90 days accumulated sick leave	200	400
60 days accumulated sick leave	75	150

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter to remove from the table the Proposed Local Law No. 9 for the Year 1997 regarding Ham Radio Antennas.

five (5) Ayes — Carried

Town Attorney Perley reported that the proposed law was changed to reflect the following: There will be a base permit fee for a Ham Radio Facility of ten dollars ($10.00) and the applicant would pay for any costs incurred by the town, not including the Code Enforcement Officer, which is a salaried position, but costs such as engineering or other review costs as directed by the Town Board in determining the complexity of the tower and the necessity for the additional review. This will adequately protect the applicant from having to pay unnecessary costs if it were an automatic referral. It would allow the Town Board to have an adequate review of a more complex facility. This is the only change that was made and the remainder of the provisions remain in force.

Supervisor Kennedy: The members of the Town Board felt it was necessary to incorporate the Special Use Permit in this legislation which will reduce as much as possible the costs for the applicant depending on the complexity of the application. A simple application could probably be handled by the Code Enforcement Officer but extenuating circumstances could be referred to the Engineer. Costs should be paid by the applicant, not the taxpayer.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to adopt Proposed Local Law No. 9 (filed as Local Law #8) for the Year 1997, known as the Zoning Law for the Town of Boston, regarding Ham Radio Antennas.

five (5) Ayes — Carried

TOWN BUDGET

FOR 1998

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 1998 budget of the TOWN OF BOSTON as adopted by the Town Board on the 5TH day of NOVEMBER, 1997.

Signed, David J. Shenk
Town Clerk

Dated 11/12/97

SUMMARY OF TOWN OF BOSTON BUDGET - 1998

		APP/OTH USES	-EST REVENUE	-UNEXP BAL	RSD BY TAX
A	GENERAL	1,091,130.00	613,300.00	298,000.00	179,830.00
D	HIGHWAY	843,518.00	302,800.00	10,000.00	530,718.00
SF	FIRE PROTEC	501,124.00	0.00	6,124.00	495,000.00
SL	LIGHT	23,554.00	0.00	3,054.00	20,500.00
SM	AMBULANCE	96,039.00	0.00	7,000.00	89,039.00
SR	REFUSE & GARB	361,178.00	0.00	35,978.00	325,200.00
SS	SEWER #2	1,211.00	0.00	0.00	1,211.00
SW	WATER #1	72,055.00		0.00	72,055.00
SW	WATER #2	236,775.00	0.00	194,000.00	42,775.00
HSW	WATER #1 EXT	7,753.00	0.00	0.00	7,753.00
TOTALS		3,234,337.00	916,100.00	554,156.00	1,764,081.00
					1,764,081.00

GENERAL GOVERNMENT SUPPORT - 1998 BUDGET

	CODE	ACT 96	97 BUDGET	PRE 98	ADOPT 98
TOWN BOARD					
Pers Serv	1,010.1	24,400	24,400	25,260	25,260
Contractual	1,010.4	2,800	3,000	3,100	3,100
Total		27,200	27,400	28,360	28,360
JUSTICE					
Pers Serv	1,110.1	48,450	50,330	52,030	52,030
Equipment	1,110.2	1,500	500	500	500
Contractual	1,110.4	4,800	5,000	5,150	5,150
Total		54,750	55,830	57,680	57,680
SUPERVISOR					
Pers Serv	1,220.1	43,755	54,665	63,750	63,750
Equipment	1,220.2	2,600	1,000	500	500
Contractual	1,220.4	16,500	17,000	12,775	12,775
Total		62,855	72,665	77,025	77,025
IND AUDIT					
Contractual	1,320.4	9,000	4,000	3,000	3,000
Total		9,000	4,000	3,000	3,000
ASSESSOR					
Pers Serv	1,355.1	33,000	32,125	33,365	33,365
Equipment	1,355.2	800	1,000	500	500
Contractual	1,355.4	2,500	3,000	4,000	4,000
Total		36,300	36,125	37,865	37,865
FISCAL AGENT					
Contractual	1,380.4	200	200	0	0
Total		200	200	0	0
TOWN CLERK					
Pers Serv	1,410.1	52,800	53,075	56,000	56,000
Equipment	1,410.2	800	800	5,200	5,200
Contractual	1,410.4	4,000	4,000	3,400	3,400
Total		57,600	57,875	64,600	64,600
ATTORNEY					
Pers Serv	1,420.1	32,200	31,250	31,550	31,550
Contractual	1,420.4	3,300	3,750	3,850	3,850
Total		35,500	35,000	35,400	35,400
ENGINEER					
Contractual	1,440.4	13,000	14,000	13,250	13,250
Total		13,000	14,000	13,250	13,250
ELECTIONS					
Equipment	1,450.2	8,395	0	5,980	5,980
Contractual	1,450.4	1,500	8,110	8,500	8,500
Total		9,895	8,110	14,480	14,480

GENERAL GOVERNMENT SUPPORT - 1998 BUDGET

REC MANAGEMENT					
Pers Serv	1,460.1	1,000	1,000	800	800
Equipment	1,460.2	2,000	2,000	1,000	1,000
Contractual	1,460.4	2,000	16,900	3,000	3,000
Total		5,000	19,900	4,800	4,800
BUILDINGS					
Pers Serv	1,620.1	8,600	9,000	10,000	10,000
Equipment	1,620.2	10,000	5,000	4,000	4,000
Contractual	1,620.4	44,300	50,000	45,000	45,000
Total		62,900	64,000	59,000	59,000
CENT GARAGE					
Equipment	1,640.2	0	0	0	0
Contractual	1,640.4	1,200	1,200	1,000	1,000
Total		1,200	1,200	1,000	1,000
CENT COMMUN					
Equipment	1,650.2	0	0	0	0
Contractual	1,650.4	200	200	200	200
Total		200	200	200	200
CENT PR & MAIL					
Contractual	1,670.4	17,500	18,000	19,000	19,000
Total		17,500	18,000	19,000	19,000
SPECIAL ITEMS					
Unalloc Insur	1,910.4	64,000	60,000	60,500	60,500
Munic Assn Dues	1,920.4	1,500	2,000	2,040	2,040
Judge & Claims	1,930.4	0	5	593	593
Purchase/Land	1,940.4	0	0	0	0
Tx&Asses Tn Prop	1,950.4	2,900	2,900	3,000	3,000
Unclassified	1,989.4	0	0	0	0
Contingent Acct	1,990.4	18,000	20,000	20,000	20,000
Total		86,400	84,905	86,133	86,133
TOTAL GEN GOVT SUPPORT		479,500	499,410	501,793	501,793

PUBLIC SAFETY - 1998 BUDGET

	CODE	ACT 96	97 BUDGET	PRE 98	ADOPT 98
POL & CONSTABLES					
Contractual	3,120.4	500	500	500	500
Total		500	500	500	500
TRAFFIC CONTROL					
Contractual	3,310.4	3,300	3,800	4,000	4,000
Total		3,300	3,800	4,000	4,000
CONTROL OF DOGS					
Pers Serv	3,510.1	11,125	11,470	11,900	11,900
Equipment	3,510.2	500	500	500	500
Contractual	3,510.4	5,575	6,500	6,700	6,700
Total		17,200	18,470	19,100	19,100
SAFETY INSPEC					
Pers Serv	3,620.1	14,700	14,700	15,160	15,160
Equipment	3,620.2	225	250	250	250
Contractual	3,620.4	1,275	1,200	1,240	1,240
Total		16,200	16,150	16,650	16,650
TOTAL PUBLIC SAFETY		37,200	38,920	40,250	40,250

HEALTH - 1998 BUDGET

	CODE	ACT 96	97 BUDGET	PRE 98	ADOPT 98
REG VIT STATS					
Contractual	4,020.4	25	25	25	25
Total		25	25	25	25
TOTAL HEALTH		25	25	25	25

TRANSPORTATION - 1998 BUDGET

	CODE	ACT 96	BUDGET 97	PRE 98	ADOPT 98
SUPT HIGHWAYS					
Pers Serv	5,010.1	38,500	40,500	42,225	42,225
Contractual	5,010.4	2,500	2,500	2,400	2,400
Total		41,000	43,000	44,625	44,625
GARAGE					
Equipment	5,132.2	0	0	0	0
Contractual	5,132.4	17,600	18,000	19,000	19,000
Total		17,600	18,000	19,000	19,000
STREET LIGHTING					
Contractual	5,182.4	32,000	40,000	37,000	37,000
Total		32,000	40,000	37,000	37,000
		0	0	0	0
TOTAL TRANSPORTATION		90,600	101,000	100,625	100,625

ECONOMIC ASSISTANCE & OPPORTUNITY - 1998 BUDGET

	CODE	ACT 96	97 BUDGET	PRE 98	ADOPT 98
PUBLICITY					
Contractual	6,410.4	1,100	1,100	1,100	1,100
Total		1,100	1,100	1,100	1,100
PROG FOR AGING					
Pers Serv	6,772.4	9,000	7,800	9,200	9,200
Contractual	6,772.4	2,000	3,200	2,600	2,600
Total		11,000	11,000	11,800	11,800
TOTAL ECONOMIC ASSISTANCE & OPPORT		12,100	12,100	12,900	12,900
					12,900

CULTURE & RECREATION - 1998 BUDGET

	CODE	ACT 96	97 BUDGET	PRE 1998	ADOPT 98
PARKS					
Per Serv	7,110.1	32,000	35,000	36,000	36,000
Equipment	7,110.2	9,000	7,000	6,000	6,000
Contractual	7,110.4	24,000	23,000	21,000	21,000
Total		65,000	65,000	63,000	63,000
PLAY & REC CENTERS					
Per Serv	7,140.1	6,000	8,000	8,000	8,000
Contractual	7,140.4	4,000	4,000	4,000	4,000
Total		10,000	12,000	12,000	12,000
BAND CONCERTS					
Contractual	7,270.4	3,000	3,000	3,000	3,000
Total		3,000	3,000	3,000	3,000
YOUTH PROGRAM					
Pers Serv	7,310.1	42,000	48,765	57,975	57,975
Contractual	7,310.4	65,000	65,000	65,975	65,975
Total		107,000	113,765	123,950	123,950
HISTORIAN					
Equipment	7,510.2	1,200	1,000	1,000	1,000
Contractual	7,510.4	900	1,800	2,000	2,000
Total		2,100	2,800	3,000	3,000
HISTORICAL PROPERTY					
Contractual	7,520.4	4,100	4,200	4,300	4,300
Total		4,100	4,200	4,300	4,300
CELEBRATIONS					
Contractual	7,550.4	1,275	2,525	2,500	2,500
Total		1,275	2,525	2,500	2,500
ADULT RECREATION					
Contractual	7,620.4	7,000	16,050	16,200	16,200
Total		7,000	16,050	16,200	16,200
OTH CULT/REC					
Contractual	7,989.4	1,000	1,000	1,000	1,000
Total		1,000	1,000	1,000	1,000
TOTAL CULTURE - RECREATION		200,475	220,340	228,950	228,950
					228,950

HOME & COMMUNITY SERVICE - 1998 BUDGET

	CODE	ACT 96	97 BUDGET	PRE 1998	ADOPT 98
ZONING					
Pers Serv	8,010.1	1,000	1,200	1,500	1,500
Contractual	8,010.4	1,000	1,000	800	800
Total		2,000	2,200	2,300	2,300
PLANNING					
Pers Serv	8,020.1	6,200	6,500	3,500	3,500
Contractual	8,020.4	5,000	5,000	7,500	7,500
Total		11,200	11,500	11,000	11,000
DRAINAGE					
Pers Serv	8,540.1	500	0	0	0
Contractual	8,540.4	1,000	2,000	1,400	1,400
Total		1,500	2,000	1,400	1,400
CONSERVATION					
Pers Serv	8,710.1	500	500	500	500
Contractual	8,710.4	2,500	1,500	1,500	1,500
Total		3,000	2,000	2,000	2,000
CEMETERY					
Pers Serv	8,810.1	900	400	300	300
Contractual	8,810.4	200	800	400	400
Total		1,100	1,200	700	700
HOME/COM SER					
Pers Serv	8,989.1	0	0	0	0
Equipment	8,989.2	0	0	0	0
Contractual	8,989.4	12,000	14,000	16,500	16,500
Total		12,000	14,000	16,500	16,500
TOTAL HOME & COMMUNITY SERVICES		30,800	32,900	33,900	33,900

UNDISTRIBUTED - 1998 BUDGET

	CODE	ACT 96	97 BUDGET	PRE 1998	ADOPT 98
UNDISTRIBUTED					
EMPLOYEE BENEFITS					
State Retirement	9,010.8	18,000	18,000	15,000	15,000
Social Security	9,030.8	32,000	35,000	36,500	36,500
Workmens Comp	9,040.8	8,000	8,000	8,000	8,000
Unemploy Insur	9,050.8	1,000	1,000	1,000	1,000
Disability Insur	9,055.8	500	500	500	500
Hosp & Med Insur	9,060.8	24,000	21,000	22,000	22,000
Total		83,500	83,500	83,000	83,000
DEBT SERVICE					
PRINCIPAL					
Serial Bonds	9,710.6	30,000	35,000	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	83,000	83,000	83,000
					83,000
DEBT SERVICE					
INTEREST					
Serial Bonds	9,710.7	8,280	6,038	3,623	3,623
Bond Anticipation	9,730.7	7,125	4,753	3,064	3,064
Rev Anticipation	9,770.7	0	0	0	0
Total		15,405	10,791	6,687	6,687
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		176,905	177,291	172,687	172,687
					172,687

TOTAL APPROPRIATIONS - 1998 BUDGET

SUMMARY	ACT 1996	1997 BUDGET	PRELIM 1998	ADOPT 1998
GEN GOVT	479,500	499,410	501,793	501,793
PUB SAFETY	37,200	38,920	40,250	40,250
HEALTH	25	25	25	25
TRANSPORTATION	90,600	101,000	100,625	100,625
EC ASSIS & OPPOR	12,100	12,100	12,900	12,900
CULTURE & REC	200,475	220,340	228,950	228,950
HOME & COMM SERV	30,800	32,900	33,900	33,900
UNDISTRIBUTED	176,905	177,291	172,687	172,687
TOT APPROPRIATIONS	1,027,605	1,081,986	1,091,130	1,091,130
				*
				1,091,130

*TRANSFER TO PAGE 2

GENERAL FUND ESTIMATED REVENUES - 1998 BUDGET

	CODE	ACT 96	97 BUDGET	PRE 1998	ADOPT 98
OTHER TAX ITEMS					
Lieu of Tax	A1081	0	0	0	0
Int/Pen R/Prop Tax	A1090	7,000	7,000	7,000	7,000
Non Prop Tax, Co	A1120	300,000	325,000	335,000	335,000
Franchises	A1170	26,000	28,000	28,000	28,000
DEPARTMENTAL INCOME					
Clerk Fees	A1255	1,500	1,500	1,500	1,500
Dog Control Fees	A1550	500	500	500	500
PROG FOR AGING	A1972	0	200	500	500
Park & Rec Charges	A2001	34,000	35,000	39,000	39,000
Zoning Fees	A2110	1,000	1,000	700	700
USE MONEY/PROPERTY					
Interest & Earnings	A2401	12,000	12,000	12,000	12,000
Rent R/Prop	A2410	27,300	27,300	30,500	30,500
Commissions	A2450	0	0	0	0
Games of Chance	A2530	0	0	0	0
Bingo Licenses	A2540	1,000	1,000	1,100	1,100
Dog Licenses	A2544	3,246	3,500	2,000	2,000
Licenses, Other	A2545	1,600	1,800	1,500	1,500
Building Permits	A2555	3,500	3,800	3,000	3,000
Permits, Other	A2590	0	0	0	0
FINES & FORFEITURES					
Fines/Forfeit Bail	A2610	70,000	70,000	71,000	71,000
COMPENSA FOR LOSS					
Sale of Property	A2660	0	0	0	0
Sale of Equipment	A2665	0	0	0	0
Insur Recoveries	A2680	0	0	0	0
Oth Comp for Loss	A2690	0	0	0	0
MISCELLANEOUS					
Refunds Pr Yr Exp	A2701	0	0	0	0
Gifts/Donations	A2705	0	0	0	0
Miscellaneous	A2770	0	0	0	0
Interfund Revenue	A2801	0	0	0	0
TOTAL EST REV FROM LOCAL SOURCES		488,646	517,600	533,300	533,300

	CODE	ACT 96	97 BUDGET	PRE 1998	ADOPT 98
STATE AID					
Per Capita	A3001	23,000	25,000	29,000	29,000
Mortgage Tax	A3005	46,500	47,000	50,000	50,000
Record Management	A3060	3,000	19,500	0	0
Rec for Aging	A3801	0	0	0	0
Youth Programs	A3820	0	0	1,000	1,000
Other	A3089	10,000	0	0	0
Cultural Grants	A3897	0	0	0	0
TOT EST REV FROM STATE AID		82,500	91,500	80,000	80,000
REVENUE SUMMARY					
TOT EST REV FROM LOCAL SOURCES		488,900	517,600	533,300	533,300
TOT EST REV FROM STATE AID		82,500	91,500	80,000	80,000
TOT EST REVENUES		571,400	609,100	613,300	613,300
ESTIMATED UNEXPENDED BALANCE					
EST GENERAL FUND UNEXPENDED BALANCE (Transfer Total "Adopted" to Page 2)		280,000	295,000	298,000	298,000

HIGHWAY FUND - APPROPRIATIONS - 1998 BUDGET - PG 1

	CODE	ACT 96	97 BUDGET	PRE 1998	ADOPT 98
GEN REPAIRS					
Judge/Claim	1,930.4	0	0	1,425	1,425
Pers Serv	5,110.1	116,000	119,500	123,000	123,000
Contractual	5,110.4	89,000	90,000	92,000	92,000
Total		205,000	209,500	216,425	216,425
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	30,000	30,000	34,900	34,900
Contractual	5,130.4	97,000	100,000	100,000	100,000
Total		127,000	130,000	134,900	134,900
MISC/BR/WDS					
Pers Serv	5,140.1	0	0	0	0
Contractual	5,140.4	500	500	100	100
Total		500	500	100	100
SNOW REMOV					
Pers Serv	5,142.1	79,000	85,000	88,000	88,000
Contractual	5,142.4	48,000	50,000	51,000	51,000
Total		127,000	135,000	139,000	139,000
SER/OTH GVT					
Pers Serv	5,148.1	79,000	85,000	88,000	88,000
Contractual	5,148.4	48,000	50,000	51,000	51,000
Total		127,000	135,000	139,000	139,000
EMPLOY BEN					
State Retire	9,010.8	20,000	20,000	16,000	16,000
Soc Security	9,030.8	22,750	30,000	31,000	31,000
Workers Comp	9,040.8	29,500	25,000	25,000	25,000
Unemploy Ins	9,050.8	1,000	1,000	1,000	1,000
Disability	9,055.8	500	500	500	500
Hosp/Med Ins	9,060.8	45,000	50,000	51,000	51,000
Total		118,750	126,500	124,500	124,500
TOT P. 1		735,250	766,500	783,925	783,925

HIGHWAY FUND - APPROPRIATIONS - 1998 BUDGET - PG 2

	CODE	ACT 96	97 BUDGET	PRE 1998	ADOPT 98
DEBT SERV					
Ser Bonds	3,710.6	0	0	0	0
BAN's	9,730.6	47,000	36,000	53,000	53,000
Total		47,000	36,000	53,000	53,000
INTEREST					
Ser Bonds	9,710.7	0	0	0	0
BAN's	9,730.7	6,310	4,700	6,593	6,593
Total		6,310	4,700	6,593	6,593
INT TRANS TO:					
Cap Proj	9,950.9	0	0	0	0
Total		0	0	0	0
BUDGETARY PROVISION OTH/USES		0	40,700	59,593	59,593
TOT APPROP &OTH USES					
Page 1		735,250	766,500	783,925	783,925
Page 2		53,310	40,700	59,593	59,593
Trans to Page TB-2		788,560	807,200	843,518	843,518
					843,518

HIGHWAY FUND - ESTIMATED REVENUE - 1998 BUDGET

	CODE	ACT 96	97 BUDGET	PRE 1998	ADOPT 98
LOCAL SOURCES					
Lieu/Tax	1,081	500	1,000	1,000	1,000
Non Prop Tax Dist/County	1,120	182,000	185,000	185,000	185,000
Ser/Oth Govts	2,300	65,000	65,000	66,000	66,000
Int & Earn	2,401	5,000	2,500	2,800	2,800
Rent/Equip	2,416	0	0	0	0
Intfund Rev	2,801	12,000	14,000	16,000	16,000
Misc(Specify)	2,770	0	0	0	0
STATE AID Consolidated Highway	3,501	30,000	30,000	32,000	32,000
FEDERAL AID (Specify)	4,500	0	0	0	0
INTER TRANSF	5,031	0	0	0	0
TOT EST REV		294,500	297,500	302,800	302,800 302,800
UNEXPEND BAL		25,000	0	0	0

