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REGULAR BOARD MEETING
JANUARY 7, 1998

TOWN HALL
7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Stephen K. Tills, Councilman Karl J. Simmeth Jr., Supervisor Lisa M. Rood, Highway Superintendent Eugene E. Ruchalski and Town Attorney Perley.

Rev. Jackie Kraft, Churchill Memorial Methodist Church, opened the meeting with a prayer.

A motion was made by Supervisor Rood and seconded by Councilman Wiktor to adopt the minutes of the December 31, 1997 Special Board Meeting.

four (4) Ayes — Carried

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

four (4) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth that the General Fund and Special District Bills on Abstract #1, dated January 7, 1998 in the amount of $53,817.87 be paid.

four (4) Ayes — Carried

A motion was made by Supervisor Rood and seconded by Councilman Simmeth that the Highway Bills on Abstract #1, dated January 7, 1998 in the amount of $29,197.66 be paid. See corrections pg-24

four (4) Ayes — Carried

Received and filed Erie County Dept. of Health Approval of Plans for the Waterline Extensions on Back Creek and Polish Hill Roads.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to appoint Dennis J. Mead, to the position of Councilman, term to expire December 31, 1998.

four (4) Ayes — Carried

Town Attorney Perley administered the oath of office to Dennis J. Mead.

A motion was made by Councilman Wiktor and seconded by Councilman Tills authorizing the creation of the position of Assistant to the Town Supervisor to be filed with Erie County Personnel.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Tills to appoint Michael F. Perley to the position of Town Attorney, term to expire December 31, 1999.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Tills to appoint Joseph G. Terrizzi to the position of Deputy Town Attorney/Prosecutor, term effective January 5, 1998 and to expire December 31, 1998.

five (5) Ayes — Carried

A motion was made by Councilman Simmeth and seconded by Councilman Tills to appoint Damian P. Wiktor to the position of Deputy Supervisor, term to expire December 31, 1998.

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
JANUARY 7, 1998 — 7:30 P.M.

A motion was made by Councilman Simmeth and seconded by Councilman Tills to appoint Lucille C. Genzel to the position of Assistant to Supervisor, term to expire December 31, 1998.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Tills to appoint Dennis J. Kramer to the position of Code Enforcement Officer, Part-time, term to expire December 31, 1998.

five (5) Ayes — Carried

A motion was made by Councilman Tills and seconded by Councilman Wiktor to appoint Frank H. Lisowski Jr. to the position of Deputy Code Enforcement Officer, Part-time, term to expire December 31, 1998.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to appoint Richard P. Waszak to the position of Dog Control Officer, Part-time, term to expire December 31, 1998.

five (5) Ayes — Carried

A motion was made by Councilman Mead and seconded by Councilman Tills to appoint Donna Huson to the position of Deputy Dog Control Officer/Enumerator, Part-time, term to expire December 31, 1998.

five (5) Ayes — Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead to appoint Gerald O'Brien to the position of Recreation Director, Part-time, term to expire December 31, 1998.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead to appoint John Politowski to the position of Court Officer, Part-time, term to expire December 31, 1998.

five (5) Ayes — Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead to appoint Joyce Thurber to the position of Clerk to the Town Justices, term to expire December 31, 1998.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead to appoint Karen A. Ellis to the position of Deputy Town Clerk, term to expire December 31, 1999.

five (5) Ayes — Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to appoint Sondra Kadlubowski to the position of Bookkeeper, term to expire December 31, 1998.

five (5) Ayes — Carried

A motion was made by Councilman Mead and seconded by Councilman Wiktor to appoint Barbara Reilly to the position of Assessment Clerk, Part-time, term to expire December 31, 1999.

five (5) Ayes — Carried

REGULAR BOARD MEETING TOWN HALL
JANUARY 7, 1998 7:30 P.M.

A motion was made by Councilman Mead and seconded by Councilman Tills to appoint David J. Shenk to the position of Registrar of Vital Statistics, term to expire December 31, 1999.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead to appoint Karen Ellis to the position of Deputy Registrar of Vital Statistics, term to expire December 31, 1999.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead to appoint David J. Shenk to the position of Records Management Officer, term to expire December 31, 1999.

five (5) Ayes Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth to appoint Sharon Measer to the position of Secretary to the Planning Board, Zoning Board of Appeals, and the Conservation Advisory Council, term to expire December 31, 1998.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to appoint Mary Ann Jehle to the position of Town Historian, term to expire December 31, 1998.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to appoint Margaret Edington to the position of Bingo Inspector, term to expire December 31, 1998.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to appoint Theresa Horschel to the position of Nutrition Program Director, P.T., term to expire December 31, 1998.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to appoint Donna Pfarner to the position of Assistant Nutrition Program Director, P.T., term to expire December 31, 1998.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Tills to appoint Leo Jensen to the position of Laborer, Part-time, Town Hall, term to expire December 31, 1998.

five (5) Ayes Carried

A motion was made by Councilman Tills and seconded by Councilman Mead to appoint Kim Rados to the position of Cleaner, Part-time, Town Hall, term to expire December 31, 1998.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead to appoint Joyce Carr to the position of Marriage Officer, term to expire December 31, 1998.

five (5) Ayes Carried

REGULAR BOARD MEETING — TOWN HALL
JANUARY 7, 1998 — 7:30 P.M.

A motion was made by Councilman Tills and seconded by Councilman Mead to appoint Herbert Klein to the position of Cobblehill Cemetery Liaison, term to expire December 31, 1998.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to appoint Susan Boswell to the position of Nurse to the Seniors, term to expire December 31, 1998.

five (5) Ayes — Carried

Town Clerk Shenk administered the oath of office to Michael F. Perley.

Town Attorney Perley administered the oath of office to the new appointees.

Appointments of the Town Board Liaisons by Supervisor Rood for the year 1998 are as follows:

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

Supervisor Rood made the following Committee Appointments for 1998:

AUDIT COMMITTEE

Town Board Members

TRAFFIC SAFETY AND ROADWAYS COMMITTEE

Councilman Simmeth-Chairman	Sgt. Don Gardon
Alan Carpenter	

INSURANCE COMMITTEE

Town Clerk Shenk-Chairman	Councilman Tills
Brian Baty	Michael Perley

CREATIVE PLAYGROUND COMMITTEE

Councilman Mead-Chairman	Leo Jensen

SENIOR CITIZENS COUNCIL GROUP #1

Dolores Seufert-President	Caroline Burkard
Theresa Gresco	Mary Naber-Secretary
Dorothy Overhoff	Pearl Emerling
Jack Seufert	Harold Rockwood
Joe Mertzluff	Art May
John Snyder	Tony Collett

REGULAR BOARD MEETING
JANUARY 7, 1998

TOWN HALL
7:30 P.M.

SENIOR CITIZEN "YOUNG AT HEART" GROUP#2

Betty Cunningham-President
Joan Shoffstall
Marge Abbott-V.President
Elizabeth Deaner, Secretary

INVESTMENT ADVISORY COMMITTEE

Councilman Wiktor-Chairman
Mark Flaherty
Michael Perley
Supervisor Rood
Designated Reps of Boston, N Boston and Patchin Fire Companies
Town Board Members

SOLID WASTE AND REFUSE COMMITTEE

Councilman Simmeth-Chairman
Supervisor Rood
Michael Perley
Town Clerk Shenk

CAPITAL IMPROVEMENTS

Supervisor Rood-Chairman
Jean O'Connell
Councilman Wiktor
Councilman Simmeth
Michael Reilly
Michael Perley
Gerald O'Brien
Councilman Mead
Councilman Tills

INSPECTION COMMITTEE

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

CABLE TV COMMITTEE

Councilman Tills-Chairman
Michael Perley
Councilman Simmeth
Supervisor Rood
Councilman Wiktor

DRAINAGE COMMITTEE

Councilman Simmeth-Chairman
Wayne Kreitzbender
Hwy. Supt. Ruchalski

ZONING REVIEW COMMITTEE

Town Board
Town Attorney
Town Planner
Code Enforcement Officer
Designated Reps. - Planning Board and Zoning Board of Appeals

SAFETY COMMITTEE

Town Clerk Shenk-Chairman
Hwy. Supt. Ruchalski
Raymond Werth
James Pluta
Louise Manista
Peter Archbold
Supervisor Rood
Gerald O'Brien
Dennis Krammer
Chris Grinsell
Sean Crotty

RECORDS COMMITTEE

Town Clerk Shenk-Chairman
Karen Ellis
Supervisor Rood
Leo Jensen

REGULAR BOARD MEETING — TOWN HALL
JANUARY 7, 1998 — 7:30 P.M.

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

Position	Salary
Deputy Supervisor, PT	500/Yr.
Assistant to the Supervisor	19,000/Yr.
Bookkeeper	17,525/Yr.
Clerk-Typist, PT	9.37/Hr.
Clerk to Justices	20,075/Yr.
Assessment Clerk, PT	8,800/Yr.
Town Attorney	22,000/Yr.
Dep. Attorney/Prosecutor	10,050/Yr.
Court Officer, PT	3,380/Yr.
Deputy Town Clerk	20,075/Yr.
Secretary to Boards	9.15/Hr.
Recreation Director, PT	6,975/Yr.
Code Enforcement Officer, PT	10,050/Yr.
Dep. Code Enforcement Officer, PT	4,860/Yr.
Dog Control Officer, PT	7,100/Yr.
Dep. Dog Control Officer & Enumerator, PT	3,000/Yr+$1 per dog
Nurse - Senior Citizens	25.00/Session
Nutrition Program Director	6.30/Hr.
Asst. Nutrition Program Director	6.30/Hr.
Cleaner, PT - Town Hall	2,600/Yr.
Laborer, PT - Town Hall	8.18/Hr.
Bingo Inspector	32.00/Per Insp. 44.00/Per Dbl Bingo
Assessor, PT	24,285/Yr.
Cobblehill Cemetery Liaison	275/Yr.
Records Management Officer	No Salary
Registrar of Vital Statistics	1/Yr.
Dep. Registrar of Vital Statistics	1/Yr.
Marriage Officer	No Salary
Town Historian	2,000/Yr.

Election Inspectors - Per Day

Primary Day	108.00
Chairman	15.00
Election Day	108.00
School	22.00

Highway Department

Working Crew Chief	15.58/Hr.
M.E.O'S	14.60/Hr.
Truck Drivers	11.40/Hr.
M.E.O. Trainee	9.50-14.00/Hr.
Laborers	5.60- 8.25/Hr.

five (5) Ayes — Carried

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

five (5) Ayes — Carried

REGULAR BOARD MEETING
JANUARY 7, 1998

TOWN HALL
7:30 P.M.

A motion was made by Councilman Tills and seconded by Councilman Mead to schedule the dates and times for the 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.

Carried

five (5) Ayes

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

Carried

five (5) Ayes

A motion was made by Councilman Mead and seconded by Councilman Tills to set the payment of salaries for 1998 as follows:

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

Carried

five (5) Ayes

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

Carried

five (5) Ayes

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

Carried

five (5) Ayes

A motion was made by Councilman Simmeth and seconded by Councilman Tills 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.

Carried

five (5) Ayes

REGULAR BOARD MEETING
JANUARY 7, 1998

TOWN HALL
7:30 P.M.

A motion was made by Councilman Wiktor and seconded by Councilman Mead 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 Simmeth and seconded by Councilman Tills 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 Tills and seconded by Councilman Simmeth to schedule the Annual Audit Meeting for January 21, 1998 and direct the Town Clerk to notify all personnel who handle monies to attend.

five (5) Ayes

Carried

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

five (5) Ayes

Carried

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

five (5) Ayes

Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to direct the Town Clerk to send letters to refuse collectors for annual payment of fees.

five (5) Ayes

Carried

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

Town Justices	8 Days / month
Supervisor	20
Dep. Town Attorney/Pros.	12
Councilman	8
Deputy Supervisor	2
Code Enforcement	15
Deputy Code Enforcement	7
Assessor	20
Town Attorney	18
Court Officer	5
Recreation Director	15
Assessment Clerk	13
Nutrition Director	13

five (5) Ayes

Carried

A motion was made by Councilman Simmeth and seconded by Councilman Tills 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
Assistant to Town Supervisor

five (5) Ayes

Carried

TOWN OF BOSTON

TOWN OF BOSTON

RESOLUTION 1998-01

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 7th day of January 1998 at 7:30 P.M. Eastern Standard Time, there were:

Present:

Damian P. Wiktor	Councilman
Stephen K. Tills	Councilman
Karl J. Simmeth Jr.	Councilman
Dennis J. Mead	Councilman
Lisa M. Rood	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 $1,500 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 Simmeth and duly put to a vote which resulted as follows:

Supervisor Rood	Voting Aye
Councilman Wiktor	Voting Aye
Councilman Tills	Voting Aye
Councilman Simmeth	Voting Aye
Councilman Mead	Voting Aye

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

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING
JANUARY 7, 1998

TOWN HALL
7:30 P.M.

A motion was made by Councilman Simmeth and seconded by Councilman Mead 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 Mead and seconded by Councilman Tills 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 1998 - 1 PROCUREMENT POLICY

A motion was made by Councilman Mead and seconded by Councilman Simmeth to set the following 1997 Holidays for the Town of Boston:

January 1, Thursday - New Year's Day, January 19, Monday - Martin Luther King, Jr., February 16, Monday - Patriot's Day, April 10, Friday - Good Friday, May 25, Monday - Memorial Day, July 3, Friday - Independence Day, September 7, Monday - Labor Day, October 12, Monday - Columbus Day, November 03, Tuesday - Election Day, November 11, Wednesday - Veteran's Day, November 26, Thursday - Thanksgiving Day, *December 24, Thursday - 1/2 Christmas Eve, December 25, Friday - Christmas Day, *December 31, Thursday - 1/2 New Year's Eve.

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

five (5) Ayes

Carried

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to appoint R & D Engineering, P.C. as the Town Engineering Firm for a fee of $3,000 yearly, utilizing additional services with fees as described in the contract, term to expire December 31, 1998 and to authorize Supervisor Rood to sign contracts.

five (5) Ayes

Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead, on the recommendation of the Planning Board, to re-appoint Richard Brox as Town Planner, for fee of $1,900 per year, utilizing additional services with fees as described in the contract, term to expire December 31, 1998.

five (5) Ayes

Carried

A motion was made by Councilman Mead and seconded by Supervisor Rood to appoint Councilman Simmeth as a Representative on the NEST (Northeast-Southtowns) Solid Waste Management Board, term to expire December 31, 1998.

five (5) Ayes

Carried

A motion was made by Councilman Mead and seconded by Councilman Wiktor to appoint Supervisor Rood as an Alternate Representative on the NEST (Northeast-Southtowns) Solid Waste Management Board, term to expire December 31, 1998.

five (5) Ayes

Carried

REGULAR BOARD MEETING
JANUARY 7, 1998

TOWN HALL
7:30 P.M.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to approve the Correction of Appropriation of Funds from the December 31, 1997 Town Board Meeting:

Highway Fund:	APPROP D960	12,000.00
	To	
	NYS Retire D9010.8	12,000.00
	Approp D960	12,000.00
	From	
	Gen Repair D5110.1	12,000.00

five (5) Ayes — Carried

A motion was made by Councilman Mead and seconded by Councilman Tills to approve the 1997 Budget Amendment:

Appropriate Excess Revenue:

From:	Brush & Weeds Interfund Revenue	D2801	14,738.53
To:	Hwy Gen Repair	D5110.1	12,000.00
	Gen FD Garage	A5132.4	2,738.53
			14,738.53

five (5) Ayes — Carried

SUPERVISOR REPORT

Supervisor Rood commented that she and Highway Superintendent Ruchalski have addressed some of the drainage and flooding complaints which have been caused by the recent change in weather conditions.

TOWN CLERK REPORT

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

five (5) Ayes — Carried

Town Clerk Shenk reported that the Public Hearing for the Brunner Rezoning, scheduled for January 21, 1998, must be canceled due to the fact that a copy of the survey and legal description has not been presented by the applicant. This information is necessary to draft a local law and publish the legal notice.

Town Attorney Perley noted that there have been problems with the survey and determining the exact legal description. The required information should be available by the next meeting.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to reschedule the Public Hearing for the Brunner Rezoning for February 18, 1998 at 8:00 p.m.

five (5) Ayes — Carried

Town Clerk Shenk introduced John Murchison, an Orchard Park student who is interning in the Town Clerk's office.

Town Clerk Shenk welcomed Supervisor Rood to the daily staff at the Boston Town Hall and noted that he is looking forward to working with her for the benefit of the community they both care for. Town Clerk Shenk also commented that he is looking forward to working with Councilmen Simmeth, Tills, and Mead and again congratulated them on their election and appointment respectfully.

REGULAR BOARD MEETING
JANUARY 7, 1998

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 Simmeth and seconded by Councilman Mead to authorize the Highway Dept. to pick up Christmas trees.

Carried

five (5) Ayes

Highway Superintendent Ruchalski thanked Supervisor Rood and welcomed her and the new Councilman to the Boston Town Board.

TOWN ATTORNEY REPORT

Town Attorney Perley welcomed the Town Board and noted that he is looking forward to a good and ongoing relationship with Supervisor Rood and to working with the new Town Board.

A motion was made by Councilman Mead and seconded by Councilman Wiktor to authorize Town Attorney Perley to attend a seminar on Governmental Liability in California and to be reimbursed for half the cost of the seminar ($255.00) and a hotel room for one (1) night at a cost of $140.00.

Carried

five (5) Ayes

Town Attorney Perley announced the Nowak Article 78 Proceeding is scheduled for argument on January 20, 1997 and a report will be given at the Town Board Meeting on January 21, 1998.

A motion was made by Councilman Tills and seconded by Councilman Mead to authorize the Supervisor to enter into a contract with TVGA Engineering, Surveying, P.C. for the Water District No. 2 Increase in Facilities Project.

Carried

five (5) Ayes

COUNCILMAN REPORT

Councilman Wiktor congratulated the new Town Board members, and new committee members and noted he is looking forward to working with the Town Clerk and his Deputy in a harmonious continuance of the progress in the Town.

Councilman Tills commented that it is a pleasure being on the Boston Town Board and is looking forward to working with the other members of the Town Board and the Town Clerk. He looks forward to working hard for the Town and is glad to be here.

Councilman Simmeth congratulated all the new appointees to their positions tonight and noted that he looks forward to working with this Town Board.

Councilman Simmeth announced that he and Councilman Wiktor will hold Saturday Councilman Hours at the Town Hall, on the second week of each month, from 9:00 a.m. to 11:00 a.m. to address any problems or concerns from the residents.

Councilman Mead commented that he considers it an honor to serve on the Boston Town Board and is looking forward to working with the Town Board members. He will resign from his position on the Boston Planning Board and is looking forward to serving as the Liaison to the Planning Board.

TOWN HALL
7:30 P.M.

REGULAR BOARD MEETING
JANUARY 7, 1998

CODE ENFORCEMENT OFFICER REPORT

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

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

DOG CONTROL OFFICER MONTHLY REPORT

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

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for December 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 Mead to approve the following Officers for the 1998 Planning Board:

Chairman	Paul Jusko
Vice Chairman	Patrica Hacker
Secretary	Zintars Z. Zadins

Carried

five (5) Ayes

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to adjourn the meeting at 8:20 p.m.

David J. Shenk
DAVID J. SHENK, TOWN CLERK

TOWN OF BOSTON

TOWN OF BOSTON

RESOLUTION 1998 - 02

PAYMENTS IN LIEU OF TAXES

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 21st day of January 1998 at 7:30 P.M. Eastern Standard Time, there were present:

Damian P. Wiktor	Councilman
Stephen K Tills	Councilman
Karl J. Simmeth Jr.	Councilman
Dennis J. Mead	Councilman
Lisa M. Rood	Supervisor

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 charges in Lieu of Taxes:

SBL # 227.00-6-40.2	8169 State Road	$1,000.00
211.00-5-27.2	7355 State Road	$6,000.00

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

Councilman Wiktor	Voting Aye
Councilman Tills	Voting Aye
Councilman Simmeth	Voting Aye
Councilman Mead	Voting Aye
Supervisor Rood	Voting Aye

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

David J. Skerk

DAVID J. SKERK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
JANUARY 21, 1998 — 7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Stephen K. Tills, Councilman Karl J. Simmeth Jr., Councilman Dennis J. Mead, Supervisor Lisa M. Rood, Highway Superintendent Eugene E. Ruchalski and Town Attorney Perley.

A motion was made by Councilman Wiktor seconded by Councilman Simmeth to adopt the minutes of the January 7, 1998 Regular Board Meeting.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Supervisor Rood that the Highway Bills on Abstract #1A, dated January 21, 1998 in the amount of $21,761.14 be paid. See Corrections page 2-25

five (5) Ayes — Carried

A motion was made by Supervisor Rood and seconded by Councilman Simmeth that the General Fund and Special District Bills on Abstract #1A, dated January 21, 1998 in the amount of $45,674.05 be paid.

five (5) Ayes — Carried

Received and filed notification of Franchise Fee Revisions from Adelphia Cable.

Supervisor Rood commented that the residential "Cable Value" subscriber will see an increase of approximately $.06 on a separate line labeled "franchise fee" on their monthly bill.

Town Attorney Perley noted that the franchise fee was always included in the bill but now the entire fee will be identified on a separate line. A franchise fee has been added for the collection of the franchise fee which accounts for the $.06 increase.

Received a Buffalo and Erie County Arts Council Award for $2,000 to support the Town of Boston 1998 "Concert in the Park" series.

Received and filed information from Nussbaumer & Clarke, Inc., regarding a Rural Development Grant for the East Hill Water District No. 3 project in the amount of $349,700.

Supervisor Rood commented that notification was received from Rural Development on January 16, 1997 that the Town of Boston was awarded a grant for the East Hill Water District No. 3 project in the amount of $349,700. If the ECWA honors their $520,000 commitment and removes the surcharge that was imposed because the water will be pumped a fifth time up the hill, this would then bring the cost under the threshold of $550 set by Audit and Control before their approval is required. This is a lot of "if's" and we are still in negotiations and will meet with Nussbaumer & Clarke and the ECWA.

RESOLUTION 1998 - 02 PAYMENT IN LIEU OF TAXES

A motion was made by Councilman Simmeth and seconded by Councilman Tills to grant Recreation Director O'Brien permission to use the Lions Shelter (Community Room - if rain) for the Town of Boston "Concert in the Park" series from 6:00 to 9:00 p.m. on Tuesdays, June 30th, July 7th, 14th, 28th, and August 4th, 11th, 18th, 25th.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to grant the Town of Boston Softball League permission to use the Lions Shelter on Sunday August 2, 1998 from 9:00 am to 9:00 p.m. for their annual picnic.

five (5) Ayes — Carried

REGULAR BOARD MEETING
JANUARY 21, 1998

TOWN HALL
7:30 P.M.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to grant the Boston Youth Baseball League permission to use the Lions Shelter on Saturday, August 1, 1998 from 8:00 a.m. to dusk for their annual picnic.

five (5) Ayes — Carried

A motion was made by Councilman Simmeth and seconded by Councilman Tills to accept the resignation of Dennis J. Mead from the Boston Planning Board, effective January 7, 1998 and to direct Town Clerk Shenk to send a letter thanking Mr. Mead for his service.

five (5) Ayes — Carried

Received and filed the Planning Board 1997 Annual Report.

Supervisor Rood read a letter from the Boston Planning Board recommending approval of a building permit request by Carl, Donald and Kenneth Kirst, for 7170 Boston State Road.

Supervisor Rood read a letter from TVGA Engineering stating that Kirst Construction, Inc. has submitted a Full Environmental Assessment Form and that the proposed office building expansion at 7170 Boston State Road has been classified as "Unlisted". The Town Board would be Lead Agency and there are no impacts. A negative declaration should be issued before the building permit is granted.

A motion was made by Councilman Wiktor and seconded by Supervisor Rood, having taken a hard look at the Full Environmental Assessment Form, pursuant to the Environmental Conservation Law and regulations promulgated thereunder, that the project listed by Kirst Construction, Inc will not have any significant adverse environmental impacts and that the Town Board therefore issues a negative declaration in connection with the SEQR review process.

five (5) Ayes — Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to approve the Building Permit Application from Carl, Donald and Kenneth Kirst, for 7170 Boston State Road.

five (5) Ayes — Carried

Received and filed the 1997 Annual Reports for the Code Enforcement Officer and the Conservation Advisory Council.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth 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, Registrar of Vital Statistics and Dog Control Officer Annual Reports for 1997.

five (5) Ayes — Carried

At 7:50 p.m. a Public Hearing was held for the purpose of hearing public comments on a Proposal to Dissolve Water Improvement No. 1 in the Town of Boston.

Supervisor Rood read the legal notice.

LEGAL NOTICE
Notice of Public Hearing on a Proposal to Dissolve Water Improvement No. 1 in the Town of Boston, New York

NOTICE IS HEREBY GIVEN 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 to consider a proposal made in the said Town Board to dissolve Water Improvement No. 1 in the Town of Boston on the grounds that any lands proposed to be served by the said Water Improvement No. 1 would be served by proposed Water District No. 3, if permission to establish same is granted by the Division of Audit and Control of New York State Comptroller's Office, and to return the $100,000.00 appropriated, from grant and General Fund monies, for the formation and construction of the said Water Improvement No. 1, to the General Fund of the Town of Boston.

At the time and place aforesaid all persons interested in the subject of said hearing will be heard concerning the subject thereof.

DATED: December 17, 1997
PUBLISHED: January 8, 1998

By Order of the Town Board
David J. Shenk, Town Clerk

1-8

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1998-03

Resolution Dissolving Water Improvement District No. 1 After Public Hearing

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, held on the 21st day of January, 1998 at 7:30 o'clock in the evening Eastern Prevailing Time there were:

Present:	**Lisa M. Rood**	**Supervisor**
	Dennis J. Mead	**Councilman**
	Karl J. Simmeth, Jr.	**Councilman**
	Steven K. Tills	**Councilman**
Absent:	**Damian P. Wiktor**	**Councilman**

Councilman Wiktor presented the following Resolution and moved its adoption:

WHEREAS, a proposal has been made in the Town Board of the Town of Boston to dissolve Water Improvement No. 1 and to return the money appropriated from the General Fund of the Town of Boston to the said General Fund.

WHEREAS, said Town Board duly adopted on the 17th day of December, 1997, a Resolution providing that said Town Board shall meet at the Town Hall, 8500 Boston State Road, Boston, New York, on the 21st, day of January, 1998, at 7:50 P.M., to consider such proposal and hear all persons interested in the same, and notice of such hearing was duly published and posted as prescribed by law, and said Town Board has, at the time and place specified in said notice, duly met and considered such proposal and heard all persons interested in the subject thereof who appeared at such time and place, concerning the same, and

WHEREAS, there has been no expense incurred in the formation of the proposed Water Improvement No. 1 except for the preparation of the Map, Plan and Report, which said costs have be paid through grant money obtained by the Town of Boston, and

WHEREAS, the money originally appropriated by the Town of Boston from its General Fund for Water Improvement No. 1 has accrued interest and there is currently an account balance held under the account name of Proposed Water District No. 3 for the use and benefit of Water Improvement No. 1 in the amount of $122,911.28, and

WHEREAS, the evidence offered at such time and place requires that the Town Board make the determination that it is in the public interest to dissolve Water Improvement No. 1 in the said Town of Boston and to return the money appropriated to the General Fund.

NOW, THEREFORE, BE IT RESOLVED, that, effective immediately the Town Board of the Town of Boston does hereby dissolve Water Improvement No. 1 in the said Town of Boston, and be it

FURTHER RESOLVED, that on and after the effective date of said dissolution, the Supervisor of the Town of Boston be, and she is hereby, authorized to transfer the fund balance held under the account name of Proposed Water District No. 3 for the use and benefit Water Improvement No. 1 to the General Fund of the Town of Boston.

FURTHER RESOLVED, that this resolution is subject to permissive referendum in the manner provided in Article Seven of the Town Law and Section 209-r of the Town Law.

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

Supervisor Rood	Voting:	Aye
Councilman Mead	Voting:	Aye
Councilman Simmeth	Voting:	Aye
Councilman Tills	Voting:	Aye
Councilman Wiktor	Voting:	Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk

David J. Shenk, Town Clerk

Notice of Adoption of Resolution
Subject to
Permissive Referendum

NOTICE IS HEREBY GIVEN that, at a regular meeting of the Town Board of the Town of Boston held on the 21st day of January, 1198, the Town Board adopted Resolution No. 1998-03, a copy of which follows, which said Resolution is subject to a permissive referendum pursuant to Article 7 of the Town Law and Section 209-r of the Town Law of the State of New York.

Dated: Boston, New York
January 21, 1998

Published: February 5, 1998

David J. Shenk
Town Clerk

REGULAR BOARD MEETING — TOWN HALL
JANUARY 21, 1998 — 7:30 P.M.

Public Hearing (Cont.)

Town Attorney Perley gave a history noting that Water Improvement No. 1 was a smaller project than what is currently Water District No. 3 and was adopted a long time ago. It was predicated upon the Town's ability to obtain water from the Ward Road Tank. The Town appropriated $75,000 of General Fund money (as was allowed for a Water Improvement pursuant to section 209q of Town Law). The Town also obtained a $25,000 grant. The State Comptroller required a letter from the ECWA stating that they will provide water. The Water Districts in Orchard Park were stressed and could not afford to share water from the Ward Road tank. The ECWA did a study called the Gannett-Fleming Study which essentially reallocated the way water was provided to Orchard Park. Two (2) pump stations were built in Orchard Park freeing the Ward Road Tank for the Town of Boston purposes. Three (3) Towns were involved in the Gannett-Fleming Study, Boston (who needed water for Water Improvement No. 1), Orchard Park (who needed an upgrade), and Aurora (who needed water for new subdivisions). ECWA adopted the Gannett-Fleming Study and agreed to provide the Orchard Park and Aurora upgrades for free but charge the Town of Boston for any upgrades. The Town began to look at what is now Water District No. 3 (which is the same area as in old Water Improvement No. 1 plus some additional areas. In the process of doing all the design work for Water Improvement #1, the grant money was used and the remaining funds were refunded. Therefore the entire fund balance that is currently in the account for the benefit of Water Improvement #1 was allocated from the General Fund and has accrued interest for a current balance of $122,911.28. The purpose of the Public Hearing tonight is to allow the Town Board to consider whether or not it is appropriate at this time to dissolve Water Improvement No. 1 on the basis that it is superfluous and that any improvement will occur when Water District #3 or any such new district is formed and to reallocate the money ($122,911.28) into the General Fund. The account under which these funds were kept was named "Proposed Water District #3". It is not the same Water District #3 that we currently have. At this point, assuming that the Town Board is agreeable and based on public comments, it would be appropriate for the Town Board, at the close of the Public Hearing, to dissolve Water Improvement No. 1 and transfer the fund balance held in the account designated "Proposed Water District No. 3" to the General Fund of the Town of Boston and recognize that this Resolution 1998-03 is subject to a Permissive Referendum.

Supervisor Rood convened the Public Hearing.

There were no comments.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to close the Public Hearing at 8:12 p.m.

five (5) Ayes — Carried

RESOLUTION 1998 - 03 — **Dissolving Water Improvement District No. 1 After Public Hearing**

SUPERVISOR REPORT

Supervisor Rood reported that on January 9, 1998 she attended a meeting at the Hamburg Town Hall regarding telecommunication towers. The NYS Thruway Authority has the authority to allow telecommunication towers on the corridors along the thruway without approval from local municipalities because the NYS Thruway Authority is deemed to be a higher authority. Supervisor Rood is attending the meetings in Hamburg as a show of support for the Town of Hamburg. Councilman Hochul has asked if the Thruway Authority would agree to a courtesy review by the respective Planning Boards.

REGULAR BOARD MEETING
JANUARY 21, 1998

TOWN HALL
7:30 P.M.

SUPERVISOR REPORT (Cont.)

Supervisor Rood contacted John Whitney, Erie County Department of Soil and Water Conservation Representative, regarding the loss of approximately twenty (20) feet of property along the creek behind the home of Walter Zelasko, 6565 Colonial Drive. Mr. Whitney noted that this problem is a private matter but suggested Mr. Zelasko consider exploring a method of bio-engineering (planting plants with dense root systems to hold back the bank). He noted that large trees along the bank should be cut down so that the creek doesn't undermine the root system and rip up large portions of the creek bank (as it did in this case) causing severe land loss. Work done in the creek must have NYS DEC approval and/or permits. Installing Rip Rap along the banks is another option that requires a permit and is quite costly.