Transfer Est Rev and Unexp Bal to TB-2

FIRE PROTECT DIST - APPROPRIATIONS - 1998 BUDGET

	CODE	ACT 96	97 BUDGET	PRE 1998	ADOPT 98
FIRE PROTEC					
Judg/Claims	1,930.4	0	4	1,306	1,306
Contracts	3,410.4	457,755	469,588	479,818	479,818
Comp Insur	9,040.8	16,500	20,000	20,000	20,000
Total		474,255	489,592	501,124	501,124
Tot Approp (Trans Adopt to Page 1)		474,255	489,592	501,124	501,124
			ESTIMATED REVENUE		
Int & Earn	2,401	0	0	0	0
Refund Pr Yr	2,701	0	0	0	0
Total		0	0	0	0
			UNEPENDED BALANCE		
Est Fire Pr Dist Unexpd Balance		2,500	6,600	6,124	6,124

Transfer total Adopt to page 2

LIGHT DISTRICT - APPROPRIATIONS - 1998 BUDGET

	CODE	ACT 96	97 BUDGET	PRE 1998	ADOPT 98
LIGHT DIST					
Judge/Claims	1,930.4	0	0	54	54
Street light					
Contractual	5,182.4	22,500	23,000	23,500	23,500
Total		22,500	23,000	23,554	23,554
Tot Approp (Trans Adopt to Page 2)					
ESTIMATED REVENUES					
Int & Earn	2,401	0	0	0	0
Tot Est Rev		0	0	0	0
(Trans Adopt to Page 2)					
UNEXPENDED BALANCE					
Est Light Unexp Bal		2,500	2,500	3,054	3,055

AMBULANCE DISTRICT - APPROPRIATIONS - 1998 BUDGET

	CODE	ACT 96	97 BUDGET	PRE 1998	ADOPT 98
AMBULANCE					
Judg/Claims	1,930	0	0	205	205
Ambulance, Eq	4,540	0	0	0	0
Ambulance, C.	4,540	48,860	82,494	85,794	85,794
Total		48,860	82,494	85,999	85,999
DEBT SERV					
Principal					
Ser Bonds	9,710	0	0	0	0
BAN's	9,730	9,000	9,000	9,000	9,000
Total		9,000	9,000	9,000	9,000
INTEREST					
Ser Bonds	9,710	0	0	0	0
BAN's	9,730	2,140	1,440	1,040	1,040
Total		2,140	1,440	1,040	1,040
TRANS/CAP PRJ Oth Uses	9,950	0	0	10,040	10,040
Total Approp (Transfer Adopted to Page 2)		60,000	92,934	96,039	96,039 96,039
			ESTIMATED REVENUE		
Int & Earn	2,401	0	0	0	0
Total Revenue		0	0	0	0
(Trans adopt To Page 2)					
			UNEXPENDED BALANCE		
Est Unexp Bal (Transfer tot to Page 2)		0	0	7,000	7,000

REFUSE & GARBAGE - APPROPRIATIONS - 1998 BUDGET

	CODE	ACT 96	97 BUDGET	PRE 1998	ADOPT 98
REFUSE/GARB					
Judge/Claims	1,930.4	0	0	125	125
Pers Serv	8,160.1	0	0	0	0
Contractual	8,160.4	330,299	332,166	361,053	361,053
Total		330,299	332,166	361,178	361,178
			ESTIMATED REVENUE		
Ref/Gar Chgs	2,130	0	0	0	0
Int & Earn	2,401	0	0	0	0
Total		0	0	0	0
			UNEXPENDED BALANCE		
Est Refuse & Garb Dist Unexp Bal		0	25,346	35,978	35,978

(Trans Adopt Totals to Page 2)

SEWER DISTRICT #2 - APPROPRIATIONS - 1998 BUDGET

	CODE	ACT 96	97 BUDGET	PRE 1998	ADOPT 98
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	8,130.4	1,211	1,211	1,211	1,211
Total		1,211	1,211	1,211	1,211

ESTIMATED REVENUE

Int & Earn	2,401	0	0	0	0
Total		0	0	0	0

UNEXPENDED BALANCE

Est Sewer Dist Unexp Balance	0	0	0	0

(Transfer Tot to Page 2)

WATER DISTRICT #1 - APPROPRIATIONS - 1998 BUDGET

	CODE	ACT 96	97 BUDGET	TEN 1998	ADOPT 98
Trans/Dist					
Judge/Claims	1,930.4	0	0	99	99
Pers Serv	8,340.1	0	0	0	0
Equipment	8,340.2	100,000	76,500	0	0
Contractual	8,340.4	15,000	17,000	23,616	23,616
Total		115,000	93,500	23,715	23,715
DEBT SERV					
Principal					
Ser Bonds	9,710.6	0	0	0	0
BAN's	9,730.6	0	0	15,714	15,714
Total		0	0	15,714	15,714
Interest					
Ser Bonds	9,710.7	0	0	0	0
BAN's	9,730.7	0	0	32,625	32,625
Total		0	0	32,625	32,625
Int & Debt Tot				48,339	48,339
Total Approp		115,000	93,500	72,054	72,054
(Transfer adopted to Page 2)				72,054	72,054
ESTIMATED REVENUE					
Spec Assess	1,030	0	0	0	0
Int & Earn	2,401	0	0	0	0
Total		0	0	0	0
UNEXPENDED BALANCE					
Est Unexp Bal (Transfer tot to Page 1)		75,500	38,500	0	0

WATER #1 EXTENSION - APPROPRIATIONS - 1998 BUDGET

	CODE	ACT 96	97 BUDGET	TEN 1998	ADOPT 98
Trans/Dist					
Judge/Claims	1,930.4	0	0	0	0
Pers Serv	8,340.1	0	0	0	0
Equipment	8,340.2	0	0	0	0
Contractual	8,340.4	0	0	0	0
Total		0	0	0	0
DEBT SERV					
Principal					
Ser Bonds	9,710.6	0	0	3,810.36	3,810.36
BAN's	9,730.6	0	0	0	0
Total		0	0	3,810	3,810
Interest					
Ser Bonds	9,710.7	0	0	3,943.05	3,943.05
BAN's	9,730.7	0	0	0	0
Total		0	0	3,943	3,943
Total Approp (Transfer adopted to Page 2)		0	0	0 7,753.41	0 7,753.41
			ESTIMATED REVENUE		
Spec Assess	1,030	0	0	0	0
Int & Earn	2,401	0	0	0	0
Total		0	0	0	0
			UNEXPENDED BALANCE		
Est Unexp Bal (Transfer tot to Page 1)		75,500	38,500	0	0

WATER DISTRICT #2 - APPROPRIATIONS - 1998 BUDGET

	CODE	ACT 96	97 BUDGET	TEN 1998	ADOPT 98
Trans/Dist					
Judge/Claims	1,930.4	0	0	0	0
Pers Serv	8,340.1	0	0	0	0
Equipment	8,340.2	113,217	175,000	230,000	230,000
Contractual	8,340.4	4,500	5,200	6,775	6,775
Total		117,717	180,200	236,775	236,775
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		117,717	180,200	236,775	236,775
			ESTIMATED REVENUE		
MISC (TAP IN)	2,701	0	0	0	0
Int & Earn	2,401			0	0
Total		0	0	0	0
			UNEXPENDED BALANCE		
Est Unexp Bal (Transfer tot to page 2)		75,000	137,465	194,000	194,000 194,000

SCHEDULE OF SALARIES OF ELECTED TOWN OFFICIALS

(ARTICLE 8 OF THE TOWN LAWS)

OFFICER	1998 SALARY
SUPERVISOR	24,250
COUNCILMAN	6,315
COUNCILMAN	6,315
COUNCILMAN	6,315
COUNCILMAN	6,315
TOWN CLERK	31,300
TOWN JUSTICE	10,850
TOWN JUSTICE	10,850
SUPERINTENDENT OF HIGHWAYS	38,625

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 1, 1997 — 7:30 P.M.

Supervisor Kennedy read his summary of the Town of Boston Fiscal Budget for 1998 as follows:

In presenting the budget for 1998, I am proud that I am able once again to present a General Fund budget that does not have a tax increase. The tax rate of the General Fund was 77 cents in 1992 and it remains at 76 cents for 1998. For the past six years there has been no increase in the General Fund tax rate.

The Highway tax this year will increase by 7 cents per 1000 to properly reflect the current expenditures of the department and the cost incurred in the purchase of new machinery. We are currently paying debt service on three separate highway trucks that constitute the largest portion of the increase in Highway Department costs. Also included is a 3.5% raise for highway employees that increases our employee wages to a level comparable to other departments of our size.

In the Special Districts portion of this year's fiscal plan, Fire Protection will increase by 2 cents per 1000 to reflect the 5% increase in the fire contract with the three companies, which increased this year by $12,600. This is the final year in the 3 year contract.

Lighting taxes remain the same and there is a reduction in the Ambulance District of 2 cents to properly reflect surplus funds that can be applied to increased expenditures.

Our Refuse and Garbage tax is increased by $5.00 per unit this year to reflect the Consumer Price Index increase provision in our contract that was established three years ago. It brings our cost to $120 per unit, which is the same amount paid for refuse collection in 1992.

Sewer #2 taxes remain the same and are only applicable to the Creekside Subdivision area of our community.

Water District #1 taxes were increased this year by 11 cents per thousand to cover the cost of the new water tank and pump station installed this year and to accommodate the 20% increase by the Erie County Water Authority in our lease management agreement for hydrants. This is a substantial one-year increase.

Water District #2 taxes remain the same and the substantial surplus that exists in this district would be used to construct a pump station and storage tank in the proposed extension of Water #2. This will allow the town to service Keller Road, which is in the existing district.

A new Special District #1 Extension was created this year to pay for the capital debt incurred in the extension of water lines on Chestnut Ridge Road, Omphalius Road and Liebler Road. Only those properties benefitting from this extension will be charged for this debt.

I am pleased that the General Fund expenditures only increased by $10,000 from last year or 1%, from $1,081,000 to $1,091,000, but highway costs increased by $36,000 from $807,000 to a total in 1998 of $843,000.

Supervisor Kennedy read a summary of 1998 tax rates in comparison to 1997 tax rates.

The 1998 Preliminary Budget was presented by Supervisor Kennedy.

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 1, 1997 — 7:30 P.M.

A motion was made by Councilman Wiktor and seconded by Councilman Walter that the 1998 General Fund Preliminary Budget be approved as follows:

Appropriations	1,091,130.00
Less Estimated Revenue	613,300.00
Less Unexpended Balance	298,000.00
Amount to be Raised by Taxes	179,830.00

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter that the 1998 Highway Fund Preliminary Budget be approved as follows:

Appropriations	843,518.00
Less Estimated Revenue	302,800.00
Less Unexpended Balance	10,000.00
Amount to be Raised by Taxes	530,718.00

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood that the 1998 Fire Protection Preliminary Budget be approved as follows:

Appropriations	501,124.00
Less Estimated Revenue	00.00
Less Unexpended Balance	6,124.00
Amount to be Raised by Taxes	495,000.00

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Wiktor that the 1998 Light District Preliminary Budget be approved as follows:

Appropriations	23,554.00
Less Estimated Revenue	00.00
Less Unexpended Balance	3,054.00
Amount to be Raised by Taxes	20,500.00

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Walter that the 1998 Ambulance Preliminary Budget be approved as follows:

Appropriations	96,039.00
Less Estimated Revenue	00.00
Less Unexpended Balance	7,000.00
Amount to be Raised by Taxes	89,039.00

five (5) Ayes — Carried

A motion was made by Councilman Rood and seconded by Councilman Wiktor that the 1998 Refuse and Garbage Preliminary Budget be approved as follows:

Appropriations	361,178.00
Less Estimated Revenue	00.00
Less Unexpended Balance	35,978.00
Amount to be Raised by Taxes	325,200.00

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Wiktor that the 1998 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

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 1, 1997 — 7:30 P.M.

A motion was made by Councilman Wiktor and seconded by Councilman Rood that the 1998 Water District #1 Preliminary Budget be approved as follows:

Appropriations	72,055.00
Less Estimated Revenue	00.00
Less Unexpended Balance	00.00
Amount to be Raised by Taxes	72,055.00

five (5) Ayes — Carried

A motion was made by Councilman Rood and seconded Councilman Wiktor that the 1998 Water District #2 Preliminary Budget be approved as follows:

Appropriations	236,775.00
Less Estimated Revenue	00.00
Less Unexpended Balance	194,000.00
Amount to be Raised by Taxes	42,775.00

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Supervisor Kennedy that the 1998 HSW Water District #1 Extension Preliminary Budget be approved as follows:

Appropriations	7,753.00
Less Estimated Revenue	00.00
Less Unexpended Balance	00.00
Amount to be Raised by Taxes	7,753.00

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Walter that the 1998 schedule of salaries for the elected Town officials be approved as follows:

Supervisor	24,250.00
Councilman	6,315.00
Councilman	6,315.00
Councilman	6,315.00
Town Clerk	31,300.00
Town Justice	10,850.00
Town Justice	10,850.00
Superintendent of Highways	38,625.00

five (5) Ayes — Carried

Supervisor Kennedy read the 1998 Preliminary Budget totals:

Appropriations	3,234,337.00
Less Estimated Revenue	916,100.00
Less Unexpended Balance	554,156.00
Amount to be Raised by Taxes	1,764,081.00

A motion was made by Councilman Rood and seconded by Councilman Davenport to direct Town Clerk Shenk to schedule a Public Hearing on November 5, 1997, at 8:00 p.m. for the 1998 Preliminary Budget.

five (5) Ayes — Carried

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 September 1997.

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 1, 1997 — 7:30 P.M.

TOWN ATTORNEY REPORT

Town Attorney Perley announced that he will appear at a conference with the court on Monday, October 6, 1997 at 2:00 p.m. regarding the Sprint Spectrum lawsuit. Town Attorney Perley delivered in confidence, to each Town Board member, a copy of the results of the Sprint Spectrum test. As it is currently a litigation document, a copy will be presented publicly to the Town Clerk when it is presented to court. Town Attorney Perley requested each Board member review the report and advise him of their position by Friday, October 3, 1997 and if there isn't a consensus among the Board members, the Supervisor will conduct an emergency meeting so that the meeting can be convened and go directly into an Executive Session.

A motion was made by Councilman Wiktor and seconded by Councilman Rood to authorize Town Attorney Perley to act upon the consensus of the Town Board at the conference to be held on October 6, 1997 before the Honorable Judge Kane or any adjourned date of that conference or in the absence of a consensus to contact the Supervisor for the purpose of convening a Special Meeting of the Board.

five (5) Ayes — Carried

COUNCILMAN REPORT

Councilman Rood announced that she attended the Conservation Advisory Council Meeting on September 18, 1997 and an opening on the CAC Board is anticipated. Advertisements will be run in the local newspapers.

Councilman Rood has been in contact with Town Attorney Perley and checked on the progress of the Water District applications at Audit and Control. Town Attorney Perley spoke with Audit and Control and things seem to be going favorably.

A motion was made by Councilman Rood and seconded by Supervisor Kennedy to authorize Supervisor Kennedy and the Town Engineer to pursue purchasing property for the tank and pump station for the Extension of Water District #2 contingent upon the approval from Audit and Control.

five (5) Ayes — Carried

Councilman Rood noted she promised the people on the West Hill and the East Hill that she would pursue the Water District Applications vigorously and she intends to do so. Rather than waiting for one thing to be finalized she would prefer to do things simultaneously if possible.

Councilman Rood reported that the Councilman Hours will be held on Saturday, October 11, 1997 from 9:00 to 11:00 a.m. at the Boston Town Hall.

Councilman Rood announced that National 4H week is October 5 - 9, 1997 and she will contact Linda Smolarek regarding the Old Schoolhouse letter and inform her that the 4H Club does offer classes in crafts etc. for ages nine through nineteen. There are several 4H Clubs in the Town of Boston and Councilman Rood has been a leader for nine years.

Councilman Rood noted she has been checking on the Glenn McKillen property daily and there has been no move toward demolition.

Councilman Rood accompanied the Supervisor and the Highway Superintendent on a 4-wheel drive expedition with Mr. Eckis up to the Old Polish Hill Road to survey the work that has been done thus far to the roadway under construction.

REGULAR BOARD MEETING
OCTOBER 1, 1997

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.)

Councilman Wiktor reported that he attended the Boston-Colden-East Eden Fire Council meeting on September 29, 1997. This group is hoping to secure $30,000 to buy a new air-bank system which would fill their air canisters. Councilman Wiktor contacted Senator Volker and Assemblymen Reynolds and Smith in the hopes that the State Representatives would look favorably upon this as a regional idea to help garnish the needed funds. As noted by a fireman, since the air bank system has been in usage the total appropriation spent to repair it, in less than fifteen years, has been $21,000. The fireman were proud of the North Boston Fire Company efforts to hold a ground flight school with Mercy Flight. Patchin Fire Company is planning an upcoming training session at the Chestnut Ridge smokehouse training facility. The fire groups are asking the County to appropriate an additional $90,000 in their budget to help fund training sessions.

Councilman Wiktor reported that he had a number of calls concerning the resurfacing of the Boston State Road, especially about the striping.

Councilman Wiktor noted that a few neighbors called complaining about the young children at the tennis and basketball courts late at night. The lights will be turned off the courts as of October 1, 1997.

Councilman Walter announced that he will visit the Rybaks on Lu-Don Drive and offer his apologies. He commented that everyone will have to work together to solve this problem.

Councilman Walter reported he received calls regarding the Boston State Road resurfacing project and that some driveways are six and seven inches below the road. This problem will be repaired and the stripes will be on shortly, depending on the weather.

Councilman Walter reported there have been a few normal drainage calls and he will check with Highway Superintendent Ruchalski regarding the repair of the pole on Boston State Road for the Christmas decorations. As previously reported Councilman Walter thought the pole was repaired quite a while ago.

Councilman Davenport referred to Town Attorney Perley for review, a notification received by Town Assessor Sagan, of an Act to Amend the Real Property Tax in relation to excluding senior citizens veterans disability compensation from the definition of income as of January 1, 1998 for the determination of calculating property taxes.

Councilman Davenport announced the new Nutrition Program Assistant, Donna Pfarner is doing well.

Councilman Davenport noted the Town Hall parking lot still needs striping.

Councilman Davenport announced the street sign has been placed on Eckhardt Road.

CODE ENFORCEMENT OFFICERS REPORT

A) Code Enforcement Officer monthly report for September 1997 was received and is on file in the Clerk's Office.

Deputy Code Enforcement Officer monthly report for September 1997 was received and is on file in the Clerk's Office.

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 1, 1997 — 7:30 P.M.

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officer monthly report for September 1997 was received and is on file in the Clerk's Office.

Supervisor Kennedy commented that some qualified candidates for the Deputy Dog Control/Enumerator position were interviewed but due to the lateness of the year the Town Board decided to have Dog Control Officer Waszak assume the duties of the Deputy Dog Control Officer, excluding the enumeration, until the end of the year.

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to compensate Dog Control Officer Waszak from 9/1/97 to 12/31/97 for the Deputy Dog Control Officer salary, excluding the enumerator salary. Town Clerk Shenk was directed to send letters to the three (3) applicants interviewed for the Deputy Dog Control position and express appreciation for the interview and to inform them that they will be considered for the position in January when the appointment is made.

five (5) — Carried

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for September 1997 was received and is on file in the Clerk's Office.

A motion was made by Councilman Rood and seconded by Councilman Walter to adjourn the meeting at 9:51 p.m..

David J. Shenk
DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 15, 1997 — 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.

Rev. John VanHaneghan, Good Shepherd Lutheran 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 October 1, 1997 regular monthly meeting.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter that General Fund and Special District Bills on Abstract #10A, dated October 15, 1997 in the amount of $14,715.37 be paid. see correction page 354

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Davenport that the Highway Bills on Abstract #10A, dated October 15, 1997 in the amount of $55,323.61.

five (5) Ayes — Carried

Received and filed the Erie County Sheriff's Monthly Report for September 1997.

Received and filed NYS DOT denial for a reduced speed limit request on West Tillen Road.

Referred to Town Attorney Perley an Order to Show Cause for an Article 78 Proceeding petitioned by Angelo DeGiuli, 5336 Berg Road, West Seneca.

Supervisor Kennedy commented that he read a letter regarding a drainage problem from Paul and Lisa Rybak, 6460 Lu-Don Drive at the October 1, 1997 Town Board Meeting. Town Board members have looked at the property in question and viewed the video tape that was submitted.

Paul Rybak, 6460 Lu-Don Drive requested an update of what has been done.

Supervisor Kennedy replied that he called Mr. Kane, Erie County Highway Department Hamburg Office District Engineer and he was not agreeable to the contention that the County has a responsibility for the drainage problem.

Councilman Rood noted that she spoke with Mrs. Rybak and has attempted to contact Mr. Barrett in an effort to work with him regarding the drainage pattern on his property. Mr. Barrett has not returned her phone calls.

Lisa Rybak replied that the drainage problem occurred right after Mr. Barrett removed in ground fuel tanks from his property at 3:00 in the morning. The water is coming from the ground and not off the parking lot. Now that the parking lot has been paved the water is pitching toward their property.

Councilman Walter noted that he spoke to Supervisor Kennedy and Highway Superintendent Ruchalski and it is definitely a problem caused by the State prior to the County takeover of the road.

Highway Superintendent Ruchalski commented that Councilman Walter brought the problem to his attention but the problem is not a highway problem.

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 15, 1997 — 7:30 P.M.

Supervisor Kennedy indicated he will arrange a meeting with Erie County Highway District Engineer, Mr. Kane, Erie County Deputy Commissioner of Highways, Mr. Commerford, Mr. and Mrs. Rybak, Mr. Barrett, owner of Barrett's Equipment on Boston State Road and the Drainage Committee.

Referred to the Drainage Committee a complaint noted by Councilman Davenport that Mrs. O'Shea on Meadow Drive has complained of drainage problems in the backyards.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to remove from the table the Proposed Local Law No. 10, Rezoning of 27.7 Acres of Land from R-A (Residential-Agricultural) to R-2 (Single Family Residence District), Roy Emerling Property, tabled at the October 1, 1997 Town Board meeting.

five (5) Ayes — Carried

Supervisor Kennedy commented that the Town Board members received numerous letters regarding the Emerling rezoning since the Public Hearing of October 1, 1997. Most letters expressed the concern that the surrounding areas are zoned R-1 and an R-2 zoning would be inappropriate for the area.

Councilman Wiktor responded that he studied the Town of Boston Master Plan for guidance with this problem. Boston has historically attracted larger households relative to other Erie County communities and retains a stable household size. A goal of the Master Plan is to establish and improve the established residential areas by restricting the introduction of incapable land uses and to encourage residential development patterns that respect the natural man made assets of our town. Further, in the land use plan section, attempts are made to provide greater compatibility between land use and retard strip development that increases congestion. In the residential land use section it states that the majority of new homes that have or will be built or are located in the rural areas typically are occupied by non-farm people. Many of these people have left more urbanized areas in search of open space and rural privacy. In a pamphlet titled, "Saving Place, a Guide and Report for Protecting Community Character", it states that the greatest attraction for any growth in any town is their quality of life, their natural environment, and their consistency in their planning. To have Lu-Don and Wildwood Drives zoned R-1 and put an area between them zoned R-2 would not go along with any stipulations found in regards to the master plan for our town.

Councilman Walter noted he spoke with residents of Lu-Don and Wildwood Drives and everyone was against the R-2 zoning.

Councilman Davenport commented that when she moved here in 1958 she wanted space around her house and they have kept it that way. She understands that the people don't want little houses all crowded together because they moved out here to have air and space.

Councilman Rood responded that she went to the residents on Lu-Don and Wildwood Drives and the overwhelming majority are against the rezoning to R-2. The Town Board represents what the people feel.

A motion was made by Councilman Wiktor and seconded by Councilman Rood to deny Proposed Local Law No. 10 - Rezoning of 27.7 Acres of Land from R-A (Residential-Agricultural) to R-2 (Single Family Residence District) on the Roy Emerling Property.

five (5) Ayes — Carried

Supervisor Kennedy noted the Town Board has had an opportunity to review information received regarding a Site Plan Review request by Maurice and Pearl Emerling for a proposed machine shop at 9748 Trevett Road.

REGULAR BOARD MEETING TOWN HALL
OCTOBER 15, 1997 7:30 P.M.

Supervisor Kennedy read a letter from the Boston Planning Board noting their reservations and concerns for this project are:

1) The appropriateness of this type of business to this particular lot.
2) Recommendation of an Environmental Assessment Study be done as to the truck traffic in regards to noise and air quality.
3) If the gas line is relocated, no trees be destroyed, or if trees are removed or damaged, they be replaced.

Supervisor Kennedy read Maurice Emerling's response to the Planning Board letter that included photographs and a map showing the location of the gas line:

1) The type of business proposed on this lot is light (small part) compared to heavy business or manufacturing in comparison to the other town businesses - one across the street to the east and the other adjoining this property on the southside. This business will involve less noise because of internal smaller equipment than the other town businesses which use punch presses/shears/welders, etc, They are considered fabricating shops and this business is a precision machine shop CNC (computerized numerical controlled).

2) UPS truck may stop daily at the business. Steel Hauler truck comes once or twice a week. The Steel Hauler truck is equipped with a 5 minute idle. If it runs longer then 5 minutes, the truck automatically shuts off. (This is a cool down for the truck to conserve fuel). (This is a relatively new concept).

3) No trees will be involved WHATSOEVER if and when gas line is relocated because THERE ARE NOT TREES LOCATED in the area where the gas line is to be placed.

Supervisor Kennedy read letters from Dorothy and Steve Becony, and Dan Becony, 9766 Trevett Road and Robert and Kathleen Nowak, 9742 Trevett Road, in opposition to the Emerling M-1 rezoning.

Supervisor Kennedy read a letter from TVGA Engineering stating that the site plan, with a modification, addresses any drainage concerns the town would have and that no storm water detention is required.

Supervisor Kennedy read a determination from TVGA Engineering that the "Short Environmental Assessment Form" for the Emerling Machine Shop Project was reviewed and determined to be a Type II action and therefore not subject to further SEQR review.

Supervisor Kennedy noted that all the parties who wrote letters and are present tonight were notified by mail of the Emerling Rezoning Public Hearing on October 1, 1997.

Kathleen Nowak, 9742 Trevett Road: All the notice said was that the zoning was going to be corrected from M-1 to R-A and nothing was said about a machine shop.

Supervisor Kennedy: The purpose of the Public Hearing was the rezoning. It had nothing to do with the machine shop application.

Robert Nowak, 9742 Trevett Road: The notice was misleading because it led the reader to believe it was going to be a home or a residential section. We thought there was no reason to attend the Public Hearing because the mistake that was originally made was being corrected. Now on a mistake, a known error, Mr. Emerling has plans for a factory. The town didn't say they were going to leave it zoned M-1. We have no objection to a home being built there. We are talking about this obnoxious factory that is going in there. By the way, it is two (2) businesses not just one (1) small machine shop. There is a wood shop involved. We are not talking about one (1) or two (2) trucks a day. What about trucks and smoke?

Supervisor Kennedy: The Town Attorney has determined that a short form EAF is not sufficient to address the concerns that were brought up at the Planning Board. The Town Board will request a long EAF form to be filed that will address these concerns along with a determination from a qualified person as to whether or not the fumes are going to constitute a problem.

Robert Nowak: I work nights and sleep during the day. These trucks are pulling in approximately as far away as from me to you.

Supervisor Kennedy: The building has to be at least fifty (50) feet from the lot line.

Maurice Emerling, 9824 Trevett Road: We changed the plans for the building because the doors were on Mr. Nowak's side and now they will be on the west side. The overhead doors will be to the west side and not the north.

Robert Nowak: The drainage, it is not draining into a creek. What if the drainage doesn't work? What about the value of my land? Poor Mrs. Becony will be surrounded by factory and junk.

Supervisor Kennedy: I wish all of you would have come here and voiced your concerns when the Public Hearing was held.

Dorothy Becony, 9766 Trevett Road: The clarification was very poor.

Supervisor Kennedy: You should have come in support of the change back to Agricultural if that is what you wanted because it was zoned M-1.

Robert Nowak: That was a mistake.

Supervisor Kennedy: Regardless if it was a mistake, once we adopted the official zoning map of the Town of Boston those maps become the official zoning maps of the town. They were signed and documented.

Robert Nowak: You were going to correct a mistake from M-1 to R-A. Why would I come here if you are correcting an error?

Supervisor Kennedy: The town made the application, not the applicant. We tried to do what we thought was right. Mrs. Becony was there and there were no objections to leaving the zoning the way it was.

Dan Genzel, 7580 Lower East Hill Road: When you bought the property in 1994 did you ask someone to show you the zoning maps? Did they show you what that lot was colored? Maybe you should have looked at the maps yourself because it was colored M-1.

Supervisor Kennedy: You bought your property in 1994 and I am sure if you would have looked at the zoning map it was zoned industrial at that time. Normally the homeowner does look at the adjacent properties to see what they are zoned. The Town Board will review the facts because before any action can be taken on this we have to address the problems that were brought to our attention by the Planning Board. One problem was the fumes and we should have a report by the next Town Board meeting and then we can make an intelligent decision. We will look at the drainage and we will rely on the expertise of the engineers. I apologize if you were misinformed. I don't know how we could have done it any differently than we did when notifying you. It is unfortunate that you were not here for the Public Hearing but you had an opportunity tonight to avail yourself of the same comments that you would have given us at the Public Hearing. It may or may not have made a difference in the rezoning. It is unfortunate now because it is something you can't regress.

REGULAR BOARD MEETING
OCTOBER 15, 1997

TOWN HALL
7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to adjourn a decision on the proposed machine shop at 9748 Trevett Road until the November 5, 1997 Town Board Meeting.

five (5) Ayes

Carried

At 8:45 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 convened the Public Hearing.

Supervisor Kennedy commented that the Town Board is in the process of investigating the old schoolhouse on Back Creek Road to determine if the building is salvageable for use as a senior citizen pool room and/or an exercise room. There were other suggestions but these two activities would be eligible under the Community Development Block Grant because seniors are automatically eligible for CDBG funds. CDBG funds should be used in an area of low and moderate income persons and/or senior citizens. The last CDBG application was for ADA (Americans with Disabilities Act) conformance and if what has already been submitted to HUD is not approved we may have to change. We were trying to modify the bathrooms in the North Boston Stadium, the Town Hall and the Highway Garage so that they would be handicap accessible. The cost incurred would be so great because some plumbing is under concrete so we have submitted our modified plans for approval.

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

A Public Hearing will be held on October 15, 1997 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 I of the Housing and Community Development Act of 1974, as amended.

The purpose of the hearing is to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate income persons in the Town of Boston.

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

The hearing will also present a review of prior Community Development projects and expenditures and a discussion of eligible activities. The meeting room is wheelchair accessible. Those needing special arrangements should call David J. Shenk, Boston Town Clerk at (716)-941-6113 by October 7, 1997.

DATED: September 25, 1997
PUBLISHED: October 2, 1997
BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK
10-2

Patricia Hacker, 8702 Maplelawn Drive: Have any of the council persons received requests for funds?

Councilman Wiktor: Just the current one with the North Boston Stadium.

Councilman Davenport: I heard a request for a golf course because there is no room for a pool. So let's see if we can find a golf course for the young people.

Supervisor Kennedy: Golf courses wouldn't be funded. You could maybe apply under a Parks Grant for money to construct a golf course collectively with town monies but certainly not with CDBG funds. Some people have suggested applying for sidewalks from the senior complex on Boston State Road adjacent to the B-Kwik Market. We used CDBG funds for that bridge that goes across to allow seniors access to the B-Kwik parking area. People have suggested to continue the sidewalk so the people could actually walk to the dairy and the bank. That could be construed as a benefit to seniors and might be acceptable for funds.

Councilman Rood: There was a patio behind the town hall but it was not rebuilt when the addition was put on. If we could incorporate a patio behind the Town Hall with perhaps concrete tables the seniors could play cards there. The seniors have also expressed interest in having a boccie court and a shuffle court built.

Supervisor Kennedy: I have had that same request for a boccie court and that makes good sense and it wouldn't take very much room. It is not difficult to construct and the area there is large enough to accommodate it.

Patricia Hacker: Do we have to apply with a written reason of why we want the funds?

Supervisor Kennedy: By law we have to conduct this Public Hearing and give everyone a chance to speak and then we will put together the ideas we have and we will submit then. Each year we submit as one of our priority items, the Rural Transit Service Van.

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to close the Public Hearing at 8:55 p.m.

five (5) Ayes Carried

Supervisor Kennedy noted that the Town Board will review the information and make a recommendation at the November 5, 1997 Town Board meeting as to what projects will be applied for under the Community Development Block Grant.

SUPERVISOR REPORT

A) Supervisor's monthly report for September 1997 was received and is on file in the Town Clerk's Office.

TOWN CLERK REPORT

Town Clerk Shenk reported that the Planning Board meeting of October 28, 1997 is canceled due to a lack of agenda items. A notice will be sent to the official town newspapers in regards to this cancellation.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Ruchalski reported that the new Highway Department truck is ready and equipped for snowplowing.

Highway Superintendent Ruchalski announced that the last brush pick-up of the season will begin on October 20, 1997 until completion.

TOWN ATTORNEY REPORT

Town Attorney Perley reported that he and the attorneys representing Sprint Spectrum are in the process of preparing submissions to the court in the Sprint Spectrum case. There has not been a final determination.

Town Attorney Perley noted that in regards to the McKillen demolition matter, Deputy Code Enforcement Officer Lisowski informed him that as of this evening the structures remain standing. Mr. McKillen has filed a Notice of Appeal in response to the Court Order that was served on him. In the opinion of Town Attorney Perley this does not stay the proceedings and the sheriff's department has been contacted to arrange an appropriate escort for the demolition contractor.

COUNCILMAN REPORT

Councilman Rood reported that she attended the Youth Board Advisory meeting on October 4, 1997 where members representing all the different recreation programs gave a year end report. Suggestions and ideas were given and taken for review.

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 15, 1997 — 7:30 P.M.

COUNCILMAN REPORT (Cont.)

Councilman Rood announced that she attended the NEST (Solid Waste Management Board) meeting on October 9, 1997 and noted they are financially stable and that there was enough money in the treasury to forgo the dues in 1998. A presentation was given on a new waste management process called "Vermicycle" that is eventually supposed to replace landfills.

Councilman Rood reported that she made a list of all the names and addresses of property owners in the vicinity where the new pump station and tank will be located. The list was given to a Real Estate agent representing the Town of Boston for the purchase of land for these structures.

Councilman Rood noted she has been checking the McKillen property daily and is pleased to see that action will be taken on October 16, 1997.

Councilman Wiktor reminded residents that on October 25, 1997 the Boston Health Care Center will hold a open house from 9:00 a.m. to 1:00 p.m.

Councilman Wiktor announced the annual Halloween Party, sponsored by the Boston Republican Club, will be held at the Boston Town Hall on October 31, 1997 from 6:30 to 8:30 p.m.

A motion was made by Councilman Wiktor and seconded by Councilman Rood to adopt the October 31, 1997 as the Town of Boston Halloween "Trick of Treat" Hours and to terminate at 9:00 p.m..

five (5) Ayes — Carried

Councilman Wiktor reported that he attended the Youth Advisory Board Meeting and brought up the problem previously addressed of political advertising on team shirts. The consensus of opinion was that sponsorships would be accepted with names placed on team shirts but with no reference to political parties or affiliation.

Councilman Walter reported that a request was made for a "No Parking Sign" to be placed on Heinrich Road because cars parking on the dip in the road create a situation where an accident or injury can occur to children playing in the area. Highway Superintendent Ruchalski agreed to install the signs on Heinrich Road. Town Attorney Perley noted that this request requires the adoption of a Local Law for a ticket to be issued for non-compliance and he will prepare the Local Law for the next Town Board meeting.

Councilman Walter announced that work is being done on Polish Hill Road and inquired if this was going to be a town dedicated road in the future and if so were inspections being made. He noted that the road should have specifications and a base should be put in properly and inspected.

Town Attorney Perley replied that this is going to be a dedicated road.

Highway Superintendent Ruchalski responded that Mr. Ekis has been working on drainage and hasn't done anything as far as the building of the road.

Supervisor Kennedy noted that Mr. Ekis has intercepted the drainage at the top of the hill and taken it to the wide ravine to the north side of Colonial Drive which will improve drainage conditions on Colonial Drive. Mr. Ekis hasn't done anything on the road.

Councilman Davenport reported that she has been to the Boston Valley School three (3) times and didn't see the bike rack.

REGULAR BOARD MEETING
OCTOBER 15, 1997

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (Cont.)

Supervisor Kennedy noted the bike rack has been sitting in the Parks Department for two months and when Councilman Davenport makes the arrangements it can be installed.

Councilman Davenport reported that residents of Meadow Drive have been complaining about the speeding cars and loose gravel on the shoulders of the road causing clouds of dust. There also were complaints about water at the back of homes caused by drainage ditches that were never cleaned.

Highway Superintendent Ruchalski responded that the gravel will be swept and picked up in due time.

Councilman Davenport announced that October 19th is Non-Violence Week and NYS Senator Mary Lou Rath is sponsoring a five day program regarding violence in the school and home.

A motion was made by Councilman Wiktor and seconded by Councilman Rood to adjourn the meeting at 9:16 p.m..

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 5, 1997 — 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.

Rev. Ronald Sprehe, St. Martin's Lutheran Church, opened the meeting with a prayer.

A motion was made by Councilman Rood and seconded by Councilman Walter to adopt the minutes of the October 15, 1997 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 #11, dated November 5, 1997 in the amount of $69,173.77 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter that the Highway Bills on Abstract #11, dated November 5, 1997 in the amount of $11,960.31 be paid.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to accept Town Clerk's Monthly Report for October 1997.

five (5) Ayes — Carried

Received and filed an Approval of Completed Works for Water District No. 1 Public Water Supply Improvement from the Erie County Department of Health. Supervisor Kennedy announced the new water tank was put into service on Monday, November 3, 1997.

Received and filed notification that the Boston Hotel, 9378 Boston State Road, has applied to the NYS Liquor Authority for an On-Premise Liquor License.

Received and filed notification from the Erie County Department of Environment & Planning that the Town of Boston may proceed with the modified ADA improvements as submitted for the 1996 Community Development Block Grant Fund Project.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to refer to the Planning Board a Special Use Permit Application from Thomas Williams, 5330 Keller Road, to construct a fifty (50) foot Amateur Radio Tower and schedule a Public Hearing for December 3, 1997 at 8:00 p.m.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood to refer to the Planning Board a request from William Brunner to rezone property at 7166 Boston State Road.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to accept the resignation of J. D. Early from the Boston Conservation Advisory Council, effective October 16, 1997 and to direct the Town Clerk to send a letter of appreciation for his service on the Conservation Advisory Council.

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 5, 1997 — 7:30 P.M.

Town Attorney Perley summarized the proceedings leading up to the court order allowing Sprint Spectrum to construct a 250 foot telecommunications facility at 6405 Ward Road noting that:

a) In the spring of 1997 the Town Board denied the Sprint Spectrum request for a Special Use Permit to construct a tower at 6405 Ward Road on the grounds that the WNED tower was an available commercially reasonable alternative site.

b) Two lawsuits commenced, one sought money damages and the other sought to overturn the Town Board decision on the basis it was not legally justified.

c) A Real Time Test, monitored by the Town of Boston, was conducted on the WNED site and the results indicated a loss of signal.

d) Sprint Spectrum represented to the court that based on the test results the WNED site was not an alternative site.

e) On October 31, 1997 the court issued an order which mandated that the Town Board approve a Special Use Permit for Sprint Spectrum for the construction of a 250 foot tower. Since the court did not specifically direct that the permit be issued, this allows the Town Board, in cooperation with Sprint Spectrum, work out terms and conditions appropriate to the Ward Road (Meyers site).

f) The Town Board and Sprint Spectrum Representatives have presented a draft Resolution (all exhibits not yet attached), with terms and conditions.

Councilman Rood commented that the Town Board has exhausted every alternative, their hands are tied and they are being forced to grant Sprint Spectrum a Special Use Permit.

Town Attorney Perley noted that he could not recommend the expense of an appeal to the Town of Boston and if this resolution is not adopted the damage claim, which could become sizable if the Town were to persist in this matter, will be discontinued and waived by Sprint Spectrum.

RESOLUTION 1997 - 28 **RESOLUTION GRANTING SPRINT SPECTRUM LP A SPECIAL USE PERMIT FOR THE CONSTRUCTION OF A 250 FOOT TELECOMMUNICATIONS FACILITY PURSUANT TO AN ORDER OF THE SUPREME COURT.**

Supervisor Kennedy commented that at the Public Hearing for the Community Development Block Grant Funds on October 15, 1997, suggestions were made to pursue renovations of the North Boston School for use as a teen center, a weight room for recreation, or for storage of town equipment etc. These recommendations would require the building to be ADA (Americans Disability Act) accessible and there is not enough time to explore the feasibility of these projects before the application due date for the CDBG requests. The first priority request for the CDBG 1998-1999 funds is for a Senior Citizen patio, boccie court, and necessary patio furniture and the second priority request is for the Rural Transit Service.

RESOLUTION 1997 - 27 **COMMUNITY DEVELOPMENT BLOCK GRANT REQUESTS FOR 1998 - 1999**

At 8:10 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, 1998.

Supervisor Kennedy read the legal notice.