Supervisor Rood announced that the Town of Boston request for CDBG (Community Development Block Grant) funds to install a Boccie Court and patio for the Seniors has been denied.

Supervisor Rood announced that there are vacancies on the Capital Improvement Committee which meets every other month on the first Tuesday at 7:30 p.m. in the Planning Board room. Anyone interested in serving is encouraged to submit a letter to Supervisor Rood.

Supervisor Rood reported that all but three (3) basements were flooded on Lu-Don Drive during the recent flooding crisis. On January 14, 1998, Erie County Legislator Frederick Marshall, Erie County Deputy Commissioner of Highways David Commerford, Erie County District Superintendent Gary Keane, Engineers Brian Smith and Robert Harris from R & D Engineering, Highway Superintendent Ruchalski, Councilman Simmeth, Mr. Barrett, Supervisor Rood and area homeowners surveyed the situation. The engineers surveyed the topography surrounding the Barrett property and Lu-Don Drive and made recommendations as to what the next step would be in an effort to address the drainage problem. The Town of Boston will cooperate with Erie County and the County will lend equipment to the town. The plans are in the pre-stage and have not been finalized.

TOWN CLERK REPORT

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to approve the attendance of the following at the NY City Association of Towns Annual Conference on February 14-18, 1998 and a cash advance amount of $200 for each attendant:

Supervisor Rood - Alternate Delegate	Town Clerk Shenk
Councilman Mead - Delegate	Town Justice Maxwell
Town Justice Bender	Court Clerk Thurber
Highway Superintendent Ruchalski	

five (5) Ayes — Carried

HIGHWAY SUPERINTENDENT REPORT

A motion was made by Councilman Wiktor and seconded by Councilman Mead to approve the Agreement for the Expenditure of Highway Moneys in the amount of $92,000 for the General Repairs of 36.6 miles of Town highways and $12,535 for the permanent improvements on Glenn Terrace and Kevin Drive (.46 miles) and $36,000 for the repairs of Ripple, Creekside, Northside, Elmtree, Parkside and Southside Drives, (2.01 miles).

five (5) Ayes — Carried

TOWN ATTORNEY REPORT

Town Attorney Perley thanked the Town Board for approval to attend a seminar on Governmental Liability in California.

REGULAR BOARD MEETING
JANUARY 21, 1998

TOWN HALL
7:30 P.M.

TOWN ATTORNEY REPORT (Cont.)

Town Attorney Perley announced the Nowak Article 78 Proceeding is re-scheduled for argument on February 3, 1998.

Town Attorney Perley has been in contact with the Town Engineers regarding the drainage situation on Lu-Don Drive in an effort to seek a cost effective solution to the problem.

COUNCILMAN REPORT

Councilman Mead attended the Chamber of Commerce Breakfast meeting on Thursday, January 15, 1998 and was impressed with the agenda for 1998.

Councilman Mead attended the Planning Board meeting on January 13, 1998. The Town Board is seeking residents to fill the vacant positions on the Planning Board.

Councilman Wiktor reported that on January 10, 1998 he, Highway Superintendent Ruchalski and Councilman Simmeth toured Lu-Don Drive and the East Hill to access the damage caused by ice to the trees and limbs. The Highway Department crews, pending weather conditions, will trim and chip the tree limbs so they will not create a dangerous situation.

Councilman Wiktor attended the Annual Installation of the Emergency Squad members and was asked to swear in the officers. He commented that the Boston Emergency Squad should be very proud because eleven (11) members served over 1,000 hours in 1997. Audrey Frank was the highest serving member with 1,487 1/2 hours. Barb Cudeck was honored for serving sixteen (16) years with 1000 hours of service.

Councilman Wiktor reported that at the Saturday Councilman hours complaints were received regarding solicitors who were canvassing the Town with conservation issues and asking for signatures on petitions and a fifteen ($15,00) donations.

Councilman Wiktor noted that the Town of Boston Recreation Department is going to receive increases in revenue this year. The General Recreation Fund will receive $2,616, Youth Services $2,330 and the Youth Initiative Group $1,413 for a total of $6,359 which will be well spent on our Recreation Program.

Councilman Simmeth reported that he attended a NEST meeting with Supervisor Rood on January 8, 1998. The word most often used was inter-municipal agreement, which refers to towns contracting together to have services performed at a cost savings. Solid Waste costs are rising and this issue should be addressed.

Councilman Simmeth attended a Conservation Advisory Council meeting on January 15, 1998. Chairman Bifaro noted that there are three (3) vacancies on the Council if anyone is interested in serving. The 1998 projects include planting trees and 300 seedlings which will be delivered in April by the National Tree Trust. The Tire Drop-off was a huge success in 1997 and will be scheduled again in 1998 along with the Boston Beautification Contest.

Councilman Simmeth received a call from Angela Wozniak, 6386 Rice Road regarding the speed limit on Zimmerman and Back Creek Roads near the Boston Valley School. One of her children was involved in a school bus accident and she was inquiring about the possibility of lowering the speed limits and installing traffic signs.

Councilman Simmeth reported that the street light on Boston-Colden Road is still shining in a field and will be addressed again soon.

REGULAR BOARD MEETING
JANUARY 21, 1998

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (Cont.)

Councilman Tills reported that there was an article in the Buffalo News a few weeks ago regarding proposed legislation, a pending Assembly Bill on telecommunication towers. This Bill would give more power back to the municipalities in approving communication tower applications. The Bill could not supersede the federal law but would give municipalities some power regarding location and would require that companies combine their communication networks on one tower. This law also recommends that the applicant go through the local Code Enforcement Officer and a site plan review process. Residents concerned about the growth of towers in their area should write to NYS Assemblyman Smith and support this Bill.

Supervisor Rood suggested that Councilman Tills present a letter at the next Town Board meeting for the Town Board to support and send to Assemblyman Smith.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to adjourn the meeting at 8:22 p.m.

David J. Shenk
DAVID J. SHENK, TOWN CLERK

RESOLUTION 1998 - 04

A regular meeting of the Town Board of the Town of Boston, in the County of Erie, New York, was held at the Town Hall, in said Town, on the 4th day of February, 1998.

PRESENT:

Hon.	Lisa M. Rood	, Supervisor
	Damian P. Wiktor	, Councilperson
	Stephen K. Tills	, Councilperson
	Karl J. Simmeth Jr.	, Councilperson
	Dennis J. Mead	, Councilperson

In the Matter
of the

Increase and Improvement of Facilities of Water District No. 2, 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 TO BE HELD ON
FEBRUARY 18, 1998

WHEREAS, the Town Board of the Town of Boston (herein called "Town Board" and "Town", respectively), in the County of Erie, New York, has requested TVGA Engineering, Surveying, P.C. (the "Engineer"), engineers duly licensed by the State of New York to prepare a preliminary map, plan and report for the increase and improvement of facilities for Water District No. 2 (herein called "District"), consisting of the installation of approximately 8,000 linear feet of ten-inch PVC waterline on Keller and Zimmerman Roads, the installation of a pump station and storage tank, and the replacement and installation of valves, hydrants, service connections, and all sitework related thereto; and pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for said increase and improvement of facilities of the District and has estimated the cost thereof to be $795,600; said cost to be financed by the issuance of serial bonds of the Town in the amount of $795,600;

WHEREAS, the Town Board has given due consideration to the impact that said project may have on the environment and on the basis of such consideration, the Town Board has found that no

substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, a negative declaration and/or other applicable documentation has been filed in the office of the Town Clerk;

Now, therefore, be it

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, in the Town, in the Town, on the 18th day of February, 1998 at 7:50 o'clock P.M. (Prevailing Time) to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it,

FURTHER ORDERED, that the Town Clerk publish at least once in the "HAMBURG SUN," a newspaper published in Hamburg, New York, and in the "SPRINGVILLE JOURNAL," a newspaper published in Springville, New York, and hereby designated as the official newspapers of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

DATED: February 4, 1998

TOWN BOARD OF THE TOWN OF BOSTON

(SEAL)

Supervisor Rood	Voting Aye
Councilman Wiktor	Voting Aye
Councilman Tills	Voting Aye
Councilman Simmeth	Voting Aye
Councilman Mead	Voting Aye

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

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

I, DAVID J. SHENK, Town Clerk of the Town of Boston, in the County of Erie, New York, DO HEREBY CERTIFY that I have compared the preceding Order Calling Public Hearing with the original thereof filed in my office on the 4th day of February, 1998, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town on this 4th day of February, 1998.

(SEAL)

David J. Shenk
Town Clerk

197844.1 001092 RES

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

DAVID J. SHENK, being duly sworn upon his oath deposes and says:

That he is and at all the times hereinafter mentioned he was the duly elected, qualified and acting Town Clerk of the Town of Boston, in the County of Erie, New York; that on the 4th day of February, 1998, he caused to be conspicuously posted and fastened up a certified copy of the Order Calling Public Hearing, a true copy of which is annexed hereto and made a part hereof, on the sign board of said Town maintained pursuant to Section 30, subdivision 6, of the Town Law.

David J. Shenk
Town Clerk

Subscribed and sworn to before me
this 4th day of February, 1998.

Karen A. Ellis
Notary Public, State of New York

KAREN A. ELLIS
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES MAY 23, 98

197844.1 001092 RFS

REGULAR BOARD MEETING TOWN HALL
FEBRUARY 4, 1998 7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Stephen K. Tills, Councilman Karl J. Simmeth Jr., Councilman Dennis J.Mead, Supervisor Lisa M. Rood, 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 Supervisor Rood to adopt the minutes of the January 21, 1998 Regular Board Meeting.

five (5) Ayes Carried

A motion was made by Supervisor Rood and seconded by Councilman Simmeth that the General Fund and Special District Bills on Abstract #2, dated February 4, 1998 in the amount of $17,273.78 be paid.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth that the Highway Bills on Abstract #2, dated February 4, 1998 in the amount of $23,225.80 be paid.

five (5) Ayes Carried

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to accept the Town Clerk's Monthly Report for January 1998.

five (5) Ayes Carried

Received and filed a certificate from NYS Board of Real Property Services of the Final State Equalization Rate of 77.30 for the 1997 Assessment Roll.

Received a letter from James Kersten, 6480 Lu-Don Drive regarding the recent flooding problems.

Supervisor Rood commented that the surveying on Lu-Don Drive has been completed by R & D Engineering. Lu-Don Representative, Paul Becker will work on the plans and a number of Lu-Don residents have decided to share the bill. Labor will be supplied by the Boston Highway Department and Erie County will lend the necessary equipment. An Acceptance Agreement has been sent to Mr. Barrett because he has agreed to pay for the pipe. There are other options available but this plan seems to be the most logical, cost effective and expedient.

A motion was made by Supervisor Rood and seconded by Councilman Wiktor, having taken a hard look at the Full Environmental Assessment Form, pursuant to the Environmental Conservation Law and regulations promulgated thereunder, that the Increase and Improvement of Facilities of Water District No. 2 project, will not have any significant adverse environmental impacts and that the Town Board therefore issues a negative declaration in connection with the SEQR review process.

five (5) Ayes Carried

RESOLUTION 1998 - 04 **ORDER CALLING PUBLIC HEARING TO BE HELD ON FEBRUARY 18, 1998 ON THE INCREASE & IMPROVEMENT OF FACILITIES OF WATER DISTRICT NO. 2**

Referred to Town Attorney Perley a request from John Troyan, 7929 Allen Drive for clarification of the turnaround ownership at the rear of his property.

REGULAR BOARD MEETING — TOWN HALL
FEBRUARY 4, 1998 — 7:30 P.M.

Town Attorney Perley noted his preliminary research into the ownership of the turnaround at 7929 Allen Drive indicates that Mr. Troyan has never had any claim to the twenty-five (25) by twenty-five (25) foot square in question. The question that must be resolved is whether or not the title is in the Town of Boston name. Town Attorney Perley will report on this matter at the next Town Board meeting.

A motion was made by Supervisor Rood and seconded by Councilman Mead to designate Highway Superintendent Ruchalski to oversee the operations of the Parks Department in 1998 for an additional stipend of $3,000, effective immediately.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Supervisor Rood, on the recommendation of Recreation Director O'Brien, to appoint Jerry Lindsey as Recreation Leader, annual salary of $1,150, effective immediately and to expire on December 31, 1998 and to appoint Karen Wieckowski and John Politowski as Recreation Attendants for the Friday Night Recreation Program at $6.25 per hr, term retro-active to January 8, 1998 and to expire on May 30, 1998.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Tills to grant the Boston Fire Company use of the South Boston Park on Sunday July 19, 1998 for their Annual Family Picnic. A $50.00 deposit and a Certificate of Insurance was received.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead to grant the Boston Democratic Club use of the Boston Town Park property and Community Room on Saturday, April 11, 1998 for the 37th Annual Easter Egg Hunt. A $50.00 deposit was received.

five (5) Ayes — Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth to grant the Boston Historical Society use of the Community Room and Kitchen for their Dinner Meetings on March 4, and October 6, 1998. A $50.00 deposit was received.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to approve the following Correction of the Transfer of Appropriations approved at the 12/31/97 Town Board meeting:

Approp	960	From 240.92	to	245.37
From	Conservation Cont.	From 240.92	to	245.37
To	Conservation PS	From 240.92	to	245.37

five (5) Ayes — Carried

A motion was made by Councilman Mead and seconded by Supervisor Rood to refer the rezoning request of Betty and Jerome Krencik, 7130 Boston State Road to the Planning Board for review and recommendation.

five (5) Ayes — Carried

Received an Inspection Report and recommendation of demolition from Code Enforcement Kramer for the dwelling at 7615 Boston State Road.

REGULAR BOARD MEETING
FEBRUARY 4, 1998

TOWN HALL
7:30 P.M.

Town Attorney Perley commented that the Town Board can issue a Demolition Order allowing the property owner sixty (60) to seventy-five (75) days from the date of notice to demolish the building or show cause why it should not be demolished. A hearing can be scheduled at the Agenda Review which is a public meeting and notification sent to the owners and/or other interested parties. Since previous attempts to locate the owner and/or other interested parties have failed, the Demolition Order will be sent to the last know addresses by registered and first class mail, published in the local newspapers and tacked on the door of the building. If, after the seventy-five (75) day period the building has not been demolished or an Order has not been received to show why it should not be demolished, the Town can bid the demolition. If no one can be located to pay the demolition bill, the costs can be levied on the Town & County 1999 tax bill.

A motion was made by Supervisor Rood and seconded by Councilman Tills to adopt an Order that the property at 7615 Boston State Road be demolished by the owners on or before April 15, 1998 and that a Public Hearing be held at the Agenda Review Meeting of March 2, 1998 at 7:00 p.m. to allow the owners to provide a timetable for demolition or show cause why the property should not be demolished.

five (5) Ayes — Carried

SUPERVISOR REPORT

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to appoint Michael J. Pohl to the Capital Improvement Committee.

five (5) Ayes — Carried

Supervisor Rood commented that she has been in contact with Real Estate Agent Robert Ganey who will be working to secure the properties needed for Water District No. 2 on Zimmerman Road for the water tank and on Feddick and Keller Rds. for the pump station.

Supervisor Rood has made an application to Erie County Youth Services for summer help to work in the Parks Department and in the Town Clerk's office at no cost to the town.

Supervisor Rood has made an application to the Collins Correctional Facility for inmates to work on park projects scheduled for summer.

TOWN CLERK REPORT

A motion was made by Councilman Wiktor and seconded by Councilman Tills to accept the Monthly Registrar of Vital Statistics Report for January 1998.

five (5) Ayes — Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth to authorize Town Clerk Shenk to insert a informational flyer in the 1998 Town and County tax bills regarding the recreation and nutrition programs, the two senior groups and the summer concert schedule.

five (5) Ayes — Carried

Town Clerk Shenk reported that on February 2, 1998 he applied to the NYS Records Administration for a $20,000 grant to microfilm the twenty-one (21) sq. feet of Code Enforcement Records in the storage vault. Notice of grant approval is expected by June or July 1998.

REGULAR BOARD MEETING TOWN HALL
FEBRUARY 4, 1998 7:30 P.M.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Ruchalski thanked Supervisor Rood and the Town Board for the faith and trust bestowed upon him to oversee the town parks. He will do the job to the best of his ability.

TOWN ATTORNEY REPORT

Town Attorney Perley reported that the Nowak Article 78 proceeding against the Town of Boston has been adjourned to March 3, 1998.

Town Attorney Perley announced that he and Supervisor Rood will meet with Erie County Water Authority Commissioners on February 5, 1998 to discuss aspects of Water District No. 2 and No. 3.

COUNCILMAN REPORT

Councilman Mead reported that he attended the Planning Board meeting on January 27, 1998 and noted the issuance of a Special Use Permit to Mr. DeSantis was not recommended because with the addition of the requested structure the lot coverage would exceed the maximum allowed in the Town Code. Town Code does not favor more than one accessory building on such a lot. Regarding the Hickory Meadow subdivision, the Planning Board agreed to accept the final application to be filed no later than nine (9) months from January 7, 1998. Councilman Wiktor presented a chart of building permit fees of surrounding towns with a proposed fee schedule increasing Town of Boston permit fees equal to other area towns.

Councilman Mead noted that four (4) applications have been received to fill the Planning Board vacancies and a meeting has been scheduled for interviews.

Councilman Mead reported that he and Councilman Wiktor (representing Supervisor Rood), attended the Southtowns Planning and Development Group meeting on January 26, 1998. Among the many issues discussed were changes in the agricultural districts, master plan development and a corporation proposal to develop facilities to support wireless communication systems along the NYS Thruway corridor. Of interest was the Town of Collins Local Law requiring property address numbers to be displayed on all structures to aid emergency and rescue services. This would be something for the Town of Boston to consider also.

Councilman Wiktor noted that on January 19, 1998 he was privileged to act as the "Swearing-in Officer" of the North Boston Fire Company. Robin Mead was honored as the "Firefighter of the Year".

Councilman Wiktor reported that he attended the Southtowns Planning and Development Group meeting on January 26, 1998. Of particular importance were the 1998 proposed resolutions to be discussed and voted upon at the upcoming Association of Towns Training School and Annual Meeting in New York City on February 16-18, 1998. One proposal was the issue of user fees for emergency services and rescue squads which are currently excluded from charging fees.

Town Attorney Perley commented that in the Town of Boston, because we have a rescue squad and are a free standing Ambulance District we are allowed to charge fees. The problem is whether or not the medical insurance companies will cover the charges.

Supervisor Rood noted that if the Town of Boston began charging user fees, and the resident had health insurance, their insurance company would be billed. If the resident did not have health insurance they would not be billed. Either way the resident is never charged for the ambulance ride.

REGULAR BOARD MEETING
FEBRUARY 4, 1998

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.)

Councilman Wiktor attended the Boston-Colden East Eden Fire Council meeting and noted that daytime training schedules are being offered for the first time. Also being offered is the Erie County Fire Chief's Mutual Aid Organization Scholarship program. This program will provide a scholarship to any volunteer firefighter in good standing or to his immediate family member.

Councilman Wiktor announced that the Town of Boston Youth Baseball and Girls's Softball registration will be Saturdays, February 7 and February 14, 1998 in the Community Room from 10:00 a.m. - 2:00 p.m.

Councilman Tills commented that he has had several inquires as to the eligibility for the STAR Tax Exemption program. There are two (2) classes, the basic STAR Exemption and the enhanced Star Exemption. The enhanced exemption applies to senior citizens sixty-five years old and older and is in effect now. The basic exemption will be in effect in 1999 and applies to citizens younger than sixty-five years old.

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer monthly report for January 1998 was received and is on file in the Clerk's Office.

B) Deputy Code Enforcement Officer monthly report for January 1998 was received and is on file in the Clerk's Office.

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officer monthly report for January 1998 was received and is on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for January 1998 was received and is on file in the Clerk's Office.

A motion was made by Councilman Tills and seconded by Councilman Simmeth to adjourn the meeting at 8:19 p.m.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
FEBRUARY 18, 1998 — 7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Stephen K. Tills, Councilman Karl J. Simmeth Jr., Councilman Dennis J. Mead, Supervisor Lisa M. Rood, and Town Attorney Perley.

Absent: Highway Superintendent Eugene E. Ruchalski.

A motion was made by Councilman Wiktor seconded by Councilman Mead to adopt the minutes of the February 4, 1998 Regular Board Meeting.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead that the General Fund and Special District Bills on Abstract #2A, dated February 18, 1998 in the amount of $62,888.59 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Supervisor Rood that the Highway Bills on Abstract #2A, dated February 18, 1998 in the amount of $14,849.03 be paid.

five (5) Ayes — Carried

Received and filed the Erie County Sheriff's Monthly Report for December 1997.

Received and filed notification from the Assembly Majority Leader, Assembly Standing Committee on Local Governments and Assembly Standing Committee on Corporations Authorities and Commissions, of a Joint Public Hearing in Albany on March 11, 1998 regarding State and Local Regulations of Wireless Communication Towers.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to grant the Conservation Advisory Council use of the Boston Lions Shelter and Community Room for the annual Earth Day Events on April 25, 1998 from 8:00 a.m. to 3:00 p.m.

five (5) Ayes — Carried

A motion was made by Supervisor Rood and seconded by Councilman Wiktor to approve the General Fund & Special Districts corrections as follows:

Correction of Appropriations from the 12/31/97 Town Board Meeting:

Approp		960	526.20
From	Retire	9010.8	526.20
Approp		960	
To	Justice	1110.4	69.01
	Sup	1220.4	246.81
	Assess	1355.4	220.00
			526.20

five (5) Ayes — Carried

A motion was made by Supervisor Rood and seconded by Councilman Mead to approve the General Fund & Special Districts corrections to Abstract #1 Page #2 as follows:

Total Water District #1

From	1,670.00	to	1,670.40
Total Abstract from	53,817.97	to	53,818.27

five (5) Ayes — Carried

RESOLUTION 1998 - 06

A regular meeting of the Town Board of the Town of Boston, in the County of Erie, New York, was held at the Town Hall, in said Town, on the 18th day of February, 1998.

PRESENT:

Hon. Lisa M. Rood, Supervisor
Damian P. Wiktor , Councilperson
Stephen K. Tills , Councilperson
Karl J. Simmeth Jr., Councilperson
Dennis J. Mead , Councilperson

In the Matter
of the

Increase and Improvement of Facilities of Water District No. 2, in the Town of Boston, in the County of Erie, New York, pursuant to Section 202-b of the Town Law.

RESOLUTION AND
ORDER AFTER PUBLIC
HEARING

WHEREAS, the Town Board of the Town of Boston (herein called "Town Board" and "Town", respectively), in the County of Erie, New York, on behalf of Water District No. 2, (herein called "District"), has requested TVGA Engineering, Surveying, P.C. (the "Engineer"), engineers duly licensed by the State of New York, to prepare a preliminary map, plan and report for the increase and improvement of facilities of the District, consisting of the installation of approximately 8,000 linear feet of ten-inch PVC waterline on Keller and Zimmerman Roads, the installation of a pump station and storage tank, and the replacement and

installation of valves, hydrants, service connections, and all sitework related thereto, and pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for said increase and improvement of facilities of the District and has estimated the cost thereof to be $795,600; said cost to be financed by the issuance of serial bonds of the Town in the amount of $795,600; and

WHEREAS, pursuant to an Order adopted February 4, 1998, a public hearing was duly held by the Town Board on this 18th day of February, 1998 at 7:50 o'clock P.M. (Prevailing Time) at the Town Hall, in the Town, and considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of the facilities; and

WHEREAS, the Town Board has given due consideration to the impact that the increase and improvement of facilities of the District may have on the environment and on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, a negative declaration and/or other

applicable documentation has been filed in the office of the Town Clerk;

NOW, THEREFORE, on the basis of the information given at such hearing, it is hereby

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described and referred to at the aggregate estimated maximum cost of not to exceed $795,600; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer heretofore retained by the Town Board shall prepare plans and specifications and make careful estimate of the expense for said increase and improvement of the facilities and with the assistance of the Town Attorney, prepare a proposed contract or contracts for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of facilities shall be financed by the issuance of not to exceed $795,600 serial bonds of the Town, and the costs of said facilities, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of special assessments upon the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount

of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable; and it is hereby

FURTHER ORDERED, that the Town Clerk record a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Erie County within ten (10) days after adoption thereof.

DATED: FEBRUARY 18, 1998

TOWN BOARD OF THE TOWN OF BOSTON

(SEAL)

Motion made by Supervisor Rood and seconded by Councilman Wiktor.

Supervisor Rood	Aye
Councilman Wiktor	Aye
Councilman Tills	Aye
Councilman Simmeth	Aye
Councilman Mead	Aye

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

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

I, DAVID J. SHENK, Town Clerk of the Town of Boston, in the County of Erie, New York, DO HEREBY CERTIFY that I have compared the preceding Resolution and Order After Public Hearing with the original thereof filed in my office on the 18th day of February, 1998 and the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 18th day of February, 1998.

(SEAL)

David J. Shenk
Town Clerk

197844.1 019163 RES

REGULAR BOARD MEETING — TOWN HALL
FEBRUARY 18, 1998 — 7:30 P.M.

A motion was made by Councilman Wiktor and seconded by Councilman Tills to approve the General Fund & Special Districts corrections to Abstract #1A Page #2 as follows:

V #71	National Fuel	From	AMB	SM4540.4	377.32
		To	BLD	A1620.4	377.32
V #72	EC Water	From	AMB	SM4540.4	91.57
		To	BLD	A1620.4	91.57

No Change in Abstract Total

five (5) Ayes — Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth to approve the General Fund & Special Districts corrections to Appropriations as follows:

Approp		960	1,500.00
From	Atty	A1420.4	1,500.00
Approp		960	1,500.00
To	Sup	A1220.4	1,500.00

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Tills to approve the General Fund & Special Districts corrections of Appropriations from 12/31/97 Town Board Meeting as follows:

Approp		960	1,000.00
From	Water #1	SW18340.2	1,000.00
To	Water #1	SW18340.4	1,000.00

five (5) Ayes — Carried

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to schedule the Yellow Bus Transportation bid opening for Thursday, March 19, 1998 at 10:00 a.m.

five (5) Ayes — Carried

Supervisor Rood read a Planning Board recommendation of denial for a Special Use Permit request from Robert DeSantis, 6346 May Drive, for the following reasons:

A. With the addition of this structure, the lot coverage will exceed the maximum allowed in the code.
B. The Code does not favor more than one accessory building on such a lot.

A motion was made by Councilman Tills and seconded by Councilman Simmeth to schedule a Public Hearing for March 18, 1998 at 8:00 pm on the Special Use Permit request, Robert DeSantis, 6346 May Drive.

five (5) Ayes — Carried

Received a complaint from Mr. and Mr. Jerry Carrow, 6700 Mill Street regarding the remains of a burnt structure and unlicensed junk yard at 6710 Mill Street.

Code Enforcement Kramer commented that Mr, Dzierzanowski, owner of 6710 Mill Street, is scheduled to appear in court on March 30, 1998 regarding the running of a junk yard without a permit and other code violations. Code Enforcement Officer Kramer suggested the Town Board schedule an on-site inspection to be familiar with the situation.

Councilman Wiktor directed the Town Clerk to notify Mr. Dzierzanowski (copy to Mr. & Mrs. Carrow) of the on-site inspection date and request he notify the Town Board if there is an objection.

REGULAR BOARD MEETING TOWN HALL
FEBRUARY 18, 1998 7:30 P.M.

Supervisor Rood announced that four (4) requests were received for three (3) vacancies on the Boston Planning Board. All applicants were highly qualified and would be an asset to the Planning Board. The letter of request from the fourth applicant will be kept on file for any future vacancies.

A motion was made by Councilman Wiktor and seconded by Councilman Tills to appoint David O. Stringfellow to the Planning Board, term to expire 2/1/2000.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Tills to appoint Kevin G. Maxwell to the Planning Board, term to expire 2/1/2001.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead to appoint Thomas A. Edington to the Planning Board, term to expire 2/1/2005.

five (5) Ayes Carried

At 7:50 p.m. a Public Hearing was held for the purpose of hearing public comments in the matter of the Increase and Improvement of Facilities of Water District No. 2, in the Town of Boston, County of Erie, New York, pursuant to Section 202-b of the Town Law.

A motion was made by Supervisor Rood and seconded by Councilman Mead to open the Public Hearing.

five (5) Ayes Carried

Supervisor Rood read the legal notice and Order Calling for a Public Hearing.

Charles (Bob) Pettit, Engineer, TVGA Engineering, Surveying, P.C. gave a brief history and report on the Town of Boston Increase of Facilities to Water District #2, Keller and Zimmerman Roads. Using a map, Mr. Pettit outlined the boundaries of the District. An Addendum to the Map, Plan and Report for the Increase in Facilities was distributed to the Town Board. The total cost to Water District #2-Increase of Facilities, based on construction during 1998 and 1999 is $795,600.

Darlene Williams, 5330 Keller Road: Is the pump station going to be at the intersection of Keller and Feddick Rds and has the land already been purchased?

Charles Pettit: The location of the pump station will be near the intersection of Keller/Feddick Rds.

LEGAL NOTICE
TOWN OF BOSTON

A regular meeting of the Town Board of the Town of Boston, in the County of Erie, New York, was held at the Town Hall, in said Town, on the 4th day of February, 1998.

PRESENT:

Hon. Lisa M. Rood,	Supervisor
Damian P. Wiktor,	Councilperson
Stephen K. Tills,	Councilperson
Karl J. Simmeth Jr.,	Councilperson
Dennis J. Mead,	Councilperson

In the Matter
of the
Increase and Improvement of Facilities of Water District No. 2, 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 TO BE HELD ON FEBRUARY 18, 1998

WHEREAS, the Town Board of the Town of Boston (herein called "Town Board" and "Town", respectively), in the County of Erie, New York, has requested TVGA Engineering, Surveying, P.C. (the "Engineer"), engineers duly licensed by the State of New York to prepare a preliminary map, plan and report for the increase and improvement of facilities for Water District No. 2 (herein called "District"), consisting of the installation of approximately 8,000 linear feet of ten-inch PVC waterline on Keller and Zimmerman Roads, the installation of a pump station and storage tank, and the replacement and installation of valves, hydrants, service connections, and all sitework related thereto; and pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for said increase and improvement of facilities of the District and has estimated the cost thereof to be $795,600; said cost to be financed by the issuance of serial bonds of the Town in the amount of $795,600;

WHEREAS, the Town Board has given due consideration to the impact that said project may have on the environment and on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, a negative declaration and/or other applicable documentation has been filed in the office of the Town Clerk;

Now, therefore, be it

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, in the Town, on the 18th day of February, 1998 at 7:50 o'clock p.m. (Prevailing Time) to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it,

FURTHER ORDERED, that the Town Clerk publish at least once in the "HAMBURG SUN," a newspaper published in Hamburg, New York, and in the "SPRINGVILLE JOURNAL," a newspaper published in Springville, New York, and hereby designated as the official newspapers of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

DATED: February 4, 1998

TOWN BOARD OF THE
TOWN OF BOSTON

(SEAL)

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

I, DAVID J. SHENK, Town Clerk of the Town of Boston, in the County of Erie, New York, DO HEREBY CERTIFY that I have compared the preceding Order Calling Public Hearing with the original thereof filed in my office on the 4th day of February, 1998, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town on this 4th day of February, 1998.

(SEAL)
2-5

David J. Shenk,
Town Clerk

REGULAR BOARD MEETING
FEBRUARY 18, 1998

TOWN HALL
7:30 P.M.

Public Hearing (Cont.)

Town Attorney Perley: The property location for the pump station has been identified but has not been purchased.

Mark Rich, 5369 Keller Road: What side of the road will the lines be run on and how far on the property will they go?

Charles Pettit: The lines will be on the north side of the road and will be installed between the road and the ditches.

Darlene Williams: What will it cost from the road to the house?

Charles Pettit: It will be approximately $400 to $500 per house to hook up to the main water line, payable up-front to the Town of Boston. After a contractor gets the bid, it will be the homeowners responsibility to pay for the copper lines from the road to the house. If the house is 150 feet or more from the road, a meter pit must be installed which would bring the total cost to approximately $1,000 to $1,200.

Councilman Mead: What is the estimated timetable for completion of this project?

Charles Pettit: We will be ready for bids in mid June and depending on weather conditions and material availability, we should be looking at project completion by the end of this year.