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1997-28

RESOLUTION GRANTING SPRINT SPECTRUM LP A SPECIAL USE PERMIT FOR THE CONSTRUCTION OF A 250 FOOT TELECOMMUNICATIONS FACILITY PURSUANT TO AN ORDER OF THE SUPREME COURT

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York , held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 5th day of November, 1997 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, pursuant to Town Code Section 123-48.B. Sprint Spectrum LP has, prior hereto made an application to the Town Board of the Town of Boston for a Special Use Permit to construct a 250 foot digital cellular tower in the Town of Boston on property locally known as 6405 Ward Road in the Town of Boston, New York.

WHEREAS, by Resolution No. 1997- the Town Board of the Town of Boston denied a Special Use Permit to Sprint Spectrum LP, on the grounds that the existed a "commercial reasonable" available alternative site, namely the WNED-FM tower in the Town of Boston, New York.; and

WHEREAS, Sprint Spectrum LP commenced two lawsuits against the Town of Boston and the members of the Town Board seeking, inter alia ad Order directing that the Town Board of the Town of Boston issue the Special Use Permit applied for; and

WHEREAS, numerous hearing have been held before the Hon. James B. Kane, J.S.C. one of the Justices of said Court; and

WHEREAS, in Order to determine whether of not the WNED-FM tower constituted a reasonable alternative to the site at 6405 Ward Road Sprint Spectrum LP conducted an actual test of the WNED-FM site which resulted in the conclusion by a radio frequency engineer that the site was unsuitable. A copy of the engineers report is annexed hereto as *Exhibit A*; and

WHEREAS, the Town of Boston retained William Johnson to monitor the fairness of the test conducted by Sprint Spectrum and concluded that the test was fair and accurate a copy of William Johnson's report is annexed hereto as *Exhibit B*; and

WHEREAS Sprint Spectrum submitted the test Justice Kane with reference to the lawsuits commenced in the Supreme Court; and

WHEREAS, Justice Kane has Ordered the application of Sprint Spectrum be remanded to the Town Board of the Town of Boston with a specific direction that it grant a Special Use Permit to Sprint Spectrum. A copy of Judge Kane's Order is annexed hereto as *Exhibit C*.

NOW, THEREFORE, BE IT

RESOLVED that, pursuant to the Order of the Hon. James B. Kane, J.S.C. granted and entered on the 31st day of October, 1997 the Town Board of the Town of Boston hereby grants to Sprint Spectrum LP a Special Use Permit to construct a 250 foot tower in accordance with the site plan prepared by Jansen Kiener Consulting Engineers P.C., dated 7/25/96, as modified, for the purpose of operating a PCS cellular facility subject to the following terms and conditions:

1. That Sprint Spectrum LP provide a bond for removal of the Tower and restoration of the site in an amount equal to 150% of the cost of said removal and restoration as determined by the Town Engineer of the Town of Boston.

2. That Sprint Spectrum LP or any future operator of the Tower permit co-location in accordance with the co-location policy expressed by Eugene Fassett, a copy of said policy being annexed hereto and made a part hereof.

3. That Sprint Spectrum LP or any future operator of the said Tower shall permit use of the Tower by the Town of Boston for any municipal function free of charge provided that the tower has the structural ability to support the antenna and there is no signal interference.

4. That the Tower constructed by Sprint Spectrum be expandable to 300 feet for the sole purpose of accommodating additional cellular users, subject to the Local Law No. 5 for the Year 1997 as amended.

5. That Sprint Spectrum LP will provide a locked gate in the access road leading to the tower site and shall provide a security system for their facility.

6. That Sprint Spectrum LP agree in writing to the conditions of this Special Use Permit prior to obtaining a building permit.

7. That this permit and the conditions under which it is issued shall be binding on Sprint Spectrum LP, its heirs, executors and assigns.

8. That this Special Use Permit shall terminate one year after the tower ceases to be used for PCS cellular communications purposes.

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. Slienkamp, Town Clerk

EXHIBIT A

Sprint

Sprint PCS

Engineering & Operations
2255 Brighton-Henrietta T.L. Road
Rochester, New York 14623
Mailstop: NYROC40101

September 29, 1997

To: The Town of North Boston, Michael Perley, Town Attorney
From: Sprint Spectrum Engineering
Regarding: Drive Test Results for the "WNED-FM" site and the "Myers" site

Background

In an attempt to reach a settlement to its dispute with the Town of North Boston, Sprint Spectrum recently conducted field testing of the disputed "WNED-FM" site and the "Myers" site. The Tests were performed by an independent RF services company, "Wireless Facilities, Inc." (WFI), specifically, Glenn Kreisberg, an Associate RF Engineer thereof. All testing was supervised by an independent consultant, William P. Johnson, Associate Professor, Electrical Engineering Technology, Rochester Institute of Technology, hired to report his findings directly to the Town of North Boston.

The field tests involved the placement of powered test transmitters and antennas at each site at the intended height. The intended coverage area of the target cell (#BU03XC032) was then driven to measure the "path loss" of the resultant RF coverage. The measured "path loss" was then plotted using the MAPINFO design tool. The measured "path loss" was then used to calibrate Sprint's "CE4" design tool so that an RF coverage representation for the entire cell could be obtained.

The measured RF coverage outcome for either alternative would influence and direct Sprint's efforts to settle this dispute with the Town of North Boston.

Test Parameters

WNED-FM Site
The test was conducted on 9/4/97 at a height of 320 feet. This was deemed the maximum height that Sprint's antennas could be placed due to cable signal loss and potential interference from WNED's transmission. The original RF propagation height utilized by Sprint was 275 feet at this location. The attached report from WFI in Appendix A details specific drive test parameters. The

Sprint

Sprint PCS

Engineering & Operations
2161 Brighton-Henrietta T L Road
Rochester, New York 14623
Mailstop: NYROC40101

Telephone: [illegible]
Fax: [illegible]

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APPENDIX A

W.F.I

Drive test parameters

Site Name: *WNED-FM*

Site type: *Tower*

Latitude: *42.638N*

Longitude: *78.769W*

Tx Freq: *1935.00*Mhz

Tx power *5.0*W *(At antenna input, after test has been completed)*

Reflected power *.0*W

VSWbR:*0 %*

Antenna Gain: *8*dbi

EIRP: *45*dbm

Antenna Mounting: *320'*

Engineer(s): *Glenn Kreisberg*

9-04-97

W.F.I

Drive test parameters

Site Name: *Myers property*

Site type: *Helicopter*

Latitude: *42.696 N*

Longitude: *78.750 W*

Tx Freq: *1935.00*Mhz

Tx power *5.4W (At antenna input, after test has been completed)*

Reflected power *.0*W

VSWbR:*0 %*

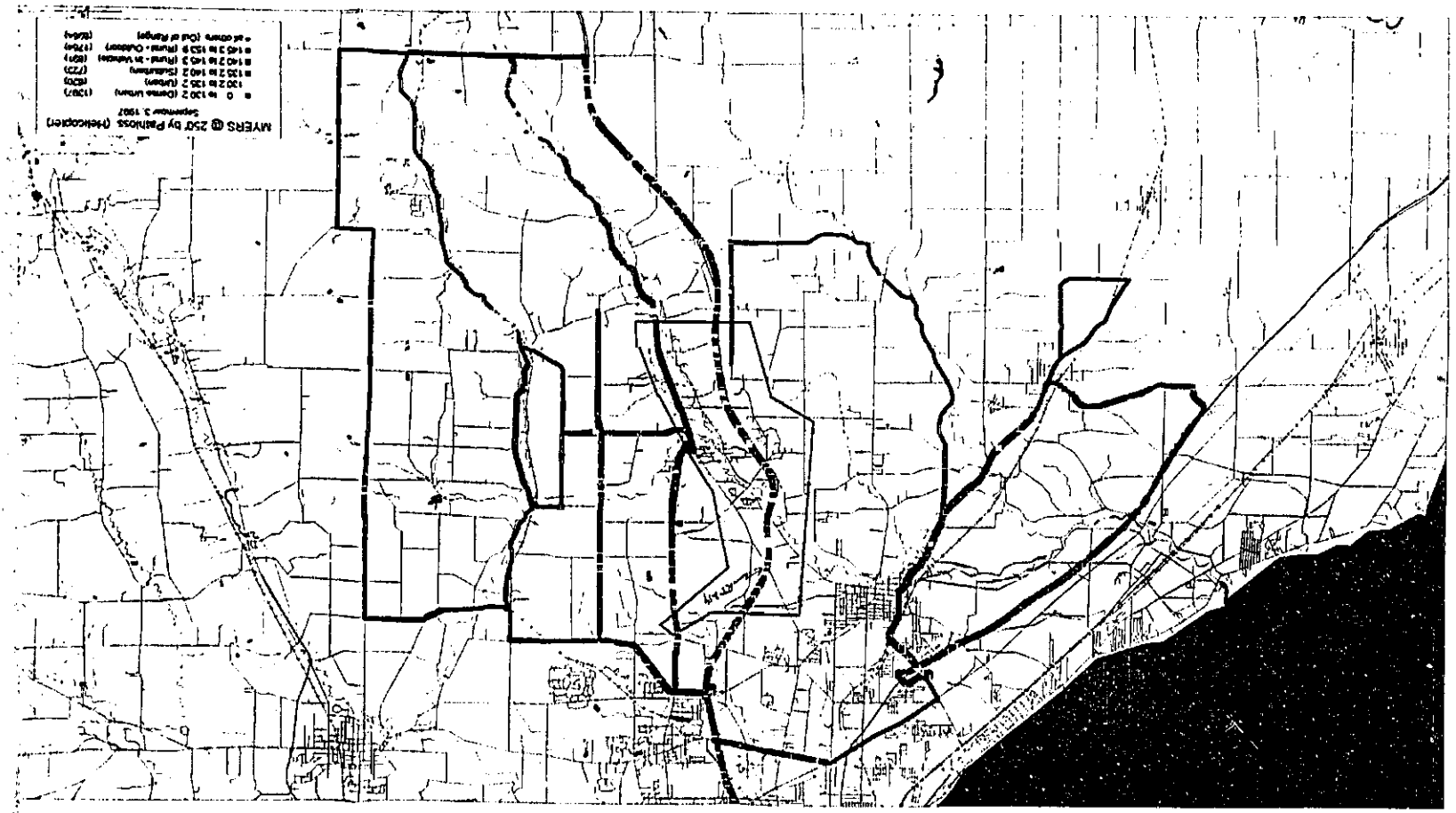
Antenna Gain: *8*dbi

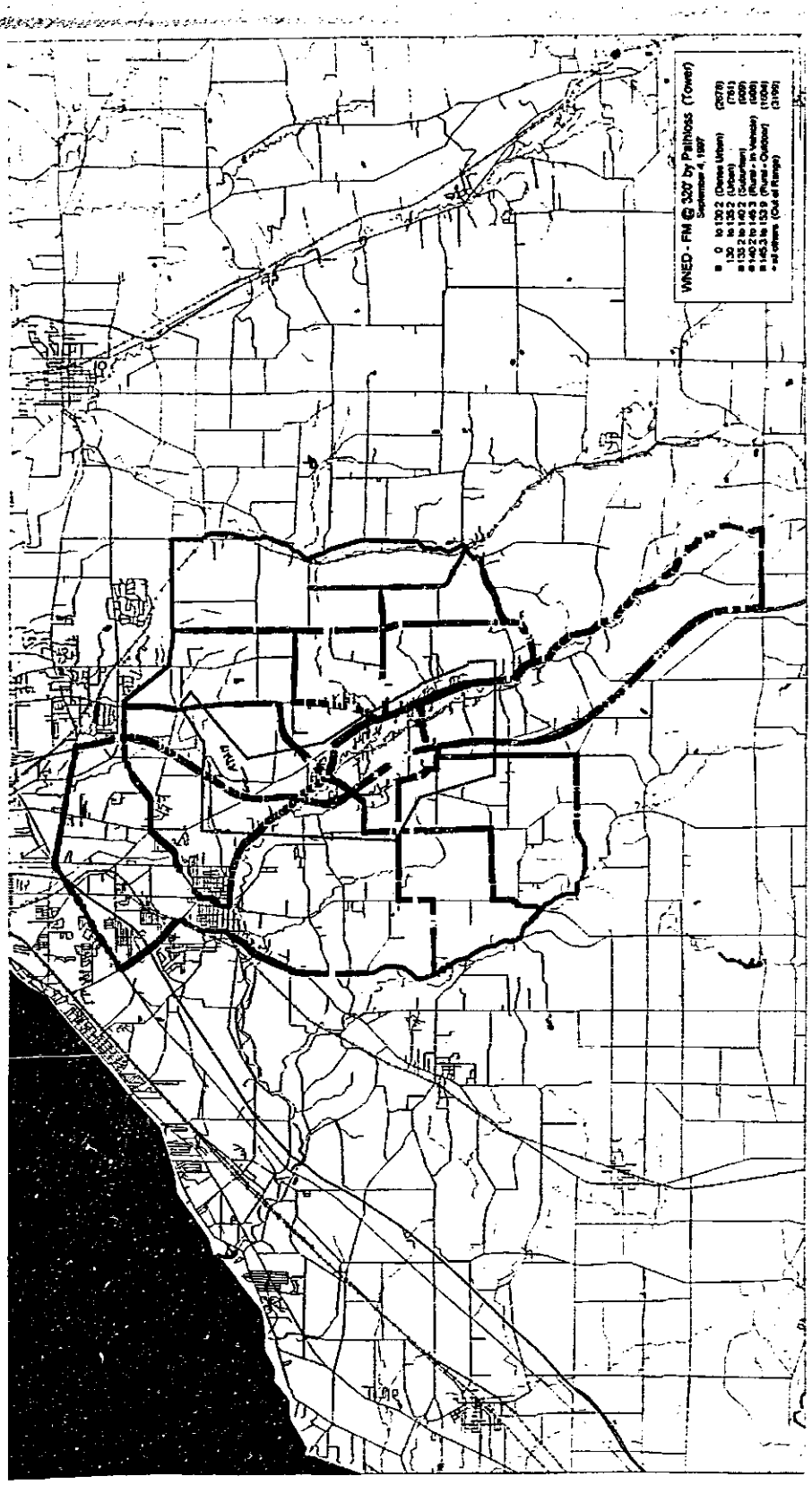
EIRP: *45*dbm

Antenna Mounting: *250' Inverted below copter*

Engineer(s): *Glenn Kreisberg* *9-3-97*

APPENDIX B


MYERS @ 250' By Patmoss (Helicopter)
September 3, 1982
0 to 130 Z (Dense Humus) (139')
130 Z to 136 Z (Medium) (62')
136 Z to 140 Z (Substratum) (72')
140 Z to 140 3 (Humus - Mineral) (62')
140 3 to 153 B (Humus - Dr. Material) (172')
of Drums (Out of Range) (Deep)


WNED - FM @ 320' by Pathloss (Tower)
September 4, 1997
0 to 130.2 (Dense Urban) (2578)
130 to 1332 (Urban) (761)
1332 to 1402 (Suburban) (609)
1402 to 1463 (Rural - In Vehicle) (608)
1463 to 1539 (Rural - Outdoor) (1604)
+ all others (Out of Range) (3195)

APPENDIX C

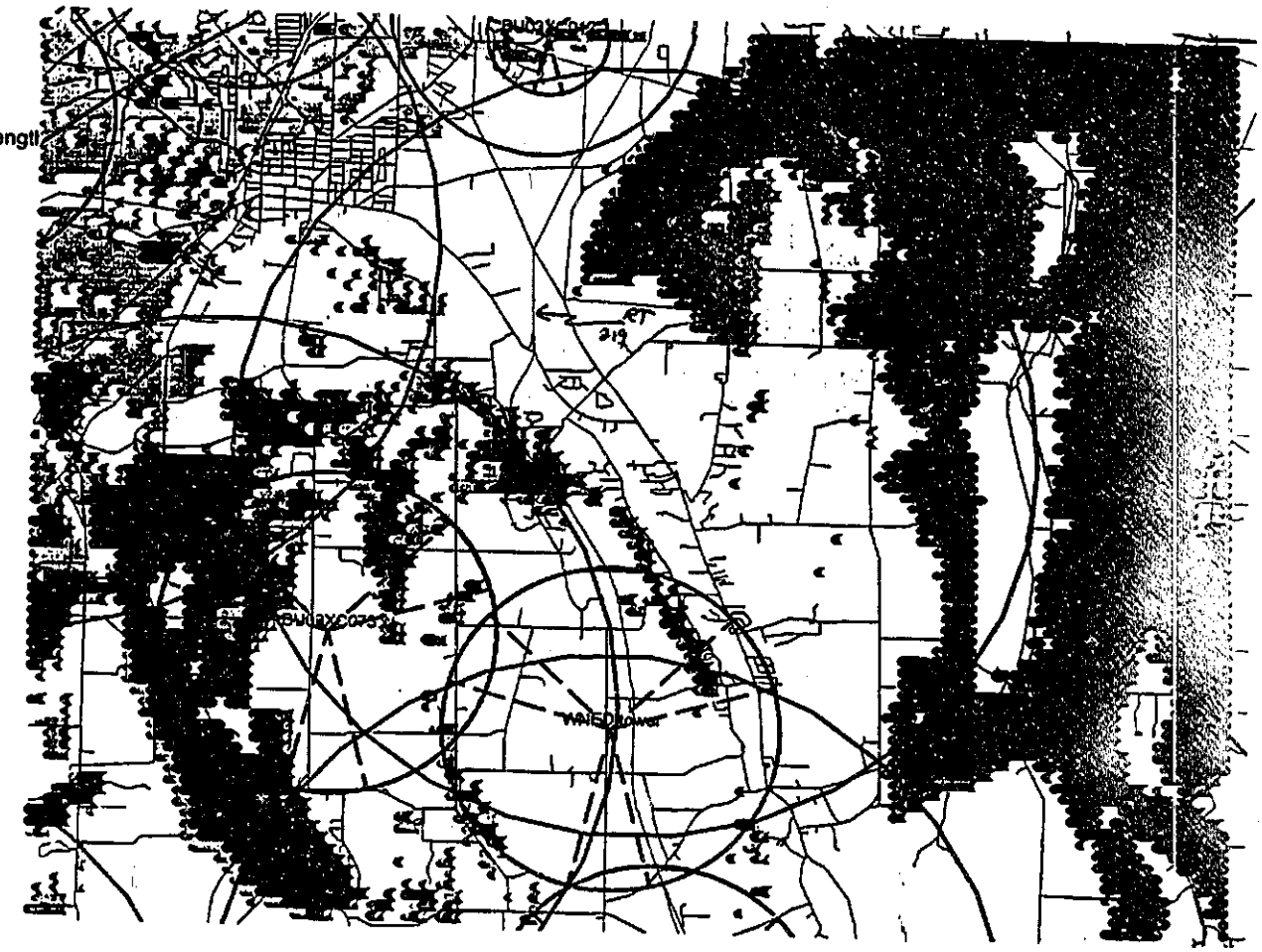
ucent Technologies CE4™
len Teeple SPRINT PCS
F DESIGN ENGINEERING
'25/1997 11:20:47
W 43°42' 0.0" N, 79°30' 0.0" W
E 42°12' 0.0" N, 76°24' 0.0" W
ick marks, lat(7'30") lon(7'30")

ystem Wide Strongest Traffic Signal Strengt

nglish Units
affic Signal Strength in dBm:

113 < ß <= -104
150 <= ß <= -113

WNED Tower at 320'



0 1 2 Miles Scale 1 : 98140 Polyconic Projection

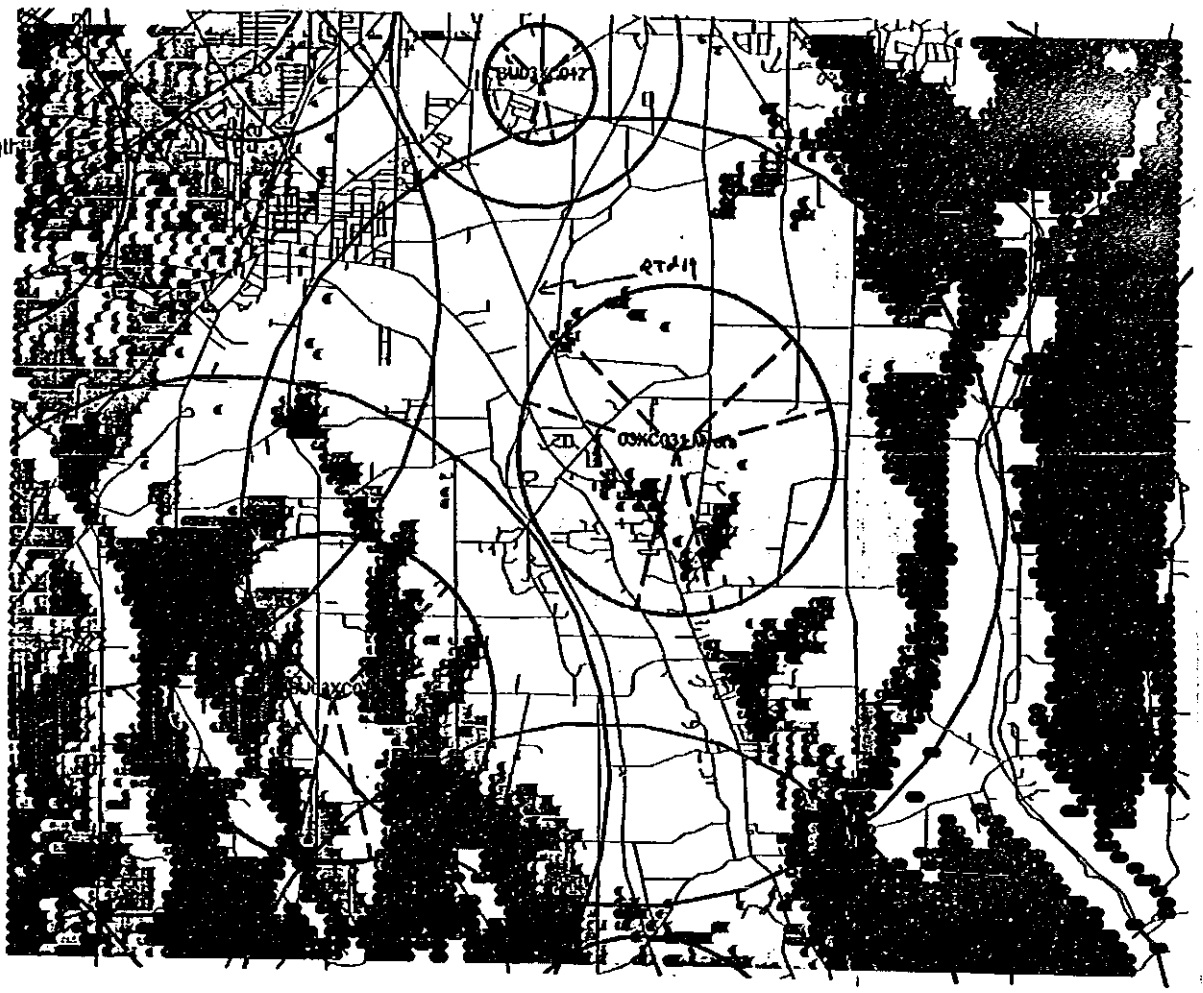
BU03XC031: Myers at 250'

Lucent Technologies CE4™
Glen Teeple SPRINT PCS
RF DESIGN ENGINEERING
9/24/1997 17:04:59
NW 43°42' 0.0" N, 79°30' 0 0" W
SE 42°12' 0.0" N, 76°24' 0.0" W
Tick marks, lat(7'30") lon(7'30")

System Wide Strongest Traffic Signal Strength

English Units
Traffic Signal Strength in dBm:

-113 < ß <= -104
-150 <= ß <= -113



0 2 4 Miles Scale 1 : 100247 Polyconic Projection

EXHIBIT B

Sprint Spectrum RF Drive
Measurement Report
for the Town of Boston, NY

prepared by
William P Johnson
Consultant for the Town of Boston NY
September 12, 1997

Sprint Spectrum RF Drive Measurement Report for the Town of Boston, NY
by William P Johnson September 12, 1997

INTRODUCTION

This report summarizes the RF drive measurements at two sites in the town of Boston, NY, contracted by Sprint Spectrum and performed by Wireless Facilities Inc. (WFI) of San Diego, CA. WFI's engineer on site was Glenn Kreisberg, Associate RF Engineer (619-824-2929). The Meyer's site was tested on 3 September 1997, and the WNED site on 4 September 1997. The purpose of the measurements was to determine the actual propagation characteristics of the test sites and Sprint's ability to adequately cover their target area from these sites. This report describes the calibration, test procedure and results obtained from the RF drive testing.

SUMMARY

The test procedure and data interpretation process were performed to commonly accepted standards. To date, equipment calibration certification has not been demonstrated. This matter is discussed below. Samples of collected data were independently processed by the author using mathematics application software, and the results compare favorably with those of Sprint.

Sprint identified a specific area in which adequate coverage is required. This area includes route 219

Final results indicate that the WNED site at 230' fails to provide adequate RF coverage of route 219. The drop-outs are significant and would result in Sprint not being able to adequately maintain calls in progress from automobiles traversing route 219.

Final results indicate that the Myers site at 250' will adequately cover route 219, although one of the back roads used in the test is below threshold. The author understands that route 219 is the primary target, however.

Due to transmitter source variations during testing, it is estimated that measured results have at least 0.8 dB uncertainty plus/minus the calibration accuracy of the measurement equipment. This uncertainty, by itself, would not change the interpretation of results However, at the time of writing this report there remains an open issue regarding test equipment calibration certification.

Although a pre-test meeting was held with Lucent personnel where NIST calibration of test equipment was discussed, all test equipment used showed no calibration stickers, and in some cases labels showing manufacturer, model and serial number were worn off or missing. At the writing of this report certifications for the test equipment have not been received. Therefore, until such certification is provided, the test results should be interpreted accordingly. WFI's engineer, Glenn Kreisberg, has agreed to provide such information but indicated it may take a while.

Normally, such certifications are maintained on file and copies should have been readily available. This situation coupled with the lack of calibration stickers on the equipment tend to force one to error on the side of skepticism. A follow up report will be issued which will address this pending matter if /when additional documentation is provided.

TEST SETUP

The equipment involved in the test were:

1. Carrier-wave (CW) transmitter (Grayson Electronics, GMT20 REV A, S/N 359335)
2. calibrated transmit antenna (8dBi Antenna, Decibel Products ?)
3. calibrated receive antenna (Antenna Specialties A/S? AM1900)
4. calibrated receiver. (Grayson Electronics "Wireless Measurement System" receiver type GMR-203N S/N 037012)
5. Wattmeter (Bird Thru-line with 25L plug-in) (includes 1935MHz)
6. Dummy load (Termaline Coaxial Resistor, model 8164 (100W), S/N 18623)
7. GPS receiver (Placer Model GPS455 Trimble Part#30375-90 TAIP S/N 0390002383)

The GPS receiver was used to correlate the real-time signal measurements with the mobile vehicle position. Average signal strength as a function of geographic position based upon several samples per second was collected during the drive test. This information was then used to plot average path loss (related to average signal strength coverage) on a map using Mapinfo software. This plot is similar to the propagation simulations except the data is confined to vehicle-passable roadways selected for the drive test. "Path Loss" at a point is defined as:

Path Loss(dBm) = EIRP(dBm) - Average Received Signal Power (dBm)

Average received signal strength measurements are obtained by taking many instantaneous values withing a short time period, and determining the mean value. Since several phenomenon cause the instantaneous signal level to fluctuate, the average value removes these instantaneous variations. Instantaneous variations are the result of physical movement of the transmit and receive antennas, and the rapidly changing composite signal path found in the mobile environment. The test frequency at both sites was 1935MHz.

INITIAL CALIBRATION

Test equipment must be routinely calibrated to assure measurement accuracy is maintained. All measurements involve some uncertainty. "Uncertainty" is defined as the +/- window about a nominal value where it is impossible to narrow the measurement to a specific value. All physical measurements contain some uncertainty.

Sprint Spectrum RF Drive Measurement Report for the Town of Boston, NY
by William P Johnson September 12, 1997

An "NIST traceable calibration" means that critical equipment performance is documented against NIST standards thereby determining accuracy and uncertainty. NIST is the National Institute of Standards and Technology - the former National Bureau of Standards. An NIST traceable calibration is the recognized level for certifiable results. Primary standards are those calibrated directly by NIST, while secondary standards are those calibrated by use of primary standards. Secondary standards may be used to calibrate equipment as a third generation standard, but such equipment is then not useable to calibrate other equipment.

Depending upon the equipment manufacturer's recommendation and the calibration results history of the actual piece of test equipment, periods of six months to one year are common for re-calibration. It is common to affix a sticker to the equipment noting the date of calibration and the due date for the next calibration. Calibration certification documents identify the manufacturer, model serial number, date of calibration, and any other pertinent information to identify the level of calibration and methods used for calibration.

None of the equipment for these tests had such stickers, and WFI's engineer on site agreed to have the documentation faxed in for preparation of this report. To date, the documentation has not been provided.

At the Meyers site (6405 Ward Rd), a helicopter was used to raise the transmit equipment to 250' nearby the proposed ground site. Due to the presence of trees at the proposed site, the helicopter was stationed about 1/4 mile to the east. At the WNED site, the transmit antenna was attached to the NW side of the tower near 230' using existing brackets on the tower.

Prior to connecting the antenna, a wattmeter was used to set the power to be supplied to the antenna by replacing the antenna with a dummy load. A dummy load simulates an antenna for calibration purposes. The wattmeter indicated negligible reflected power, and 4.5W to the dummy load. At the conclusion of each site test, the output power was reported by WFI personnel to be 5.0W (WNED) and 5.4W(Myers). Using 5W as the input to the antenna, this results in an Effective Isotropic Radiated Power (EIRP) of:

$$EIRP = (Power)\ (gain\ factor) = (5)(6.31) = 28.4\ W = 44.5\ dBm$$

At the conclusion of the test at the Myers site, the wattmeter indicated 5.4 watts, an overall change of:

$$10\ LOG\ (5.4/4.5) = 0.79\ dB$$

Sprint used 45 dBm for plotting path loss. This is a satisfactory approximate value. It would have been more conservative to assume the lowest transmit power - which will result in a lower path loss. However, in checking the results the lower value of about 44 dBm - difference of

about 1 dB - would not change the overall interpretation.

DRIVE TEST

A series of nearby roadways was identified for drive testing. WFI personnel drove the routes and collected signal strength as a function of position. Due to the shear volume of the data, it is necessary to process this information by computer. The results are a color-coded plot showing signal intensity along the roadways traversed. This information can be compared to a simulator plot for comparison if required. Ultimately, the values of path loss are plotted, and from this information drop-out areas can be identified. Standard values used by Sprint and Lucent require that path loss be less than 145.3 dBm for reliable in-vehicle coverage. This specific number is based upon the Lucent Technologies PCS RF link budget. The RF link budget and the PCS phone sensitivity leads to the selection of the minimum path loss value stated above. Lucent Technology's representative stated that this link budget is proprietary. Therefore, this path loss threshold value cannot be independently verified.

TEST RESULTS

A map for each test site was generated by Sprint using the data collected by WFI personnel. A sample selection of data specified by the author was independently processed and compared to the Sprint maps. The results show the expected correlation, and support Sprint's map results.

CONCLUSION

The RF drive testing at the WNED site indicate inadequate coverage for PCS. The results for the Myers site indicate the site is viable - except for at least one back road which was used in the drive testing. Test equipment calibration certification is still pending, so results should be interpreted accordingly. Otherwise, all procedures and interpretation of data comply with standard practice.

EXHIBIT C

RJJ

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

SPRINT SPECTRUM L.P., d/b/a SPRINT PCS,

Plaintiff,

vs.

RICHARD L. KENNEDY, JOSEPHINE M. DAVENPORT, PETER A. WALTER, DAMIAN P. WIKTOR, LISA M. ROOD, CONSTITUTING THE TOWN BOARD OF THE TOWN OF BOSTON; AND THE TOWN OF BOSTON,

Defendants.

Index No. :I 1997-2165

Hon. James B. Kane

SPRINT SPECTRUM L.P., d/b/a SPRINT PCS,

Petitioner,

vs.

RICHARD L. KENNEDY, JOSEPHINE M. DAVENPORT, PETER A. WALTER, DAMIAN P. WIKTOR, LISA M. ROOD, CONSTITUTING THE TOWN BOARD OF THE TOWN OF BOSTON,

Respondents.

Index No. :I1997-2481

Hon. James B. Kane, J.S.C.

ORDER

Sprint Spectrum L.P. d/b/a Sprint PCS ("Sprint PCS"), by its attorneys, Harris Beach & Wilcox, LLP, having duly moved for a preliminary injunction (a) enjoining the Defendants from enforcing "Local Law No. 1-1997" imposing a moratorium on

wireless communications facilities and from enacting any similar moratoriums, (b) vacating the decision of the Defendants which denied Sprint PCS's application for a Special Use Permit, (c) directing the Defendants to grant a Special Use Permit and issue a building permit for the telecommunications facilities to be located on Ward Road in the Town of Boston and (d) granting the Plaintiff an expedited hearing on the merits of its claims, and

Sprint PCS having duly filed a Notice of Petition and Petition for a judgment pursuant to Article 78 of the Civil Practice Law and Rules and pursuant to Section 267 of the Town Law annulling the denial of a Special Use Permit to Sprint PCS, and

The motion for a preliminary injunction and Petition pursuant to Article 78 of the Civil Practice Law and Rules and Section 267 of the Town Law having regularly come on to be heard,

Now upon reading the Order to Show Cause dated April 2, 1997, the Affidavit of Patrick J. Maxwell, sworn to April 2, 1997, the Affidavit of Kathleen Pomponio, sworn to March 20, 1997, the Affidavit of Ralph Mastrangelo, sworn to March 20, 1997, the Affidavit of Eugene Fassett, sworn to March 20, 1997, the Affidavit of William Wind, sworn to March 24, 1997, the Affidavit of Jonathan M. Pfohl, sworn to April 21, 1997, the Affidavit of Maureen Elwell, sworn to March 21, 1997, and the exhibits attached to such affidavits, the Summons and Complaint served in the action

bearing the index number 1997-2165, the Order to Show Cause Why Decision of Town Board Should Not Be Annulled dated March 21, 1997 and the Verified Petition dated March 20, 1997 and the exhibits attached thereto, the Answer to Verified Petition dated April 1, 1997, the Certified Record dated April 1, 1997 and the Affidavit of Michael F. Perley, sworn to April 17, 1997 and the Report of David Olek dated September 29, 1997, and the exhibits attached thereto, and after hearing Harris Beach & Wilcox, LLP (Raymond J. Stapell, Esq., of Counsel) for Sprint PCS in support of the motion for a preliminary injunction and the Article 78 Petition seeking an annulment of the denial of a Special Use Permit to Sprint PCS and Michael F. Perley, Esq., the Town Attorney for the Town of Boston, and Bruce Zeftel, Esq., in opposition on behalf of all the Defendants/Respondents, and after due deliberation having been held thereon, it is hereby

ORDERED AND ADJUDGED that the application of Petitioner Sprint Spectrum L.P., d/b/a Sprint PCS, made under Index Number 1997-2481, for an Order annulling the denial of its application for a Special Use Permit by the Town Board of the Town of Boston, be and the same is hereby, granted, without costs; and it is further

ORDERED AND ADJUDGED that the Special Use Permit Application of the Petitioner Sprint Spectrum, L.P. d/b/a Sprint PCS be, and the same is, herewith remanded to the Town Board of the Town of Boston with the specific direction of this Court that the said Special Use Permit be granted by said Town Board subject to reasonable conditions in accordance with Section 123-48B.1 of the Town Code of the

Town of Boston, New York as such sections existed prior to the adoption of Local Law No. 6-1997 by the Town of Boston; and it is further

ORDERED, that pursuant to a stipulation by the parties, that upon the issuance of building permit by the Town of Boston for the construction of a telecommunications facility at the Meyers site, a stipulation of discontinuance will be filed in action bearing Index Number 1997-2165, and all claims, including claims for damages against said Defendants, will be discontinued; and it is further

ORDERED, that this Court will retain jurisdiction until such time as a stipulation of discontinuance has been filed.

James B Kane

Hon. James B. Kane, J.S.C.

ENTERED:

GRANTED
OCT 31 1997 19
Rosemarie Garbo
COURT CLERK
ROSEMARIE GARBO

O:\USER\JXJ\SPRINT\BOSTON\ORDER11.14
October 24, 1997 - 2:34 pm

RESOLUTION 1997 - 27

COMMUNITY DEVELOPMENT BLOCK GRANT REQUESTS FOR 1998 - 1999

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 5th day of November, 1997 at 7:30 P.M.

PRESENT:

Richard L. Kennedy	Supervisor
Damian P. Wiktor	Councilman
Josephine M. Davenport	Councilman
Peter A. Walter	Councilman
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 15th, 1997 relating to suggestions by the public for projects to be submitted for funding during 1998.

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 1998.

1st Priority - Senior citizen patio, boccie court and necessary patio furniture

2nd Priority - Rural Transit Service

BE IT FURTHER RESOLVED; that the Town Board of the Town of Boston authorize the Town Supervisor to sign, submit and execute any contracts relating to the described priority projects upon their approval by the Erie 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 Aye**
Councilman Davenport	**Voting Aye**
Councilman Walter	**Voting Aye**

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

David J. Shenk

David J. Shenk, Town Clerk

REGULAR BOARD MEETING
NOVEMBER 5, 1997

TOWN HALL
7:30 P.M.

LEGAL 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, 1998 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 5th day of November 1997 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	$24,250.00
Councilman	6,315.00
Councilman	6,315.00
Councilman	6,315.00
Councilman	6,315.00
Town Clerk	31,300.00
Town Justice	10,850.00
Town Justice	10,850.00
Superintendent of Highways	38,625.00

Dated: October 2, 1997
Published: October 23, 1997
By Order of the Town Board
10-23 David J. Shenk, Town Clerk

Supervisor Kennedy convened the Public Hearing.

Supervisor Kennedy read the 1998 Budget totals:

Appropriations	3,234,337.00
Less Estimated Revenue	916,100.00
Less Unexpended Balance	554,156.00
Amount to be Raised by Taxes	1,764,081.00

No comments were made.

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to close the Public Hearing at 8:14 p.m.

five (5) Carried

A motion was made by Councilman Walter and seconded by Councilman Rood that the 1998 General Fund Budget be approved as follows:

Appropriations	1,091,130.00
Less Estimated Revenue	613,300.00
Less Unexpended Balance	298,000.00
Amount to be Raised by Taxes	179,830.00

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter that the 1998 Highway Fund Budget be approved as follows:

Appropriations	843,518.00
Less Estimated Revenue	302,800.00
Less Unexpended Balance	10,000.00
Amount to be Raised by Taxes	530,718.00

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Walter that the 1998 Fire Protection Budget be approved as follows:

Appropriations	501,124.00
Less Estimated Revenue	00.00
Less Unexpended Balance	6,124.00
Amount to be Raised by Taxes	495,000.00

five (5) Ayes Carried

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 5, 1997 — 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport that the 1998 Light District Budget be approved as follows:

Appropriations	23,554.00
Less Estimated Revenue	00.00
Less Unexpended Balance	3,054.00
Amount to be Raised by Taxes	20,500.00

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Supervisor Kennedy that the 1998 Ambulance Budget be approved as follows:

Appropriations	96,039.00
Less Estimated Revenue	00.00
Less Unexpended Balance	7,000.00
Amount to be Raised by Taxes	89,039.00

five (5) Ayes — Carried

A motion was made by Councilman Rood and seconded by Councilman Davenport that the 1998 Refuse and Garbage Budget be approved as follows:

Appropriations	361,178.00
Less Estimated Revenue	00.00
Less Unexpended Balance	35,978.00
Amount to be Raised by Taxes	325,200.00

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Walter that the 1998 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 Walter and seconded by Councilman Rood that the 1998 Water District #1 Budget be approved as follows:

Appropriations	72,055.00
Less Estimated Revenue	00.00
Less Unexpended Balance	00.00
Amount to be Raised by Taxes	72,055.00

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded Councilman Davenport that the 1998 Water District #2 Budget be approved as follows:

Appropriations	236,775.00
Less Estimated Revenue	00.00
Less Unexpended Balance	194,000.00
Amount to be Raised by Taxes	42,775.00

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood that the 1998 HSW Water District #1 Extension Budget be approved as follows:

Appropriations	7,753.00
Less Estimated Revenue	00.00
Less Unexpended Balance	00.00
Amount to be Raised by Taxes	7,753.00

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 5, 1997 — 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor that the 1998 schedule of salaries for the elected Town officials be approved as follows:

Supervisor	24,250.00
Councilman	6,315.00
Councilman	6,315.00
Councilman	6,315.00
Councilman	6,315.00
Town Clerk	31,300.00
Town Justice	10,850.00
Town Justice	10,850.00
Superintendent of Highways	38,625.00

five (5) Ayes — Carried

Supervisor Kennedy read a letter from fourteen (14) residents stating that a letter from the Town Board sent to residents on July 16, 1997, regarding the correcting of an error in the zoning of 9748 Trevett Road, was misleading.

Supervisor Kennedy read the following petition signed by fifteen (15) residents of Trevett Road:

We, the undersigned residents of the Town of Boston express our strong disapproval and deep concerns over the proposed machine shop project for 9748 Trevett Road. A project of this nature would create excessive noise and air pollution along with various environmental, safety, additional traffic and property devaluation concerns, not only to the adjoining residential properties but also to those surrounding. We feel the proposed business is too large for the size of the property.