A motion was made by Supervisor Rood and seconded by Councilman Mead to close the Public Hearing at 7:59 p.m.

five (5) Ayes Carried

RESOLUTION 1998-06 AN ORDER TO APPROVE AN INCREASE IN FACILITIES TO WATER DISTRICT NO. 2 AND IMPROVEMENT OF FACILITIES OF WATER DISTRICT NO. 2

At 8:01 p.m. a Public Hearing was held for the purpose of hearing public comments on Proposed Local Law No. 1 of the Year 1998, A Local Law to Rezone Approximately .91 acres of land from R-A (Residential Agricultural) to C-1 (Local Retail Business District), requested by William Brunner, property of Richard & Jean Banko, 7166 Boston State Rd.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to open the Public Hearing.

five (5) Ayes Carried

Supervisor Rood read the legal notice. Twenty-two (22) neighboring property owners were notified.

LEGAL NOTICE
TOWN OF BOSTON
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston, Erie County, New York, will hold a Public Hearing at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on Wednesday, February 18, 1998 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.

PROPOSED LOCAL LAW NO. 1
OF
THE YEAR 1998

A LOCAL LAW TO REZONE APPROXIMATELY .91 acres of land from R-A (Residential Agricultural) to C-1 (Local Retail Business District)

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

Section I.

Local Law No. 1 of the Year 1998 shall amend Local Law No. 6 of the Year 1990, any amendments thereto and the Town of Boston zoning map, by rezoning .91 acres of real property from R-A to C-1 such property being described as Town of Boston, Erie County, New York, Lot 14, Township 8, Range 7 of the Holland Land Company's survey and located on the western side of NYS Route 391 south of the intersection of NYS Route 391 and Creekside Court.

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Boston, County of Erie and State of New York, being part of Lot No. 30, Township 8, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the southwest line of the Hamburg-Springville State Highway, also known as Boston State Road at its intersection with the northwest line of lands conveyed to Kirst by deed recorded in the Erie County Clerk's Office in Liber 9646 of Deeds, Page 464, as corrected by Liber 9711 of Deeds, Page 220 to a point; running thence southwesterly along the said northwest line of Kirst a distance of 260.00 feet; running thence northwesterly and along a line parallel with Boston State Road a distance of 152.76 feet to a point; running thence northeasterly and along a line parallel with the northwest line of lands so conveyed to Kirst as aforesaid 260.00 feet to the southwest line of Boston State Road; thence southeasterly along the said southwest line of Boston State Road a distance of 152.76 feet, to the point or place of beginning.

Section II.

If any provision of this Local Law shall be invalid, the remaining provisions shall not be effected thereby.

Section III.

This Local Law shall take effect as provided by the Municipal Home Rule Law.

Dated: JANUARY 30, 1998
Published: FEBRUARY 5, 1998
BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK
2-5

REGULAR BOARD MEETING — TOWN HALL
FEBRUARY 18, 1998 — 7:30 P.M.

Public Hearing (Cont.)

Supervisor Rood read the Planning Board recommendation of approval on the application of William Brunner, noting the following comments and concerns:

1) The proposal will not require an archeological review.
2) There are adequate utility services to the site.
3) The proposal is an extension of an existing C-1 District.
4) The proposal appears consistent with the Comprehensive Plan.
5) The plan submitted can meet or exceed the zoning requirements for parking, landscaping, setbacks and yard requirements.
6) A survey shall be submitted prior to Town Board action.
7) If the rezoning is granted by the Town Board, a formal application for a site plan review and approval shall be required.

There were no comments.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to close the Public Hearing at 8:05 p.m.

five (5) Ayes — Carried

A motion was made by Supervisor Rood and seconded by Councilman Tills to table the Proposed Local Law No. 1 of the Year 1998, A Local Law to Rezone Approximately .91 acres of land from R-A (Residential Agricultural) to C-1 (Local Retail Business District) at 7166 Boston State Rd, to the March 4, 1998 Town Board meeting.

five (5) Ayes — Carried

RESOLUTION 1998-05 RESOLUTION APPROVING THE TRANSFER OF THE CABLE TELEVISION FRANCHISE FOR THE TOWN OF BOSTON

A motion was made by Councilman Tills and seconded by Councilman on Simmeth, on the recommendation of Town Attorney Perley, to include the phrase "provided this would not constitute a change in ownership" at the end of section #4 of the Resolution.

five (5) Ayes — Carried

SUPERVISOR REPORT

Supervisor Rood reported that she attended the NYS Association of Towns Conference in New York City from February 15th to February 18, 1998 and attended many interesting and informative seminars. In a seminar on fiscal responsibility, the Albany Office of Technology supplied reports listing the indicators and factors which affected the towns financial situation for the previous six (6) or seven (7) years. Supervisor Rood noted that the Town of Boston is in excellent financial shape. Another seminar addressed the issue of preparing for the year 2000 by assuring that all computers used in Town government have the capability to accept the double zeros in the year 2000 without affecting files and stored data. Supervisor Rood thanked the town for allowing her the opportunity to attend the conference because it was an educational experience.

TOWN CLERK REPORT

Town Clerk Shenk announced the 1998 Town and County tax bills were mailed on February 13, 1998. The Town Clerk's office will be open to receive tax payments on Saturdays, February 28th and March 7th and March 14th from 9:00 a.m. to 3:00 p.m.

TOWN OF BOSTON

TOWN OF BOSTON

RESOLUTION 1998 - 05

A RESOLUTION APPROVING THE TRANSFER OF THE CABLE TELEVISION FRANCHISE FOR THE TOWN OF BOSTON

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 18th day of February 1998 at 7:30 P.M. Eastern Standard Time, there were present:

Damian P. Wiktor	Councilman
Stephen K Tills	Councilman
Karl J. Simmeth Jr.	Councilman
Dennis J. Mead	Councilman
Lisa M. Rood	Supervisor

Councilman Tills presented the following resolution and moved its adoption:

WHEREAS, the Town of Boston, NY ("Boston)" of Erie County, NY granted a franchise to operate a cable television system pursuant to the Franchise Agreement between Boston and International Cablevision, Inc., d/b/a/ Adelphia Cable Communications ("Adelphia"), granted by Boston to Adelphia dated 12/18/1991;

WHEREAS, Adelphia and TCI of Pennsylvania, Inc., TCI Cablevision of Ohio, Inc. and TCI of New York, Inc., have negotiated an Agreement) the ("Agreement") pursuant to which Adelphia and TCI will form a Partnership named Parnassos, L.P., and Adelphia will transfer substantially all of the assets of its cable television system serving Boston (the "System"), including its rights under the Franchise, to Parnassos;

WHEREAS, Adelphia and Parnassos have filed a Form 394;

WHEREAS, the Franchise requires that the Town of Boston grant its consent to an assignment of the Franchise by Adelphia; and

WHEREAS, Adelphia and Parnassos have requested that the Town of Boston consent to the assignment and transfer of the Franchise by Adelphia to Parnassos.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF BOSTON, NEW YORK:

1. The Town of Boston does hereby consent to the transfer of the franchise and all of Adelphia's rights, powers, and privileges under the Franchise from Adelphia to Parnassos;

2. The foregoing consent to the transfer and assignment of the Franchise shall be effective upon consummation of the transfer of the System by Adelphia to Parnassos (the "Effective Date"), at which time the Town of Boston shall automatically release Adelphia and its predecessors from all obligations and liabilities under the Franchise that relate to periods from and after the Effective Date.

3. The Franchise Agreement granted by the Town of Boston, and hereby transferred to Parnassos will expire on 4/14/2002.

TOWN OF BOSTON

4. The Town of Boston hereby consents to any transfer of the Franchise after the Effective Date by Parnassos to any affiliate of Parnassos provided this would not constitute a change in ownership.

5. The Town of Boston hereby confirms that, to its knowledge: (a) the Franchise is currently in full force and effect and expires on 4/14/2002; (b) Adelphia is currently the valid holder and authorized grantee of the Franchise; (c) Adelphia is in compliance in all material respects with the Franchise; and (d) no event has occurred or exists which would permit the Town of Boston to revoke or terminate the Franchise. Subject to compliance with the terms of this Resolution, all action necessary to approve the transfer of the Franchise to Parnassos has been duly and validly taken.

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

Councilman Wiktor	**Voting Aye**
Councilman Tills	**Voting Aye**
Councilman Simmeth	**Voting Aye**
Councilman Mead	**Voting Aye**
Supervisor Rood	**Voting Aye**

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

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING
FEBRUARY 18, 1998

TOWN HALL
7:30 P.M.

TOWN ATTORNEY REPORT

Town Attorney Perley reported that he has been working with TVGA Engineering, Surveying, P.C., and the Bond Council to put together the final documents for the Water District #2 and the Water District #2 Extension projects. A final Order to form the Extension to Water District #2 will be presented at the March 4, 1998 Town Board meeting. The Bond Resolutions should be available to the Town Board at the March 18, 1998 Town Board meeting so that the financing package will be in place before the bids go out.

Town Attorney Perley noted that he and Supervisor Rood met with the Erie County Water Authority regarding Water District #3 and the results of that meeting were positive for East Hill residents. A proposal is being put together for the ECWA funding which will require an additional Public Hearing because the manner in which the district is now going to be formed will require the inclusion of the tank and pump station in the map plan report which was not previously required. This does not have a great impact in the overall price for this district, as will be explained in the future once the numbers are firm. For the benefit of the people in the East Hill District there will be additional proceedings required which means that the current application that has been prepared for the State Comptroller no longer has any real significance.

Town Attorney Perley will meet with Code Enforcement Officers in the Dzierzanowski matter and will request that the Supreme Court grant a Hearing as there has been, in his opinion, a failure of compliance.

Town Attorney Perley was requested by a resident to review the status of Allen Drive to determine if the turnaround in question was deeded to the Town of Boston. A report will be given at the March 4, 1998 Town Board meeting.

COUNCILMAN REPORT

Councilman Mead reported that he attended the NYS Association of Towns Conference in New York City from February 15th to February 18, 1998 and will give a report at the March 4, 1998 Town Board Meeting.

Councilman Mead reminded Boston residents sixty-five (65) years and older that the deadline for the STAR Tax Exemption program in the Town of Boston is June 1, 1998 and not March 2, 1998 as stated in a recent letter sent by Governor Pataki.

Councilman Wiktor reported that he and Supervisor Rood attended the "Kids Voting" conference at Erie Community College City Campus and noted that the amount of voter registration and participation within the last few years has increased in Erie County due to this program.

Councilman Wiktor noted he is planning on attending the Southtowns Community Forum on Monday, March 9, 1998. The major theme is to determine what is best for the southtowns and to develop an action plan.

A motion was made by Councilman Tills and seconded by Councilman Mead to grant Councilman Wiktor permission to attend the Southtowns Community Forum on Monday, March 9, 1998 at a cost of $20.00.

five (5) Ayes Carried

Councilman Simmeth reported that the Conservation Advisory Council still has four (4) vacancies and interested parties can submit a letter to the Boston Town Board.

REGULAR BOARD MEETING
FEBRUARY 18, 1998

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.)

Councilman Simmeth noted that he received a call from Angela Wozniak, 6386 Rice Road, regarding the speed limit request on Back Creek Road near the Boston Valley School. NYS State Police Sergeant Don Gardon reported that the road is being patrolled and tickets are being written. Councilman Simmeth contacted Gary Keane, Erie County Highway Department, to install signs in the area on February 11th and the signs were installed on February 13th.

Councilman Simmeth announced residents should either contact him or the Town Clerk's office if street lights are out.

Councilman Simmeth received a complaint from Brenda Mills, 5582 Ripple Drive, that there are sink holes on her property. Highway Superintendent Ruchalski and Crew Chief Kreitzbender inspected the area and have determined that it is a problem for the Erie County Sewer Authority.

Councilman Tills reported that he attended a Christmas Lighting Committee meeting on February 5, 1998. The life size nativity scene is in a state of disrepair and will involve some expense to restore. It was decided to restore the figurines and build a stable which will be mounted on a flat bed wagon for ease in moving from one location to another during the Christmas season.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to adjourn the meeting at 8:25 p.m.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
MARCH 4, 1998 — 7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Stephen K. Tills, Councilman Karl J. Simmeth Jr., Councilman Dennis J.Mead, Supervisor Lisa M. Rood, and Town Attorney Perley.

Absent: Highway Superintendent Eugene E. Ruchalski.

Councilman Wiktor requested a moment of prayer for Buffalo Police Officer Robert J. McLellan who was laid to rest on March 3, 1998.

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 Simmeth to adopt the minutes of the February 18, 1998 Regular Town Board Meeting.

five (5) Ayes — Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead that the General Fund and Special District Bills on Abstract #3, dated March 4, 1998 in the amount of $25,866.18 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Tills that the Highway Bills on Abstract #3, dated March 4, 1998 in the amount of $8,726.66 be paid.

five (5) Ayes — Carried

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to accept the Town Clerk Monthly Report for February 1998.

five (5) Ayes — Carried

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

Received and filed a Notice of Tentative Special Franchise Assessments from NYS Board of Real Property Services for the 1998 assessment roll

Received a letter dated February 17, 1998, from James Kersten, 6480 Lu-Don Drive regarding the proposed drainage improvements north of Lu-Don Drive.

Supervisor Rood gave a history of the action taken regarding the drainage problem on Lu-Don Drive. On January 14, 1998 Erie County Legislator Marshall, Erie County Deputy Commissioner of Highways Commerford, Erie County District Superintendent Keane, R & D Engineers Brian Smith and Robert Harris, Highway Superintendent Ruchalski, Councilman Simmeth, Mr. Barrett, Supervisor Rood and the residents of Lu-Don Dr. surveyed the situation. It was determined that the problem was created when Mr. Barrett altered the existing drainage when he removed the underground fuel storage tanks and paved the driveway. The NYS Constitution states that the Town cannot use General Fund monies to do work on private property if town property is not affected or is not affecting other property. Mr. Barrett agreed to pay for the pipe to divert the runoff water to the rear of Mr. Simmeth's property and Mr. Simmeth agreed to an easement allowing a swail to be installed to collect water and carry it to the creek. Erie County is willing to lend a bulldozer and set the pipe, the Boston Highway Department would supply a driver and the Town Attorney would provide the required easements. The remaining one time costs would be shared by the area residents. This solution appeared to be acceptable to the group and the most cost effective. A follow up letter was never sent to the residents because a definite decision had not yet been reached.

REGULAR BOARD MEETING — TOWN HALL
MARCH 4, 1998 — 7:30 P.M.

Town Clerk Shenk read the letter of response from Town Attorney Perley dated March 2, 1998 to Mr. James Kersten, 6480 Lu-Don Drive, regarding the Lu-Don Drive drainage problem.

Town Attorney Perley noted that he asked the town engineers if town property was affected and/or if the town was at all responsible for creating this situation. It was determined that there was a remote possibility that the integrity of Lu-Don Drive was affected, especially in the winter months and that the best course of action was to try and address this problem on a one time basis. Mr. Barrett has not yet firmly committed to buying the pipe. If solving the problem on a one time basis is not feasible the only alternative left would be to create a formal drainage district and construct an underground drainage system which would cost about $25,000. The costs would be borne by the residents in the affected district. Town Attorney Perley requested that Mr. Kersten call him so that he may explain the situation.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to remove from the table the Proposed Local Law No. 1-1998, to rezone approximately .91 acres of land from R-A (Residential Agricultural) to C-1 (Local Retail Business District), 7166 Boston State Road, owned by Richard & Jean Banko, and requested by William Brunner, tabled at the February 18, 1998 Town Board meeting.

five (5) Ayes — Carried

A motion was made by Councilman Mead and seconded by Councilman Tills to adopt the Proposed Local Law No. 1-1998, to rezone approximately .91 acres of land from R-A (Residential Agricultural) to C-1 (Local Retail Business District), 7166 Boston State Road, owned by Richard and Jean Banko and requested by William Brunner.

five (5) Ayes — Carried

Received the Boston Planning Board recommendation for the Betty and Jerome Krencik rezoning request, 7130 Boston State Road as follows:

1) rezoning does not seem necessary per interpretation of the home occupation code and:
2) Mr. Brox, Planning Consultant, recommendation - The current parcel in the R-2 district does not require a rezoning as a home occupation as defined in the zoning code pp:12319 section 123-7.

Town Attorney Perley commented that "Home Occupation" as defined in the Zoning Code is service orientated, not sales oriented and therefore "Home Occupation" would not apply in this case. It serves no purpose to rezone the property to C-1 because there is a prohibition against the mixed use of property currently used for residential purposes, section 128 of the Code. The Town Board deemed that this is an area in which a general remedy should be fashioned on a legislative basis by an amendment to the Zoning Law. Town Attorney Perley has been drafting an amendment to the Zoning Law which will permit retail sales in C-1 where there are owner occupied residences under certain limited circumstances. A Local Law to amend the zoning law will be drafted for consideration at the March 18, 1998 Town Board meeting. Mr. Krencik may choose to have a refund of his money or with his consent allow the rezoning application to remain tabled until a Local Law can be adopted.

Jerome Krencik, 7130 Boston State Road stated he will keep his rezoning request tabled until the Local Law is adopted.

A motion was made by Councilman Wiktor and seconded by Supervisor Rood, on the recommendation of Town Attorney Perley, to table the rezoning request from Betty & Jerome Krencik, 7130 Boston State Rd.

five (5) Ayes — Carried

TOWN OF BOSTON

RESOLUTION 1998-07

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 4th day of March, 1998 at 7:30 p.m., there were present:

Lisa M. Rood	Supervisor
Damian P. Wiktor	Councilman
Stephen K. Tills	Councilman
Karl J. Simmeth	Councilman
Dennis J. Mead	Councilman

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

WHEREAS, the Erie County-Southtowns Sewage Treatment Agency has requested that the New York State Department of Environmental Conservation revise its draft State Pollutant Discharge Elimination System (SPDES) compliance schedule to delete provisions relating to the Agency enforcing maintenance provision on its members and contract sewer districts, and

WHEREAS, the Erie County-Southtowns Sewage Treatment Agency has requested that the New York State Department of Environmental Conservation consistently apply enforcement to the owners of each sanitary sewer system as they have done in the past, including issuing separate SPDES permits for intermittent discharges from such sanitary sewer systems, and

WHEREAS, the Erie County-Southtowns Sewage Treatment Agency has requested that the time frames to complete the compliance schedule activities to which no objections have been raised be extended, as requested in the staff comments dated November 26, 1997 and the technical review comments and recommendations prepared by the staff, as sent to the New York State Department of Environmental Conservation, are hereby affirmed and requested to be implemented in the final SPDES to be issued.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Boston is completely in agreement with the Erie County-Southtowns Sewage Treatment Agency's Resolution dated January 30, 1998, copy of which is hereby annexed, to the New York State Department of Environmental Conservation, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Boston requests the New York State Department of Environmental Conservation give all consideration to the resolution submitted to them on January 29, 1998 by the Erie County-Southtowns Sewage Treatment Agency.

Motion seconded by Councilman Wiktor and duly put to a vote, as follows:

Supervisor Rood	Voting aye
Councilman Wiktor	Voting aye
Councilman Tills	Voting aye
Councilman Simmeth	Voting aye
Councilman Mead	Voting aye

Ayes: 5 Noes: 0 Carried

David J. Shenk, Town Clerk

RESOLUTION
ERIE COUNTY-SOUTHTOWNS SEWAGE TREATMENT AGENCY

WHEREAS, the New York State Department of Environmental Conservation has proposed to renew the, Erie County Southtowns Sewage Treatment Agency's (the Agency), State Pollutant Discharge Elimination System (SPDES) permit with substantially different conditions and compliance schedules; and

WHEREAS, a 90 day time extension for comments was requested and granted; and

WHEREAS, the draft SPDES permit proposes to have the Agency's relationship with its members and contracting sewer district changed to perform functions not envisioned or possible by the Agency, to wit, to have the Agency perform enforcement of sewer maintenance requirements as opposed to the New York State Department of Environmental Conservation fulfilling its enforcement role with the owner of each sanitary sewer system; and

WHEREAS, the Agency is unable to implement the provisions of such compliance schedule, since the enabling authority does not exist with the Agency, but resides instead with the New York State Department of Environmental Conservation; and

WHEREAS, the New York State Department of Environmental Conservation has in the past issued separate SPDES permits for sanitary sewer systems which are tributary to another system's sewage treatment plant and continues to do so; and

WHEREAS, the time frames provided in the draft SPDES compliance schedule are unreasonably short; and

WHEREAS, such compliance schedule contained in the draft SPDES requirements is an unfunded mandate; and

WHEREAS, certain comments and recommendations were prepared by staff on behalf of the Agency and sent to the New York State Department of Environmental Conservation dated November 26, 1997.

NOW, THEREFORE BE, IT

RESOLVED, that the Agency thanks the New York State Department of Environmental Conservation for granting a 90 day time extension for comments as requested, and be it further

RESOLVED, that the New York State Department of Environmental Conservation revise its draft SPDES compliance schedule to delete provisions relating to the Agency enforcing maintenance provision on its members and contract sewer districts; and be it further

RESOLVED, that the New York State Department of Environmental Conservation consistently apply enforcement to the owner's of each sanitary sewer system as they have done in the past, including issuing separate SPDES permits for intermittent discharges from such sanitary sewer systems; and be it further

RESOLVED, that the time frames to complete the compliance schedule activities to which no objections have been raised be extended as requested in the staff comments dated November 26, 1997; and be it further

RESOLVED, that the extensive technical review comments and recommendations prepared by staff, as sent to the New York State Department of Environmental Conservation dated November 26, 1997 are hereby affirmed and requested to be implemented in the final SPDES to be issued; and be it further

RESOLVED, that the Secretary be authorized and directed to send a copy of this resolution to the Commissioner, the Regional Director and Region 9 Division of Environmental Permits of the New York State Department of Environmental Conservation; the Commissioner of Erie County Department of Environment and Planning, the County Attorney and the members of the Erie County Southtowns Sewage Treatment Agency and member communities of the Erie County Southtowns Sewage Treatment Agency.

Charles J. Alessi, P.E.
Secretary

Moved By: Mott

Seconded By: Chilcott

Approved/Disapproved: 7-0

Date: 1/29/98

GLD:ss
SS618
cc: 7.2.3.1

TOWN OF BOSTON

RESOLUTION 1998 - 08

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 North America, Inc.

2321 Kenmore Avenue PO 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 - Comingled 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 2/4/98.

Donald J. Hawk
Town Clerk

BFI of North America, Inc.
(type-in Company Name)

By: [signature]

Title: District V.P. Date: 1/19/98

MARSH & MCLENNAN, INC.

CERTIFICATE OF INSURANCE

CERTIFICATE NUMBER: # 52878

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

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.
COMPANY LETTER	B AMERICAN INTL SOUTH INS. CO.
COMPANY LETTER	C NATIONAL UNION FIRE OF LOUISIA
COMPANY LETTER	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	5/01/98	EACH OCCURRENCE	$ 7500000
	[X] UMBRELLA FORM				AGGREGATE	$ 7500000
	[ ] OTHER THAN UMBRELLA FORM					
B	WORKERS' COMPENSATION AND EMPLOYERS LIABILITY	RMWC 113-46-38 GA	5/01/97	5/01/98	STATUTORY LIMITS [X]	
C		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:

MMI 1 (8/95) 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 1998 - 08

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 Rd, Chaffee*

MSW - *C.I.D. Landfill, Inc., 10860 Olean Rd, Chaffee*

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 Rd, Chaffee*

MSW - *C.I.D. Landfill, Inc., 10860 Olean Rd, Chaffee*

- 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 Rd, Chaffee*

MSW - *C.I.D. Landfill, Inc., 10860 Olean Rd, Chaffee*

D) RESIDENTIAL customers (excluding Town contract)

i. Manner of Collection:

Recyclables - *None*

MSW - *None*

ii. Manner and Place of Disposal:

Recyclables - *N/A*

MSW - *N/A*

3. The Applicant hereby agrees to:

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

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

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

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

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

FEE: $100

LICENSE GRANTED BY RESOLUTION
OF THE TOWN BOARD DATED 3/4/98.

David J. Hentz
Town Clerk

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

By: *Duane Williams*

Title: *Supervisor* Date: *01/21/98*

ACORD CERTIFICATE OF LIABILITY INSURANCE

CSR MR: CIDR-01. DATE (MM/DD/YY): 01/12/98

PRODUCER

Lawley Service Inc
120 Delaware Avenue
Buffalo NY 14202

Phone No: 716-849-8618 Fax No:

INSURED

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

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

COMPANIES AFFORDING COVERAGE

COMPANY 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	01/01/98	01/01/99	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	01/01/98	01/01/99	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	01/01/98	01/01/99	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	01/01/98	01/01/99	[X] WC STATU-TORY LIMITS [ ] OTH-ER EL EACH ACCIDENT EL DISEASE - POLICY LIMIT EL DISEASE - EA 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 (1/95)

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TOWN OF BOSTON

RESOLUTION 1998 - 08

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

TO THE TOWN BOARD
TOWN OF BOSTON:

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

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

Maple City Disposal Service, Inc.
10667 Rt 16 P.O. BOX 370
Delevan, N.Y. 14042 716-496-7480

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

A) INSTITUTIONAL customers

i. Manner of Collection:

Recyclables - _____

MSW - _____

ii. Manner and Place of Disposal:

Recyclables - _____

MSW - _____

B) INDUSTRIAL customers

i. Manner of Collection:

Recyclables - _____

MSW - _____

ii. Manner and Place of Disposal:

Recyclables - _____

MSW - _____

- TOWN OF BOSTON -

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

2. (Cont'd.)

C) COMMERCIAL customers

i. Manner of Collection:

Recyclables - Source Separation Pickup By a Trailer

MSW - Container Picked up By Packer Type Truck

ii. Manner and Place of Disposal:

Recyclables - Where Markets are Available

MSW - Chautauqua County DPW

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 3/4/98.

David J. Berk
Town Clerk

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

By: _____

Title: President Date: 2-23-98

ACORD CERTIFICATE OF LIABILITY INSURANCE

CSR ZK
MAPL-06

DATE (MM/DD/YY)
08/28/97

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.

COMPANIES AFFORDING COVERAGE

COMPANY A *Nausau Business Insurance Co.

COMPANY B

COMPANY C

COMPANY D

INSURED

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

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	83800007653	07/01/97	07/01/98	GENERAL AGGREGATE	$ 2,000,000
					PRODUCTS - COMP/OP AGG	$ 2,000,000
					PERSONAL & ADV INJURY	$ 1,000,000
					EACH OCCURRENCE	$ 1,000,000
					FIRE DAMAGE (Any one fire)	$ 100,000
					MED EXP (Any one person)	$ 5,000
A	AUTOMOBILE LIABILITY [X] ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON OWNED AUTOS	83800007653 *c/o Go Pro Underwriting Managers, Inc.	07/01/97	07/01/98	COMBINED SINGLE LIMIT	$ 1,000,000
					BODILY INJURY (Per person)	$
					BODILY INJURY (Per accident)	$
					PROPERTY DAMAGE	$
	GARAGE LIABILITY [ ] ANY AUTO				AUTO ONLY - EA ACCIDENT	$
					OTHER THAN AUTO ONLY:	
					EACH ACCIDENT	$
					AGGREGATE	$
A	EXCESS LIABILITY [X] UMBRELLA FORM OTHER THAN UMBRELLA FORM	83800007653	07/01/97	07/01/98	EACH OCCURRENCE	$ 1,000,000
					AGGREGATE	$ 1,000,00
						$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY THE PROPRIETOR/ PARTNERS/EXECUTIVE OFFICERS ARE: [ ] INCL [ ] EXCL				WC STATUTORY LIMITS / OTH ER	
					EL EACH ACCIDENT	$
					EL DISEASE - POLICY LIMIT	$
					EL DISEASE - EA EMPLOYEE	$
	OTHER					

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

Certificate holder is named as additional insured under the General Liability.

CERTIFICATE HOLDER

BFIO-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 _____ 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 (1/95)

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REGULAR BOARD MEETING — TOWN HALL
MARCH 4, 1998 — 7:30 P.M.

A motion was made by Supervisor Rood and seconded by Councilman Wiktor, on the recommendation of Recreation Director O'Brien, to appoint Dawn Sayler as recreation attendant for the Friday Night Recreation Program at $6.25 per hour, retro-active from February 6, 1998, and to expire on May 30, 1998.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to grant Recreation Director O'Brien permission to attend the annual NYS Recreation and Parks Conference in Melville, NY from April 25-29, 1998, all appropriate expenses to be paid.

five (5) Ayes — Carried

RESOLUTION 1998 - 07 **ERIE COUNTY SOUTHTOWNS SEWAGE TREATMENT AGENCY**

RESOLUTION 1998 - 08 **REFUSE LICENSE B.F.I. OF NEW YORK, INC.**
REFUSE LICENSE C.I.D REFUSE SERVICE, INC.
REFUSE LICENSE MAPLE CITY DISPOSAL SERVICE

Supervisor Rood reported on the Public Hearing held on March 2, 1998 at 7:00 p.m. in the Planning Board room regarding the filing by the Enforcement Officer of a report in writing with the Town Board containing his findings and recommendations regarding certain structures situate on premises on 7615 Boston State Road, designated by Tax map No. 211.00-4-48, reputedly owned by Charles J. Menzemer in which report said Enforcement Officer states his opinion that said structures are unsafe and dangerous to the public and recommends their immediate removal from the premises. The owner was not present but a phone call was received from the son of Charles Menzemer noting that the address for his father was incorrect. The son will provide the correct address and no action will be taken until the father is notified at the correct address.

Supervisor Rood appointed the 1998 Christmas Decorating Committee:

Herbert Klein, Chairman	Albert Kumet
Carole Bieler	Robert Marean
James Carr	Frank Mazurowski
Edward Cary	Doris Pilato
Margaret Edington	Richard Poisson
Karen Ellis	Robert Ryan
Ronald Fluker	Patricia Ryan
Edwin Gwynne	Larry Steward
Diane Helmbrecht	Stephen Tills
Michele Jablonski	Elwin Warner
James Jehle	Florence Weiss
Mary Anne Jehle	Benjamin White

SUPERVISOR REPORT

Supervisor Rood reported that the Town Board inspected the Edward Dzierzanowski property, 6710 Mill Street on February 28, 1998 and found him in violation of the Town Code for operating a junk yard without a license. There is a pending proceeding in Supreme Court and the Town of Boston will go forward with a Summary Judgement.

Supervisor Rood commented that regarding the Water District #2 West Hill project, rather than put the tank on the west side of Zimmerman Rd. it could be put next to the existing tele-communication towers and hidden off the road. This would save a considerable amount of money as there is an existing roadway and the water lines will be on this side of the road. This plan hinges on the engineer's approval and signing a contract with WNED. The Town would sign a ninety-nine (99) yr. lease and maintain the area. The old tower will be taken down when the new tower is put up.

REGULAR BOARD MEETING TOWN HALL
MARCH 4, 1998 7:30 P.M.

Town Attorney Perley commented that WNED is a good neighbor and wants to help. We don't know if the engineering is going to fit and replacing a tower is a complex operation. We are 99% sure it can work and we are grateful to Mike Sutton from WNED for cooperating with this plan. Engineer, Bob Pettit will give his decision by the end of the month.

Supervisor Rood reported that negotiations are complete for the land on the corner of Keller and Feddick Roads for the Pump Station. Zimmerman Road is high on the Erie County Highway list for restoration in the fall. Supervisor Rood contacted David Commerford, Erie County Deputy Commissioner of Highways, to place Zimmerman Road at the end of the list of roads to be repaired because it doesn't make sense to repair the road when construction of the tank, pump station and water lines will damage it. Mr. Commerford replied that he is afraid the County may run out of funds so he proposed doing a good patch job on Zimmerman Road and delaying the restoration until 1999. This would be preferable and will include doing a section of Back Creek Road in 1998.

A motion was made by Councilman Tills and seconded by Councilman Simmeth to accept the 1997 Annual Report of the Supervisor.

five (5) Ayes Carried

TOWN CLERK REPORT

A motion was made by Councilman Wiktor and seconded by Councilman Tills to accept the Monthly Registrar of Vital Statistics Report for February 1998.

five (5) Ayes Carried

Town Clerk Shenk announced that the deadline for the 1998 Town and County taxes is March 16, 1998. The Town Clerk's office will be open on Thursday and Friday, March 12th and 13th until 8:00 p.m. and on Monday, March 16th until 9:00 p.m.

TOWN ATTORNEY REPORT

Town Attorney Perley reported that he has been reviewing the adoption rates and fees for the Ambulance District and has studied the Town of Lancaster ambulance program. The goal for the Town of Boston is to have the fees in place by the August contract renewal.

Town Attorney Perley noted that the owner of a home being built in the Woodlee Court subdivision would like the house to be in Orchard Park. The question to be addressed is the loss of assessment dollars for the Town of Boston.

Town Attorney Perley reported that the Nowak Article 78 proceeding has been adjourned until March 17, 1998.

COUNCILMAN REPORT

Councilman Mead reported that he attended the February 24, 1998 Planning Board meeting. David Stringfellow, Thomas Edington and Kevin Maxwell served at their first meeting.

Councilman Mead noted that the following 1998 Resolutions were reported by the Resolution Committee at the NYS Association of Towns Conference in New York City on February 16-18, 1988:

1) Protect Municipal Deposit and Investment Options
2) Telecommunications
3) Wicks Law Reform
4) Code Enforcement Aid
5) GASB's Governmental Accounting Standards
6) ISTEA Reauthorization
7) Interest Rates on Judgements and Accrued Claims

REGULAR BOARD MEETING
MARCH 4, 1998

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.)

Councilman Mead (cont.):

8) Prior Notice and Recreation Land Liability
9) Elected Officials Unemployment Insurance
10) private Property Rights
11) Office of Police Chief
12) Hunting and Fishing License Fees
13) User Fees For Emergency Services
14) Raffles
15) Importation of Wolves into the Adirondacks

Supervisor Rood thanked Councilman Mead for serving as the Town of Boston Delegate for the NYS Association of Towns Conference.

Councilman Wiktor thanked the Town Board for approving his attendance at the Southtowns Community Forum on March 9, 1998.

Councilman Wiktor welcomed the Hamburg High School students who were in attendance for credit in their government class work.

Councilman Wiktor reported that on Saturday, February 28, 1998 the Town of Boston Youth Baseball representatives met to discuss the conditions of the playing fields. Highway Superintendent Ruchalski has plans in place to prepare the fields so that they are in good shape and ready for the playing season.

Councilman Wiktor met with the Boston Emergency Squad regarding the line item Benefit Program.

Councilman Simmeth reported that the Conservation Advisory Council has completed plans for the Town of Boston Annual Earth Day events on April 25, 1998. A tire drop off will be held from 9:00 a.m. - 1:00 p.m. Huron Recovery has quoted a price of $69.00 per ton for the cost of the tire pick-up.

Councilman Simmeth announced that there are four (4) vacancies on the Conservation Advisory Council and anyone wishing to serve may contact Supervisor Rood.

Councilman Simmeth reported that the street lights on the Boston-Colden Road have been repaired.

Councilman Tills announced that the Saturday Councilman Hours will be held on March 14, 1998 from 10:00 a.m. to 12:00 p.m.

Councilman Tills attended the Hamburg Chamber of Commerce meeting on Monday, 2, 1998.

Councilman Tills noted that Highway Superintendent Ruchalski is not in attendance tonight due to a loss in his family and he will send a letter of regards.

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer monthly report for February 1998 was received and is on file in the Clerk's Office.

B) Deputy Code Enforcement Officer monthly report for February 1998 was received and is on file in the Clerk's Office.

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officer monthly report for February 1998 was received and is on file in the Clerk's Office.

REGULAR BOARD MEETING
MARCH 4, 1998

TOWN HALL
7:30 P.M.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for February 1998 was received and is on file in the Clerk's Office.

A motion was made by Councilman Tills and seconded by Councilman Mead to adjourn the meeting at 8:40 p.m.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
MARCH 18, 1998 — 7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Stephen K. Tills, Councilman Karl J. Simmeth Jr., Councilman Dennis J. Mead, Supervisor Lisa M. Rood, Highway Superintendent Eugene E. Ruchalski and Town Attorney Perley.

A motion was made by Supervisor Rood seconded by Councilman Tills to adopt the minutes of the March 4, 1998 Regular Board Meeting.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead that the General Fund and Special District Bills on Abstract #3A, dated March 18, 1998 in the amount of $42,423.73 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead that the Highway Bills on Abstract #3A, dated March 18, 1998 in the amount of $26,272.70 be paid.

five (5) Ayes — Carried

Received and filed the Erie County Sheriff's Monthly Report for February 1998.

Received and filed a Resolution from the Town of Marilla in opposition to the fire hydrant maintenance fee increases by the Erie County Water Authority.

Supervisor Rood noted that although the Erie County Water Authority rate fees are excessive, the term hydrant fee is misleading. The hydrant fee includes the line from the hydrant to the lake including production, storage, transmission and distribution of the water. Supervisor Rood suggested that the fee name be changed because it doesn't cost $126 per year to maintain a hydrant. Fortunately, former Supervisor Kennedy was notified of the rate increase last year and was able to budget accordingly.

Received and filed Resolution from the Erie County Legislature which states that a total of 134+ acres (SBL 257.00-3-17.11), property of James and Karen Roistacker, E. 6061 Old Pfarner Road, Boston, New York, was added to the Concord Agricultural District.

Supervisor Rood directed Town Clerk Shenk to give Assessor Eagan a copy of the Resolution from the Erie County Legislature regarding the Concord Agricultural District.

Town Attorney Perley commented that there have been requests for small, owner occupied home type retail establishments in certain districts. The Town Board is of the opinion that a Local Law should be drafted to address these concerns.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to schedule a Public Hearing for April 15, 1998 at 8:00 p.m. for Local Law No. 2 of the Year 1998 to provide amendments to the zoning ordinance.

five (5) Ayes — Carried

Town Attorney Perley commented that an Order to Create Extension #2 to Water District #2 is the final step in the creation of the Extension #2 to Water District #2. The project was delayed pending approval from the NYS Comptroller. The Bond Council has recommended that the Increase in Facilities be fully completed to existing Water District #2 prior to filing this Order. It is now appropriate for this Order to be adopted by the Town Board and filed by the Town Clerk.

REGULAR BOARD MEETING — TOWN HALL
MARCH 18, 1998 — 7:30 P.M.

RESOLUTION 1998 - 9 — ADOPT FINAL ORDER CREATING EXTENSION #2 TO WATER DISTRICT #2

Supervisor Rood read letters requesting appointment to the Conservation Advisory Council.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to appoint the following to the Conservation Advisory Council:

Mary Alice Tock	-	term to expire 3/1/01
Gary Gomlak	-	term to expire 3/1/01
Allyn Foster	-	term to expire 3/1/99
Mariena Wetherwax	-	term to expire 3/1/99
D. Peter Pietrzak	-	term to expire 3/1/01

five (5) Ayes — Carried

Supervisor Rood directed Town Clerk Shenk to notify the new appointees to the Conservation Advisory Council and to request they sign the official oath book.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to authorize the Bookkeeper to attend the NYS Comptroller's Municipal Bookkeeping Seminar at Genesse Community College, in Batavia, on April 21-23, 1998, all appropriate expenses to be paid.

five (5) Ayes — Carried

Supervisor Rood announced that the NYS Association of Governments is sponsoring the annual lobby trip to Albany on March 29-31, 1998. Supervisor Rood will be lobbying in Albany for the ten (10) Resolutions proposed at the NY Association of Towns Conference, February 16-17, 1998. Supervisor Rood commented that a unified presence of area Supervisors will give a strong indication that the Supervisors mean what they say.

A motion was made by Councilman Tills and seconded by Councilman Simmeth to authorize the Supervisor to attend the NYS Association of Governments annual lobby trip to Albany on March 29-31, 1998, all appropriate expenses to be paid.

five (5) Ayes — Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth to reschedule the Agenda Review for the first meeting in April as follows:

From:	Monday,	March 30 - 7:00 p.m.
To:	Wednesday,	April 1 - 6:15 p.m.

five (5) Ayes — Carried

SUPERVISOR REPORT

A) Supervisor Monthly and Bank Account Reports for January and February 1998 was received and filed in the Clerk's Office.

Supervisor Rood reported that Code Enforcement Officer Kramer received an application from ROBO E-Z shop to replace a canopy.

Town Attorney Perley recommended that since this is a fixed attachment to the building and would be considered a change in the dimension of the exterior walls, it would require a site plan approval and a mandatory referral to the Planning Board with the appropriate fees included.

A motion was made by Supervisor Rood and seconded by Councilman Wiktor to refer the ROBO E-Z shop application for a canopy replacement to the Planning Board for review and recommendation.

five (5) Ayes — Carried

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1998-9

A Resolution To Adopt The Final Order Creating Extension No. 2 To Water District No. 2

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York , held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 18th day of March, 1998 at 7:30 o'clock in the evening Eastern Prevailing Time there were:

Present:	**Lisa M. Rood**	**Supervisor**
	Dennis Mead	**Councilman**
	Karl Simmeth	**Councilman**
	Steven Tills	**Councilman**
Absent:	**Damian P. Wiktor**	**Councilman**

Supervisor Rood presented the following Resolution and moved its adoption:

BE IT RESOLVED that the Town Board of the Town of Boston be by the adoption of this Resolution hereby approves the adoption of a Final Order creating Extension No. 2 to Water District No. 2 for the Town of Boston, New York.

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

Supervisor Rood	Voting:	Aye
Councilman Mead	Voting:	Aye
Councilman Simmeth	Voting:	Aye
Councilman Tills	Voting:	Aye
Councilman Wiktor	Voting:	Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk-Town Clerk

REGULAR BOARD MEETING — TOWN HALL
MARCH 18, 1998 — 7:30 P.M.

Supervisor Rood announced that Chairman Joseph Santonocito is not seeking re-appointment to the Zoning Board of Appeals and letters expressing interest in serving a five (5) year term on the Board are welcome.

Supervisor Rood noted that there was an excellent response to an article she placed in a local paper seeking people to serve on a "Festival/Annual Event" committee. Approximately twelve (12) people have shown an interest to date. Interested parties may contact Supervisor Rood.

Supervisor Rood reported that TVGA Engineer Bob Pettit and WNED representatives have approved the placing of the Water District #2 water tank next to the WNED tower on Zimmerman Road. It is estimated that placing the tank next to the water tank will save the Town of Boston approximately $20,000 because of the savings realized by not purchasing land or running additional lines. The mapping of sixteen thousand (16,000) feet of pipeline has been completed and the pumps have been selected. Authorization will be needed for the bid advertisement on May 6, 1998. Bids will be published on May 7, opened on May 26, awarded on June 3, and within ten (10) days construction will begin.

Supervisor Rood met with Sergeant Kurtzworth from the Collins Correctional Facility on March 17, 1998 and reviewed the Town of Boston application for inmates to work on the three (3) town parks at no cost to the town.

TOWN CLERK REPORT

Town Clerk Shenk thanked everyone in his office who worked hard to ensure a smooth Town and County tax collection.

HIGHWAY SUPERINTENDENT REPORT

A motion was made by Councilman Tills and seconded by Councilman Simmeth to authorize the Highway Superintendent to pick up brush. A fee of $16,500 will be paid from General Fund Community Service to the Highway Department.

five (5) Ayes — Carried

Highway Superintendent Ruchalski reported that he is trying a new brush pick-up schedule this year. There will be four (4) pick-ups, April 20, May 18, (no pick-up June, July, August) September 21, and a final pick-up beginning October 19. Flyers will be distributed in pennysaver boxes throughout town.

TOWN ATTORNEY REPORT

Town Attorney Perley reported that the Nowak Article 78 proceeding was held in Supreme Court on March 17, 1998. The judge reserved decision and by law has sixty (60) days before a decision must be rendered. Town Attorney Perley has spoken with Mr. Emerling and advised him that he will report the decision when received.

Town Attorney Perley reviewed the point system for the Emergency Squad Service Award program as requested by Councilman Wiktor and is willing to meet with Squad members and relay any concerns to the State Comptroller. The Comptroller is attempting to create the flexibility within the system that the Emergency Squad needs.

Town Attorney Perley has researched the feasibility of billing the insurance companies for ambulance service and will meet with Town Board and the Emergency Squad members to discuss the possibilities.

REGULAR BOARD MEETING
MARCH 18, 1998

TOWN HALL
7:30 P.M.

TOWN ATTORNEY REPORT (CONT.)

Town Attorney Perley noted that at the March 4, 1998 Town Board meeting he indicated that there was an expression of interest by a developer to construct a house in the Woodlee Subdivision and locate the house in the Town of Orchard Park. The Woodlee Court lots extend into Orchard Park and Town Attorney Perley is working with the Orchard Park Attorney, the Attorney for the developer and members of the State government to determine how to honor this request. The problem is that Orchard Park would collect taxes on an improvement but the Town of Boston would provide the services.

Town Attorney Perley reported that he spoke with Erie County Water Authority Representative Paul Becker, who is working with Erie County regarding the Lu-Don Drive situation and is hoping within the next few weeks to address all concerns. Town Attorney Perley requested that Mr. Kersten, 6480 Lu-Don Drive contact him with any questions regarding the Lu-Don situation.

Town Attorney Perley presented the Town Board with a copy of the letter he forwarded to the Erie County Water Authority in an attempt to move Water District #3 forward.

At 8:00 p.m. a Public Hearing was held for the purpose of hearing comments on the application of Robert J. DeSantis for a Special Use Permit to allow a temporary structure at 6346 May Drive.

Supervisor Rood read the legal notice and noted that sixteen (16) neighboring property owners were notified.

A motion was made by Supervisor Rood and seconded by Councilman Wiktor to open the Public Hearing.

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, March 18, 1998 at 8:00 P.M., Eastern Prevailing Time, to consider the application of Robert J. Desantis for a Special Use Permit to allow the erection of a Temporary Structure at 6346 May Drive.

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

Dated: February 28, 1998
Published: March 5, 1998

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

3-5

Supervisor Rood read the Planning Board recommendation of denial for a Special Use Permit request from Robert DeSantis, 6346 May Drive, for the following reasons:

A. With the addition of this structure, the lot coverage will exceed the maximum allowed in the code.

B. The Code does not favor more than one accessory building on such a lot.

Supervisor Rood read a letter from Linda and Joseph Rice, 6349 May Drive, in favor of Robert DeSantis erecting a temporary structure.

Robert DeSantis, 6346 May Drive: I requested this application because I need to store my boat. As far as the lot coverage, the structure only exceeds the maximum by 1.5% which is not excessive.

Councilman Tills: Is it true that you don't have a garage on that property?

Robert DeSantis: Yes, I do have a garage.

REGULAR BOARD MEETING
MARCH 18, 1998

TOWN HALL
7:30 P.M.

PUBLIC HEARING (CONT.)

The following neighbors spoke in favor of Robert DeSantis, 6346 May Drive, erecting a temporary structure:

Helen Sacilowski	-	6319 May Drive
James Townsend	-	6375 May Drive
Nancy Boltz	-	6326 May Drive
Kathleen Hawkins	-	6339 May Drive
Elsie Smith	-	8180 Boston State Road

A motion was made by Supervisor Rood and seconded by Councilman Tills to close the Public Hearing at 8:06 p.m.

five (5) Ayes — Carried

A motion was made by Supervisor Rood and seconded by Councilman Mead to table the application for a Special Use Permit for Robert J. DeSantis for the erection of a temporary structure, 6346 May Drive, until the April 1, 1998 Town Board meeting.

five (5) Ayes — Carried

COUNCILMAN REPORT

Councilman Mead reported that he and Councilman Tills held Saturday Councilman Hours on March 14, 1998. Due to the severe winter weather conditions, no residents ventured out.

Councilman Wiktor reported that he attended the Planning Board meeting on March 10, 1998 and an application for a new subdivision is pending and will proceed through the normal process.

Councilman Wiktor announced that he attended the Southtowns Community Forum on Monday, March 9, 1998. The major theme was the subject of regionalism and the sharing of goods and services.

Councilman Wiktor attended the Boston Youth Advisory Board meeting and reported that one hundred ninety-four (194) boys have registered for baseball and registration for the girls softball is down. Recreation Director O'Brien noted there were ninety-four (94) skiers and Linda Carney gave a report on the bowling program. The Friday Night Recreation Program is at the maximum enrollment.

Supervisor Rood commented that tennis lessons will be offered this year.

Councilman Simmeth announced that he attended a NEST meeting on March 12, 1998 at the Orchard Park Town Hall. A presentation was given on the "Earth Machine", one of which is displayed in the Boston Town Hall. The machine can be pre-ordered for $35.00 and be picked up on Earth Day, April 25, 1998. Flyers will be distributed with the brush pick-up flyers in pennysaver boxes throughout town.

Councilman Simmeth announced there will be a Hazardous Waste Drop-off at the Erie Community South Campus, tentative date of June 20, 1998, definite date to be reported.

Councilman Simmeth reported that he received a phone call from Annette Kenyon, 6561 Colonial Drive regarding possible drainage problems as a result of work that is being done on Polish Hill Road. She has asked if a ditch can be dug to solve the problem. Under Article 8, Section 1 of NYS Constitution, town monies cannot be spent on private property. Councilman Simmeth will meet with Mrs. Kenyon on March 19, 1998 to discuss the problem. Back Creek Road will be restored this year so hopefully a ditch can be installed to take care of the drainage problem.

REGULAR BOARD MEETING — TOWN HALL
MARCH 18, 1998 — 7:30 P.M.

COUNCILMAN REPORT (CONT.)

Councilman Simmeth noted that Randy Meyers, NYSEG Representative has a work order in place for a street light on Butternut and Back Creek Roads.

Councilman Simmeth commented that he, Supervisor Rood, Highway Superintendent Ruchalski, and Asst. Supervisor Genzel met with Peter Roswell, Superintendent of the Hamburg School District who wants the Town of Boston to support efforts for a lower speed limit from 45 to 35 miles per hour on Back Creek and Zimmerman Roads near the Boston Valley Elementary School. School signs will be posted in the area and the NYS Police will patrol frequently. The Superintendent of the Hamburg School District is requesting that the Town of Boston attach a letter of support to their letter of support for a lower speed limit and submit a TE9 form to Erie County.

Town Attorney Perley requested that Councilman Simmeth call him before submitting the TE9 because he has a manual of Uniform Traffic Control Devices which refers to factors which may pertain to this matter.

Councilman Simmeth reported that he visited Mr. Carrow, 6700 Mill Street who noted that Mr. Dzierzanowski, 6710 Mill Street is moving slowly to clean up his property and requests that the Town monitor the situation.

Councilman Tills reported that he, Supervisor Rood, and Councilman Wiktor attended the Southtowns Community Forum on Monday, March 9, 1998. Councilman Tills was concerned with the idea of central planning and the idea of a regional governing body having authority or a voice in decisions affecting local development in the southtowns.

RESOLUTION 1998 - 10 TENNESSEE GAS SETTLEMENT

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

David J. Shank
DAVID J. SHANK, TOWN CLERK

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1998-10

A Resolution approving a Stipulation of Settlement with the Tennessee Gas Pipeline Company: Supreme Court, Erie County: Index No. 1996/6747; Superseding Resolution 1997-25 adopted September 3, 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 18th day of March, 1998 at 7:30 o'clock in the evening Eastern Prevailing Time there were:

Present:	Lisa M. Rood	Supervisor
	Dennis Mead	Councilman
	Karl Simmeth	Councilman
	Steven Tills	Councilman
	Damian P. Wiktor	Councilman
Absent:		

Supervisor Rood 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 Stipulation of settlement and Order annexed to this Resolution, and be it further

RESOLVED that this Resolution shall supersede Resolution No. 1997-25 adopted on the 3rd day of September, 1997.

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

Supervisor Rood	Voting:	Aye
Councilman Mead	Voting:	Aye
Councilman Simmeth	Voting:	Aye
Councilman Tills	Voting:	Aye
Councilman Wiktor	Voting:	Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk-Town Clerk

SUPREME COURT : STATE OF NEW YORK
ERIE COUNTY : EIGHTH JUDICIAL DISTRICT

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW BY TENNESSEE GAS PIPELINE COMPANY,

Petitioner,

vs.

THE TOWN OF BOSTON, NEW YORK, ITS ASSESSOR AND ITS BOARD OF ASSESSMENT REVIEW,

Respondents.

STIPULATION AND ORDER

Index No. I1994/9295

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, 1996-1997 and 1997-98 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 $33,668.36 which shall be rounded with interest to Petitioner, and it is further

HISCOCK & BARCLAY, LLP

STIPULATED, that the refund of $33,668.36 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.
1994-95	$2,689.53	$1,987.89	$1,637.03
1995-97	$3,323.51	$2,479.92	$2,159.39
1996-97	$3,967.86	$2,718.56	$2,434.89
1997-98	$4,479.11	$2,967.71	$2,822.96

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, 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

HISCOCK & BARCLAY, LLP

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
March 11, 1998

HISCOCK & BARCLAY, LLP

By: _____
Mark R. McNamara, Esq.

Attorneys for Petitioner,
TENNESSEE GAS PIPELINE COMPANY

LAW OFFICES OF KEVIN WALSH

By: _____
Michael E. Perley, Esq.

Attorneys for Respondent,
TOWN OF BOSTON

HISCOCK & BARCLAY, LLP

SO ORDERED:

_____
Hon. Barbara Howe, J.S.C.

H:\CL\TGP\BOSTON\DOCS\STIPSET.98

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1998-11

A Resolution accepting Water Line Improvements: Water District No. 2

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 1st day of April, 1998 at 7:30 o'clock in the evening Eastern Prevailing Time there were:

Present:	**Lisa M. Rood**	**Supervisor**
	Dennis J. Mead	**Councilman**
	Karl J. Simmeth, Jr.	**Councilman**
	Stephen K. Tills	**Councilman**
	Damian P. Wiktor	**Councilman**
Absent:		

Supervisor Rood presented the following Resolution and moved its adoption:

BE IT RESOLVED that the Town of Boston Water District No. 2 hereby accepts ownership of a certain waterline extension on Polish Hill Road installed by or on behalf of Boston Hill LLC upon approval of completed works by the Erie County Department of Health (a copy of which is or will be annexed hereto as Addendum "A") and to pay for all applicable hydrant rental charges levied by the Erie County Authority for the account of the said Water District No. 2 pursuant to the terms of the Lease Management Agreement.

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

Supervisor Rood	Voting:	Aye
Councilman Mead	Voting:	Aye
Councilman Simmeth	Voting:	Aye
Councilman Tills	Voting:	Aye
Councilman Wiktor	Voting:	Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk-Town Clerk

"ADDENDUM A"

County of Erie

DENNIS T. GORSKI
COUNTY EXECUTIVE

DEPARTMENT OF HEALTH

ARNOLD N. LUBIN, M.D.
COMMISSIONER OF HEALTH

March 27, 1998

Supervisor and Town Board
Town of Boston
8500 Boston State Road
Boston, New York 14025

Re: Approval of Completed Works
Back Creek Road and Polish Hill Road
Town of Boston
Our Ref: 89451

Dear Supervisor and Town Board:

Enclosed please find an Approval of Completed Works for public water supply improvement dated March 27, 1998, in reference to the above project which was originally approved by this Department on December 26, 1997.

Very truly yours,

John R. Finster, P.E.
Sr. Public Health Engineer
Environmental Health Services

JRF:pp
Enc.
cc: J. Dunn, NYSHD-Albany
NYSHD-Regional Office
Boston Town Engineer
Hamburg D. O.
Mark Alianello, P.E.
J. Roycroft, ECWA

ORK STATE DEPARTMENT OF HEALTH
.au of Public Water Supply Protection

Approval of Completed Works for Public Water Supply Improvement

This approval is issued under provisions of 10 NYCRR, Part 5

Applicant Name	Back Creek Road and Polish Hill Road
Location of Works (city, town, village)	Town of Boston
County: Erie	Water District (specific area served): Water District No. 2

Plans for the construction of this project were approved on Mo 12 / Day 26 / Yr 97

This approval for completed works is issued subject to the following conditions:

Project Description:

Installation of 1860L.F.± of 8" PVC waterline on Polish Hill Road.

- PARTIAL -

ISSUED FOR THE STATE COMMISSIONER OF HEALTH

_____, P.E.
Designated Representative

Mo 3 / Day 27 / Yr 98
Date

Please print

Name	John R. Finster, P.E.
Title	Sr. Public Health Engineer

DOH-1032 (4/92) Distribution: WHITE - Applicant PINK - Central Office (BPWS) YELLOW - File (LHO or DHO)

REGULAR BOARD MEETING — TOWN HALL
APRIL 1, 1998 — 7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Stephen K. Tills, Councilman Karl J. Simmeth Jr., Councilman Dennis J.Mead, Supervisor Lisa M. Rood, Highway Superintendent Eugene E. Ruchalski and Town Attorney Perley.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to adopt the minutes of the March 18, 1998 Regular Town Board Meeting.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Tills that the General Fund and Special District Bills on Abstract #4, dated April 1, 1998 in the amount of $73,410.01 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead that the Highway Bills on Abstract #4, dated April 1, 1998 in the amount of $30,651.62 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to accept the Town Clerk Monthly Report for March 1998.

five (5) Ayes — Carried

RESOLUTION 1998 - 11 APPROVAL OF COMPLETED WORKS WATER DIST. #2 BACK CREEK AND POLISH HILL ROADS EXTENSION

Supervisor Rood read a letter from Dr. Peter Roswell, Hamburg Central School District Superintendent, in support of the Boston Town Board actions to make the necessary changes to improve the road safety around the Boston Valley Elementary School (BVES).

Town Attorney Perley will review the police report from the most recent traffic accident on Back Creek Road and the Uniform Traffic Control and Devices manual before completing the TE9 Report.

A motion was made by Councilman Rood and seconded by Councilman Simmeth to table the Hamburg Central School District road safety issue until the completion of the TE9 Report.

five (5) Ayes — Carried

Supervisor Rood reported that the application for a Special Use Permit from Robert DeSantis, 6346 May Drive must be referred to the Zoning Board of Appeals because the lot coverage exceeds the maximum Town Code allowance. The Town Board does not have the authority to approve the application unless a variance is granted from the Zoning Board of Appeals.

A motion was made by Councilman Rood and seconded by Councilman Simmeth to direct the Town Clerk to notify the Court Office of the current status of the application for a Special Use Permit from Robert DeSantis, 6346 May Drive.

five (5) Ayes — Carried

Supervisor Rood reported that funds were deposited in 1997 from the State of New York for the administration of the STAR Program to be used to offset expenses of the Town Assessor. The Assessor has purchased computer equipment for this purpose. Appropriations for Account 1355.2 of $800.00 are established for this purpose.

REGULAR BOARD MEETING
APRIL 1, 1998

TOWN HALL
7:30 P.M.

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

	Appropriate	A960	$800.00
	From Fund Balance	A909	$800.00
To	Assessor Equipment	A1355.2	$800.00

five (5) Ayes — Carried

SUPERVISOR REPORT

A) Supervisor Bank Account Report for March 1998 was received and is on file in the Clerk's Office.

Supervisor Rood reported that recently the Town of Hamburg activated an automated answering system for phones including the Police and Emergency Dispatch Center which could cause some problems for automated burglar or fire alarms in Hamburg, Boston, Colden and Eden. Residents of the Towns of Boston, Colden and Eden who have automatic telephone dialers with tape-recorded messages for fire or medical emergencies should call the dispatch center at 648-5111 extension 503 to receive the proper telephone numbers for their dialers. For details or questions residents can contact Sr. Public Safety Dispatcher Robert Mueller at 649-6111 extension 412.

Supervisor Rood announced that she is the Coordinator for the St. Jude Children's Research Hospital's Bike-a-Thon in the Town of Boston on May 2, 1998 (rain date May 9, 1998) from 9:00 a.m. to 2:00 p.m. Supervisor Rood is encouraging all interested parties to support this year's Bike-a-Thon to help provide the funds needed to preserve the world's greatest asset, its children.

Supervisor Rood announced the Boston Annual Event/Festival Committee will hold its first meeting on April 22, 1998 in the Boston Town Hall Planning Board Room at 7:30 p.m.

Supervisor Rood thanked the Town Board for allowing her to attend the NYS Association of Governments annual lobby trip to Albany on March 29-31, 1998. Supervisor Rood lobbied for the ten (10) Resolutions proposed at the NY Association of Towns Conference on February 16-17, 1998 and found the trip to be very rewarding.

TOWN CLERK REPORT

A motion was made by Supervisor Rood and seconded by Councilman Wiktor to accept the Monthly Registrar of Vital Statistics Report for March 1998.

five (5) Ayes — Carried

Town Clerk Shenk announced that he and Supervisor Rood met with the Memorial Day Committee on March 27, 1998. The Memorial Day parade will start at Faith United Church on May 25, 1998 at 2:15 p.m. and services will take place at the Town Park at 2:30 p.m. A reception will follow at the AMVETS Post 219.

TOWN ATTORNEY REPORT

Town Attorney Perley reported that he has received phone calls from numerous residents regarding the proposed Cellular Tower on Cole Road. Today, April 1, 1998, an application was received from Upstate Cellular Network for approval to construct and operate a 190 foot telecommunication tower at 8741-A Cole Road, Town of Boston, NY. The land is owned by the Buffalo Amateur Radio Repeater Association which already has two (2) shorter towers on this property. The company hopes to replace an existing 100-foot tower with the higher one on a parcel of land that is about 100 feet on each side. Variances are requested from the Zoning Board

REGULAR BOARD MEETING
APRIL 1, 1998

TOWN HALL
7:30 P.M.

TOWN ATTORNEY REPORT (CONT.)

of Appeals since the tower would be less than 1,500 feet from the nearest house, the height exceeds 150 feet and the fall zone radius is less than the height of the tower. Town Attorney Perley noted that the federal Telecommunications Act of 1996 restricts the power of local governments to affect the placement of towers. While towns can compel companies to use an alternate site if one is available, towns cannot deny permission to build a tower. Town Attorney Perley has not had an opportunity to review the application. After Code Enforcement Officer Kramer determines the application to be complete, the Town Board will refer it to the Planning Board for review and recommendation. Residents in attendance, Mr. Dominkewicz, Mr. Zahm and Mrs. Hutchins were told that they are welcome to attend the Planning Board meeting on April 28, 1998 at 7:30 p.m. where the tower application would be discussed further.

Town Attorney Perley noted that a dispute over property ownership in the Town of Boston has been referred to him and he will deal with this matter but notes that this is not a government issue.

Town Attorney Perley announced that the Edward Dzierzanowski, 6710 Mill Street, Civil Suit is pending and that Supreme Court Judge McDonald will seek to enforce civil as well as criminal remedies.

Town Attorney Perley commented that a letter was received late today regarding the proposed drainage improvements and problems on Lu-Don Drive. Again, Town Attorney Perley stated that the Town wants to do anything it legally can to remedy this situation and he encourages people to call him with any questions or concerns.

Town Attorney Perley has been in contact with Paul Becker from the Erie County Water Authority regarding the slight modifications to the Water District #2 tank and also the Lu-Don Drive situation.

Town Attorney Perley noted that the sixty (60) day period given to Charles Menzemer, 7615 Boston State Road, to either demolish or improve the property is about to expire.

A motion was made by Supervisor Rood and seconded by Councilman Mead to adopt an Order to authorize Town Attorney Perley to serve Charles Menzemer, 7615 Boston State Road, by registered and regular mail, notice that the Town of Boston will take steps to demolish or improve said property.

five (5) Ayes — Carried

COUNCILMAN REPORT

Councilman Mead reported that he attended the Planning Board meeting on March 24, 1998. The issue of a proposed subdivision plan for Pinecrest Terrace was discussed.

Councilman Mead attended the Boston Chamber of Commerce Dinner meeting at the Liberty Tavern on March 26, 1997. Certified Financial Planner Frank Antonucci gave a brief seminar on "Mastering Your Money".

Councilman Wiktor will meet with the Town Clerk to schedule meetings in the Planning Board Room on April 9 and April 21, 1998 with representatives of the Rescue Squad regarding possible amendments to the Service Award Program that have posed questions.

Councilman Wiktor met with Rescue Squad members concerning the Squad's implementation as a paramedic unit. NYS Dept. of Health is giving a Paramedic Level 12 Lead ECC Monitor/Defibrillator to the squad free of charge. This unit and paramedic training will provide important life sustaining support to our residents.

REGULAR BOARD MEETING
APRIL 1, 1998

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.)

Councilman Wiktor commented that on March 24, 1998 he attended the NYS Comptroller Tele-conference on the Town Board and Highway Superintendent Roles and Responsibilities. The conference was informative and outlined how the Town Board and Highway Superintendent interact and their responsibilities.