Supervisor Kennedy read a letter from TVGA Engineering regarding the issues of noise and exhaust fumes raised by the Planning Board regarding the proposed Machine Shop at 9748 Trevett Road. TVGA Engineering concluded that the issues raised do not meet or exceed any of the thresholds contained in the SEQR Part 2 impacts and that the brush and tree row between the proposed business and the residence to the northeast will adequately serve as a buffer to reduce and minimize any impact.

Supervisor Kennedy noted that in accordance with the Town Board request regarding the proposed Machine Shop at 9748 Trevett Road, Maurice and Pearl Emerling submitted a long form SEQR form, an updated survey as of October 1, 1997 and a letter of transmittal from E & M Engineers dated October 16, 1997.

Supervisor Kennedy asked Mr. Daniel Genzel (owner of the proposed machine shop, 9748 Trevett Road) how he intended to dispose of the cutting oils and materials used in his business.

Daniel Genzel, 7580 Lower East Hill Road: Presently the oils are stored in five (5) gallon drums inside the building (behind Emerling Chevrolet) and taken to the machine shop in Angelica, NY which burns oil in the winter. The soluble water/running oils are self contained and a driver picks them up for disposal.

Supervisor Kennedy commented that he wanted to clarify that nothing was discharged into the adjacent streams which is not allowable under DEC regulations.

Councilman Rood inquired if the person picking up the oils is licensed and posses a permit to haul the materials and Daniel Genzel responded that he would hope so.

Councilman Rood inquired if the insulation in the walls and ceilings meet the NYS Building Code to address the noise factor and also what the hours of operation will be.

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 5, 1997 — 7:30 P.M.

Daniel Genzel responded that the insulation definitely will meet code requirements and the hours of operation will be from 7:00 to 5:00 p.m.

Supervisor Kennedy asked Maurice Emerling if the woodworking shop would not be working evenings and Maurice Emerling replied no.

Councilman Davenport inquired if the building would have air conditioning which would aid in the noise factor by keeping the windows closed and Daniel Genzel replied yes.

Robert Nowak, 9742, Trevett Road inquired if this drainage would be running through his land and noted there is no stream back there.

Supervisor Kennedy commented that there is a runoff somewhere behind there.

Robert Nowak stated that he has retained legal council and he is aware of the deadline for filing an Article 78 lawsuit.

Jerauld Gernold, 9702 Trevett Road asked what will be done with the water runoff. There is no easement to run a tile on his property to the creek. The water is coming down Trevett Road and the ditch is filled with debris but this won't take care of the runoff.

Dorothy Becony, 9766 Trevett Road reported that the receiver in front of Richard Emerling's, 9776 Trevett Road is plugged up.

Maurice Emerling, 9824 Trevett Road noted there are two different directions for the water runoff. One is along Trevett Road and one is the area that the Town Engineer specified that goes to the west from the site. The runoff is not scheduled to go along Trevett Road. It is scheduled to go to the west.

Jerauld Gernold noted that the runoff will then go across his property and an easement or permit has not been acquired.

Supervisor Kennedy commented that the runoff is not creating a new drainage ditch because there is an existing wash or depression there that carries water and has carried water there for a long time.

A motion was made by Councilman Rood and seconded by Councilman Davenport to table the decision until this drainage issue can be resolved on the Site Plan Review for a Proposed Machine Shop at 9748 Trevett Road.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to schedule a Public Hearing on December 3, 1997 at 7:50 p.m. for the Proposed Local Law No. 11 of 1997 - Senior Citizen Exemptions.

five (5) Ayes — Carried

SUPERVISOR REPORT

A) Supervisor's Bank Account Report for October 1997 was received and is on file in the Clerk's Office.

Supervisor Kennedy commented that as previously mentioned the Water District No. 1 tank is now in service and hopefully all the tap-ins can be completed before we have any adverse weather.

REGULAR BOARD MEETING
NOVEMBER 5, 1997

TOWN HALL
7:30 P.M.

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 October 1997.

five (5) Ayes — Carried

TOWN ATTORNEY REPORT

Town Attorney Perley reported that the structures on the McKillen property, 9296 Zimmermann Road were demolished on October 16, 1997. A bill was submitted by Eastwood Industries and a credit was issued for $450.00 based upon the work that Mr. McKillen preformed to assisted in the demolition of the main structures. A copy of the bill was sent to Mr. McKillen and Town Attorney Perley advised him that he should reimburse the town the net amount of the bill within thirty (30) days or a motion will be adopted to place the outstanding amount on the tax rolls.

Town Attorney Perley noted that a Negative Declaration was adopted when the Sprint Spectrum Resolution was originally adopted. Now due to the fact that the project is going forward, the Negative Declaration must be published with an amendment.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor that the following factors be adopted as an amendment to the Negative Declaration supporting a determination of non-significance:

a) Under SEQR this project is situated on rural land and is at least 1,000 feet from any dwelling.

b) The project is partially screened by existing forest and the project will not impact any designated scenic vistas.

c) This project is situated, designed and constructed to minimize the need for construction of additional facilities and the project does not require any extraordinary services to be rendered by the Town of Boston to the applicant.

five (5) Ayes — Carried

Town Attorney Perley announced that the Article 78 Proceeding petitioned by Angelo DiGiuli is scheduled to be heard by Justice Howe next week.

COUNCILMAN REPORT

Councilman Rood reported that because Ilio DiPaolo was an avid boccie player, she contacted the DiPaolo fanily, owners of Ilio DiPaolo Restaurant in Blasdell, requesting information for the construction of a boccie court. Since Mr. DiPaolo helped former Buffalo Bills player, Jim Kelly construct a boccie court, the family faxed the same plans and information to Councilman Rood to aid the Town of Boston in the construction of a boccie court. Councilman Rood will forward the information to the Grants Person for the CDBG funding project.

Councilman Rood reported she has been in an ongoing dialogue with National Fuel in an attempt to secure gas service for residents of Rockwood Road.

Councilman Rood attended a meeting regarding the drainage problem on Lu-Don Drive. It was decided that a drainage expert from Erie County would offer his expertise to address the problem.

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 5, 1997 — 7:30 P.M.

COUNCILMAN REPORT (CONT.):

Councilman Wiktor reported that he attended the Route 219 Association annual meeting on October 24, 1997. The Route 219 Association is attempting to petition the federal government to create the 219 route as a trade corridor. We are now in competition with the Windsor Detroit area who is also doing the same thing. They are forming a trade corridor hoping that this will be an economic boom to these two cities, bypassing Western New York. Commissioner of Transportation, Joseph Boardman stated that should the 219 project be completed through New York and through Pennsylvania and onward, the state would see an excess of 32,000 jobs to be created. This would become one of the booms for Buffalo with the new NFTA projects in Canada. Serious negotiations would have to be held with the representatives of the Cattaraugus Indian Reservation so as not to incur the same types of problems the State presently holds with Route 17. The representatives of the Cattaraugus Indian Reservation realize that this would also be a boom to the Indian Reservation.

Councilman Davenport offered her congratulations to the newly elected Supervisor and to the other newly elected officials.

CODE ENFORCEMENT OFFICERS REPORT

A) Code Enforcement Officer monthly report for October 1997 was received and is on file in the Clerk's Office.

B) Deputy Code Enforcement Officer monthly report for October 1997 was received and is on file in the Clerk's Office.

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officer monthly report for October 1997 was received and is on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for October 1997 was received and is on file in the Clerk's Office.

A motion was made by Councilman Wiktor and seconded by Councilman Rood to adjourn the meeting at 8:54 p.m.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 19, 1997 — 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.

Rev. John VanHaneghan, Good Shepherd Lutheran 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 5, 1997 regular monthly meeting.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter that General Fund and Special District Bills on Abstract #11A, dated November 15, 1997 in the amount of $112,110.02 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Walter and seconded by Councilman Wiktor that the Highway Bills on Abstract #11A, dated November 19, 1997 in the amount of $14,561.53 be paid.

five (5) Ayes — Carried

Received and filed the Erie County Sheriff's Monthly Report for October 1997.

Received and filed a State of New York, Department of Labor, Notice of Filing in the matter of CVM Electric, Inc., HEC, Inc., Nichter Construction, Inc. and Meridian Consulting Group, Inc., pursuant to Article 8 of the Labor Law.

Received and filed a Notice of a Tentative State Equalization Rate of 77.30 for the 1997 Assessment Roll.

A motion was made by Councilman Davenport and seconded by Councilman Rood to direct the Town Clerk to send a letter to our US Senators, US Congressmen and Mr. William Kennard, Chairman Designate, Federal Communications Commission (FCC), on the recommendation of Varnum, Riddering, Schmidt & Howlett, Attorneys at Law, and on behalf of the Town of Boston, expressing opposition to attempts by the FCC to preempt local zoning for cellular, radio and television towers and making itself a "Federal Zoning Commission" for cellular and broadcast towers.

five (5) Ayes — Carried

Received and filed notification from the Planning Board that the November 25, 1997 meeting is canceled due to a lack of agenda items. The official town newspapers have been notified.

REQUESTS FROM THE FLOOR

David Early, 7125 Omphalius Road, noted a Town Council seat will be vacant (to be resigned by Councilman Rood at the end of the year and for which the Town Board will appoint a member to serve until the November 1998 election) and requested that consideration be given to appointing Councilman Walter in that he appears to be the most qualified and has shown the most diligence in his work and also that we will have two (2) new members who have very little knowledge of what goes on behind the scenes. He also noted that he was not sure if Councilman Walter would consider the appointment but that the townspeople should have a say and they would be very pleased to have him serve. He commented that Supervisor Kennedy has also done a good job for the Town of Boston.

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 19, 1997 — 7:30 P.M.

Supervisor Kennedy commented that Mr. Walter has served well as Councilman and that when the new Town Board convenes it will consider all persons who submit applications for the job.

Councilman Walter thanked David Early for the compliment.

Daniel Becony, 9766 Trevett Road, requested better handicap access for the rear entrance to the Town Hall stating that an automatic button would be ideal.

Supervisor Kennedy responded that when that part of the Town Hall was built an ADA (Americans with Disabilities Act) requirement was not in force and although the doorway was modified it does not work properly and will be fixed.

Karl Simmeth, 6678 Meadowbrook Drive, requested that a street light, located in a field where the Boston Cross Road almost intercepts the Boston Colden Road, be removed.

Councilman Walter will address the problem.

Received and filed a recommendation from TVGA Engineering that the Sprint Tower road construction be inspected by the Town of Boston upon completion to ensure that no drainage problems have been created.

A motion was made by Supervisor Kennedy and seconded by Councilman Walter to approve the General Fund Appropriation of Funds as follows:

Approp #960	11,000.00		
From Unallocated Ins		A1910.4	11,000.00
To Public Safety Demo. of Buildings		A1570	11,000.00

five (5) Ayes — Carried

Received a Notice of Petition and an Order to Show Cause in the matter of the Application of Robert and Kathleen Nowak, 9742 Trevett Road, for a Judgement under Article 78 of the Civil Practice Law and Rules for annulment of a zoning decision against the Town of Boston regarding the Proposed Machine Shop at 9748 Trevett Road.

Town Attorney Perley commented that he received an Order to Show Cause on November 18, 1997, regarding the Proposed Machine Shop at 9748 Trevett Road. This Order contains a stay which prevents the Town from taking further action pending a resolution of the Order. He is concerned that a stay was issued without giving the Town of Boston an opportunity to have the issue of the stay determined by the court in a timely fashion. Town Attorney Perley contacted the court and arranged a Hearing for November 26, 1997 at 9:30 a.m. on the issue of the stay.

A motion was made by Supervisor Kennedy and seconded Councilman Wiktor to table action on the Proposed Machine Shop at 9748 Trevett Road until the December 3, 1997 Town Board meeting.

five (5) Ayes — Carried

RESOLUTION 1997 - 29 **UNPAID BILLS**

RESOLUTION 1997 - 30 **EAGLE SCOUT DANIEL SCHOOLEY**

SUPERVISOR REPORT

A) Supervisor's monthly report for October 1997 was received and is on file in the Town Clerk's Office.

TOWN OF BOSTON

RESOLUTION 1997 - 29

UNPAID BILLS

At the regular Town Board meeting 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 November 1997 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

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 1998 Tax Rolls the following Water Bills and Demolition Bill:

Water Bills:

SBL # 226.02-3-1.11	6385 Willow Drive	$ 216.74
258.06-2-7.11	6867 Pin Oak Drive	$ 378.85

Demolition Bill:

SBL # 241.00-1-32	9296 Zimmerman Road	$11,000.00

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

RESOLUTION 1997-30

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 November, 1997 at 7:30 p.m., there were present:

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

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

WHEREAS, the Town of Boston is honored to have a young man from Boy Scout Troop #4, sponsored by the Hamburg Moose Lodge #992, who will receive at a ceremony on December 3, 1997 the rank of Eagle Scout, and

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

WHEREAS, his accomplishments are not only a credit to him, but also to his parents, his Scout leaders and other members of Troop #4 who assisted him and encouraged him in attaining this Eagle Scout rank, and

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

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

This resolution was seconded by Councilman Wiktor and duly put to a vote, as follows:

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

Ayes: 5 Carried

David J. Shenk, Town Clerk

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 19, 1997 — 7:30 P.M.

SUPERVISOR REPORT (CONT.)

Supervisor Kennedy announced the application for the CDBG (Community Development Block Grant) Funds has been filed for the Boccie Court and Patio. The application is for approximately $18,000 and consists of $4,000 for the Parks and Highway Department preparation of the grounds, and for furniture and planters.

TOWN CLERK REPORT

A motion was made by Councilman Wiktor and seconded by Councilman Rood to schedule the End of Year Town Board Meeting for December 31, 1997 at 10:00 a.m.

five (5) Ayes — Carried

COUNCILMAN REPORT

Councilman Rood reported that she has been in contact with a representative from J. O'Connell & Associates, Grants Consultants, regarding the CDBG Grant for the Boccie Court. She has offered ideas and suggestions and will take pictures of the site to be submitted with the report.

Councilman Wiktor announced the Planning Board held an on-site inspection on November 15, 1997 for both the Brunner rezoning request for a commercial district on Boston State Road and for the Special Use Permit application for a Ham Radio Tower at 5530 Keller Road. The recommendations will be reviewed at the December 9, 1997 Planning Board meeting.

Councilman Walter reported he received a call from a resident, with property bordering Eighteen Mile Creek, regarding rip-rap being installed with permission from the Army Corps of Engineers.

Code Enforcement Officer Kramer commented that the resident is in violation of DEC regulations and that the contractor, Eastern Summit, does not have a permit from the DEC. The Town of Boston must also issue a permit for any work done in the flood way. The DEC supersedes the Army Corp of Engineers. Code Enforcement Officer Kramer will contact Eastern Summit regarding the problem.

Supervisor Kennedy reported that he had a call from the Town Engineer, in regards to the same property near the Trevett Road Bridge, because they had torn up the bank on the side toward the Boston State Road, after it was restored and seeded. There will be a problem if the bank remains in the condition that it is now.

Councilman Walter thanked everyone on behalf of his wife Marlene, for all the flowers and cards sent to her during her convalescence.

A motion was made by Councilman Walter and seconded by Councilman Wiktor to adjourn the meeting at 8:10 p.m.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
DECEMBER 3, 1997 — 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.

Rev. Gary Burdick, Faith United Church of Christ, 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 19, 1997 regular monthly meeting.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Rood that the General Fund and Special District Bills on Abstract #12, dated December 3, 1997 in the amount of $76,933.60 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter that the Highway Bills on Abstract #12, dated December 3, 1997 in the amount of $3,691.67 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 1997.

five (5) Ayes — Carried

Received and filed a Notice of a Public Hearing relating to the required 8-year review for the Concord Agricultural District.

Received and filed an Approval of Completed Works for Water District No. 1 Public Water Supply Improvement from the Erie County Department of Health - Lower Crestwood Circle Water Storage Tank.

Received and filed an Approval of Completed Works for Water District No. 1 Public Water Supply Improvement from the Erie County Department of Health - Omphalius, Liebler Roads.

Received and filed notification that the L&B Ventures, Inc. d/b/a/ Boston Inn, 59373 Boston State Road, has applied to the NYS Liquor Authority for an On-Premise Liquor License.

REQUESTS FROM THE FLOOR

Phyllis Pawlowski, 6069 Thornwood Drive: I have been here before and I would like to reiterate again, that as a taxpayer and a parent in the Town of Boston, I feel, as well as many of the people I brought with me, and I have a petition with me, that we feel the need for the Town Board and Planning Board to look at the need for a community youth center in the Town of Boston. I am asking the Town Board and Planning Board to show me some guidance and some leadership in making this happen.

Supervisor Kennedy: Your comments might be more appropriately addressed to the Capital Improvement Committee rather than the Planning Board. The Planning Board reviews existing plans and as this would be a capital expenditure, the Capital Improvement Committee would explore all the possibilities. Appointments will be made to this committee after January 1, 1998 and you could offer to serve on this committee.

Amy Thill, 7175 Butternut Road: I am a mother of three (3) children and I was involved with scouts. Currently I am a probation officer with the Juvenile Department of Erie County. It has come to my attention that children on probation lack a sense of

REQUESTS FROM THE FLOOR (CONT.)

Amy Thill, (Cont.): community and often have no place to go after school. They are latch key children and I don't see any reason why Boston should not have a center like all the other areas do, who offer assistance to kids and to parents who are under a lot of stress these days.

Kathy Grech, 7818 Hywood Drive: I am a teacher at Boston Valley School and I have two (2) pre-teens and my concerns are not only about my children and having to drive them into Hamburg for activities but for all the parents who are involved on that track. I think we offer an extraordinary amount of programs for our young people in the Boston area, however when our kids turn a certain age we loose it. I would like to see a center here. All the women who are going to speak tonight are active in this community, are very involved and willing to help in more ways than one.

Councilman Rood: We do have a Friday Night Recreation Program that I am not sure you are aware of.

Phyllis Pawlowski: We would like a community building where they can give back to the community also. Not every child in that age group of twelve to seventeen years old is athletic. Some kids just need to sit at a computer. We are talking about having a community center where kids could go after school and utilize it for certain age groups and at different times for older age groups.

Colleen Lavin, 9695 Boston State Road: How can we get water extended to our homes?

Supervisor Kennedy: What actually happened was that for thirty-five (35) years Mrs. Follman was not paying taxes in Water District No. 1 because there was an error made in that determination. After Ms. Lavin purchased the property from Mrs. Follman in 1990, taxes were paid on both properties. In Mrs. Follman's letter it indicates that you have been paying taxes and not receiving the benefits. You probably could access the water line but a determination by the Town Engineer would need to be made.

Town Attorney Perley: Water District No. 1 is an ad-valorem district which is a district where the residents pay based upon the assessed value of the property and not on whether or not they are actually receiving water service. Based upon the fact that these two (2) properties are currently taxed but do not receive water and based on the design and the fact that the district did not receive payments that should have been made to the district, (meaning the other people that have contributed over the years for the water district), there are, in my opinion, two (2) avenues here. The first avenue is, that based upon the fact that there is not a line extended across the entire frontage of your property to Mrs. Follman's property, the Town Board could make a determination that your property was not benefitted by the existence of this water district. The district lines would be re-drawn, eliminating these properties and refunding your tax monies. The alternative would be to determine that these properties could be benefitted, and in fairness to the other residents in the district, determine the amount of taxes that should have been paid over the period of thirty-five years and assess that amount and treat you as a full member of the district. However, I have not fully researched this and this decision is preliminary.

At 7:50 p.m. a Public Hearing was held for the purpose of hearing public comments on Local Law No. 11 of the Year 1997 (Proposed), entitled a Local Law to modify the calculation of Senior Citizen exemptions under the Real Property Tax Law of the State of New York.

REGULAR BOARD MEETING
DECEMBER 3, 1997

TOWN HALL
7:30 P.M.

PUBLIC HEARING (CONT.)

Supervisor Kennedy read the legal notice and the (Proposed) Local Law No. 11 of the Year 1997.

LEGAL NOTICE
TOWN OF BOSTON
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN a copy of Local Law Number 11 of the year 1997 (Proposed), entitled a Local Law to modify the calculation of Senior Citizen exemptions under the Real Property Tax Law of the State of New York has been presented to the Town Board.

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston will conduct a Public Hearing on the aforesaid Local Law at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on Wednesday, December 3, 1997 at 7:50 P.M., Eastern Prevailing Time, at which time all interested persons will be heard.

Dated: November 6, 1997
Published: November 20, 1997
By order of the Town Board
11-20 David J. Shenk, Town Clerk

Town Attorney Perley: There is an amendment in the 1997 Current Session Laws, adopted by the legislature, allowing towns to adopt a Local Law to allow the Assessor to exclude Veterans Disability Benefits from the calculation of income, applicable on or after January 1, 1998. This is important when calculating the amount of the Senior Citizen exemption because as income levels increase, the exemption decreases and is eliminated when income reaches a certain level. The Local Law becomes effective under the Municipal Home Rule Law the date it is filed with the Secretary of State.