Councilman Wiktor reported that on March 31, 1998 he attended the Erie County Department of Environment and Planning Conference at ECC South regarding the formulating or updating of a Town's master plan.

Councilman Wiktor attended the Boston-Colden-East-Eden Fire Council meeting on March 23, 1998 where an update of training/practice schedules was given. A discussion was held on the implementation of the new 800 mega-hertz system. The costs will be borne by Erie County and there are proposals to add a telephone sur-charge to provide the funds.

Councilman Wiktor requested that Town Attorney Perley research if fire trucks can be purchased on NYS bids by fire companies.

Councilman Tills met with the South Boston Park Committee last week to discuss park access and to determine what work needs to be done and location of where trees are to be planted. The South Boston Park Committee will meet again on Saturday, April 4th or Saturday April 11th. Councilman Tills requested that Highway Superintendent Ruchalski attend the meeting.

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer monthly report for March 1998 was received and is on file in the Clerk's Office.

B) Deputy Code Enforcement Officer monthly report for March 1998 was received and is on file in the Clerk's Office.

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officer monthly report for March 1998 was received and is on file in the Clerk's Office.

B) Deputy Dog Control Officer monthly report for March 1998 was received and is on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for March 1998 was received and is on file in the Clerk's Office.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to adjourn the meeting at 8:09 p.m.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING
APRIL 15, 1998

TOWN HALL
7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Stephen K. Tills, Councilman Karl J. Simmeth Jr., Councilman Dennis J. Mead, Supervisor Lisa M. Rood, Highway Superintendent Eugene E. Ruchalski and Town Attorney Perley.

A motion was made by Councilman Tills and seconded by Councilman Simmeth to adopt the minutes of the April 1, 1998 Regular Board Meeting.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead that the General Fund and Special District Bills on Abstract #4A, dated April 15, 1998 in the amount of $40,240.33 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Simmeth and seconded by Councilman Tills that the Highway Bills on Abstract #4A, dated April 15, 1998 in the amount of $11,646.09 be paid.

five (5) Ayes — Carried

Received and filed the Erie County Sheriff's Monthly Report for March 1998.

REQUESTS FROM THE FLOOR

Debra DiLapo, 8715 Cole Road: I was wondering if an answer has been determined on the inquiry at the last Town Board meeting about the existing towers on Cole Road?

Town Attorney Perley: I have begun research on this item, however, I have yet to meet with the Code Enforcement Officer. I expect to do this after the meeting tonight.

The following bids were received and opened in the Town Clerk's Office on March 19, 1998, 10:00 a.m. for the yellow bus service for the 1998-1999 summer recreation and winter ski/snowboarding program:

	Summer - per bus/per day	Ski - per bus/per day
3 buses needed	(Approx. 30 days)	(8 times)
Laidlaw Transit	$105.00	$120.00
Niagara Scenic (Fisher)	$109.25	$121.00

A motion was made by Councilman Wiktor and seconded by Councilman Tills, on the recommendation of Recreation Director O'Brien, to award the contract for the Yellow Bus Transportation to Laidlaw Transit for a cost of $105 for the summer program and $120 for the ski program.

five (5) Ayes — Carried

Supervisor Rood read a letter from Larrie & Linda Palmer, 143 Orchard Avenue, Blasdell, requesting a permit to place a trailer for one year on their land at 5493 Feddick Road until their new home is built.

Supervisor Rood requested that Town Clerk Shenk send Mr. & Mrs. Palmer a letter informing them that the Boston Town Code does not permit the placement of trailers on private property.

Town Attorney Perley noted that Mr. & Mrs. Palmer may seek a remedy with the Zoning Board of Appeals if they so choose.

A motion was made by Councilman Wiktor and seconded by Councilman Tills to remove from the table the Hamburg Central School District road safety issues tabled from the April 1, 1998 Town Board meeting.

Carried

five (5) Ayes

RESOLUTION 1998-12 **ZIMMERMAN AND BACK CREEK ROADS - LOWER SPEED LIMIT**

Supervisor Rood read a letter from Town Clerk Shenk stating that the court room sound system is not working properly and to correct the problem the following bids were received:

Ronco Specialized Systems, Inc.	$3,707
Crest Audio & Electronics	$5,050
Raymart, Inc.	$6,545

A motion was made by Councilman Tills and seconded by Councilman Mead, on the recommendation of Supervisor Rood and Town Clerk Shenk, to award the court room sound system contract to Ronco Specialized Systems, Inc for a cost of $1,667 per hour plus labor ($55.00 per hour, four-six hours) to replace the microphone mixer/equalizer, mixer amplifier and feed-back eliminator.

Carried

five (5) Ayes

A motion was made by Councilman Mead and seconded by Councilman Simmeth to grant the Patchin Volunteer Fire Co. permission to use the Boston Lions Club Shelter on July 21-27, 1998 for its annual chicken barbecue.

Carried

five (5) Ayes

Supervisor Rood announced that the abandoned Menzemer property at 7615 Boston State Road has been declared unsafe and is slated to be demolished.

A motion was made by Supervisor Rood and seconded by Councilman Wiktor to direct Town Clerk Shenk to send a letter to the North Boston Volunteer Fire Co. authorizing them to use the Menzemer property at 7615 Boston State Road for a Live Burn Training Exercise on no less than twenty (20) days notice to the town.

Carried

five (5) Ayes

Supervisor Rood read a letter from James R. Kersten, 6480 LuDon Dr., dated April 1, 1998 regarding the proposed LuDon Dr. drainage improvements. Town Attorney Perley will respond to Mr. Kersten.

At 8:00 p.m. a Public Hearing was held for the purpose of hearing public comments on Local Law No. 2 - 1998, to amend Local Law No. 6 - 1990, known as the "Zoning Law of the Town of Boston".

Supervisor Rood read the legal notice.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to open the Public Hearing.

Carried

five (5) Ayes

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, a copy of Local Law, Number 2 of the year 1998 (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 modify Mixed Use provisions of the zoning law.

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 15, 1998 at 8:00 p.m., Prevailing Time, at which time all interested persons will be heard.

Dated: March 20, 1998
Published: April 2, 1998
BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK

4-2

TOWN OF BOSTON

1998 - 12

BACK CREEK & ZIMMERMAN ROADS - 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 15th day of April 1998 at 7:30 P.M. Eastern Prevailing Time there were

Present:	Lisa. M. Rood	Supervisor
	Damian P. Wiktor	Councilman
	Stephen K. Tills	Councilman
	Karl J. Simmeth Jr.	Councilman
	Dennis J. Mead	Councilman

Councilman Simmeth presented the following resolution and moved its adoption:

WHEREAS, Boston Valley Elementary a School in the Hamburg District, located on Back Creek Road in the Town of Boston near the intersection of Zimmerman Road, and

WHEREAS, The Boston Town Board has received a letter from Hamburg School District Superintendent, Dr. Peter Roswell, (attached exhibit "A"), and

WHEREAS, There has recently been a major traffic accident involving a school bus, (police report attached exhibit "B"), and

WHEREAS, Councilman, Karl J. Simmeth Jr., 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, has the power and authority to grant this request pursuant to the sections of the Vehicle and Traffic Law, (attached exhibit "C"), and,

BE IT FURTHER RESOLVED, the Boston Town Board requests that the speed limit on Back Creek Road from Zimmerman Road to Homestead Road be reduced from 40mph to 35mph, and

BE IT FURTHER RESOLVED, the Boston Town Board requests that the speed limit on Zimmerman Road from Route 391 to Heinrich Road be reduced from 45mph to 35mph, and

BE IT FURTHER RESOLVED, all necessary signs be installed acknowledging "35 MPH Speed Limit."

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

Supervisor Rood	**Voting Aye**
Councilman Wiktor	**Voting Aye**
Councilman Tills	**Voting Aye**
Councilman Simmeth	**Voting Aye**
Councilman Mead	**Voting Aye**

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

David J. Shenk

DAVID J. SHENK, TOWN CLERK

EXHIBIT "A"

HAMBURG CENTRAL SCHOOL DISTRICT

Pursuing Excellence Through Partnership

March 17, 1998

Lisa Rood, Supervisor
Town of Boston
8500 Boston State Road
Boston, New York 14025

Dear Lisa:

Thank you for meeting with us this week to address our concerns on improving safety.

As a follow-up and on behalf of the Hamburg Central School District Board of Education, we are making some recommendations to the Town of Boston. It is our hope that this will support your actions to make the necessary changes to improve the safety around the Boston Valley Elementary School (BVES) in the Town of Boston.

In recent months, it has come to the attention of the school board and the district's transportation committee, from the residents of our community, to address certain road safety issues on Back Creek and Zimmerman Roads. There has been serious concern that the speed limits are too excessive around BVES and on Zimmerman Road from Henrich Road approaching Route 391.

In the first situation, as school buses exit BVES on to Back Creek Road, bus drivers must negotiate a turn on to a road that has a speed limit of 40 mph and has oncoming traffic approaching from a blind curve (from the direction of the Homestead area). This has the potential for a very unsafe situation. We are recommending that 15 mph speed limit signs be erected on Back Creek Road on both sides of Boston Valley School.

The second area of concern is the intersection of Zimmerman and Back Creek Roads, the scene of a recent school bus accident. The speed limit on Zimmerman Road is 40 mph from Henrich Road to Route 391. After Henrich Road, the speed limit is 45 mph. School buses that approach the school from Route 391 and Zimmerman must make a left turn on to Back Creek Road. A bus driver has a blind spot as the left turn is negotiated, specifically from a hill on Zimmerman Road before Back Creek Road. Vehicles approaching from the blind spot are moving at the speed limit of 40 mph. Again, this presents a very unsafe situation. We are recommending that the speed limit on Zimmerman Road be reduced from 40 mph to 30 mph from Henrich Road to Route 391.

Should you need any supporting information or documentation, please contact either of one of us. We would be willing to assist in any way. Thank you for your efforts in this important matter.

Yours sincerely,

Dr. Peter Roswell, Superintendent
Angela P. Curtis, Director of Administrative Services

Hamburg Administration Building
5305 Abbott Road
Hamburg, NY 14075-1699
Telephone (716) 646-3200 • Fax (716) 646-3209

Page 1 of 2 Pages

Local Codes: SP HOLLAND / BELT 46

New York State Department of Motor Vehicles

POLICE ACCIDENT REPORT

MV-104A (7/96)

DMV COPY

DMV USE

EXHIBIT "B" PAGE 1 OF 2

Accident Date (Month / Day / Year)	Day of Week	Time	No. of Vehicles	No. Injured	No. Killed	Non-Highway	Not Investigated / Accident Reconstructed	Left Scene	Police Photos
01 / 12 / 98	MO	9:22 ☒ AM ☐ PM	2	3	0	☐	☐ / ☐	☐	☒ Yes ☐ No

VEHICLE 1

Driver Name–exactly as printed on license	DMV USE
ALFORD, FRANCES, A	

Address (Include Number & Street): S 4893 MORGAN PLY — Apt. No.:

City or Town: HAMBURG — State: NY — Zip Code: 14075

Date of Birth	Sex	Unlicensed	No. of Occup.	Public Property Damaged	State of Lic.
06/09/18	F	☐	33	☐	NY

Name–exactly as printed on registration: FISHER; CASTING AND MACHINE INC — Date of Birth: — / — / —

Address (Include Number & Street): 5280 CAMP RD — Apt. No.: — Haz. Mat.: ☐ — Code: — Released: —

City or Town: HAMBURG — State: NY — Zip Code: 14075

Plate Number	State of Reg.	Vehicle Year & Make	Vehicle Type	Ins. Code
BZ 1078	NY	98 FORD	3US	113

Check if involved vehicle is:
☐ more than 95 inches wide;
☐ more than 34 feet long;
☐ operated with an overweight permit;
☐ operated with an overdimension permit.

VEHICLE 1 DAMAGE CODES

		4	5
Box 1 - Point of Impact	3		
Box 2 - Most Damage	3		
Enter up to three more Damage Codes	14		

Vehicle Towed: By RUSNIAKS To FISHER INC

VEHICLE 2 ☒ VEHICLE 2 ☐ BICYCLIST ☐ PEDESTRIAN

Name–exactly as printed on license	DMV USE
KRUSZYNSKI, ROBERT, N	

Address (Include Number & Street): S-7866 ZIMMERMAN RD — Apt. No.:

City or Town: HAMBURG — State: NY — Zip Code: 14075

Date of Birth	Sex	Unlicensed	No. of Occup.	Public Property Damaged	State of Lic.
05/12/69	M	☒	1	☐	—

Name–exactly as printed on registration: AUTO HAUL SOUTH, INC — Date of Birth: — / — / —

Address (Include Number & Street): 3534 SOUTHWESTERN BLVD — Apt. No.: — Haz. Mat.: ☐ — Code: — Released: —

City or Town: ORCHARD PARK — State: NY — Zip Code: 14127

Plate Number	State of Reg.	Vehicle Year & Make	Vehicle Type	Ins. Code
7776-BAC	NY	85 TOYOT	PU	032

Check if involved vehicle is:
☐ more than 95 inches wide;
☐ more than 34 feet long;
☐ operated with an overweight permit;
☐ operated with an overdimension permit.

VEHICLE 2 DAMAGE CODES

		4	5
Box 1 - Point of Impact	2		
Box 2 - Most Damage	2		
Enter up to three more Damage Codes	17		

Vehicle Towed: By RICKS TOWING To RICKS TOWING

Check the diagram below that describes the accident or draw your own diagram in the space provided (9). Number the vehicles.

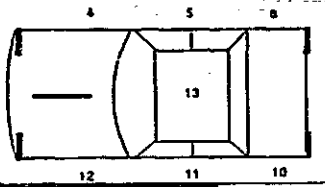
ACCIDENT DIAGRAM

Rear End (1.) | Left Turn (3.) | Right Angle | Right Turn (5.) | Head On (7.)
Overtaking (2.) | Left Turn (0) | (4) | Right Turn (6.) | Sideswipe (8.)

9.

Estimated cost of repairs to any one vehicle meets criteria for "reportable" threshold. ☒ Yes ☐ No

VEHICLE DAMAGE CODING:
1-13. See diagram on right.
14. UNDERCARRIAGE
15. TRAILER
16. OVERTURNED
17. DEMOLISHED
18. NO DAMAGE
19. OTHER



Reference Marker: — — — —

DMV USE ONLY

County: ERIE ☐ City ☒ Town ☐ Village: BOSTON

Route No. or Street Name: on ZIMMERMAN RD CR-437 ☐ Miles ☐ Feet ☐ N ☐ S ☐ E ☐ W of ☒ At Intersection With: BACK CREEK RD CR-438 (Nearest Intersecting Route/Street)

Ticket/Arrest Number(s): CLA 3W 233 2 @ WHC-233, X46234, 137917

TICKET/ARREST ☒ OPR 1 ☒ OPR 2 ☐ PEDESTRIAN ☐ BICYCUST ☐ OTHER

Violation Section(s): @ VTL 1141 @ VTL 509, 1224-a3, 9066

Accident Description/Officer's Notes: VEH #1 TRAVELING SW ON ZIMMERMAN RD ATTEMPTS TO TURN LEFT ONTO BACK CREEK RD AND IS STRUCK BY VEH #2 TRAVELING NE ON ZIMMERMAN RD
NY STATE DOT AND NATIONAL RESPONSE CENTER NOTIFIED

WITNESS: REED (RHINEBECK) 5801 OLD ORCHARD DR HAMBURG NY 649-9522 A1553

	8	9	10	11	12	13	14	15	16	17 BY	TO 18	Names - If Deceased, Give Date of Death
ALL INVOLVED A	1	1	4	1	52	F	—	—	—	—	—	DRIVER
B	2	1	1	1	28	M	7	12	6	9994	1403	DRIVER
C	1	X	1	1	9	M	1	12	6	9994	1418	STEVERS, DANIEL
D	1	X	1	1	7	M	2	12	6	9994	1413	REICH, KYRILL
E	1	X	1	1	6	F	1	12	6	9994	1413	MEAD, COURTNEY
F	1	X	1	1	7	F	3	12	6	9995	1418	DAVIS, KRISTEN
G	1	X	1	1	9	F	1	12	6	—	—	WOZNIAK, LISA

SIGN HERE	Officer's Rank and Name	Badge/ID No.	Department	Precinct/Post Troop/Zone	Station/Beat/ Sector	Reviewing Officer	Date/Time Reviewed
	TPR. J. T. JEAKON	4616	1405	A313	HOLLAND	JIM	1-14-98 2:00

0303 Moore® - 0305 CRC

MV104A POLICE ACCIDENT REPORT

MOTOR VEH. #1 AXFORD, FRANCES A.

EXHIBIT "B" PAGE 2 OF 2

	8	9	10	11	12	13	14	15	16	17	18	NAME
H	1	X	1	1	9	M	2	4	6	—	—	JENNEY, ZACHERY
I	1	X	1	1	5	M	2	12	6	—	-	ROBERTS, CHRISTOPHER
J	1	X	1	1	7	M	9	3	6	—	-	BROADWAY, COLLIN
K	1	X	1	1	7	M	5	12	6	—	-	HOLMBERGER, JEFFREY
L	1	X	1	1	7	M	1	12	6	—	-	MILLER, STEPHEN
M	1	X	1	1	5	F	11	12	6	—	-	SMYTH, SHANNON
N	1	X	1	1	5	F	5	12	6	—	-	HUBER, KIKI
O	1	X	1	1	6	M	7	12	6	—	-	JUDA, STEVEN
P	1	X	1	1	6	F	10	12	6	—	-	PAOLINI, CHRISTY
Q	1	X	1	1	5	F	1	12	6	—	-	STEVENS, CHRISTIE
R	1	X	1	1	7	M	11	12	6	—	-	SMYTH, BENJAMIN
S	1	X	1	1	9	F	1	12	6	—	-	JENSEN, AMANDA
T	1	X	1	1	9	M	11	12	6	—	-	NELLIST, KORY
U	1	X	1	1	9	M	1	12	6	—	-	HOLMBERG, THOMAS
V	1	X	1	1	9	M	1	12	6	—	-	HACKER, BRENDEN
W	1	X	1	1	9	M	9	12	6	—	-	GORRELL, ANTHONY
X	1	X	1	1	6	M	1	12	6	—	—	REIS, DAREN
Y	1	X	1	1	7	M	—	—	—	—	—	HAGNER, MATTHEW
Z	1	X	1	1	9	F	—	—	—	—	-	MEAD, LORI
A1	1	X	1	1	9	M	—	—	—	—	-	PICON, PATRICK
B1	1	X	1	1	10	M	—	—	—	—	-	SITTNER, JEREMY
C1	1	X	1	1	9	F	—	—	—	—	-	DAVIS, COURTNEY
D1	1	X	1	1	11	M	—	—	—	—	-	DAVIS, JAMES
E1	1	X	1	1	10	M	—	—	—	—	—	KENYON, BOBBY
F1	1	X	1	1	8	F	—	—	—	—	—	KENYON, KADY
G1	1	X	1	1	6	M	—	—	—	—	—	HEKKENBERGER, JOE
H1	1	X	1	1	6	F	—	—	—	—	—	MILLER, SAMANTHA

MICHAEL F. PERLEY
TOWN ATTORNEY
1000 CATHEDRAL PARK TOWER
37 FRANKLIN STREET
BUFFALO, NEW YORK 14202
(716) 853-4600
FAX (716) 853-4610

TOWN OF BOSTON
8500 BOSTON STATE ROAD
BOSTON, NEW YORK 14202
(716) 941-6113
FAX (716) 941-6116

April 23, 1998

Mr. Karl J. Simmeth, Jr., Councilman
Town of Boston
8500 Boston State Road
Boston, New York 14025

Re: Linear Speed Reduction
Zimmerman and Back Creek Roads
Town of Boston

Dear Karl:

At your request I have researched the Manual of Uniform Traffic Control Devices Section 212.2 with respect to linear speed limits. Your request for a linear speed limit reduction appears justified since this are contains the intersection provided the main access to a public building, the Boston Valley Elementary School, ad appears to be further justified by the recent accident at that intersection involving a school bus and a private vehicle. The existing road geometry, including the hills and road curvature also further indicates that a lower speed limit would be appropriate.

I have enclosed a copy of the pertinent portions of Section 212.2 (b) and direct your attention to subparagraphs (2), (4) and (5).

If you have any questions please feel free to contact me.

Very truly yours,

Michael F. Perley
Town Attorney

MFP/noe
Enc.
cc: Town Clerk David J. Shenk

212.2 Engineering considerations.

(a) General. Speed limits should be established only where engineering study indicates they are justified and reasonable. Unrealistic regulations are ineffective and should be avoided. Experience has firmly established that posted speed limits have little effect on overall traffic speeds. However, realistic limits do provide a sound enforcement basis for citing those who drive at imprudent speed.

(b) Linear limits. An engineering investigation to determine a linear maximum speed limit should include the following considerations:

(1) The existing speed pattern, with particular emphasis on the eighty-five percentile, maximum, and ten mile-per-hour pace speeds.

(2) Potential traffic conflict due to intersections and roadside development (residences, public buildings, commercial establishments, etc.).

(3) Traffic volumes, parking practices, and pedestrian activity.

(4) Accident experience.

(5) Physical conditions, such as pavement width and condition, shoulder width and condition, grades, alignment, sight distance, etc.

(c) Area limits. Evaluations for area speed limits should include the same considerations as for linear speed limits. However, since the specific factors for the highways involved usually vary, a general assessment for the area as a whole must be made.

(1) Within an area, specific highways which warrant higher speed limits than the area in general may be excluded from the area limit and be subject to a different linear speed limit or the State-wide speed limit.

(2) Specific highways which warrant a lower limit than the general area limit may also be separately regulated on a linear basis. However, since highway conditions themselves generally limit speed, speed on those highways would be naturally lower, and exception from the area limit is generally unnecessary.

(d) Numerical values.

(1) Maximum speed limits should be established at values appropriate for optimum weather and visibility conditions, and free-flow traffic conditions. Appropriate numerical limits generally approximate off-peak eighty-five percentile speeds.

(2) Speed limits shall be established in multiples of five miles per hour.

(e) Termini and boundaries. Speed limits should not extend beyond locations where they are justified. However, care must be taken in selecting linear speed limit termini and area speed limit boundaries to enable effective sign placement.

(1) Termini and boundaries should be selected so that speed limit signs will have adequate visibility and will not conflict with other signs.

(2) A speed limit terminus or boundary should be either at an intersection or at least five hundred feet from the nearest intersection.

(f) Seasonal and part-time limits.

(1) Frequently, speed limits in recreational or resort areas are required only during the tourist season. Such speed limits should be established and posted on a part-time basis (see section 201.4).

TOWN OF BOSTON

PROCLAMATION

ARMED FORCES WEEK

MAY 3 - 9, 1998

WHEREAS, "Armed Forces Week" will be celebrated May 3 - 9, 1998, and

WHEREAS, this will be the 38th United States Armed Forces Week observance, and

WHEREAS, this event symbolizes the dedication and unification of the Army, Navy, Air Force, Marines, Coast Guard and Reserve components, and

WHEREAS, a committee of the joint armed forces from the Western New York area will be participating in the opening ceremonies on Sunday, May 3 at the Naval and Servicemen's Park, Buffalo, New York at 12:30 p.m., and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Boston sends sincere gratitude to the Armed Forces for their unselfish dedication to preserving the security of our community, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Boston is very proud to proclaim May 3 - May 9, 1998 **"ARMED FORCES WEEK"** in the Town of Boston.

Dated: April 15, 1998

TOWN OF BOSTON, NEW YORK

By: Lisa M. Rood
Lisa M. Rood, Supervisor

REGULAR BOARD MEETING — TOWN HALL
APRIL 15, 1998 — 7:30 P.M.

PUBLIC HEARING (CONT.)

Town Attorney Perley commented that the current zoning limits "Home Occupation" to service oriented businesses such as accountants and barber shops. This amendment would allow small, craft-oriented retail areas, in single family, owner occupied dwellings located in R-C and C-1 districts. A special use permit is required and the application is subject to a site plan review.

There were no comments.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to close the Public Hearing at 8:05 p.m.

five (5) Ayes — Carried

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to table the decision on proposed Local Law No. 2 - 1998, to amend Local Law No. 6 - 1990, known as the "Zoning Law of the Town of Boston" and to refer this to the Planning Board for recommendation.

five (5) Ayes — Carried

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to refer to the Planning Board the application of Upstate Cellular Network Telephone Communications for a proposed facility at 8741-A Cole Road.

five (5) Ayes — Carried

Supervisor Rood read a letter from the NYS Legislative Commission on Rural Resources dated April 7, 1998 requesting support for bills which strive to find solutions to the special needs and opportunities of rural New York. Supervisor Rood sent a letter of support to Senator Charles D. Cook, Chairman, and Assemblyman William Magee, Vice Chairman, of the Legislative Commission on Rural Resources in support of the Commission's legislation. In particular, the proposals fully supported are S.899-A Alternate Members to Zoning Board of Appeals and Planning Boards, S.2803-A, Recreational Land Use, Landowner Liability S.6278, and Settlement of Claims-Removal of Limitations in all Towns.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to award the contract for Grants Consultant to J. O'Connell & Associates for a six (6) month period beginning May 1, 1998 for the same fee for service as the previous contract.

five (5) Ayes — Carried

SUPERVISOR REPORT

A) Supervisor Monthly Report for March 1998 was received and filed in the Clerk's Office.

PROCLAMATION - ARMED FORCES WEEK - MAY 3 -9, 1998

Supervisor Rood announced that on April 27, 1998 the Patchin Volunteer Fire Company will have a controlled burning on the Kuhn property behind the Mobil gas station on Boston State Road.

Supervisor Rood announced that she is the Town of Boston Coordinator for the "Wheels For Life" Kids Bike-A-Thon to benefit St. Jude Children's Research Hospital on May 2, 1998 from 9:00 am to 2:00 pm (rain date May 9, 1998) at the Boston Town Hall Parking Lot. Helmets are required and there will be prizes and refreshments. Sponsorship forms available at Brunner's Pizza Baron, K's Mini Mart and the Boston Town Hall.

REGULAR BOARD MEETING
APRIL 15, 1998

TOWN HALL
7:30 P.M.

TOWN CLERK REPORT

A motion was made by Councilman Tills and seconded by Councilman Wiktor to accept the Monthly Tax Collector Report for March 1998. Carried

five (5) Ayes

Town Clerk Shenk announced that the dog enumeration program is going well and about eight or nine roads have been completed.

Supervisor Rood commented that she is pleased with the work of the Deputy Dog Warden, Donna Huson. She has gone above and beyond the job description and is doing a wonderful job.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Ruchalski reported that he will begin picking up brush on Monday, April 20, 1998. The bundles of brush should be no more than six or seven feet long and piled neatly.

TOWN ATTORNEY REPORT

Town Attorney Perley reported that the Nowak Article 78 proceeding was decided in favor of the Town of Boston. He has given Mr. Emerling a copy of the decision and has advised him to refrain from proceeding until the period to appeal has expired.

Town Attorney Perley presented draft #1 dated April 8, 1998 of the Lease Management Agreement between the Erie County Water Authority and the Town of Boston.

COUNCILMAN REPORT

Councilman Wiktor reported that he called the DEC office in Albany to receive the application for the rural fire companies to enhance their wildfire fighting capabilities. Councilman Wiktor spoke with David Ames, Director of the NYS Dept. of Environmental Conservation Forest Rangers, who took the preliminary information to begin our grant application.

Councilman Wiktor spoke with our grants person to begin an application for funding of the oxygen cylinder recharging station through grant monies made available in the 1998 County Municipal Regionalism Program. This recharging station is in dire need of repair and the costs run almost one half the cost of a new and more efficient unit used by our three (3) fire companies and surrounding mutual aid companies. Councilman Wiktor has been in contact with both the local and Albany offices of NYS Senator Dale Volker regarding grants monies available for this same project. The availability of State resources will not be known until the State budget is passed. County Legislator Frederick Marshall will look into possible ways to secure the needed funds for this project.

Councilman Wiktor met with Highway Superintendent Ruchalski and members of the Youth Baseball Association regarding the work being done on all ball fields to prepare for the upcoming season.

Councilman Simmeth attended a Telecommunication Conference on April 2, 1998 in East Aurora entitled "Covering Your Assets."

Councilman Simmeth reported that on April 2, 1998 Debbie Morin, 7744 Lower East Hill Road, requested that deer crossing signs be posted on Lower East Hill Road. Councilman Simmeth wrote a letter to Erie County Highway Deputy Commissioner Comerford asking his direction and guidance in this matter.

Councilman Simmeth received complaints of speeding cars and a request to lower the speed limit on Patchin Road and referred the complaints to Sergeants McGee and Meyers, NYS Police.

REGULAR BOARD MEETING
APRIL 15, 1998

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.)

Councilman Simmeth reported a drainage problem on Hillcrest and Chestnut Ridge Roads. Highway Superintendent Ruchalski will investigate the situation.

Councilman Simmeth reminded everyone that Earth Day is Saturday, April 25, 1998 from 9:00 to 1:00 at the Town Park.

Councilman Tills reported that on Saturday, April 11, 1998 he met with members of the South Boston Park Committee to discuss the needed repair work to be done by the Highway Department and the inmate work crews. It was proposed to create a barricade at the end of the entrance of the park to prevent people from driving on the grass areas. It was also proposed to install electricity at the park shelter and add a spotlight to aid visibility when people go to the park at night.

Councilman Tills announced he is the Town of Boston liaison for the Regional Governments and the Town of Boston Festival Committee.

A motion was made by Councilman Tills and seconded by Councilman Simmeth to adjourn the meeting at 8:30 p.m.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING
May 6, 1998

TOWN HALL
7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Stephen K. Tills, Councilman Karl J. Simmeth Jr., Councilman Dennis J.Mead, Supervisor Lisa M. Rood, Highway Superintendent Eugene E. Ruchalski and Town Attorney Perley.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to adopt the minutes of the April 15, 1998 Regular Town Board Meeting.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth that the General Fund and Special District Bills on Abstract #5, dated May 6, 1998 in the amount of $59,011.29 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Simmeth and seconded by Councilman Tills that the Highway Bills on Abstract #5, dated May 6, 1998 in the amount of $4,216.40 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to accept the Town Clerk Monthly Report for April 1998.

five (5) Ayes — Carried

Referred to the Planning Board the Erie County Health Department Approval of Plans for the Hickory Meadows Subdivision Waterline Extension Amendment.

Town Clerk Shenk read a letter sent by registered and ordinary mail to Mr. Charles Menzemer from Town Attorney Perley regarding the demolition of 7615 Boston State Road on June 6, 1998. It was noted that the registered letter was returned to the Town of Boston on May 4, 1998 marked "unclaimed".

Received and filed a letter from the North Boston Volunteer Fire Company stating that the live burn at 7615 Boston State Road will take place on June 6, 1998 or on a rain date of June 13, 1998. The fire company will control traffic for the event.

Supervisor Rood notified Sergeant Don Gardon of the Boston NYS Police Barracks, NYSEG, ECWA, National Fuel and Bell Atlantic to discontinue and disconnect all service lines for the safety of the fire fighters and the surrounding community. The preparations will begin at approximately at 8:00 a.m and the live burn at 9:30 a.m. on June 6, 1998.

Councilman Wiktor commented that the fire company will notify area residents of the scheduled live burn at 7615 Boston State Road.

Received and filed the Erie County Sheriff Report for April 1998.

A motion was made by Councilman Wiktor and seconded by Supervisor Rood to authorize Town Clerk Shenk to publish advertisements for bids for the Water District #2 Extension #2 and the Increase in Facilities Projects to be opened on May 26, 1998 at 2:00 p.m.

five (5) Ayes — Carried

Town Attorney Perley reported that Resolution 1998-09 to Adopt the Final Order for Water District #2 - Extension #2, dated March 18, 1998, must be rescinded to adopt another resolution which fits within a series of time frames that the Bond Council has requested.

TOWN OF BOSTON

RESOLUTION 1998-13

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 6th day of May, 1998 at 7:30 p.m., there were present:

Lisa M. Rood	Supervisor
Damian P. Wiktor	Councilman
Stephen K. Tills	Councilman
Karl J. Simmeth	Councilman
Dennis J. Mead	Councilman

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

WHEREAS, the Town of Boston is applying to the New York State Office of Parks, Recreation and Historic Preservation for a grant under the Environmental Protection Fund and/or Clean Water/Clean Air Bond Act for a park project to be located at 8500 Boston State Road, a site located within the territorial jurisdiction of this Town Board; and

WHEREAS, as a requirement under the rules of these programs, said Town of Boston must obtain the approval/endorsement of the governing body of the municipality in which the project will be located;

NOW, THEREFORE, be it resolved by this body that the Town Board of the Town of Boston hereby does approve and endorse the application of the Town of Boston for a grant under the Environmental Protection Fund for a park project known as **"TOWN HALL PARK IMPROVEMENT"** located within this community; and

BE IT FURTHER resolved that this property shall be forever maintained by the Town of Boston as a municipal park in this town, consistent with the rules promulgated by OPRHP.

Motion seconded by Councilman Simmeth and duly put to a vote, as follows:

Supervisor Rood	Voting aye
Councilman Wiktor	Voting aye
Councilman Tills	Voting aye
Councilman Simmeth	Voting aye
Councilman Mead	Voting aye

Ayes: 5 Noes: 0 Carried

David J. Sheak

David J. Sheak, Town Clerk

TOWN OF BOSTON

RESOLUTION 1998-14

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 6th day of May, 1998 at 7:30 p.m., there were present:

Lisa M. Rood	Supervisor
Damian P. Wiktor	Councilman
Stephen K. Tills	Councilman
Karl J. Simmeth	Councilman
Dennis J. Mead	Councilman

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

WHEREAS, the Town Board of the Town of Boston does hereby approve and endorse the grant application for the purchase of a **VACUUM SWEEPER** for the Town of Boston Highway Department; and

WHEREAS, the Vacuum Sweeper will be shared for usé by the highway departments of the Town of Colden, Town of Eden and Town of Concord, as well as used and housed in the Town of Boston.

NOW, THEREFORE, be it resolved that the Town Board of the Town of Boston does hereby submit to the Erie County Legislature, through the County Municipal Regionalism Program, and that the Town of Boston be designated as lead agency for this application; and

BE IT FURTHER resolved, that the Town of Boston agrees to fully participate and equally share the use and maintenance of the Vacuum Sweeper equipment purchased collaboratively through this grant.

Motion seconded by Councilman Simmeth and duly put to a vote, as follows:

Supervisor Rood	Voting aye
Councilman Wiktor	Voting aye
Councilman Tills	Voting aye
Councilman Simmeth	Voting aye
Councilman Mead	Voting aye

Ayes: 5 Noes: 0 Carried

David J. Shenk
Town Clerk

TOWN OF BOSTON

RESOLUTION 1998-16

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 6th day of May, 1998 at 7:30 p.m., there were present:

Lisa M. Rood	Supervisor
Damian P. Wiktor	Councilman
Stephen K. Tills	Councilman
Karl J. Simmeth	Councilman
Dennis J. Mead	Councilman

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

WHEREAS, the Town Board of the Town of Boston does hereby approve and endorse the Grant Application for the Boston-Colden-East Eden Fire Council for the purchase of a **CYLINDER AIR BREATHING RECHARGING SYSTEM** for the above mentioned volunteer fire companies; and

WHEREAS, the Cylinder Air Breathing Recharging Station will be shared for use by the volunteer fire companies of the towns of Boston, Colden, East Eden and mutual aid member companies, as well as the Southtowns Haz-Mat Team. The recharging station will be housed in the Boston Volunteer Fire Company.

NOW, THEREFORE, be it resolved that the Town Board of the Town of Boston does hereby submit to the Erie County Legislature, through the County Municipal Regionalism Program; and

BE IT FURTHER RESOLVED, that the Town of Boston be designated as Lead Agency for this application.

Motion was seconded by Councilman Mead and duly put to a vote, as follows:

Supervisor Rood	Voting aye
Councilman Wiktor	Voting aye
Councilman Tills	Voting aye
Councilman Simmeth	Voting aye
Councilman Mead	Voting aye

Ayes: 5 Noes: 0 Carried

David J. Shenk, Town Clerk

TOWN OF BOSTON

RESOLUTION 1998-15

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 6th day of May, 1998 at 7:30 p.m., there were present:

Lisa M. Rood	Supervisor
Damian P. Wiktor	Councilman
Stephen K. Tills	Councilman
Karl J. Simmeth	Councilman
Dennis J. Mead	Councilman

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

WHEREAS, the office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

WHEREAS, the office of the Municipal Clerk is the oldest among public servants, and

WHEREAS, the office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

WHEREAS, the Municipal Clerk serves as the information center on functions of local government and community, and

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations.

WHEREAS, it is most appropriate that we recognize the accomplishments of the office of the Municipal Clerk.

NOW, THEREFORE, the Town Board of the Town of Boston recognizes the week of **May 3 - May 9, 1998** as **Municipal Clerks Week**, and

BE IT FURTHER RESOLVED, we extend our appreciation to our **MUNICIPAL CLERK, DAVID J. SHENK** and to all Municipal Clerks for the vital services they perform and their dedication to the communities they represent.

Motion seconded by Councilman Wiktor and duly put to a vote, as follows:

Supervisor Rood	Voting aye
Councilman Wiktor	Voting aye
Councilman Tills	Voting aye
Councilman Simmeth	Voting aye
Councilman Mead	Voting aye

Ayes: 5 Noes: 0 *Carried*

David J. Shenk

David J. Shenk, Town Clerk

RESOLUTION 1998 - 19

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Boston, in the

County of Erie, New York

May 6 , 1998

* * *

A regular meeting of the Town Board of the Town of Boston, in the County of Erie, New York, was held at the Town Hall, in said Town, on May 6 , 1998, at 7:30 o'clock P.M. (Prevailing Time).

There were present: Honorable Lisa M. Rood
Supervisor; and

Councilpersons: Damian P. Wiktor
Stephen K. Tills
Karl J. Simmeth, Jr.
Dennis J. Mead

There were absent:

Also present: David J. Shenk, Town Clerk

* * *

Supervisor Rood offered the following resolution and moved its adoption:

A regular meeting of the Town Board of the Town of Boston, in the County of Erie, State of New York was held at the Town Hall, in said Town, on the 6th day of May , 1998.

PRESENT: Hon. Lisa M. Rood , Supervisor
Damian P. Wiktor , Councilperson
Stephen K. Tills , Councilperson
Karl J. Simmeth, Jr. , Councilperson
Dennis J. Mead , Councilperson

In the Matter : FINAL ORDER EXTENDING
of the : THE DISTRICT

Proposed Extension No. 2 to Water District No. 2, in the Town of Boston, in the County of Erie, New York, pursuant to Article 12-A of the Town Law. : MAY 6 , 1998

WHEREAS, the Town Board of the Town of Boston (herein called "Town Board" and "Town", respectively), in the County of Erie, New York has heretofore duly caused TVGA Engineering, Surveying, P.C., competent engineers duly licensed by the State of New York, to prepare a map, plan and report relating to the proposed Extension No. 2 to Water District No. 2, in the Town (herein called "Extension" and "District," respectively), as hereinafter described, and the construction of a water system therein, consisting of the construction and installation of 15,600 linear feet of 8-inch watermain and construction of a pump station and storage tank, including land or rights in land, original equipment, machinery, furnishings, valves, hydrants,

service taps, service lines, curb boxes, fittings, connections, fill, appurtenances and related site work (the "Water Improvement"), which Water Improvement is to be operated and maintained by the Erie County Water Authority pursuant to a Lease-Management Agreement with the Town on behalf of the Extension; which map, plan and report have been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, pursuant to the Order duly adopted on December 6, 1995, the Town Board determined to proceed with the Extension to the District and adopted an Order reciting a description of the boundaries of the District in a manner sufficient to identify the lands included therein as in a deed of conveyance, the improvements proposed, the maximum amount proposed to be expended for such improvements, including acquisition of necessary land and rights in land, if any, the proposed method of financing to be employed, the Town's compliance with all applicable laws, rules and regulations with respect to environmental matters, the fact that a map, plan and report describing the same are on file in the Town Clerk's office for public inspection and specifying December 19, 1995, at 7:00 o'clock P.M. (Prevailing Time) as the time when, and the Town Hall, in the Town, as the place where, the Town Board would meet to consider the Extension to the District and the construction of a water system therein, and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board in relation thereto, as may be required by law; and

WHEREAS, following publication and posting of certified copies of said Order pursuant to Article 12-A of the Town Law and after a public hearing duly called and held by the Town Board at the time and place herein referred to, the Town Board, by resolution duly adopted on December 20, 1995, determined that the notice of public hearing was published and posted as required by Law, and was otherwise sufficient; that all the property and property owners included within the proposed Extension to the District were benefited thereby; that all the property and property owners benefited were included within the limits of the proposed Extension to the District; and that it was in the public interest to establish the Extension to the District; that the maximum amount proposed to be expended for the construction of such Water Improvement is estimated to be $906,000, which is planned to be financed by the expenditure of $453,600 to be received from Water District No. 2 to pay a part of said cost, the issuance of $452,400 serial bonds of the Town to finance the balance of said costs, and the assessment, levy and collection of special assessments from the several lots and parcels of land within the Extension, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, with the Town's expectation being that all or part of the necessary $452,400 financing may be obtained through Rural Development; and

WHEREAS, said resolution adopted on March 1, 1995 was subject to mandatory referendum and a resolution providing for submission of a proposition at a Special Election to be held on February 20, 1996 was adopted on December 20, 1995, and said Special Election was duly held in conformity therewith, following publication and posting of a Notice of said Special Election in conformity with applicable law; and

WHEREAS, the resolution adopted on December 20, 1995 approving the Extension to the District was approved by the qualified voters present and voting at said Special Election duly called and held on February 20, 1996;

Now, therefore, be it

ORDERED, that the Extension to the District and construction of improvements therein is hereby approved and said District shall be designated and known as Water District No. 2 in the Town of Boston, situated wholly outside of any incorporated village or city, and bounded and described as follows:

[Attach/insert metes and bounds description]

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Boston, County of Erie and State of New York, being part or all of Lots 18, 19, 20, 25, 26, 27, 31, 32, 33, 34, 35, 39, 40, 41, 42, and 43, Township 8, Range 7 of the Holland Land Company's Survey and being more particularly bounded and described as follows:

BEGINNING at a point on the south line of the Town of Boston Water District No. 2 as described in the legal description of said Water District No. 2, at it's intersection with the west line of the Southern Expressway, Section III (SH 78017), said point being the northeast corner of lands now or formerly owned by Daniel Zwilling (S.B.L. 226.00-3-28.11);

thence southerly along the various courses of the said west line of the Southern Expressway, Section III, a distance of about seven thousand five hundred seventy-five feet (7,575'±) to the northeast corner of lands now or formerly owned by Mark and Robin Church (S.B.L. 241.00-3-28.1);

thence westerly along the north line of said lands of Church, a distance of about one thousand three hundred fifty-one feet (1,351'±) to the centerline of Zimmerman Road (C.R. 437);

thence northerly along the said centerline of Zimmerman Road, a distance of about three hundred forty-five feet (345') to the southeast corner of lands now or formerly owned by John Bellucci (S.B.L. 241.00-1-28);

thence westerly along the south line of said lands of Bellucci, a distance of about five hundred twenty-five feet (525'±) to the southwest corner of said lands of Bellucci;

thence northerly along the west line of said lands of Bellucci and the west line of lands now or formerly owned by William Mansfield (S.B.L. 241.00-1-27), a distance of about four hundred sixteen feet (416'±) to the south line of Lot 26, Township 8, Range 7;

thence westerly along the said south line of Lot 26, a distance of about three thousand four hundred forty-five feet (3,445'±) to the northeast corner of Lot 33, Township 8, Range 7;

thence southerly along the east line of said Lot 33, a distance of about four thousand fifty feet (4,050'±) to a point in the centerline of Rice Road (T.R. 248);

thence westerly along the said centerline of Rice Road, a distance of about four thousand seven feet (4,007'±) to the centerline of Feddick Road (C.R. 469);

thence southerly along the said centerline of Feddick Road, a distance of about six hundred eighty-six feet (686'±) to the northwest corner of lands now or formerly owned by Thomas and Nancy Brogan (S.B.L. 257.00-1-32);

thence easterly along the north line of said lands of Brogan, a distance of about three hundred fifty feet (350'±) to the northeast corner of said lands of Brogan;

thence southerly along the east line of said lands of Brogan, and continuing southerly along the east line of lands now or formerly owned by Arnold and Jean Perison (S.B.L. 256.00-3-7.12) and the east line of lands now or formerly owned by Earl and Susan Shisler (S.B.L. 257.00-1-31), a distance of about nine hundred sixty-nine feet (969'±) to the southeast corner of said lands of Shisler;

thence westerly along the south line of said lands of Shisler, a distance of about two hundred fifty feet (250'±) to the said centerline of Feddick Road;

thence southerly and southeasterly along the said centerline of Feddick Road and the centerline of South Feddick Road, a distance of about one thousand seven hundred twenty feet (1,720'±) to the northwest corner of lands now or formerly owned by James and Susan Mulholland (S.B.L. 257.00-1-30);

thence easterly along the north line of said lands of Mulholland, a distance of about two hundred thirty-two feet (232'±) to the northeast corner of said lands of Mulholland;

thence southerly along the east line of said lands of Mulholland, a distance of about eighty-five feet (85'±) to a point in the north line of lands now or formerly owned by Bertha M. Walters (S.B.L. 257.00-1-29);

thence northeasterly along the said north line of lands of Walters, a distance of about forty feet (40'±) to the northeast corner of said lands of Walters;

thence southeasterly along the east line of said lands of Walters, a distance of about one hundred ten feet (110'±) to the southeast corner of said lands of Walters;

thence southwesterly along the south line of said lands of Walters, a distance of about two hundred feet (200'±) to a point in the said centerline of South Feddick Road;

thence southeasterly along the said centerline of South Feddick Road, a distance of about five thousand fifty-one feet (5,051'±) to the centerline of Belcher Road (T.R. 337), said point being in the south line of the Town of Boston;

thence westerly along the said centerline of Belcher Road and its extension westerly along the south line of Lot 39, Township 8, Range 7, being the south line of the Town of Boston, a distance of about six thousand nine hundred fifty feet (6,950'±) to the southwest corner of said Lot 39, said point being the southwest corner of the Town of Boston;

thence northerly along the west line of Lots 39, 40, 41 and 42, Township 8, Range 7, being the west line of the Town of Boston, a distance of about fifteen thousand seven hundred thirty feet (15,730'±) to the northwest corner of said Lot 42, said corner being the southwest corner of the said Town of Boston Water District No. 2;

thence easterly along the various courses of the said Town of Boston Water District No. 2 to the point or place of beginning.

and be it further

ORDERED, that the expense of the costs of construction, operation and maintenance of the Water Improvement shall be paid by the assessment, levy and collection of special assessments upon the several lots and parcels of land within the Extension which the Town Board shall determine and specify to be especially benefitted thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same; and be it further

ORDERED, that within ten (10) days after adoption of this Order, the Town Clerk shall record with the Clerk of the County of Erie and file with the Department of Audit and Control in Albany, New York, copies of this Order, certified by said Town Clerk.

DATED: MAY 6, 1998

TOWN BOARD OF THE TOWN OF BOSTON

(SEAL)

BOND RESOLUTION OF THE TOWN OF BOSTON, NEW YORK, ADOPTED MAY 6 , 1998, APPROPRIATING $906,000 FOR EXTENSION NO. 2 TO WATER DISTRICT NO. 2 AND THE CONSTRUCTION OF A WATER SYSTEM THEREIN, IN SAID TOWN, WITH $453,600 OF THE TOTAL COST OF $906,000 TO BE PAID WITH AVAILABLE FUNDS, AND AUTHORIZING THE ISSUANCE OF $452,400 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION.

Recitals

WHEREAS, following preparation of a general map, plan and report relating to Water District No. 2 (herein called ("District"), proposed to be established in the Town of Boston (herein called "Town"), in the County of Erie, New York, including the construction of a water system therein, consisting of the construction and installation of approximately 15,600 linear feet of 8-inch watermain and construction of a pump station and storage tank, including land or rights in land, original equipment, machinery, furnishings, valves, hydrants, service taps, service lines, curb boxes, fittings, connections, fill, appurtenances and related site work (the "Water Improvement"), which Water Improvement is to be operated and maintained by the Erie County Water Authority pursuant to a Lease-Management Agreement with the Town on behalf of the Extension; and after a public hearing duly called and held, the Town Board of the Town determined, pursuant to the resolution duly adopted on December 20, 1995 that the notice of such hearing was published and posted as required by law and is otherwise sufficient, that all property and property owners within the proposed Extension to the District are benefited thereby, and

that all property and property owners benefited are within the proposed Extension to the District, and approved the Extension to the District; and

WHEREAS, following submission of an application by said Town Board, the State Comptroller granted permission to establish the District by Order dated December 23, 1997, which Order was duly filed with and presented to said Town Board at its first meeting held after said Order was so received; and

WHEREAS, said Town Board duly adopted an Order on May 6 , 1998, extending the District, therein designated Extension No. 2 to Water District No. 2, in the Town of Boston, and ordered construction of certain improvements therein, at a cost not to exceed $906,000;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF BOSTON, IN THE COUNTY OF ERIE, NEW YORK (by favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Town hereby appropriates the amount of $906,000 as the Town's local share of the cost of Extension No. 2 to Water District No. 2 and construction of the Water Improvement as hereinabove referred to in the Recitals of this resolution, and in accordance with the map, plan and report prepared by TVGA Engineering, Surveying, P.C., on file in the office of the Town Clerk and heretofore approved by the Town Board of the Town. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the

financing thereof, is $906,000 and the plan of financing includes the expenditure of $453,600 to be received from Water District No. 2 to pay a part of said cost, the issuance of $452,400 serial bonds of the Town to finance the balance of said costs, and the assessment, levy and collection of special assessments from the several lots and parcels of land within the Extension, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, with the Town's expectation being that all or part of the necessary $452,400 financing may be obtained through Rural Development.

Section 2. Serial bonds of the Town in the principal amount of $452,400 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of said specific object or purpose for which the bonds authorized by this resolution are to be issued, within the limitations of Section 11.00 a. 1. of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may

be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution shall exceed five (5) years.

Section 4. Each of the serial bonds authorized by this resolution and any notes issued in anticipation of the sale of said bonds or the renewals of said notes shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of said bonds or the renewals of said notes, and provisions shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds having

substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Sections 50.00 and 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing the issuance of any notes in anticipation of the sale of serial bonds herein authorized or the renewals of said notes and relative to prescribing the terms, form and contents and as to the sale and issuance of the serial bonds herein authorized and of any notes in anticipation of the sale of said bonds or the renewals of said notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of said bonds, may be contested only if:

(a) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commended within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately.

* * *

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

AYES: 5 Five

NOES: 0 Zéro

The resolution was declared adopted.

* * *

CERTIFICATE

I, DAVID J. SHENK, Town Clerk of the Town of Boston, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town, duly called and held on May 6 , 1998, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete, correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 6th day of May , 1998.

(SEAL)

David J. Shenk
Town Clerk

122222.1 016780 RES

RESOLUTION 1998 - 20

Councilman Mead offered the following resolution and moved its adoption:

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

Section 1. The Town Clerk of the Town of Boston, in the County of Erie, New York, is hereby directed to publish the foregoing bond resolution, in summary, in the "HAMBURG SUN" and in the "SPRINGVILLE JOURNAL," two newspapers having a general circulation within the Town and hereby designated as the official newspapers of the Town for such publication, together with the Town Clerk's statutory notice in substantially the form as prescribed by Section 81.00 of the Local Finance Law of the State of New York.

Section 2. This resolution shall take effect immediately.

* * *

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

AYES: 5 Five

NOES: 0 Zero

The resolution was declared adopted.

* * *

122222.1 016780 RES

CERTIFICATE

I, DAVID J. SHENK, Town Clerk of the Town of Boston, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town, duly called and held on May 6 , 1998, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete, correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 6th day of May , 1998.

(SEAL)

David J. Shenk
Town Clerk

122222.1 016780 RES

RESOLUTION 1998 - 17

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Boston, in the

County of Erie, New York

May 6 , 1998

* * *

A regular meeting of the Town Board of the Town of Boston, in the County of Erie, New York, was held at the Town Hall, in said Town, on May 6 , 1998, at 7:30 o'clock P.M. (Prevailing Time).

There were present: Honorable Lisa M. Rood
Supervisor; and

Councilpersons: Damian P. Wiktor
Stephen K. Tills
Karl J. Simmeth, Jr.
Dennis J. Mead

There were absent:

Also present: David J. Shenk, Town Clerk

* * *

Councilman Simmeth offered the following resolution and moved its adoption:

BOND RESOLUTION OF THE TOWN OF BOSTON, NEW YORK, ADOPTED MAY 6, 1998, APPROPRIATING $795,600 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF WATER DISTRICT NO. 2, IN SAID TOWN, AND AUTHORIZING THE ISSUANCE OF $795,600 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

Recital

WHEREAS, following preparation of maps, plans and reports for the increase and improvement of facilities of Water District No. 2 (herein called the "District"), in the Town of Boston (herein called the "Town"), in the County of Erie, New York, and after a public hearing duly called and held, the Town Board of the Town determined that it is in the public interest to increase and improve the facilities of the District, and ordered that such facilities be increased and improved;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF BOSTON, IN THE COUNTY OF ERIE, NEW YORK (by the favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Town hereby appropriates the amount of $795,600 for the increase and improvement of facilities of the District, consisting of the installation of approximately 8,000 linear feet of ten-inch PVC waterline on Keller and Zimmerman Roads, the installation of a pump station and storage tank, and

the replacement and installation of valves, hydrants, service connections, and all sitework related thereto, all in accordance with the map, plan and report prepared by TVGA Engineering, Surveying, P.C., engineers duly licensed by the State of New York, on file in the office of the Town Clerk and hereby approved. The estimated total cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is $795,600 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of $795,600 serial bonds of the Town to finance said appropriation and the assessment, levy and collection of special assessments upon the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable.

Section 2. Serial bonds of the Town are hereby authorized to be issued in the principal amount of $795,600 pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of the specific object or purpose for which said $795,600 serial bonds are

authorized to be issued, within the limitations of Section 11.00 a. 1 of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of said serial bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation said bonds, shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town without limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes issued

in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds having substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes, and Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and any other bonds heretofore or hereafter authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, 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

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately.

* * *

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

AYES: 5 Five

NOES: 0 Zero

The resolution was declared adopted.

***

CERTIFICATE

I, DAVID J. SHENK, Town Clerk of the Town of Boston, in the County of Erie, New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town, duly called and held on May 6 , 1998 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 6 th day of May , 1998.

(SEAL)

David J. Shenk
Town Clerk

197844.1 019463 RES

RESOLUTION 1998 - 18

Councilman Tills offered the following resolution and moved its adoption:

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

Section 1. The Town Clerk is hereby directed to publish the foregoing bond resolution, in summary, in the "HAMBURG SUN," a newspaper published in Hamburg, New York, and in the "SPRINGVILLE JOURNAL," a newspaper published in Springville, New York, each having a general circulation in said Town, which newspapers are hereby designated as the official newspapers of the Town for such publications, together with the Town Clerk's statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

Section 2. This resolution shall take effect immediately.

* * *

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

AYES: 5 Five

NOES: 0 Zero

The resolution was declared adopted.

***

CERTIFICATE

I, DAVID J. SHENK, Town Clerk of the Town of Boston, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town, duly called and held on May 6 , 1998, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete, correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 6th day of May , 1998.

(SEAL)

David J. Shenk
Town Clerk

122222.1 016780 RES

TOWN OF BOSTON

TOWN OF BOSTON

RESOLUTION 1998-21

FREDERICK SHEAR - 1998 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 6th day of May 1998 at 7:30 P.M. Eastern Standard Time, there were:

Present:	Lisa M. Rood	Supervisor
	Damian P. Wiktor	Councilman
	Dennis J. Mead	Councilman
	Karl J. Simmeth Jr.	Councilman
	Stephen K. Tills	Councilman

Councilman Mead 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 1998 Citizen of the Year is **FREDERICK SHEAR.**

WHEREAS, selected for his unselfish commitment to the Town of Boston and its citizens, Mr. Shear is recognized for his outstanding participation with the North Boston Volunteer Fire Company and his service to the Faith United Church of Christ.

WHEREAS, Mr. Shear is further recognized for his continued support of the American Red Cross.

NOW THEREFORE:

BE IT RESOLVED, the Boston Town Board does hereby honor the 1998 Boston Chamber of Commerce Citizen of the Year, **FREDERICK SHEAR.** We thank him for his many years of distinguished and dedicated service to this community.

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

Supervisor Rood	Voting AYE
Councilman Wiktor	Voting AYE
Councilman Mead	Voting AYE
Councilman Simmeth Jr.	Voting AYE
Councilman Tills	Voting AYE

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

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING
May 6, 1998

TOWN HALL
7:30 P.M.

A motion was made by Councilman Tills and seconded by Supervisor Rood to rescind Resolution 1998-09 to Adopt the Final Order for Water District #2 - Extension #2, March 18, 1998.

five (5) Ayes — Carried

RESOLUTION 1998 - 13 TOWN HALL PARK IMPROVEMENT GRANT APPLICATION

RESOLUTION 1998 - 14 VACUUM SWEEPER GRANT APPLICATION

RESOLUTION 1998 - 16 CYLINDER AIR BREATHING RECHARGING SYSTEM

RESOLUTION 1998 - 15 MUNICIPAL CLERKS WEEK

RESOLUTION 1998 - 19 ADOPT FINAL ORDER-WATER DIST. #2-EXT. #2

RESOLUTION 1998 - 20 DIRECT TOWN CLERK TO PUBLISH RESO 1998-17

RESOLUTION 1998 - 17 BOND RESOlUTION WATER DISTRICT #2-EXT. #2

RESOLUTION 1998 - 18 DIRECT TOWN CLERK TO PUBLISH RESO 1998-19

RESOLUTION 1998 - 21 CITIZEN OF THE YEAR - FREDERICK SHEAR

Supervisor Rood noted there will be a Chamber of Commerce dinner in honor of Mr. Shear on May 9, 1998 at Michael's Banquet Facility.

Deputy Code Enforcement Officer Lisowski reported that the inspections for the Soil Removal Permit Applications of Roy L. Emerling, 7957 Boston State Road and Joseph Simmeth, 8010 Boston State Road were satisfactory.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth, on the recommendation of Deputy Code Enforcement Officer Lisowski, to approve the Soil Removal Permit Application of Roy L. Emerling, 7957 Boston State Road.

five (5) Ayes — Carried

A motion was made by Councilman Mead and seconded by Councilman Tills, on the recommendation of Deputy Code Enforcement Officer Lisowski, to approve the Soil Removal Permit Application of Joseph Simmeth, 8010 Boston State Road.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Tills to appoint Ralph Gibson to the Zoning Board of Appeals, term to expire April 1, 2003.

five (5) Ayes — Carried

Town Attorney Perley recommended retaining William Johnson as an independent consultant regarding the Frontier Cellular Tower Application. Mr. Johnson is a professor at the Rochester Institute of Technology and Electrical Engineering. He has performed services as a consultant for the Town of Boston with regards to the Sprint drive test and is very well regarded as a consultant in tower matters working exclusively for municipalities. His hourly rate is $125 per hour for professional services and $35.00 per hour for travel. Thomas Greiner, Upstate Cellular Representative has no objection to these fees which they will ultimately pay.

A motion was made by Supervisor Rood and seconded by Councilman Wiktor to authorize Town Attorney Perley to retain William Johnson to serve as the Town of Boston Radio Frequency Consultant for the Upstate Cellular Application.

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
May 6, 1998 — 7:30 P.M.

A motion was made by Councilman Simmeth and seconded by Councilman Tills to schedule the annual Mobile Home Park Inspection for the Boston Hills Homes & Estates on Friday June 5, 1998 at 4:00 p.m. and for the Boyd Mobile Home Park at 5:00 p.m.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth, on the recommendation of Recreation Director O'Brien, to approve the Recreation Department Policy on Smoking/Tobacco/Drug use.

five (5) Ayes — Carried

A motion was made by Supervisor Rood and seconded by Councilman Wiktor, on the recommendation of Recreation Director O'Brien, to appoint the following for the Summer Recreation Program, effective immediately and to expire on August 30, 1988:

Kathy Rooney	Summer Supervisor	Salary of $2,800
Jerry Lindsey	Recreation Leader	Salary of $1,300
Erin Addotta	Rec Attendant/Lifeguard	5.15/6.75 per hr.
Lauren Bankert	Rec Attendant	5.25 per hr.
Scott Bihl	Rec Attendant	5.25 per hr.
Christine Bubar	Site Supervisor	7.50 per hr.
Melissa Dzikowski	Rec Attendant	5.25 per hr.
Julie Edwards	Rec Attendant	5.35 per hr.
Julie Ehlers	Rec Attendant	5.35 per hr.
Chis Emerling	Ass't Site Supervisor	7.00 per hr.
Kristi Forness	Rec Attendant	5.15 per hr.
Elaine Hilfiker	Arts & Crafts Supervisor	6.00 per hr.
Laura Hilfiker	Arts & Crafts Supervisor	6.00 per hr.
Colleen Klein	Rec Attendant	5.35 per hr.
Kris Krajewski	Rec Attendant	5.25 per hr.
Mandi Malchoff	Rec Attendant/Lifeguard	5.50/7.00 per hr.
Beth Marschner	Rec Attendant	5.25 per hr.
Melissa Martin	Rec Attendant	5.25 per hr.
Jennifer Olivieri	Rec Attendant	5.15 per hr.
Gene Partridge	Rec Attendant	5.15 per hr.
Arron Pavlovic	Rec Attendant	5.25 per hr.
Doris Pilato	Arts & Crafts Supervisor	6.75 per hr.
John Politowski	Asst Site Supervisor	7.00 per hr.
Tammy Rockwood	Rec Attendant	5.25 per hr.
Robert Rooney	Rec Attendant	5.15 per hr.
Charles Schreier	Rec Attendant	5.25 per hr.
Andrew Smith	Rec Attendant	5.25 per hr.
Kevin Steffan	Rec Attendant	5.25 per hr.
Keith Steward	Rec Attendant	5.50 per hr.
Kevin Steward	Site Supervisor	7.50 per hr.
Jill Tibbetts	Adm. Assistant	7.00 per hr.
Amanda Vara	Rec Attendant	5.25 per hr.
Rebecca Vara	Rec Attendant	5.35 per hr.
Heather Weber	Rec Attendant	5.25 per hr.
Melissa Wilson	Site Supervisor	7.50 per hr.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead, on the recommendation of Recreation Leader Lindsey, to appoint the following for the Boston Youth Baseball 1998 Season:

Officers:	President	Gregory Burroughs
	1st Vice President	Tom Lanham
	2nd Vice President	Pat Thompson
	Secretary	Jim Gastle
	Treasurer	Kevin Elasser

TOWN OF BOSTON

PROCLAMATION

SHRINE CIRCUS WEEK - MAY 3 - 10, 1998

WHEREAS, the Shriners of Western New York are a dedicated group of individuals who selflessly contribute countless hours of their time to finance and sponsor mini-clinics and transportation for children and their families to and from Shriners' hospitals throughout the country; and

WHEREAS, Shriners hospitals provide free orthopedic and burn care to thousands of children every year; and

WHEREAS, the Shriners of Western New York are sponsoring the 52nd Annual Shrine Circus at the International Agri-Center at the Hamburg Fairgrounds on May 7, 8, 9 and 10, 1998; and

WHEREAS, the Shrine Circus provides low cost wholesome family entertainment, which is affordable to the citizens of Western New York.

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Boston hereby declares the week of May 3 - 10, 1998 to be **SHRINE CIRCUS WEEK**; and be it further

RESOLVED, that the citizens of the Town of Boston are encouraged to support the Shriners of Western New York and attend this grand event with their families, neighbors and friends.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of April, 1997.

Lisa M. Rood
Supervisor

REGULAR BOARD MEETING
May 6, 1998

TOWN HALL
7:30 P.M.