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 8:00 p.m.

five (5) Ayes Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter to adopt (Proposed) Local Law No. 11 of the Year 1997 (which will be renumbered as Local Law No. 9 of the Year 1997), to modify the calculation of Senior Citizens exemptions under the Real Property Tax Law of the State of New York, effective January 1, 1998.

five (5) Ayes Carried

LEGAL NOTICE
TOWN OF BOSTON
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston, Erie County, New York, will hold a Public Hearing at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on Wednesday, December 3, 1997 at 8:00 P.M., Eastern Prevailing Time, to consider the application of Thomas Williams for a Special Use Permit to construct a fifty foot Amateur Radio Tower at 5330 Keller 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 10, 1997
Published: November 20, 1997
By Order of the Town Board
11-20 David J. Shenk, Town Clerk

At 8:00 p.m. a Public Hearing was held for the purpose of hearing public comments on the application of Thomas Williams for a Special Use Permit to construct a fifty (50) foot Amateur Radio Tower at 5330 Keller Road.

Supervisor Kennedy read the legal notice, a letter sent to eighteen (18) neighboring property owners with an Assessor's map and a copy of the letter of intent and the Planning Board letter of recommendation.

Supervisor Kennedy convened the Public Hearing.

There were no comments.

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to close the Public Hearing at 8:05 p.m.

five (5) Ayes Carried

REGULAR BOARD MEETING — TOWN HALL
DECEMBER 3, 1997 — 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to approve the application of Thomas Williams for a Special Use Permit to construct a fifty (50) foot Amateur Radio Tower at 5330 Keller Road, in conformance with the current law, term to expire December 31, 2000.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood to re-appoint Herbert Berlin to the Assessment Board of Review, term to expire 9/30/02.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to approve the following Transfer of Appropriations and close the Soccer Field Capital Projects account:

Capital Projects - Soccer Field:				
From -		H5031	659.83	
To	- Parks	A7110.4		659.83
General Fund:				
From -	Justice	A1110.2	500.00	
To	- Justice	A1110.4		500.00
From -	Prog For Aging	A6772.4	103.97	
	Historian Equip	A7510.2	5.00	
To	- Historian Cont.	A7510.4		108.97

five (5) Ayes — Carried

Received a request from Town Clerk Shenk for a computer hardware update to accommodate the purchase of a Town Clerk software package. Quotes were received from: Computer Ideas - $2,600.00 and IKON Office Solutions - $3,610.00.

A motion was made by Councilman Davenport and seconded by Councilman Walter to approve, on the recommendation of Town Clerk Shenk, the purchase of a computer software package from Computer Ideas for $2,600.00 and the following transfer of appropriations:

From:	Records Management	1460.4	$2,600
To:	Town Clerk	1410.2	$2,600

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 Friday Night Recreation Program, term effective November 14, 1997 to May 30, 1998:

Kathy Rooney	Recreation Supervisor	$8.50 per hour
Kevin Steward	Recreation Supervisor	$8.50 per hour
Beth Marschner	Recreation Attendant	$6.25 per hour
Melissa Martin	Recreation Attendant	$6.25 per hour
Robert Rooney	Recreation Attendant	$6.25 per hour
Amanda Vara	Recreation Attendant	$6.25 per hour

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Rood to authorize the Town of Boston Supervisor to enter into an agreement with Boston Hill, LLC, on behalf of Water District No. 2 for the purpose of having Water District No. 2 contribute up to 10% of the cost of a water line extension on Back Creek and Polish Hill Roads, up to $7,400, upon the receipt of the Approval of Completed Works by the Erie County Department of Health and the dedication of the water lines to Water District No. 2 by Boston Hill, LLC.

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
DECEMBER 3, 1997 — 7:30 P.M.

SUPERVISOR REPORT

A) Supervisor's Bank Account Report for November 1997 was received and is on file in the Clerk's Office.

Supervisor Kennedy reported that the NYS DOT has announced a design for the US Route 219 Southern Expressway project to begin in the year 2000. The project will begin at Route 391 and end at Duerr Road in the Towns of Orchard Park, Hamburg and Boston. The proposed 4 1/2 mile project includes pavement rehabilitation, construction of a new south bound on-ramp and a north bound off-ramp at the Armor-Duelles Road interchange, miscellaneous bridge improvements and drainage work. Right-of-way acquisition required for the new ramp construction is expected to begin in the spring of 2001.

Supervisor Kennedy reported that a letter was received from Richard Emerling, President of the Boston Fire Co., Inc. regarding the unacceptable behavior and damage caused by the youth and the adults in charge at the Little League Football banquet, at the Boston Fire Hall on November 8, 1997. Mr. Emerling has attempted to discuss this matter with Mrs. Hagg who rented the hall and the man who was in charge that night but neither has responded. Supervisor Kennedy noted the football organization is not a direct entity of the town. The town contracts with the program, provides the facilities for them to play on and gives an annual appropriation. Supervisor Kennedy is very disappointed and will speak to Mrs. Hagg and whoever was in charge that night. The Fire companies have been very responsive to community groups and the Boston Fire Hall donated the hall for this event.

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 November 1997.

five (5) Ayes — Carried

Town Clerk Shenk thanked the Town Board for their approval of the computer updates for his office.

Town Clerk Shenk announced that the Town of Boston's three (3) year contract with Lawley Services for insurance coverage will expire at the end of 1997. Bids will be received on Monday, December 8, 1997 at 11:00 a.m. The Insurance Committee will meet on Monday, December 15, 1997 at 11:00 a.m. to review the recommendations of the consultant. The Town Board can award the contract at the December 17, 1997 Town Board meeting.

Town Clerk Shenk reported that the annual Safety Inspection by PERMA (Worker's Compensation Carrier) has resulted in the retention of the Town of Boston's maximum discount for the Safety Program category. The Safety Committee is currently drafting numerous policies, encouraged by PERMA, and being adopted by the Town Board for 1998. The next Safety Committee meeting is December 16, 1997 at 5:00 p.m.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Ruchalski announced that Assemblyman Richard Smith informed him that $15,000 is available for the Town of Boston culvert construction and/or replacement. In 1996 a project began on Liebler Road to restore the collapsing culvert pipes. It will take approximately $12,000 to complete the restoration. $2,000 can be used to repair Ward Road culverts.

REGULAR BOARD MEETING
DECEMBER 3, 1997

TOWN HALL
7:30 P.M.

TOWN ATTORNEY REPORT

Town Attorney Perley announced that the DeGuili Article 78 proceeding against the Town of Boston has been withdrawn.

Town Attorney Perley reported that the Nowak lawsuit regarding the proposed Trevett Road machine shop is scheduled for December 10, 1997. Town Attorney Perley will make a motion to dismiss the claim. The stay has not been lifted so Mr. Emerling's application cannot be voted on.

COUNCILMAN REPORT

Councilman Rood reported that she has been working with the Grants Person on the CDBG application for funding for the boccie court and the patio for the seniors. The application has been submitted and the photos were taken so we are now waiting for approval.

Councilman Rood attended a seminar on Regionalism at UB sponsored by the UB Institute. She also attended a meeting of the "Get Real Campaign" group sponsored by the Buffalo Greater Partnership which meets once a month with other area towns and addresses the issue of regionalism. Regionalism is the consolidation and sharing of services between different towns and municipal purchasing which results in better pricing and cost savings. Our Highway Department has shared equipment and services with other towns.

Councilman Wiktor received numerous phone calls from residents complaining about private snowplow entities pushing snow into the roadways. There is no town ordinance against this practice but there is a NYS vehicular ordinance and the State Police can be contacted for violations. Councilman Wiktor noted that perhaps members of the press could report on this problem.

Councilman Wiktor complemented the Boston Town Band and the Lutheran Chorale of Niagara Frontier on their Christmas Concert at Boston Valley School on December 2, 1997.

Councilman Wiktor announced that the Planning Board will hold their organizational meeting on December 9, 1997 and will elect the new officers for 1998.

Councilman Walter reported that he contacted NYSEG Representative, Randy Meyers, regarding the complaints of light outages on Boston State Road and the elimination of one light on the Boston Colden Road pole.

Councilman Walter noted he did not address the problem at 9690 Trevett Road where the rip-rap was being installed in the creek.

Supervisor Kennedy responded that he sent the resident a letter that he requested which stated that the Town Board has no objection to his project and that he and/or his contractor would be held responsible for the restoration of the area upon completion of his project. The resident is applying to the NYS DEC for a permit to go forward with his project.

Councilman Walter reported that he investigated 5209 Mayer Road where there is a problem of water running off the edge of the road and creating a swamp in the yard. As this is a County problem, Councilman Walter will attempt to have the County investigate the situation. The resident was informed that it will probably be next year before the problem is addressed.

Councilman Davenport announced that the Nutrition Program is still growing and that fifty-five (55) dinners were served for the Thanksgiving dinner and expect the same for the Christmas dinner.

REGULAR BOARD MEETING
DECEMBER 3, 1997

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.)

Councilman Davenport reported that she will attend a meeting of all Nutrition Site Managers in West Seneca on December 11, 1997 and will give a report to the two (2) Boston Nutrition Managers.

CODE ENFORCEMENT OFFICERS REPORT

A) Code Enforcement Officer monthly report for November 1997 was received and is on file in the Clerk's Office.

B) Deputy Code Enforcement Officer monthly report for November 1997 was received and is on file in the Clerk's Office.

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officer monthly report for November 1997 was received and is on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for November 1997 was received and is on file in the Clerk's Office.

A motion was made by Councilman Walter and seconded by Councilman Wiktor to adjourn the meeting at 8:30 p.m.

David J. Shenk
DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
DECEMBER 17, 1997 — 7:30 P.M.

Present were 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.

Absent: Councilman Josephine M. Davenport.

Rev. John VanHaneghan, Good Shepherd Lutheran 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 December 3, 1997 regular monthly meeting.

four (4) Ayes — Carried

A motion was made by Councilman Walter and seconded by Supervisor Kennedy that General Fund and Special District Bills on Abstract #12A, dated December 3, 1997 in the amount of $35,025.37 be paid.

four (4) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Walter that the Highway Bills on Abstract #12A, dated December 3, 1997 in the amount of $3,818.21 be paid.

four (4) Ayes — Carried

Received and filed the Erie County Sheriff's Monthly Report for November 1997.

Received and filed a copy of a letter sent to Governor Pataki from the Village of Sloan voicing opposition against utility companies blocking attempts to municipalize gas and electric.

Received and filed a notice from the Boston Planning Board of the cancellation of the December 23, 1997 meeting. The town's official newspapers have been notified.

REQUESTS FROM THE FLOOR

David Casacci, Boston Youth Football League Commissioner: We have received bad press in the Buffalo Evening News and the Springville Journal for activities that occurred at the Boston Fire Hall during the football banquet. We were never notified by the Fire Company or the Town Board that there was a problem. There was no vandalism and reference that parents were drinking should not be a negative since alcohol has always been allowed for the parents. The Town Board should not have allowed this to go to press.

Supervisor Kennedy: The Town Board received a letter of complaint from the President of the Boston Fire Hall and is obligated to read all communication into the public record at Town Board meetings. That is how the issue got into the newspapers. I apologize if it offended you.

Councilman Rood: I would like to meet with David Casacci, and two representatives from his organization along with the Boston Fire Company Chief and two of his representatives to discuss this.

Received a request from the Erie County Legislature for comments regarding the proposal of another "Sales Tax Free" week. Councilman Wiktor noted he was in favor of the "Sales Tax Free" week proposed by the Erie County Legislature because fifty percent of the people buying clothing during the past "Sales Tax Free" week were not in Erie County and therefore Erie County lost a great opportunity. Councilman Wiktor also noted the proposed week in September should be moved to an earlier week before school openings to allow for savings on the purchase of school clothing.

REGULAR BOARD MEETING — TOWN HALL
DECEMBER 17, 1997 — 7:30 P.M.

A motion was made by Councilman Wiktor and seconded by Councilman Rood to direct Town Clerk Shenk to send a letter to the Erie County Legislature, on behalf of the Town of Boston, in support of the proposed "Sales Tax Free" week for the retail sales of clothing.

four (4) Ayes — Carried

The following bids were received and opened on December 8, 1997 at 11:00 a.m. for the Town of Boston Insurance Program:

Lawley Service	-	Coregis	$32,738
Szalay Co. Inc.	-	Selective	$39,469
MBD	-	Titan	$31,744
S.H. Gow & Co.	-	Kemper	$39,052

A motion was made by Councilman Wiktor and seconded by Councilman Rood, on the recommendation of Town Attorney Perley, to award the Town of Boston Insurance Contract to MBD, Titan for $31,744, effective 1/1/98 and renewable on an annual basis.

four (4) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood to refer to the Planning Board the Application for a Permit from Kirst Construction for an addition at 7170 Boston State Road.

four (4) Ayes — Carried

RESOLUTION 1997-31 PROPOSAL TO DISSOLVE WATER IMPROVEMENT No. 1

Received and filed a Planning Board recommendation of approval for the rezoning request of William Brunner for 7166 Boston State Road.

A motion was made by Councilman Wiktor and seconded by Councilman Walter to schedule a Public Hearing on January 21, 1998 at 8:00 p.m. for the rezoning request of William Brunner for 7166 Boston State Road.

four (4) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor to accept with regret, the resignation of William Boltz from the Planning Board, effective December 10, 1997, and to direct the Town Clerk to send a letter of appreciation for his years of service.

four (4) Ayes — Carried

SUPERVISOR REPORT

A) Supervisor's monthly report for November 1997 was received and is on file in the Town Clerk's Office.

Supervisor Kennedy noted that tonight is his last Town Board Meeting after twenty-six (26) years of service to the Town of Boston in his capacity as Supervisor, Councilman and NY State Assemblyman. He gave special recognition and appreciation to his wife, Bertie, for her support during his years of government service. Supervisor Kennedy acknowledged that leaving is a bittersweet experience because he will miss the people he has worked with. He noted that Councilmen Walter and Davenport will also be leaving and that he has been honored to serve with them and truly appreciated their contributions to the Town of Boston. He wished them both continued health and happiness and wished Councilmen Wiktor and Rood success in serving Boston. He thanked his excellent staff and gave a special thanks to his Deputy Lucille Genzel. Supervisor Kennedy presented his black walnut gavel, which Harold Rockwood gave him in 1978, to Supervisor Elect Lisa Rood with the assurance that she will confidently lead Boston.

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1997-31

Resolution for Public Hearing on Proposal to Dissolve Water Improvement No. 1 in the Town of Boston, Erie County, New York

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York , held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 17 th day of December, 1997 at 7:30 o'clock in the evening Eastern Prevailing Time there were:

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

Superevisor Kennedy presented the following Resolution and moved its adoption:

WHEREAS by a Resolution duly adopted by the Town Board of the Town of Boston on the 4th day of December, 1991 the Town Board of the Town of Boston established Water Improvement No. 1 in the Town of Boston, Erie County, New York to be established for the purpose of providing municipal water service to certain residents within the Town of Boston, and

WHEREAS the Town Board of the Town of Boston appropriated the sum of $100,000.00, $25,000.00 through a grant from the State of New York and $75,000.00 appropriated from the General Fund of the Town of Boston as a part of the proposed financing for the said Water Improvement No. 1; and

WHEREAS , an application for approval of the Comptroller of the State of New York with respect to the formation of said Improvement was duly filed by the Town of Boston; and

WHEREAS, the said Application was withdrawn without prejudice on or about the 25th day of March, 1995; and

WHEREAS, on May 22, 1996 the Town Board of the Town of Boston adopted an Order establishing Water District No. 3 in the said Town of Boston which said District, if approved by

the Office of the New York State Comptroller, would encompass all of the lands proposed to be served in Water Improvement No. 3; and

WHEREAS, the Town Law of the State of New York does not allow for the appropriation of General Fund money for the purpose of constructing a water district.

WHEREAS, a proposal has been made in the Town Board of the Town of Boston to dissolve Water Improvement No. 1 in the Town of Boston due to the fact that any lands proposed to be served by the said Water Improvement No. 1 would be served by Water District No. 3, and to return the $100,000.00 appropriated as aforesaid to the General Fund of the Town of Boston.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Boston, Erie County, New York will meet at the Town Hall, 8500 Boston State Road, Boston New York on the 21st day of January, 1998, at 7:50 P.M., prevailing time, for the purpose of conducting a hearing on such proposal, at which time all persons interested in the same may be heard, and be it

FURTHER RESOLVED, that the Town Clerk of the Town of Boston, is hereby authorized and directed to publish notice of said hearing in the Hamburg Sun and Springville Journal, official newspapers of the said Town and to post a copy of such notice upon the bulletin board in the office of said Town Clerk, in the time and manner required by law.

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

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

AYES: 4 NOES: 0 ABSENT: 1

David J. Shenk-Town Clerk

REGULAR BOARD MEETING — TOWN HALL
DECEMBER 17, 1997 — 7:30 P.M.

TOWN CLERK REPORT

Town Clerk Shenk commented that Supervisor Kennedy, Councilmen Walter and Davenport should be proud of their public service to this town and that it was a pleasure serving with them.

HIGHWAY SUPERINTENDENT RUCHALSKI

Highway Superintendent Ruchalski noted that he has had the privilege of working with Supervisor Kennedy for the past eight (8) years and four (4) months. He wished Supervisor Kennedy and Councilmen Walter and Davenport the best of luck, a good retirement and a Merry Christmas.

TOWN ATTORNEY REPORT

Town Attorney Perley reported that the Nowak Article 78 Proceeding against the Town of Boston is scheduled for a hearing on January 6, 1998.

Town Attorney Perley commented that since Councilman Davenport was absent this evening he would personally thank her for permitting him to serve with her and he thanked Councilman Walter, noting that it was a pleasure to work with him. Town Attorney Perley said that he began working with Supervisor Kennedy in 1984 when he was the Deputy Town Attorney and that no one has put the Town of Boston and the people of the Town of Boston in such high regard as Supervisor Kennedy. He recalled how many times Supervisor Kennedy was frustrated because he couldn't do everything as a government that he wanted to do. Town Attorney Perley thanked Supervisor Kennedy for the opportunity to be the Town Attorney with him as Supervisor.

COUNCILMAN REPORT

Councilman Rood thanked Supervisor Kennedy for all the patience he has shown her while they worked together these past months. She noted she will have very large shoes to fill and she pledged to do her best. She wished Supervisor Kennedy the best in his retirement and noted that it was an honor working with both Councilmen Walter and Davenport and that she appreciated the fairness they have shown both her and Councilman Wiktor. Councilman Rood wished everyone a happy holiday season.

Councilman Wiktor commented that it was a pleasure working with Councilmen Walter and Davenport. Councilman Wiktor stated that the Town Board members were very lucky to have Supervisor Kennedy working beside them and that he has been an inspiration to them and a friend. He wished everyone the best holiday season.

Councilman Walter noted that he learned a lot from Supervisor Kennedy and enjoyed being on the Town Board these last four (4) years. He wished everyone the best.

Erie County Legislator Marshall thanked Councilman Walter and Councilman Davenport for their service on the Boston Town Board.

Erie County Legislator Marshall presented Supervisor Kennedy with a Resolution on behalf of the Erie County Legislature which will be passed on December 18, 1997 in appreciation of his twenty-six years of government service.

A motion was made by Councilman Walter and seconded by Councilman Wiktor to adjourn the meeting at 8:16 p.m.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

SPECIAL BOARD MEETING — TOWN HALL
DECEMBER 31, 1997 — 10:00 A.M.

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

Absent: Supervisor Richard L. Kennedy.

Deputy Supervisor Genzel chaired the meeting

A motion was made by Councilman Rood and seconded by Councilman Wiktor to adopt the minutes of the December 17, 1997 regular monthly meeting.

four (4) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood that General Fund and Special District Bills on Abstract #12C, dated December 31, 1997 in the amount of $19,227.65 be paid.

four (4) Ayes — Carried

A motion was made by Councilman Rood and seconded by Councilman Wiktor that the Highway Bills on Abstract #12C, dated December 31, 1997 in the amount of $5,790.64 paid.

four (4) Ayes — Carried

Received and filed the Erie County Water Authority tariff amendments and a copy of the actual amendments at Schedule "A".

Deputy Supervisor Genzel commented that there will be an increase in the hydrant fees which will result in an increase of $2,649 for the Town of Boston's Water District No. 1 and Water District No. 2. This amount has been budgeted in the 1998 budget.