Coaches/Assistants:	Billy Forness	Bob Cymerman
	Mike Randall	Jerry Gorrell
	Gary Klumpp	Dennis Hagner
	Mike Hallick	Paul Rybak
	Ron Pachan	Tom Lanham
	Carl Emerling	John Roedel
	Vieden Zahariev	Mike Ehlers
	Dave Fregellette	Bill Brunner
	Jim Gastle	Larry Phillips
	Greg Burroughs	Roger Jackson
	Mike Faril	Dan Westcott
	Bill Solek	Eric Heimberger
	Jeff Wright	Bob Monczynski
	Chuck Sienk	Dan Woodrow
	Jim Nabozny	Bill Chiquelin
	John Marron	Mike Kozina

five (5) Ayes Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth to grant the Cpl. David Finger Tri Town VFW Post No. 2556 $450 to offset the costs for the Memorial Day Observance, Monday May 25, 1998.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Tills to grant the AMVETS Boston Post No. 219, $300 to offset the costs for the Memorial Day Observance, Monday May 25, 1998.

five (5) Ayes Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth to appoint Joseph Boswell and Jeffrey Eimer to the Parks Department, term effective May 11, 1998 to September 1, 1998, salary $6.50 per hr.

five (5) Ayes Carried

Received a request from Jeff Kuhn, Hamburg Overhead Door, Inc. to extend a fill permit on Herman Hill and Boston State Roads near the intersection of Routes 391 and 277, granted on September 17, 1998 and to expire on July 1, 1998.

Supervisor Rood read a recommendation of approval with stipulations from the Planning Board dated September 2, 1997.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to extend the fill permit for Jeff Kuhn, Hamburg Overhead Door, Inc., on Herman Hill and Boston State Roads near the intersection of Routes 391 and 277 for one year, until July 1, 1999 or unless sooner revoked by the Town Board, under the same terms and conditions as the original permit.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to grant the Boston Lions Club permission to use the Lions Shelter on Saturday, June 6, 1998, from 8:00 a.m. to 3:00 p.m. for a rummage sale.

five (5) Ayes Carried

SUPERVISOR REPORT

PROCLAMATION - SHRINE CIRCUS WEEK - MAY 3-10, 1998

REGULAR BOARD MEETING
May 6, 1998

TOWN HALL
7:30 P.M.

SUPERVISOR REPORT (CONT.)

Supervisor Rood received notification from Senator Dale Volker that the Town of Boston will receive a 1998 Legislative Initiative Award of $20,000 to refurbish the concession stand at the North Boston Park. The Parks Department will also refurbish the Lions Shelter and spread wood chips under the playground equipment at the South Boston Park. Trees will be planted and lawns will be reseeded. On May 11, 1998 the inmates from the Collins Correctional Facility will arrive to work on the park projects.

Supervisor Rood announced that the Bike-a-Thon for St. Jude Children's Research Hospital was held in the Town of Boston on May 2, 1998 and raised approximately $500. Supervisor Rood thanked committee members David Rood, Lori Borawick and Dennis Mead. Numerous businesses in town made donations to show their support.

Supervisor Rood reported that the Earth Day events on April 25, 1998 were a success. There were ninety-five (95) earth machines sold. Supervisor Rood commended the Conservation Advisory Council and Chairman Chris Bifaro for the organization of the event.

Supervisor Rood read a flyer that was distributed in pennysaver boxes complaining of the poor condition of Zimmerman Road. Zimmerman Road was number one on the Erie County list for repaving but due to the installation of the water lines, tank and pump station, Supervisor Rood requested the work be delayed until the water project is complete. She noted that it doesn't make sense to repave a road and then destroy it with new construction. Within three weeks Zimmerman Road will be temporarily patched. Supervisor Rood and Superintendent Ruchalski took Erie County Highway Officials, Keane and Commerford for a ride on Zimmerman Road so they are aware of the condition. The Hillcroft Bridge area was investigated and it was noted that the Army Corps of Engineers had a plan to remedy the situation where the creek has moved and threatens the roadway and bridge. Also inspected was the drainage concerns in the Polish Hill and Back Creek Road area. The County will have a drainage expert do a survey of the situation and inform us of the outcome.

TOWN CLERK REPORT

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to accept the Monthly Registrar of Vital Statistics Report for April 1998.

five (5) Ayes — Carried

A motion was made by Supervisor Rood and seconded by Councilman Tills to accept the Tax Collection Report for April 1998.

five (5) Ayes — Carried

TOWN ATTORNEY REPORT

Town Attorney Perley reported that when the Allen Dr. subdivision was created, there was a "T" turn-around with a twenty-five (25) foot extension on each side of the road right-of-way. Eventually Allen Dr. was continued and the turn-around was no longer used. The road way and turn-around was deeded to the town. The town will now deed back, by a quit claim deed, to John Troyan, James Callahan, William Craig and Henry Piniewski, the six hundred and twenty-five (625) sq. ft. parcel that infringes upon their lots.

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1998-22

A Resolution approving the sale of a portion of Allen Drive, formerly used as a turn-around to John Troyan, James Callahan, William Craig and Henry Piniewski, subject to a permissive referendum

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 6th day of May, 1998 at 7:30 o'clock in the evening Eastern Prevailing Time there were:

Present:	**Lisa M. Rood**	**Supervisor**
	Dennis Mead	**Councilman**
	Karl Simmeth	**Councilman**
	Steven Tills	**Councilman**
	Damian P. Wiktor	**Councilman**
Absent:		

Supervisor Rood presented the following Resolution and moved its adoption:

BE IT RESOLVED the Town of Boston herewith agrees to transfer certain portions of Allen Drive, a Town Highway of the Town of Boston, to John Troyan, James Callahan, William Craig, Henry Piniewski and their respective wives, and be it further

RESOLVED that the Supervisor of the Town of Boston be and she is hereby authorized to execute any and all documents necessary to effect such transfer, and be it further

RESOLVED that this is subject to a permissive referendum.

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

Supervisor Rood	Voting:	Aye
Councilman Mead	Voting:	Aye
Councilman Simmeth	Voting:	Aye
Councilman Tills	Voting:	Aye
Councilman Wiktor	Voting:	Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk-Town Clerk

REGULAR BOARD MEETING
May 6, 1998

TOWN HALL
7:30 P.M.

TOWN ATTORNEY REPORT (CONT.)

RESOLUTION 1998 - 22 APPROVING THE SALE OF A PORTION OF ALLEN DRIVE, FORMERLY USED AS A TURN-AROUND TO JOHN TROYAN, JAMES CALLAHAN, WILLIAM CRAIG AND HENRY PINIEWSKI, SUBJECT TO A PERMISSIVE REFERENDUM

COUNCILMAN REPORT

Councilman Mead noted that regarding the Zimmerman Road discussion it was announced at a previous meeting that Back Creek Road between Patchin and Zimmerman Roads would be restored this year and Zimmerman Road will be done next year.

Councilman Mead announced that he was honored to lunch with the seniors at the Nutrition Program on April 28, 1998 and meet with Dietary Consultant, Pat Forton and Nutrition Program Director Theresa Horschel. There are an average of thirty-five (35) seniors a week using the Nutrition Program. With the growing number of seniors in the Town of Boston it would seem that more seniors would use the program. Attendance has improved with the implementation of bingo games on Tuesdays and movies with free popcorn on Wednesdays. If anyone has any ideas or recommendations that would encourage greater participation in the Nutrition Program they may contact Councilman Mead.

Councilman Mead reported that the Planning Board meeting regarding the Upstate Cellular Network application for a Special Use permit to construct a cellular telephone communicaiton facility was held on April 28, 1998 in the Boston Town Hall court room. Channel 2 covered the meeting and the Town of Boston retained a consultant for the application process.

Councilman Wiktor thanked the members of the Town Board for their support for his resolution in securing grant monies from the Erie County Municipal Regionalism Grant Fund to purchase the new oxygen canister recharging system for the volunteer firemen. Through the efforts of Senator Dale Volker, the Boston Fire Companies have secured a grant of $20,000 to assist in the purchase of the new oxygen canister recharging system. Councilman Wiktor attended a workshop on April 27, 1998 of the Erie County Municipal Regionalism Committee to assist in the preparation for this grant. Hopefully the remaining funds can come from this grant to pay for the system.

Councilman Wiktor spoke with David Meyers, Director of the NYS Dept. of Environment Conservation Forest Rangers regarding grant monies available to rural communities with problems of summer brush and wild fires. The greatest share of the $36,000 that would be allotted to the fire companies are being made available to those counties in the adirondack regions that suffered damage caused by the ice storm this past winter.

A motion was made by Councilman Simmeth and seconded by Councilman Mead to grant Councilman Wiktor permission to attend the 5th Annual Southern Tier West Local Government Conference on May 14, 1998 at Houghton College, all appropriate expenses to be paid.

Carried

five (5) Ayes

Councilman Simmeth announced he will be attending a NEST meeting in Orchard Park and will give a report at the next Town Board meeting.

Councilman Simmeth reported that he met with a number of people in town regarding drainage problems and advised them that according to Article 8 Section 1, the town cannot perform work on private property.

REGULAR BOARD MEETING
May 6, 1998

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.)

Councilman Tills reported that he attended a meeting on April 27, 1998 on regional governments and gave notes to Supervisor Rood.

Councilman Tills reported that on May 5, 1998 he attended the Southern Tier West Municipal Purchasing Alliance meeting at the Greater Buffalo Partnership. The discussion centered on changing the way that government does business by following the way that businesses do business. One proposal was the idea of a performance based municipal budgeting and cost per unit analysis. This was deemed to be especially useful in the Highway Departments. The Purchasing Alliance involves bulk purchasing in the Southern Tier of NYS which is mostly Allegheny County. It involves small municipalities merging to form an alliance to do bulk purchasing.

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer monthly report for April 1998 was received and is on file in the Clerk's Office.

B) Deputy Code Enforcement Officer monthly report for April 1998 was received and is on file in the Clerk's Office.

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officer monthly report for April 1998 was received and is on file in the Clerk's Office.

B) Deputy Dog Control Officer monthly report for April 1998 was received and is on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for April 1998 was received and is on file in the Clerk's Office.

Christopher Bifaro, 7898 Boston State Road: The top coating job and the striping that was done on Boston State Rd. last year was supposed to be a temporary fix and we were scheduled for a complete resurfacing this year. The re-striping is already fading. You can't see it at night. I was wondering what the status was on the Boston State Road project?

Highway Superintendent Ruchalski: Boston State Road was taken off the list for 1998 because they are doing Back Creek and Zimmerman Roads. Erie County Deputy Commissioner of Highways Commerford said Boston State Road would be put on the list for 1999. The striping will be done before summer. I will check with the County to find out what will happen there.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to adjourn the meeting at 8:40 p.m.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
MAY 20, 1998 — 7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Stephen K. Tills, Councilman Karl J. Simmeth Jr., Councilman Dennis J. Mead, Supervisor Lisa M. Rood, Highway Superintendent Eugene E. Ruchalski and Town Attorney Perley.

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

A motion was made by Councilman Wiktor and seconded by Councilman Mead to adopt the minutes of the May 6, 1998 Regular Board Meeting.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth that the General Fund and Special District Bills on Abstract #5A, dated May 20, 1998, amount of $227,140.82 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Simmeth and seconded by Councilman Tills that the Highway Bills on Abstract #5A, dated May 20, 1998 in the amount of $14,773.23 be paid.

five (5) Ayes — Carried

Received and filed a letter from James R. Kersten, 6480 LuDon Dr., dated May 8, 1998, regarding the Ludon Drive drainage problems.

Supervisor Rood noted that having another meeting, as Mr. Kersten suggested, with officials from Erie County is not out of the question. Progress has been hindered because Mr. Barrett has not responded to a request to enter into an agreement to pay for the pipe that would cross his driveway.

Town Attorney Perley noted that he and Mr. Kersten agree. This is not a town created problem and is not a problem that affects town property. The town has used it's good offices in an attempt to approach a solution, which is what Mr. Kersten wants, and therefore there is no reason to continue to correspond with him.

Received and filed notification from the Zoning Board of Appeals, that at the meeting of May 7, 1998, by a majority vote, the Board approved a variance request of Robert J. DeSantis, 6346 May Drive, stipulating that the percentage of lot coverage not exceed 17.2%.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to approve the construction of a temporary second accessory building for Robert J. DeSantis, 6346 May Drive.

five (5) Ayes — Carried

A motion was made by Councilman Tills and seconded by Councilman Mead to grant Robert J. DeSantis, 6346 May Drive a Special Use Permit to erect a temporary structure, permit to expire 12/31/99.

five (5) Ayes — Carried

Town Attorney Perley requested that the Town Clerk send a copy of the DeSantis notice letter to Town Prosecutor Terrizzi due to pending litigation.

Received and filed notification from the Boston Planning Board, that at the May 12, 1998 meeting, the Board voted in favor of Proposed Local Law #2 1998, with the following changes:

Section B-1st Paragraph-"dwelling to be connect to" changed to "dwelling to be connected to"

Section B-(5.)- Changed to read - The maximum floor area used for retail sales activities shall not exceed 20% of the floor area of the first floor of the dwelling.

REGULAR BOARD MEETING
MAY 20, 1998

TOWN HALL
7:30 P.M.

A motion was made by Supervisor Rood and seconded by Councilman Mead to remove from the table the Proposed Local Law No.2 - 1998, tabled at the Public Hearing of April 15, 1998.

Carried

five (5) Ayes

Town Attorney Perley noted that in his opinion, with the changes as recommended by the Planning Board, this does not constitute a substantial change and therefore does not require an additional Public Hearing to adopt Local Law #2.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to adopt Local Law No. 2 - 1998, entitled a Local Law to amend the Local Law #6, 1990 known as the "Zoning Law of the Town of Boston", with the changes as recommended by the Planning Board.

Carried

five (5) Ayes

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to remove from the table the rezoning request of Jerome Krencik, 7130 Boston State Road, tabled at the March 4, 1998 Town Board meeting.

Carried

five (5) Ayes

A motion was made by Supervisor Rood and seconded by Councilman Tills to schedule a Public Hearing for the rezoning request of Jerome Krencik, 7130 Boston St. Rd., for June 17, 1998 at 8:00 p.m.

Carried

five (5) Ayes

RESOLUTION 1998 - 23 REGIONALISM GRANT APPLICATION TO STUDY THE MUTUAL RECREATION NEEDS OF TOWNS FOR AN INDOOR RECREATION AND SPORTS COMPLEX

RESOLUTION 1998 - 22A SOUTHTOWNS REGIONAL PLAN

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to approve the following General Fund appropriations:

Appropriate		A960	$ 800.00
From	Contingency	A1990.4	$ 800.00
To	Assessor Equip	A1355.2	$ 800.00

Carried

five (5) Ayes

A motion was made by Supervisor Rood and seconded by Councilman Tills to approve appropriations of the General Fund as follows:

Appropriate to Capital Projects - Town Park Project by Transfer from General Fund:

Appropriate		A960	$ 1,503.59
From	Contingency	A1990.4	$ 1,503.59
To	Cap Proj	A9950	$ 1,503.59

Carried

five (5) Ayes

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to approve appropriations of the General Fund as follows:

Due from Capital Projects $10,341.42 to general Fund to Close Town Park Project.

Due To	Gen Fund	A630	$10,341.42
Due From	Cap Proj	E391	$10,341.42

Carried

five (5) Ayes

TOWN OF BOSTON

RESOLUTION 1998-23

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 20th day of May, 1998 at 7:30 p.m., there were present:

Lisa M. Rood	Supervisor
Damian P. Wiktor	Councilman
Stephen K. Tills	Councilman
Karl J. Simmeth	Councilman
Dennis J. Mead	Councilman

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

WHEREAS, there the Town of Eden proposes a study of southtowns mutual recreation needs of citizens of all ages; and

WHEREAS, the funding for this study will be coming through the County Municipal Regionalism Grant Program; and

WHEREAS, if completed, the southtowns study of a regional recreation and sports complex will provide a clear understanding of recreational and sports needs allowing the southtowns to plan to cooperatively fulfill such needs in a cost-effective way; and

WHEREAS, other towns and other governments, such as school districts, will be joining us in support of this study; and

WHEREAS, this plan and related cooperative effort will not effect or diminish the Home Rule powers of each individual community within the plan region, as they still will have the responsibility to accept or not accept the recommendations of the study.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Eden act as lead agency on this study, actively seeking the support of other local southtowns government entities; and

BE IT FURTHER RESOLVED, that the Town of Boston endorses and is in full support of the resolution of the Town of Eden for a **Regionalism Grant Application to Study the Mutual Recreation Needs of Towns for an Indoor Recreation and Sports Complex.**

Motion was seconded by Councilman Mead and duly put to a vote, as follows:

Supervisor Rood	Voting aye
Councilman Wiktor	Voting aye
Councilman Tills	Voting aye
Councilman Simmeth	Voting aye
Councilman Mead	Voting aye

Ayes: 5 Noes: 0 Carried

David J. Shenk

David J. Shenk, Town Clerk

TOWN OF BOSTON

RESOLUTION 1998-22A

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 20th day of May, 1998 at 7:30 p.m., there were present:

Lisa M. Rood	Supervisor
Damian P. Wiktor	Councilman
Stephen K. Tills	Councilman
Karl J. Simmeth	Councilman
Dennis J. Mead	Councilman

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

WHEREAS, the Town of Boston has reviewed the proposal being sponsored by the Town of Hamburg for a Southtown's Regional Plan, and

WHEREAS, this proposal is being submitted to Erie County for funding under the "1998 County Municipal Regionalism Program," and

WHEREAS, if completed, the Southtown's Regional Plan will provide a clear understanding of the attributes of the southtown region, and through its creation establish a framework to promote partnerships, cooperative efforts, future joint projects and a regional perspective for future decisions, and

WHEREAS, this plan will not affect or diminish the Home Rule/Land Use and zoning powers of each individual community within the plan region.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Boston hereby fully supports the concept of a **Southtowns Regional Plan** and will support its development by contributing the time of various town elected and non-elected officials to its creation.

Motion was seconded by Councilman Tills and duly put to a vote, as follows:

Supervisor Rood	Voting aye
Councilman Wiktor	Voting aye
Councilman Tills	Voting aye
Councilman Simmeth	Voting aye
Councilman Mead	Voting aye

Ayes: 5 Noes: 0 Carried

David J. Shenk

David J. Shenk, Town Clerk

REGULAR BOARD MEETING — TOWN HALL
MAY 20, 1998 — 7:30 P.M.

Received a letter from Charles J. Menzemer, Jr., dated May 19, 1998, requesting a minimum thirty (30) day delay in the demolition of the dwelling at 7615 Boston State Road.

Supervisor Rood responded that she had no problem with granting a thirty (30) day delay in the demolition of the Memzemer property. She has been in contact with North Boston Fire Company regarding this delay. All utilities have been disconnected.

Town Attorney Perley commented that he will notify Mr. Menzemer immediately by regular mail that his request for a delay has been granted. A follow-up letter will be sent advising him of the specific date of the demolition and requesting permission to use the car on the property for an additional test.

A motion was made by Supervisor Rood and seconded by Councilman Mead to approve the summer meeting schedule as follows:

July	Agenda Review:	Monday	July 20 - 7:00 p.m.
	Town Board Meeting:	Wednesday	July 22 - 7:30 p.m.
August	Agenda Review:	Monday	Aug. 17 - 7:00 p.m.
	Town Board Meeting:	Wednesday	Aug. 19 - 7:30 p.m.

five (5) Ayes — Carried

SUPERVISOR REPORT

A) Supervisor Monthly Report for April 1998 was received and filed in the Clerk's Office.

Supervisor Rood reported that she contacted Mr. Bonerb and the construction company regarding several calls of complaint she has received of dust generated from the installation of the water lines on Back Creek Road. The problem will be addressed.

Supervisor Rood commented that work is being done on all the various grants and grant applications that are due in June.

Supervisor Rood announced that the Town of Boston Memorial Day celebration will be Monday, May 25, 1998. The parade will begin at 2:15 from Faith United Church and proceed to the service at the Town Park. A reception will follow at the AMVETS post.

TOWN CLERK REPORT

Town Clerk Shenk announced that as Chairman of the Insurance Committee, the Town of Boston Insurance Consultant contract will expire soon. Notices will be sent to the Insurance Committee to attend a meeting on May 29, 1998 at 10:00 a.m. to review the new Insurance Consultant proposal for recommendation to the Town Board at the June 3, 1998 Town Board meeting.

HIGHWAY SUPERINTENDENT REPORT

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to authorize Highway Superintendent Ruchalski to attend an Association of Towns Seminar at Ithica College on June 7-9, 1998, all appropriate expenses to be paid.

five (5) Ayes — Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth to authorize Highway Superintendent Ruchalski to draw bid specs for a one (1) ton 1998 or 1999 truck chassis and for separate bid spec for the dump body, and to direct the Town Clerk to publish a bid opening on August 12, 1998 at 2:00 p.m.

five (5) Ayes — Carried

REGULAR BOARD MEETING
MAY 20, 1998

TOWN HALL
7:30 P.M.

Highway Superintendent Ruchalski announced that the brush pick-up is scheduled to be completed on May 21, 1998. The next brush pick-up will begin in mid September.

Highway Superintendent Ruchalski noted the town parks and baseball diamonds are ready for the summer season.

TOWN ATTORNEY REPORT

Town Attorney Perley reported that he, Deputy Code Enforcement Officer Lisowski, and Mr. Dzierzanowski's attorney met on May 19, 1998 at the Dzierzanowski property, 6710 Mill Street. Some trash has been removed but proof of tonnage removal from the property on a monthly basis will now be required. Town Attorney Perley will confer with the Town Prosecutor and Judge Bender and if there is a problem with this plan, a pre-trial conference will be requested.

Town Attorney Perley commented that regarding the waterline that has been installed at the intersection of Hillcroft, Polish hill and Back Creek Roads, that line has been installed separate from the Eckis line by Mr. Bonerb and his contractors. Documentation has been received that the installation has been approved, been sanitized and is ready to be accepted into Water District No. 2, which is where the line is located. We are expecting approval from Erie County Dept. of Health anytime.

RESOLUTION 1998 - 24 APPROVAL OF COMPLETED WORKS WATER DIST. #2 BACK CREEK ROAD (BONERB) EXTENSION

Town attorney Perley announced that on May 21, 1998 a drive test is scheduled of the Buffalo Amateur Radio Repeater Association, Cole Road site at three (3) elevations for the Frontier Cellular Tower application. The Town of Boston consultant was present at the calibration of all the equipment for the test prior to its transportation to Boston and will be present at all stages of the test and when the data is downloaded to a CD and plotted on a series of maps. In the event our consultant needs to take the raw data and process it on any other application or software the necessary arrangements will be made if issues of confidentiality arise to protect Frontier Cellular trade secrets. The Planning Board will meet on Tuesday, May 26, 1998 and it is anticipated that there will be sufficient material for their review. Alternate sites and propagation are being investigated prior to the Planning Board recommendation to the Town Board.

Town Attorney Perley noted that he was requested by the Supervisor and the Assessor to review the amendment to the State law that allowed assessment exemptions for real property tax purposes based upon disabilities. Town Attorney Perley commented that this must be weighed against the fact that whenever you grant a reduction in assessment to someone, you are raising the taxes of everyone. There are disabilities based on social security determination, railroad disability and on blindness. Under the Americans with Disabilities Act (ADA), a diagnosis of diabetes has been determined to be a disability. After reviewing the law in detail, Town Attorney Perley has concluded that more study is necessary before the Town Board acts and recommends that the Town Board defer any action for this year and continue to keep an eye on this and not loose site of the fact that it exits as a possibility but wait and make a determination based on seeing this exemption in operation or receiving more definition from the legislature. If the Town Board wishes, Town Attorney Perley will discuss this matter further with the legislators or any professional organization.

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1998-24

A Resolution approving the completed works in Water District No. 2 - Extension of Line to Bonerb Property

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 20th day of May, 1998 at 7:30 o'clock in the evening Eastern Prevailing Time there were:

Present:	**Lisa M. Rood**	**Supervisor**
	Dennis Mead	**Councilman**
	Karl Simmeth	**Councilman**
	Steven Tills	**Councilman**
	Damian P. Wiktor	**Councilman**
Absent:		

Supervisor Rood presented the following Resolution and moved its adoption:

BE IT RESOLVED that the Town Board of the Town of Boston, as the Commissions of Water District No. 2 in the Town of Boston, New York, hereby approve the extension of water line in the aforesaid District running to the property of Vincent C. and June M. Bonerb.

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

Supervisor Rood	Voting:	Aye
Councilman Mead	Voting:	Aye
Councilman Simmeth	Voting:	Aye
Councilman Tills	Voting:	Aye
Councilman Wiktor	Voting:	Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk-Town Clerk

REGULAR BOARD MEETING — TOWN HALL
MAY 20, 1998 — 7:30 P.M.

COUNCILMAN REPORT

Councilman Wiktor thanked the Town Board for permission to attend the Southern Tier West Regional Local Government conference on May 14, 1998 at Houghton College. The first session addressed protection within governmental buildings. The second session dealt with the budget process and how to help municipal boards prepare, adopt and implement a budget. The third session was on Board minutes and a copy of the review sheet was given to the Town Clerk. The last session was on the State Environmental Quality Review Act or SEQR forms.

Councilman Wiktor met with a representative from the Grants Consultant office of J. O'Connell & Associates regarding the completion of the Erie County Regionalism Municipal Grant for securing additional funds for the volunteer firemen Air Cylinder Recharging Station.

Councilman Wiktor toured the Boston Valley School playground with Peggy Cook, President of the Boston Valley School PTA, and the school nurse. A meeting will be scheduled with Highway Superintended Ruchalski to address their concerns regarding the condition of the playground. Last year the Town expended $2,806 in repairs and a balance of $2,834 is in the fund for future repairs.

Councilman Simmeth reported that he attended a NEST meeting on May 14, 1998 regarding the Hazardous Waste Drop-off scheduled at ECC South on June 20, 1998 from 9:00 a.m. to 2:00 p.m.

Councilman Simmeth received a call from a resident on Parkside Drive who was concerned with the drainage situation resulting from the new construction on Herman Hill and Boston State Roads by Jeff Kuhn, owner of the Hamburg Overhead Door Co. Mr. Kuhn replied that the lines now being installed are temporary and the drainage will be done properly and that he intends to plant trees and landscape the property to block the view of the warehouse from the subdivision.

Councilman Tills reported that the inmates from the Collins Correctional Facility are scheduled to work in the South Boston Park after completing the North Boston Stadium and the Boston Town Park work. Resident Dean Ballowe is interested in purchasing approximately twenty-four (24) feet of the South Boston Park property adjacent to his property at 7050 Boston Cross Road. This proposal will be discussed with the Town Board.

A motion was made by Councilman Tills and seconded by Councilman Simmeth to adjourn the meeting at 8:30 p.m.

David J. Sherk

DAVID J. SHERK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
JUNE 3, 1998 — 7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Stephen K. Tills, Councilman Karl J. Simmeth Jr., Councilman Dennis J.Mead, Supervisor Lisa M. Rood, 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 Councilman Mead to adopt the minutes of the May 20, 1998 Town Board Meeting.

five (5) Ayes — Carried

A motion was made by Supervisor Rood and seconded by Councilman Tills that the General Fund and Special District Bills on Abstract #6, dated June 3, 1998 in the amount of $17,557.08 be paid.

five (5) Ayes — Carried

See Amended Page 81

A motion was made by Councilman Simmeth and seconded by Councilman Wiktor that the Highway Bills on Abstract #6, dated June 3, 1998 in the amount of $3,257.67 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to accept the Town Clerk Monthly Report for May 1998.

five (5) Ayes — Carried

Received and filed notification from NYS DOT that the Town of Boston will receive $8,935.62 under the Operation/Maintenance and $34,647.52 under the Capital reimbursement portion of the Consolidated Local Street/Highway Improvement Program (CHIPS).

Supervisor Rood commented that this is an increase for the Town of Boston of $2,074.21 from last year.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to grant Churchill Child Center permission to use the playground and Lions Shelter for graduation ceremonies on June 11th and 12th, 1998 from 10:30 a.m. to 12:30 p.m.

five (5) Ayes — Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth to accept the resignation of Barb Reilly, Assessment Clerk Part-Time, effective May 31, 1998.

five (5) Ayes — Carried

Supervisor Rood noted that a job description for the position of Assessment Clerk Part-Time, salary $8,800, is available in the Town Clerk's Office and interested parties may submit an application and resume to the Town Clerk.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to refer to the Planning Board a request from Patricia Needell, 7123 Boston State Rd, for a second accessory building.

five (5) Ayes — Carried

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to grant a Public Improvement Permit to Gary Ekis, Manager Boston Hill LLC, for the Polish Hill Road reconstruction, contingent upon the Town Engineer's approval of the plans and the Town Attorney's approval of bond to be submitted.

five (5) Ayes — Carried

TOWN OF BOSTON

TOWN OF BOSTON

RESOLUTION 1998-25

LOSS CONTROL AND SAFETY PROGRAM

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 3rd day of June 1998 at 7:30 P.M. Prevailing Time, there were:

Present:	Lisa M. Rood	Supervisor
	Damian P. Wiktor	Councilman
	Dennis J. Mead	Councilman
	Karl J. Simmeth Jr.	Councilman
	Stephen K. Tills	Councilman

Supervisor Rood presented the following resolution and moved its adoption:

WHEREAS, the Town of Boston Safety Committee was formed in 1994 at the request of Public Employers Risk Management Association (PERMA), the towns Worker's Compensation Insurance Carrier, and

WHEREAS, PERMA, Boston Safety Committee, and Boston Town Board wish to keep the number of injuries as well as the cost of premium to a minimum, and

WHEREAS, The Boston Safety Committee has diligently researched and revised a Safety Policy Statement and four policies for the Town Board's approval.

NOW THEREFORE:

BE IT RESOLVED, the Boston Town Board does hereby concur with the recommendations of the Boston Safety Committee and approve the following attached policies, which shall take effect immediately,

SAFETY POLICE STATEMENT
TRANSITIONAL DUTY
BACK INJURIES
HAZARD ASSESSMENT FOR
PERSONAL PROTECTIVE EQUIPMENT
DRIVER AND DRIVING PERFORMANCE EVALUATION

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

Supervisor Rood	Voting AYE
Councilman Wiktor	Voting AYE
Councilman Mead	Voting AYE
Councilman Simmeth Jr.	Voting AYE
Councilman Tills	Voting AYE

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

David J. Shenk

DAVID J. SHENK, TOWN CLERK

TOWN OF BOSTON

SAFETY POLICY STATEMENT

The Town of Boston maintains that its residents and employees are its most important asset. Therefore, their safety is our greatest responsibility. In all of our assignments, the health and safety of all should be the utmost consideration. Every effort should be made to produce an atmosphere free from potential accidents, fire hazards and health problems.

Every Department Head is responsible for developing mental attitudes of safety among all the personnel under his or her supervision, and establishing a safety program in conjunction with the Town of Boston Safety Committee, that will work to eliminate unsafe conditions that can cause unnecessary injuries and accidents. It will also be the Department Head responsibility to follow all Federal, State and local standards in putting the Safety Program into effect.

Every assignment must have safety precautions built into them and the employees shall comply with all the safety standards and regulations.

Safety is a mental attitude, everyone must think safety. It shall be the Town of Boston Safety Committee's goal to coordinate the efforts of all departments so that all employees constantly think safety.

David J. Shenk

David J. Shenk, Town Clerk
Chairman Safety Committee

TOWN OF BOSTON

LOSS CONTROL AND SAFETY PROGRAM

TRANSITIONAL DUTY

The Town of Boston has a transitional duty program which consists of returning injured employees (including non-work related injuries) to transitional duty on either a part time or full time basis. The main objective is to have the employee return to work as soon as physically possible. The Town of Boston will make every effort to accommodate the said employee in other departments if transitional duty work is required and available. The general description of transitional duty will be based on the attending physician's recommendation. Light duty assignments will be reviewed every two weeks in conjunction with doctor and patient advocates. Transitional duty assignments may include the following:

Answering telephones

Record keeping

Cleaning

Painting

Update Inventory

Supervising temporary employees

Parts and supply runner

Paper shredding

The other departments would all be classified as light duty such as clerical and administration. Hence, such a policy would not be necessary.

TOWN OF BOSTON

LOSS CONTROL AND SAFETY PROGRAM

BACK INJURIES

As stipulated in the PERMA Loss Control program, it is recommended that the Town of Boston implement a Back Program designed to reduce back injuries. In the past,PERMA has shown videos which depict safety of the back. Viewing of the videos is mandatory for laborers and employees of the Highway Department, and strongly recommended for all others.