RESOLUTION 1997 - 32 TOWN FACILITIES

A motion was made by Councilman Davenport and seconded by Councilman Walter to approve the following corrections to the General Fund and Special Districts:

From: AB#10A - V#620 SM4540.4 $86.17 to A1620.4 $86.17

No Change to Total Abstract

From AB#11 - V#704 SM4540.4 $ 84.63 to A1620.4 $ 84.63

No Change to Total Abstract

From AB#11A -V#731 SM4540.4 $431.64 to A1620.4 $431.64
V#732 SM4540.4 $220.45 to A1620.4 $220.45

No Change to Total Abstract

four (4) Ayes — Carried

A motion was made by Councilman Davenport and seconded by Councilman Walter to approve the Special Districts Water #2 Transfer of Appropriations as follows:

To:	Trans & Dist	SW2 8340.4	$1,500.00
From:	Trans & Dist	SW2 8340.2	$1,500.00

four (4) Ayes — Carried

TOWN OF BOSTON

TOWN OF BOSTON
RESOLUTION 1997-32

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 31th day of December 1997 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
Absent:	Richard L. Kennedy	Supervisor

Councilman Wiktor 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 Rood** and duly put to a vote which resulted as follows:

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

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

David J. Shenk

DAVID J. SHENK, TOWN CLERK

SPECIAL BOARD MEETING — TOWN HALL
DECEMBER 31, 1997 — 10:00 A.M.

A motion was made by Councilman Rood and seconded by Councilman Wiktor to approve the General Fund Transfer of Appropriations as follows:

To:	Buildings	A1620.1	$ 500.00
From:	Buildings	A1620.2	$ 500.00
To:	Prog For Aging	A6772.1	$ 630.00
From:	Prog For Aging	A6772.4	$ 630.00
To:	Supervisor	A1220.4	$ 4,291.00
From:	Supervisor	A1220.2	$ 91.00
	Supervisor	A1220.1	$ 4,200.00
			$ 4,291.00
To:	Conservation	A8710.1	$ 240.92
From:	Conservation	A8710.4	$ 240.92
To:	Municipal Dues	A1920.4	$ 121.00
	Police & Const	A3120.4	$ 400.00
	Historian	A7510.4	$ 255.90
	Celebrations	A7550.4	$ 122.00
	Oth Home/Comm Serv	A8989.4	$ 738.53
			$ 1,637.43
From:	Planning	A8020.1	$ 1,637.43
To:	Youth Prog	A7310.1	$ 9,999.00
	Supervisor	A1220.4	$ 629.00
	Justice	A1110.1	$ 2,553.00
	Justice	A1110.4	$ 1,100.00
			$14,281.00
From:	NYS Retirement	A9010.8	$14,281.00

four (4) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood to approve the Highway Fund Transfer of Appropriations as follows:

To:	Gen Repairs	D5110.1	$14,738.53
	Gen Repairs	D5110.4	$ 7,361.91
	Sno Removal	D5142.1	$14,000.00
	Sno Removal	D5142.4	$ 700.00
	Sno Remov Oth Govt	D5148.1	$14,000.00
	Sno Remov Oth Govt	D5148.4	$ 5,000.00
			$55,800.44
From:	Soc Sec	D9030.8	$ 3,000.00
	Machinery	D5130.2	$16,420.00
	Machinery	D5130.4	$ 880.00
	Misc Brush	D5140.4	$ 500.00
	NYS Retire	D9010.8	$20,000.00
	Comp Ins	D9040.8	$ 8,000.00
	Unemploy	D9050.8	$ 1,000.44
	Hospital/Med	D9060.8	$ 6,000.44
			$55,800.44

four (4) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Rood to refer to the Planning Board the Special Permit Application for a Portable Shelter by Robert J.DeSantis, 6346 May Drive.

four (4) Ayes — Carried

Received and filed notification from NYS Dept. of Audit and Control of permission to Establish Extension No. 2 to Water District No. 2.

A motion was made by Councilman Wiktor and seconded by Councilman Rood to authorize the Supervisor to enter into a contract with TVGA Engineering, Surveying, P.C. to undertake the West Hill Water Project, Keller/Zimmerman Waterlines, Pump Station and Storage Tank for Water District No.2, for the sum of $116,044.

four (4) Ayes — Carried

SPECIAL BOARD MEETING
DECEMBER 31, 1997

TOWN HALL
10:00 A.M.

A motion was made by Councilman Wiktor and seconded by Councilman Walter to accept the resignation of Lisa Rood from her position as Town of Boston Councilman effective midnight, December 31, 1997.

Carried

four (4) Ayes

Town Attorney Perley noted that Councilman Davenport was not present at the last meeting and he wanted her to know that he enjoyed working with her and wished her well.

A motion was made by Councilman Wiktor and seconded by Councilman Davenport to adjourn the meeting at 10:20 a.m.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

MCKILLEN PUBLIC HEARING — TOWN HALL
AUGUST 7, 1996 — 7:00 P.M. PAGE 1

Present were Councilman Josephine M. Davenport, Councilman Peter A. Walter, Councilman Damian P. Wiktor, Supervisor Richard L. Kennedy, Town Attorney Michael F. Perley, Code Enforcement Officer Kramer and Deputy Code Enforcement Officer Lisowski.

Absent: Councilman Lisa M. Rood

Supervisor Kennedy read the Notice of Unsafe Building at 9296 Zimmerman Road, Boston, New York mailed to Glenn McKillen a/k/a/ Glenn McKillan, reputed owner, 9610 Hardpan Road, Angola, New York 14006.

Deputy Code Enforcement Officer Lisowski: ....bury some of the drums of unknown substances or oil or anything in the yard there so I have been checking almost every day.

Supervisor Kennedy read the Affidavit of Service by Mail.

Deputy Code Enforcement Officer Lisowski reported the Unsafe Notice was stapled on the side door of the property at 9296 Zimmerman Road on July 23,1996 at 7:31 p.m..

Supervisor Kennedy noted a "For Sale" sign is on the property.

Deputy Code Enforcement Officer Lisowski: One building has been taken down.

Supervisor Kennedy: Which building is that?

Deputy Code Enforcement Lisowski: Building #3 according to this notice.

Supervisor Kennedy: That has been removed?

Deputy Code Enforcement Lisowski: All but one ton (10) wheel dump truck loaded with debris. He must have hauled at least one other load out of there. I don't know where he took it. I didn't happen to catch him on his premises.

Supervisor Kennedy: Has anyone here received any communication at all from Mr. McKillen answering the Serve or had an opportunity to speak directly with him? He hasn't tried to contact the Town in any capacity or at least he hasn't tried to contact me and as far as I know he hasn't tried to contact the Clerk, correct?

Town Clerk Shenk: Correct.

Supervisor Kennedy: He has not indicated that he wouldn't be present here this evening for whatever reason or told us that he would be absent for whatever reason.

Town Attorney Perley: The Deputy Clerk has gone back upstairs to see if he is there.

Code Enforcement Officer Lisowski: I guess he is going to probably try to sell it as so he can get rid of it. That is why it is probably for sale. I don't think it should stop our...

Supervisor Kennedy: The Rice Road Interchange...It requires a certain amount of work. Mr. McKillen is here now.

Glenn McKillen arrived at 7:09 p.m..

Supervisor Kennedy: We convened the Hearing. We were not aware that you had already came. You received a Notice of Unsafe Building which was sent to you and I believe was delivered by registered mail to both your home here on Zimmerman Road and also your present address on Hardpan Road in Angola, New York, outlining the causes of this notice and the reasons behind it, why it was

Supervisor Kennedy (Cont.): served and indicating to you the following conditions that caused the description to state these particular buildings are unsafe. It goes on to describe them and you have a report from the Deputy Code Enforcement Officer indicating what is on the premises and what he discovered there and the condition of the structure at the present time. He has indicated to me that building #3 according to this map has been removed. That debris, some of it has been taken away and some of it still remains. I guess we are here to get some consensus from you to as what is going to be done with the property.

Glenn McKillen: Well, I will fix up the house when I get money to do it but I don't know how you can say it is unsafe.

Supervisor Kennedy: I think you have a pretty good description of why they feel it is unsafe.

Glenn McKillen: Who did that? Him?

Deputy Code Enforcement Lisowski: I did.

Glenn McKillen: Well he was trespassing going on that property without permission.

Supervisor Kennedy: I don't think he had to trespass on the property. He has some jurisdiction to enter the property unless you object to it.

Glenn McKillen: You guys just can't go and tear it down.

Supervisor Kennedy: I am not going to tell you what we can and can't do. I think that is the prerogative of the Town Attorney. You have been served notice that there are problems. Building #1, dwelling: Insufficient back fill of the cellar walls resulting in pressure to the foundation of the structure; absence of exterior siding resulting in deterioration of plywood sheeting, deteriorated roofing shingles. When I was up there today I could see where there was a sway in the roof ridge which means to me that the roof sheeting is probably in need of replacement and probably some of the roof rafters. Building #2, garage structure determined to be unsafe pursuant to Section 47-2, of the Town Code of Boston.

Glenn McKillen: That building was there when I bought the place in 1981 and Perley knows that.

Supervisor Kennedy: Building #3- Garage Structure on the Northwest Quadrant, structure is too hazardous to enter. Collapsed north wall. East wall structurally unsound. Roof is totally absent. These are serious items that need to be addressed.

Glenn McKillen: I talked to somebody from the Conservation Society from Boston here. I don't exactly remember what the name of it is.

Supervisor Kennedy: Conservation Council?

Glenn McKillen: Yes.

Supervisor Kennedy: Did you talk to him?

Glenn McKillen: He sent me a letter too last year and I told him I would take that building down and I have been working on it. The one that is the last one, number three.

Supervisor Kennedy: That was the previous Code Enforcement Officer, Paul Sawicki.

Glenn McKillen: I don't know. The last letter I got from the Town was in 1991 when they wanted the trucks and everything moved off the property.

Supervisor Kennedy: What has been done now is that we have had a number of petitions from a number of residents and we have also observed on our own the unsightly conditions not only the aesthetics of the building but the problems that we have with the structural integrity of the building.

Glenn McKillen: Well the place is on the market for sale and if somebody wants to buy it they can buy it.

Supervisor Kennedy: Yes it's on the market for sale but I don't think they are going to line up to buy it.

Glenn McKillen: Well if they don't like the way it looks...

Cheryl Gleason, 9202 Zimmerman Road: Excuse me can I say something? My name is Cheryl Gleason and I live next door to the property in question and between the property and Mr. Gleason (9138 Zimmerman Road) here. I have lived there for three years and this man as far as I know has never dwelled the property in that amount of time.

Supervisor Kennedy: Has never what?

Cheryl Gleason: Has never lived there in that amount of time and as far as I know he is only here because we forced him to by a petition. The place is a dump. It looks like garbage and it is obviously unsafe and the way I tell people to get to my house is it is right next to the garbage dump on the corner. So I am expressing anger because I feel the "For Sale" sign went up not less than twelve (12) hours before this hearing convened, forced and no clean up took place until letters which are in his hand, I believe, were served to him. So any indication that he gives you that he willfully intended to clean this place up means nothing because as far as I'm concerned he did nothing.

Glenn McKillen: I did too.

Cheryl Gleason: Before the last three days. I've lived there three years and I have never seen him.

Supervisor Kennedy: Your comments will be entered as part of the hearing. You are certainly entitled to and the observations I have had of the structure and the conditions that prevailed at that particular location for a good long time have been certainly deplorable. That is why the Board took the action that it took even prior to the receiving the petitions upon the inspection of the Code Enforcement Officer. There were questions raised as to what we could do legally to force you to do something with the property because it has been let go for a number of years. In fact we had legal action against you at least four (4) years ago. It went to the Supreme Court I think. It is not a new problem but a continuation of an existing problem.

Glenn McKillen: The problem you had before was unlicensed vehicles and so called junk you people thought.

Supervisor Kennedy: Well that was some of the problems. Some of the problem was storage of fuel tanks. It looks as though you have taken a goodly number of kerosene tanks and fuel tanks that people remove from their home and you had them stored on the premises until the last day or so.

Glenn McKillen: No sir I have not moved any tanks. I moved the tanks over a year ago when the guy called. As a matter of fact he didn't want oxygen bottles up there so I took them. I mean she says she hasn't seen me in three years. Well I have never seen her either so what does that...

Cheryl Gleason: I have been raising three (3) children and a husband and I've been there three years. Vehicles come and go at my house consistently.

Supervisor Kennedy: The statement she has made will be recorded as part of the hearing and certainly she is entitled to voice her opinion but we are not going to get into an argument.

Cheryl Gleason: There is one more thing I would like to add. Boston being as great as it is and all does not have low taxes and I am ashamed to pay my taxes monthly when ....

Supervisor Kennedy: Did you say that Boston does not have low taxes? I take issue with that. Go ahead.

Cheryl Gleason: No they don't. When I do have to pay them knowing that we take pride in the way our house looks, everybody on the entire block tries to keep it up knowing that somebody lives next door who can let it look like that. I pay high taxes to live next to a dump. I would like him to prove to me in pictures or writing right now if it is not a dump.

Glenn McKillen: It is only your opinion.

Supervisor Kennedy: OK. OK. She has made a statement. That's fine. Does anyone want to comment?

Councilman Wiktor: Mr. McKillen you mentioned you have a "For Sale" sign on this property. Is this "For Sale" sign through a Realtor?

Glenn McKillen: Yes sir, it is.

Councilman Wiktor: Could I have the name of the agency?

Supervisor Kennedy: It is posted. I saw it this morning.

Town Attorney Perley: Meister-Graziano (Real Estate Agency).

Glenn McKillen: Yes.

Town Attorney Perley: When did you list it?

Glenn McKillen: Monday.

Cheryl Gleason: I can give you the phone number and how much they want for it.

Councilman Wiktor: You mentioned also that in 1991 you received letters to remove some trucks on the property.

Glenn McKillen: Yes sir I did.

Councilman Wiktor: Have they been removed or are those the trucks that have been outlined that we have?

Glenn McKillen: They are gone.

Councilman Wiktor: So then we're to assume that the truck body 1, the truck body 2, dump truck that is on this list we have, are new trucks?

Glenn McKillen: No, nothing was ever said about removing them. I have a copy of the letter. You want a copy here.

Town Attorney Perley: For the record so the Board understands. There is a permanent injunction against the use of that property for the storing of junk.

Councilman Wiktor: He made it seem that he removed trucks and on the drawing we have there are trucks here. I just want to know if those are the same trucks, new trucks.

Town Attorney Perley: That injunction isn't limited to any specific vehicle. Once we make a determination that junk is out there, that injunction is still in force and we can start contempt proceedings.

Glenn McKillen: This letter here says a tan van or truck and it is gone.

Town Attorney Perley: Mr. McKillen if you want to contest that issue I would be more than happy to do so.

Glenn McKillen: Well I just, there is nothing else that has been brought up here.

Deputy Code Enforcement Officer Lisowski: Can I ask, did Mr. McKillen get a copy of my notes here on what...

Town Clerk Shenk: The only thing I sent him was the Notice of Unsafe Building.

Supervisor Kennedy: I think he should be given a copy.

Deputy Code Enforcement Officer Lisowski: Yes I was just going to say that he probably should be given a copy.

Town Attorney Perley: The Notice pertains to the buildings.

Councilman Wiktor: He didn't know what I was referring to.

Glenn McKillen: I had no idea. I told you the last letter I got was in 1991 when Dick Attea was my Attorney. As a matter of fact me and Mr. Attea and Perley met up there.

Supervisor Kennedy: That shows the note from the Code Enforcement Officer as well as the description of the property. This is my concern and I will address the Town Attorney in this regard. Mr. McKillen has begun some efforts to clean up. If he says that he hasn't the resources to do so and he markets the property and the property isn't sold and his resources aren't there to take care of the problems, then I would say they have to be taken care of some way.

Town Attorney Perley: Here is what the situation is that sits before the Board.

Supervisor Kennedy: You can always say you don't have the resources to do something and perhaps that is the case but it doesn't alleviate the condition that exists.

Town Attorney Perley: Just so the record is clear. Mr. Lisowski you have an opinion as to whether or not the structure that was designated as the dwelling on that property is a safe or an unsafe structure?

Deputy Code Enforcement Officer Lisowski: In my opinion, it is unsafe.

Town Attorney Perley: The Town Board has the right, regardless of whether the property is listed, with the encouragement of the Code Enforcement Officer's determination, to order the destruction of the building by a certain date or if that order is not complied with, undertake thereafter on it's own to demolish the building. My opinion is that listing the property does not prevent the Board from doing that. Having heard Mr. Lisowski's .....

Glenn McKillen: Could we close the door I can't hear you.

Town Attorney Perley: If the Board concurs with Mr. Lisowski's determination on the building, the mere fact that the property is listed does not prevent the Board from reaching a decision and establishing a time frame for Mr. McKillen to comply with their directive, namely to remove the buildings that are deemed unsafe. One building by virtue of the fact that it is not a permitted building, the Town Clerk at my request inspected the assessment records and the building permit records for the Town and found that building plus the other garage type structure does not have a building permit. It is, by definition under the law, an unsafe building and second of all based upon the opinion of Mr. Lisowski, the Board concurs that the dwelling structure is not a safe building can order the demolition code in a given time period and bearing that undertake the demolish code on it's own and assess the parcel on the taxes of the property. That is the situation that sits before the Board.

Supervisor Kennedy: Just so the Board is aware. Suppose Mr. McKillen was to get someone, a structural engineer or someone that says the building is not termed unsafe, what would happen?

Town Attorney Perley: It is his obligation, by tonight, to do so.

Supervisor Kennedy: That is what I thought. I mean the Board has indicated and proved that the information that has been served you that we believe the building to be unsafe, or at least I believe to be unsafe, because of the inspections that were made and my own personal observations of the building. My own personal observations would only include what I could visibly see. Certainly that would include the inspection that was made by the Deputy Code Enforcement Officer.

Deputy Code Enforcement Officer Lisowski: I could not enter the building. I wouldn't of entered the building without permission. So I did not go in. My observations from the outside as we indicated earlier the roof is ninety-nine to one that in all probability leaking. The rafters are rotted, the sheeting boards are all completely gone. I don't know what damage is inside structurally but observing from the outside the roof is in terrible shape ready to collapse. I wouldn't even walk on that one part, one section of the roof. The walls not being fully back filled. No heat in the house. I don't know if they are bowed in or caved in or what. Water was standing around the outside. I really couldn't tell. I would probably recommend that if anyone went in there that the walls wouldn't be safe to hold the structure up anyway. It wouldn't even pay to remodel it. I mean there are so many years of unheated basement. I know Councilman Walter has been involved with laying block work. He could tell you what would happen with the frost pushing right in. There is another concern in my letter...

Supervisor Kennedy: Well, given the information that you have received I would expect you came prepared to file a structure listing. Evidently you didn't.

Glenn McKillen: Pardon me?

Supervisor Kennedy: I say with the information you received, in other words, the information you received from the Town Clerk, that you were charged with an unsafe premises, you would have brought documentation here to this public hearing indicating that in fact it was safe if you thought it was.

Glenn McKillen: I still think it is safe. It is just his opinion.

Supervisor Kennedy: There is no documentation to back up your own opinion.

Glenn McKillen: Well it is just his opinion that it is unsafe too. What does he have for documentation?

Deputy Code Enforcement Officer Lisowski: I have built homes all my life.

Councilman Walter: I will back the Deputy Code Enforcement Officer. I looked at the property myself.

Supervisor Kennedy: I observed the property too. Looking at the roof I know that there is something radically wrong with the roof. I know that for a fact because I know enough about roofing to know there is something wrong with the roof. First of all they don't sway like that if the rafters and sheeting are good and secondly the shingles have deteriorated very badly. It looks to me like the eves and the facia, there isn't any.

Cheryl Gleason: With all due respect, if he hadn't abandoned the property and you did live there you would be quite aware.

Glenn McKillen: I do stay up there every once in awhile on the weekend.

Cheryl Gleason: I think that is a judgement call.

Supervisor Kennedy: You have heard reports of the Code Enforcement Officer and visible reports from both myself and Councilman Walter who looked at the structure at least from the roadway so I guess we have to make a decision as to whether we would now tell Mr. McKillen he has until a certain date to demolish the properties or have documents stating it is safe and secure.

Town Attorney Perley: You have been made aware of the structures to be demolished.

Glenn McKillen: No I haven't.

Supervisor Kennedy: That is what I say. It will be up to him to make a determination. In view of the information given here tonight I would move that we take action in demolition of the building. I don't know exactly what kind of a motion or how you would like it to be worded.

Town Attorney Perley: The motion should be worded to the effect that the buildings, the structures, the main structures be demolished and all the debris from those structures and the remaining debris be removed from the property by a certain date. That date could be time from today or a specific date.

A motion was made by Supervisor Kennedy and seconded by Councilman Wiktor that Glenn McKillen be and is hereby Ordered to remove all buildings, structures and related any all related or other debris from the property locally known as 9296 Zimmerman Road in the Town of Boston, New York, on or before October 6, 1996 and that, in the event the said Glenn McKillen fails to comply with these terms and conditions of this Order the Town of Boston shall cause said buildings, structures and all related debris to be removed from said property pursuant to the applicable provisions of Chapter 47 of the Town Code of Boston.

four (4) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Davenport to close the public hearing at 7:29 p.m..

four (4) Ayes Carried

David J. Shenk

DAVID J. SHENK, TOWN CLERK