TOWN OF BOSTON

LOSS CONTROL AND SAFETY PROGRAM

HAZARD ASSESSMENT FOR PERSONAL PROTECTIVE EQUIPMENT

As specified in the Loss Control Program established by PERMA/PESH/OSHA, it is recommended that the Town of Boston create a Hazard Assessment for the Personal Protective Equipment Program. Department supervisors must conduct an assessment of the activities involving personal protective equipment of the stated department and a copy submitted to the Town Clerk. Each of the department supervisors shall receive a standard checklist in order to ensure a thorough assessment for existing or potential safety hazards. Each department shall be given a copy of the Hazard Assessment for Personal Protective Equipment for their file.

TOWN OF BOSTON

LOSS CONTROL AND SAFETY PROGRAM

HAZARDOUS ASSESSMENT OF PERSONAL PROTECTIVE EQUIPMENT

1. JOB/DUTY....._____

2. TYPICAL LOCATION OF JOB....._____

3. NUMBER OF PERSONS EMPLOYED
   IN THIS JOB....._____

	YES	NO
4. NEED FOR SAFETY EQUIPMENT?.....	_____	_____
5. IS SAFETY EQUIPMENT PROVIDED?.....	_____	_____
6. IS SAFETY EQUIPMENT IN GOOD WORKING CONDITION?.....	_____	_____
7. IS MACHINERY/EQUIPMENT USED IN JOB PERFORMANCE IN GOOD WORKING CONDITION?..	_____	_____
8. ARE SAFETY CLASSES HELD PERIODICALLY ON THIS EQUIPMENT?.....	_____	_____
9. HAS ANY DEFECTIVE EQUIPMENT BEEN REPORTED?..	_____	_____
10. HAS ANY DEFECTIVE EQUIPMENT BEEN CORRECTED?.	_____	_____

5. LIST SAFETY EQUIPMENT:_____

_____

_____

COMMENTS:

_____

_____

_____

_____ _____

DEPARTMENT HEAD DATE

TOWN OF BOSTON

LOSS CONTROL AND SAFETY PROGRAM

DRIVER AND DRIVING PERFORMANCE EVALUATION

In accordance with the stipulations outlined by the PERMA Loss Control Program, the Town of Boston shall require all drivers to complete a defensive driving course sponsored by the Highway Department every three years. A driver employed in a position requiring major driving responsibilities, performance shall be reviewed as needed.

REGULAR BOARD MEETING — TOWN HALL
JUNE 3, 1998 — 7:30 P.M.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to award R & D Engineering, P.C. the contract for the Polish Hill Road construction project, total cost not to exceed $4,200.

five (5) Ayes — Carried

Supervisor Rood read a letter from Kevin G. Maxwell, President of Vinwell Construction, Inc. regarding the site plan of the property of Maurice Emerling to construct a machine and woodworking shop with offices at 9748 Trevett Road.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to approve the site plan for Maurice Emerling to construct a machine and woodworking shop with offices at 9748 Trevett Road, contingent upon completion of plans suitable to obtain a building permit.

five (5) Ayes — Carried

RESOLUTION 1998 - 25 LOSS CONTROL AND SAFETY PROGRAM

On May 26, 1998 at 2:00 p.m. the following bids were received for Water District #2, Extension #2 and Increase in Facilities, West Hill Project:

Seven (7) bids - Water Mains (Contract 1):

Eastern Summit Development, Inc.	$319,126.31*
Fairway Contracting	379,883.28
Kandey, Co., Inc.	387,837.50
Donald J. Braasch Construction	413,812.00
Triple R Development of WNY	449,466.00
Visone Construction, Inc.	471,530.50
E&R general Construction, Inc.	514,286.40
Engineer's Estimate	**470,032.50**

Five (5) bids - Pump Station (Contract 2):

Kandey Co., Inc.	$212,231.00*
Kohl Construction, Inc.	215,725.00
STC Energy, Inc.	218,900.00
Donald J. Braasch Construction	255,000.00
Amherst Construction, Inc.	307,640.00
Engineer's Estimate	**230,000.00**

Five (5) bids - Electrical Work (Contract 3):

Eastern Summit Development, Inc.	$ 58,135.00*
Frey Electric Construction, Inc.	58,399.00
Hendler Electric, Inc.	64,000.00
Tunney Electric, Inc.	64,600.00
CIR Electric Construction, Inc.	73,500.00
Engineer's Estimate	**55,000.00**

Three (3) bids - Welded Steel Tank (Contract 4):

Eastern Summit Development, Inc.	$195,595.00*
STC Energy, Inc.	242,950.00
Amherst Construction, Inc.	296,800.00
Engineer's Estimate	**230,000.00**

Four (4) bids - Glass Coated Bolted Steel Tank (Contract 4):

Statewide Aquastore, Inc.	$224,217.00*
Eastern Summit Development, Inc.	235,266.00
STC Energy, Inc.	255,000.00
Amherst Construction, Inc.	282,800.00
Engineer's Estimate	**230,000.00**

*TVGA Engineer's recommendation

REGULAR BOARD MEETING — TOWN HALL
JUNE 3, 1998 — 7:30 P.M.

A motion was made by Councilman Wiktor and seconded by Councilman Tills, on the recommendation of TVGA Engineering, Surveying, P.C., to award the bid for the Water District #2, Extension #2 and Increase of Facilities, West Hill Project, Water Mains (Contract 1) to Eastern Summit Development, Inc., amount of $319,126.31.

five (5) Ayes — Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth, on the recommendation of TVGA Engineering, Surveying, P.C., to award the bid for the Water District #2, Extension #2 and Increase of Facilities, West Hill Project, Pump Station (Contract 2) to Kandey Co., Inc., amount of $212,231.00.

five (5) Ayes — Carried

Supervisor Rood commented that three (3) letters were received requesting that the bid be given to the second highest bidder for contract #3 because they are an electrical firm.

Charles Pettit, TVGA Engineer noted that Eastern Summit Development, Inc. is a qualified bidder and that they are responsible for the contract.

Town Attorney Perley noted that there were no questions as to whether Eastern Summit Development, Inc. was a responsible bidder and the Town Board is duty bound by law to award the bid to the lowest responsible bidder. The Town Board votes in accordance with the project Engineer's recommendation and the Town Board's obligation under the law.

A motion was made by Supervisor Rood and seconded by Councilman Mead, on the recommendation of TVGA Engineering, Surveying, P.C., to award the bid for the Water District #2, Extension #2 and Increase of Facilities, West Hill Project, Electrical Work (Contract 3) to Eastern Summit Development, Inc., amount of $58,135.00

five (5) Ayes — Carried

Supervisor Rood commented that there will be a meeting with the Erie County Water Authority on June 4, 1998 to discuss whether to have a Welded Steel Tank or a Glass Coated Bolted Steel Tank, (Contract #4).

A motion was made by Supervisor Rood and seconded by Councilman Tills to schedule a Special Town Board Meeting on June 5, 1998 at 3:45 p.m. to award the bid for contract #4, Welded Steel Tank or Glass Coated Bolted Steel Tank for the Water District #2, Extension #2 and Increase in Facilities, West Hill Project.

five (5) Ayes — Carried

Supervisor Rood noted that, on the written assurance of the Erie County Water Authority, regardless of which tank is chosen, and barring any unforseen complications, there will be water on the West Hill Water District #2, Extension #2 by the end of this year.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth, on the recommendation of the Insurance Committee, to allow all Town of Boston Officials to attend any one (1) day seminars and meetings that fall in the scope of their duties for 1998.

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
JUNE 3, 1998 — 7:30 P.M.

A motion was made by Councilman Tills and seconded by Councilman Simmeth to retain Municipal Insurance Consultants, Inc. as the Town of Boston Insurance Consultants and authorize Supervisor Rood to execute a contact for the period beginning June 1, 1998 and ending on June 1, 2001, to be paid on a quarterly basis.

five (5) Ayes — Carried

A motion was made by Councilman Simmeth and seconded by Councilman Tills to grant the Buffalo Bicycling Club, Inc. permission to hold their annual bike race, "The Boston Hills Road Race and Ted Smith Memorial", in the Town of Boston, June 28, 1998-9:30 a.m.-2:00 p.m.

five (5) Ayes — Carried

Supervisor Rood requested that the media ask bike route residents to restrain their dogs during this event to prevent accidents.

A motion was made by Supervisor Rood and seconded by Councilman Wiktor to refer to the Planning Board, the Site Plan Review for the Patchin Fire Company gable roof building permit application.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to refer to the Planning Board the WNED Special Use Permit Application to replace an existing tower at 8971 Zimmerman Road and schedule a Public Hearing for June 17, 1998 at 8:15 p.m.

five (5) Ayes — Carried

five (5) Ayes — Carried

SUPERVISOR REPORT

A) Supervisor Monthly Report for May 1998 was received and is on file in the Clerk's Office.

TOWN CLERK REPORT

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to accept the Monthly Registrar of Vital Statistics Report for May 1998.

five (5) Ayes — Carried

Town Clerk Shenk announced that there will be a Safety Committee meeting on June 30, 1998 at 5:00 p.m.

Town Clerk Shenk announced that he will be on military leave from June 8th to June 19th, 1998.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Ruchalski reported that pole #4 at the Route 391 and 219 Expressway has been replaced and is working.

Highway Superintendent Ruchalski noted the Collins Correctional inmates are doing a fine job and have completed work in the North and South Boston Parks and are beginning work on the Lions Shelter.

Councilman Wiktor requested a letter of thanks be sent to Warehouse Paints for their donation at North Boston Stadium.

TOWN ATTORNEY REPORT

Town Attorney noted that there is a pending proceeding in the Town of Boston Justice Court regarding the Dzierzanowski property at 6710 Mill Street. Town Attorney Perley met with Code Enforcement Officer Lisowski and Mr, Dzierzanowski's attorney at the site.

REGULAR BOARD MEETING — TOWN HALL
JUNE 3, 1998 — 7:30 P.M.

TOWN ATTORNEY REPORT (CONT.)

Tipping receipts were received for the removal of sixty-eight thousand (68,000) pounds of material. A schedule has been established that another twenty thousand (20,000) pounds for ten (10) tons of material is to be removed by the July court date.

Town Attorney noted the that the Dzierzanowski situation will be monitored on a monthly basis.

Town Attorney Perley announced that the Orchard Park Symphony will open the Orchard Park Pavilion Concert series on June 14, 1998 at 7:00 p.m.

COUNCILMAN REPORT

Councilman Mead announced that there will be an Erie County Department of Senior Services Nutrition Program meeting on June 15, 1998 at the Lancaster Senior Center. Discussions will include ideas for increasing enrollment in the Boston Nutrition Program.

Councilman Mead reported that the Planning Board met on May 22, 1998 for a work session and the agenda included the ROBO E-Z Shop awning improvement request by owner David Garlock and the Upstate Cellular Tower permit application.

Councilman Mead reported that regarding issues of regionalism, the Hamburg Chamber of Commerce Southtowns Community Forum has a goal for comprehensive regional land use plans for the southtowns and is seeking delegates from each of the southtowns to participate. Planning Board member Patricia Hacker will be the Town of Boston delegate.

Councilman Wiktor reported that he attended the Fire Council meeting for the Boston, Patchin, North Boston, Eden and Colden fire companies on May 26, 1998. The thirty (30) day delay on the demolition of the Menzemer property, 7615 Boston State Road, was discussed and the Town Board will be notified of the new date for demolition upon expiration of the thirty (30) day period.

Councilman Wiktor announced that on June 15, 1998 the North Boston Fire Company will sponsor a daytime training drill at the Chestnut Ridge Park fire training facility. The daytime training hours are being received well by all volunteers who cannot attend evening meetings.

Councilman Wiktor reported that he attended a session on Town Board minutes at the Southern Tier West Local Government Conference and suggested, as recommended by a representative from the office of the Secretary of State, that the Town Board minutes incorporate a line which reflects which Town Board members have reviewed the bills. Councilmen Wiktor, Mead and Tills have reviewed the bills as presented on Abstracts #6 for the June 3, 1998 Town Board meeting.

Councilman Simmeth displayed flyers that he will leave in the Town Hall for the Erie County Hazardous Waste drop-off on June 20, 1998 at Erie Community College.

Councilman Simmeth reported that he inspected the Emerling property at 9748 Trevett Road regarding the construction of a machine and woodworking shop with offices and read letters from area residents.

Councilman Tills reported that the Highway Department will address the remaining work at the South Boston Park.

REGULAR BOARD MEETING — TOWN HALL
JUNE 3, 1998 — 7:30 P.M.

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer monthly report for May 1998 was received and is on file in the Clerk's Office.

B) Deputy Code Enforcement Officer monthly report for May 1998 was received and is on file in the Clerk's Office.

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officer monthly report for May 1998 was received and is on file in the Clerk's Office.

B) Deputy Dog Control Officer monthly report for May 1998 was received and is on file in the Clerk's Office.

Supervisor Rood noted that Deputy Dog Control Officer Huson has enumerated three hundred and nineteen (319)dogs this month.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for May 1998 was received and is on file in the Clerk's Office.

PLANNING BOARD REPORT

Supervisor Rood read a recommendation of approval from the Planning Board for the site plan review and the granting of a building permit to David Garlock, Robo Gas Stations, 8339 Boston State Road, with the stipulation that Mr. Garlock meet with Town Engineer Harris and Code Enforcement Officer Kramer to discuss possible solutions to safety concern regarding the driveways.

A motion was made by Councilman Mead and seconded by Councilman Simmeth, on the recommendation of the Planning Board, to approve the site plan and grant a building permit to David Garlock, Robo Gas Stations, 8339 Boston State Road.

five (5) Ayes — Carried

Received and filed notification that the Planning Board has set the dates of July 28th and August 25th as their summer schedule.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to adjourn the meeting in the memory of John Miller, Lancaster Councilman at 8:35 p.m.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

SPECIAL BOARD MEETING
June 5, 1998

TOWN HALL
3:45 P.M.

Present were Councilman Damian P. Wiktor, Councilman Stephen K. Tills, Councilman Karl J. Simmeth Jr., Councilman Dennis J. Mead and Supervisor Rood.

Absent were Highway Superintendent Eugene E. Ruchalski and Town Attorney Michael F. Perley.

A motion was made by Supervisor Rood and seconded by Councilman Wiktor to appoint Daniel M. Kobiolka as a laborer in the Parks Department to replace Jeffery Eimer who resigned on May 21, 1998, term is retroactive to May 23, 1998 and expire on September 1, 1998 at $6.00 per hour.

Carried

five (5) Ayes

Received and filed a recommendation from Charles Pettit of TVGA Engineering regarding Contract #4 of the Water District #2, Extension #2 and Increase in Facilities West Hill Project. He recommends, as a result of our meeting with the Erie county Water Authority on June 4, 1998, to award the contract to Eastern Summit Development at a cost of $195,595.00 for a Welded Steel Tank.

Councilman Wiktor questioned why the Erie County Water Authority was against a Glass Coated Bolted Steel Tank?

Supervisor Rood responded that these tanks have more bolts which are potential leaks and they will not put this tank in their Lease Management Agreement. The Town Attorney also recommended to go with the Steel Tank.

A motion was made by Supervisor Rood and seconded by Councilman Mead to award Contract #4 of the Water District #2, Extension #2 and Increase in Facilities West Hill Project to Eastern Summit Development at a cost of $195,595.00 for a Welded Steel Tank.

Carried

five (5) Ayes

A motion was made by Councilman Mead and seconded by Supervisor Rood to adjourn the meeting at 3:52 P.M.

David J. Shenk
DAVID J. SHENK, TOWN CLERK

TOWN OF BOSTON

TOWN OF BOSTON

RESOLUTION 1998-24 A

At a regular meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 17th day of June, 1998, there were:

PRESENT:	Lisa M. Rood	Supervisor
	Damian P. Wiktor	Councilman
	Stephen K. Tills	Councilman
	Karl J. Simmeth	Councilman
	Dennis J. Mead	Councilman

Councilman Mead presented the following resolution and moved its adoption:

WHEREAS, **MARTHA WURTZ,** one of Boston's finest citizens, celebrates her 100th birthday on July 4, 1998, and

WHEREAS, **MARTHA WURTZ** has been a tireless worker for so many worthwhile community causes - membership in the Red Cross, the Boston Fire Company Auxiliary, leader of a Brownie Scout troop, member of St. John the Baptist Altar and Rosary Society, Boston Home Bureau, Hamburg Garden Club, Immaculata Academy Mothers' Club and Boston Free Library, and

WHEREAS, **MARTHA WURTZ**, and her late husband, Linus, operated a furniture store in Boston, carried on and expanded the family-owned business of Wurtz Funeral Home, and as operators of the first private ambulance service outside of Buffalo, (using her nurse's training in this capacity), took on the task of being on call 24 hours a day when she was the first dispatcher for emergency fire and ambulance calls in town, and

WHEREAS, **MARTHA WURTZ,** at the age of 65, at a time when most people retire, became the housekeeper for St. John the Baptist Church rectory and remained in this capacity until the age of 85, and

WHEREAS, **MARTHA WURTZ**, and her husband, in addition to all of these responsibilities, raised a family of three daughters and a son; this family now includes eleven grandchildren and five great grandchildren, and

WHEREAS, **MARTHA WURTZ** was named as Boston's first woman "Citizen of the Year" in 1965, which was indeed a fitting tribute to this remarkable woman.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Boston, on behalf of all of its residents, proclaim the date of July 4, 1998 as

MARTHA WURTZ DAY

in the Town of Boston, and

BE IT FURTHER RESOLVED, that the Town Board, publicly states their appreciation and thanks to Mrs. Wurtz for the years of service she has given to our community. We are all proud of her accomplishments and contributions to the Town of Boston.

HAPPY 100th BIRTHDAY, MARTHA WURTZ!

Resolution was seconded by Supervisor Rood and put to a vote, as follows:

Supervisor Rood	Voting	aye
Councilman Wiktor	Voting	aye
Councilman Tills	Voting	aye
Councilman Simmeth	Voting	aye
Councilman Mead	Voting	aye

Ayes: 5 Noes: 0 Absent: 0

David J. Shenk

David J. Shenk, Town Clerk

TOWN OF BOSTON

TOWN OF BOSTON

RESOLUTION 1998-25A

At a regular meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 17th day of June, 1998, there were:

PRESENT:	Lisa M. Rood	Supervisor
	Damian P. Wiktor	Councilman
	Stephen K. Tills	Councilman
	Karl J. Simmeth	Councilman
	Dennis J. Mead	Councilman

Supervisor Rood presented the following resolution and moved its adoption:

WHEREAS, the Town Board of the Town of Boston understands the need to reduce the cost of government operations, thus lowering the tax burden on our citizens, and

WHEREAS, one method of reaching this goal is to enhance our purchasing power through the joint cooperation of several public entities, and

WHEREAS, the costs of purchasing products and supplies can be reduced by buying in quantity.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Boston endorses the concept of forming a municipal purchasing alliance, as this alliance would be able to capitalize on cooperative purchasing by reducing costs.

BE IT FURTHER RESOLVED, that the Town Board supports the concept of cooperative purchasing in Erie County.

Resolution was seconded by Councilman Wiktor and put to a vote, as follows:

Supervisor Rood	Voting	aye
Councilman Wiktor	Voting	aye
Councilman Tills	Voting	aye
Councilman Simmeth	Voting	aye
Councilman Mead	Voting	aye

Ayes: 5 Noes: 0 Absent: 0

David J. Shenk

David J. Shenk, Town Clerk

REGULAR BOARD MEETING — TOWN HALL
JUNE 17, 1998 — 7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Stephen K. Tills, Councilman Karl J. Simmeth Jr., Councilman Dennis J. Mead, Supervisor Lisa M. Rood, 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 Simmeth to adopt the minutes of the June 3, 1998 Regular Board Meeting and the June 5, 1998 Special Board Meeting.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #6A, dated June 17, 1998, in the amount of $29,409.62 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead, upon review by the Town Board, that the Highway Bills on Abstract #6A, dated June 17, 1998 in the amount of $9,354.19 be paid.

five (5) Ayes — Carried

five (5) Ayes — Carried

Received and filed notification of changes in service from Adelphia Cable.

Received and filed Erie County Sheriff Monthly Report for May 1998.

RESOLUTION 1998 - 24A MARTHA WURTZ DAY

RESOLUTION 1998 - 25A MUNICIPAL PURCHASING ALLIANCE

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to authorize Supervisor Rood to sign the Public Improvement Permit Application for the Keller and Shero Roads Waterlines and to waive the permit and inspection fees.

five (5) Ayes — Carried

A motion was made by Supervisor Rood and seconded by Councilman Tills to establish a Capital Project Account to be titled,

"Increase and Improvement of Facilities to Water District #2":

Project Bid Amount	$490,184.53
Less Service Extensions (customer tap-ins)	- 13,898.64
Subtotal	$476,285.89
Add contingencies	48,074.11
Add engineering	74,268.00
Add legal and administrative	51,172.00
Total Project Cost	**$649,803.00**

To be financed by the sale of serial bonds in the amount of $649,803.00. Cost to be paid by the homeowners in Water District #2 on a benefit basis.

five (5) Ayes — Carried

REGULAR BOARD MEETING
JUNE 17, 1998

TOWN HALL
7:30 P.M.

A motion was made by Councilman Tills and seconded by Councilman Simmeth to establish a Capital Project Account to be titled,

"Water District #2 - Extension #2":

Project Bid Amount	$294,902.78
Less Service Extensions (customer tap-ins)	- 31,407.00
Subtotal	$263,495.78
Add contingencies	26,144.22
Add engineering	41,776.00
Add legal and administrative	28,784.00
Total Project Cost	**$360,200.00**

To be financed by the sale of serial bonds in the amount of $360,200.00. Cost to be paid by the homeowners in Water District #2 - Extension #2 on a benefit basis.

Carried

five (5) Ayes

A motion was made by Councilman Wiktor and seconded by Councilman Mead authorize Supervisor Rood to sign the R & D Engineering Services Proposal for the Hillcroft Drive Waterline Rehabilitation at Creek Crossing at a fee of $4,500.00, costs to be apportioned equally between Water District #1 and Water District #2.

Carried

five (5) Ayes

A motion was made by Councilman Wiktor and seconded by Councilman Mead to appoint the following Fire Police for the Boston Fire Co. until replacement, resignation or removal:

Joe Ballachino	Bruce Brown
Tracy Chatwood	Mike Cudeck
Bill Kester	Robert McKecuer
Robert Schnieder	Emilie Smith
Cheryl Theil	Francis Theil
Kenneth Theil	Mary Theil
Raymond Worth	

Carried

five (5) Ayes

A motion was made by Supervisor Rood and seconded by Councilman Simmeth, on the recommendation of Recreation Director O'Brien, to appoint the following to the Summer Recreation Department, term effective immediately and to expire on August 30, 1998:

Bess Barbati	Rec Attendant	$5.15
Michelle Clesse	Arts & Crafts Supervisor	$6.00
Nicole Kester	Rec. Attendant-in-training	$5.15
Cathleen Klein	Rec. Attendant-in-training	$5.15
Jeniffer Klein	Rec Attendant	$5.15
Tara Lowry	Rec Attendant	$5.15
Christine Maroney	Rec Attendant	$5.15
Katherine Matyas	Rec Attendant	$5.25
Joe Obryant	Rec Attendant/lifeguard	$5.25/6.85
Julie Pavlovic	Rec Attendant/lifeguard	$5.35/7.00
Andrew Pfeiffer	Rec Attendant	$5.50

Carried

five (5) Ayes

A motion was made by Councilman Mead and seconded by Councilman Simmeth, on the recommendation of the Planning Board, to approve the request of Patricia Needell, 7123 Boston State Road, for a second accessory building with the stipulation that the two (2) old existing buildings and the existing garage be removed and contingent on the Zoning Board of Appeals issuance of a variance.

Carried

five (5) Ayes

REGULAR BOARD MEETING TOWN HALL
JUNE 17, 1998 7:30 P.M.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth, on the recommendation of the Planning Board, to approve the application of the Patchin Fire Company as submitted with the inclusion of a Short Form SEQR for the conversion of an exiting flat roof to a gable roof.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead to authorize the Town Clerk to advertise for bids for the demolition and removal of a water storage tank from property on Brown Hill Road near Trevett Road and a water storage tank and two (2) water pumps from property at or near 9184 Boston State Road.

five (5) Ayes Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth to schedule the bid opening for the demolition and removal of a water storage tank from property on Brown Hill Road near Trevett Road and a water storage tank and two (2) water pumps from property at or near 9184 Boston State Road for July 20, 1998 at 10:00 a.m and award the contracts at the July 22, 1998 Town Board Meeting.

five (5) Ayes Carried

SUPERVISOR REPORT

Supervisor Rood gave notice to the press in attendance that the Festival Committee is having a contest to name the theme/festival. Suggestions may be sent to Supervisor Rood until June 30, 1998 and will be voted on at the July 1, 1998 Festival Committee meeting at 7:30 p.m. in the Planning Board Room. Interested parties may still join the Festival Committee.

TOWN CLERK REPORT

A) Tax Collector Monthly Report for May 1998 was received and is filed in the Clerk's Office.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Ruchalski reported that he spoke to the Code Enforcement Officer regarding calls he has received from residents concerned about safety issues pertaining to a driveway being constructed on the steep curve on Boston State Road across from Trevett Road. The Erie County Engineer from Concord will issue a permit only on the condition that the driveway has 350 feet of site distance to the south (which means removing most of the bank), construction of a 350 feet site district road at the shoulder of the road, and no left turns being made from the driveway.

Highway Superintendent Ruchalski reported that the inmates from the Collins Correctional Facility have been sandblasting the Lions Shelter and will complete the painting in time for the first summer concert on June 30, 1998.

At 8:00 p.m. a Public Hearing was held for the purpose of hearing public comments on the Proposed Local Law No. 3 of the Year 1998 to rezone approximately 1.5 acres of land from R-2 (Single Family Residence District) to C-1 (Local Retail Business District) as requested by Jerome & Betty Krencik, 7130 Boston State Road.

Supervisor Rood read the legal notice, a letter sent to twenty (20) neighboring property owners with an Assessor's map and copy of the letter of intent, and letters from Kenneth Nuwer, 701 Quaker Road, East Aurora and Patricia Needell, 7123 Boston State Road.

REGULAR BOARD MEETING
JUNE 17, 1998

TOWN HALL
7:30 P.M.

PUBLIC HEARING (CONT.)

Supervisor Rood noted that a sign was placed on the property advertising that a rezoning application was pending.

Supervisor Rood convened the Public Hearing.

Henry McDonald, 7210 Elmtree Place: It is a busy State Road and you can't get out if you want to make a left or right turn. If they open their business it is going to be congested and when I go make a left into my development, people don't see me and they go around me. They are not going to have that area if they are going to have the cars and their business. I think it is going to be a danger. I want you to take that into consideration. I am all for business but it is too busy of a road right now and it is getting more congested as time goes on.

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 17, 1998 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.

PROPOSED
LOCAL LAW NO. 3
OF
THE YEAR 1998

A LOCAL LAW TO REZONE APPROXIMATELY 1.5 acres of land from R-2 (Single Family Residence District) to C-1 (Local Retail Business District)

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

Section I.

Local Law No. 3 of the Year 1998 shall amend Local Law No. 6 of the Year 1990, any amendments thereto and the Town of Boston zoning map, by rezoning 1.5 acres of real property from R-2 to C-1; such property being described as Town of Boston, Erie County, New York, Lot 30, Township 8, Range 7 of the Holland Land Company's survey and located on the western side of NYS Route 391 north of the intersection of NYS Route 391 and Creekside Court.

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Boston, County of Erie and State of New York, being part of Lot No. 30, Township 8, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the point of the intersection of the center line of the Hamburg-Springville Road (49.5 feet wide) with the north line of Creekside Court as shown on Map Cover No. 1982 extended easterly; thence northwesterly along the center line of Hamburg-Springville Road, 75.57 feet to the angle point therein; thence continuing northwesterly along the center line of Hamburg-Springville Road 131.38 feet to a point; running thence westerly at an exterior angle of 79 degrees, 10 minutes and along the south line of Subdivision Lot No. 85, Map Cover 1982, extended easterly a distance of 151.07 feet to a point; running thence southerly and along the east line of Subdivision Lot No. 84, Map Cover 1982, a distance of 132.5 feet to a point in the north line of Creekside Court, running thence easterly along the north line of Creekside Court and said line extended easterly 234.75 feet to the point or place of beginning.

Section II.

If any provision of this Local Law shall be invalid, the remaining provisions shall not be effected thereby.

Section III.

This Local Law shall take effect as provided by the Municipal Home Rule Law.

Dated: MAY 29, 1998
Published: JUNE 4, 1998
By Order of the Town Board
David J. Shenk, Town Clerk
6-4

Francis Shea, 7220 Elmtree Place: About Mr. Krencik's rezoning, it is very dangerous for me to get out of that place. Sometimes I have to wait and wait and when I do go out there is a guy coming right at me. Very dangerous, I wouldn't like to see any parking whatsoever on that highway. The children and the school bus have a terrible time getting in and out of that place. I would like not to have it granted or changed.

Edward Coleman, 7127 Boston State Road: I live across the street and it is my understanding that the cars will park in his driveway which he paved. He is not expecting more than one or two cars at a time. He has taken excellent care of the house and has beautified it and put in plants. I don't think it is going to be a problem.

Supervisor Rood noted that Mr. Krencik could not be here tonight because he is on a vacation in Tennessee that was planned many months ago.

A motion was made by Councilman Tills and seconded by Councilman Mead to close the Public Hearing at 8:05 p.m.

five (5) Ayes Carried

A motion was made by Supervisor Rood and seconded by Councilman Mead to table a decision on Proposed Local Law No. 3 of the Year 1998 to rezone approximately 1.5 acres of land from R-2 (Single Family Residence District) to C-1 (Local Retail Business District).

five (5) Ayes Carried

REGULAR BOARD MEETING
JUNE 17, 1998

TOWN HALL
7:30 P.M.

TOWN ATTORNEY REPORT

Town Attorney Perley reported that the final adoption of the Lease Management Agreement by the Erie County Water Authority is based upon reaching an agreement as to the terms and conditions for future tap-ins for Proposed Water District No. 3. The Town of Boston is now in a position to submit to the ECWA documentation that will satisfy all concerned.

COUNCILMAN REPORT

Councilman Mead attended the Nutrition Project Council Luncheon meeting in Lancaster on June 17, 1998. There are fifty-one (51) dining sites in Erie County and the Older American Act notes that the existence of hunger, malnutrition and food insecurity in the elderly is well documented. The Older Americans Act Nutrition Programs are the single most important community based proven intervention which attacks these issues head on. This re-authorization provides the entire network with an opportunity to reaffirm and strengthen support for a comprehensive system of support and nutrition services and has been on the agenda for years but not signed. If not signed this year more than likely it will be dropped which could affect our nutrition programs. It is very important that people call Congressman Quinn and express the importance of reaffirming this Older American Act.

Councilman Mead announced that the General Assembly of the United Nations has adopted a resolution which designates 1999 as the international year of older persons with a theme "Towards a Society for all Ages." This will begin in October 1, 1998 and the NYS Office for the Aging is encouraging programs highlighting this event throughout the year. On June 22, 1998 there will be a free healthy food demonstration at the Hamburg Senior Citizen Center.

Councilman Mead reported that at the June 9, 1998 Planning Board meeting the discussions involved the WNED Tower Application, the Patchin Fire Co. site plan for a roof replacement, a request for a second accessory building at 7123 Boston State Road, and the Upstate Cellular application (tabled due to more information being received from the consultant).

Councilman Mead commented that the Chamber of Commerce officers were elected at the June 11, 1998 organizational meeting and Karen Ellis was elected president.

At 8:15 p.m. a Public Hearing was held for the purpose of hearing public comments on a request from WNY Public Broadcasting Association (WNED) for a Special Use Permit to replace an existing tower at 8971 Zimmerman Road.

Supervisor Rood read the legal notice, a letter sent to sixteen (16) neighboring property owners with an Assessor map and copy of the letter of intent.

Supervisor Rood read a recommendation of approval from the Planning Board with the stipulation that a SEQR is filed and reviewed by the Town Board.

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 17, 1998 at 8:15 p.m., Eastern Prevailing Time, to consider the application of Western New York Public Broadcasting Association (WNED) for a Special Use Permit to replace an existing tower at 8971 Zimmerman Road.

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

Dated: June 3, 1998
Published: June 4, 1998

By Order of the Town Board
David J. Shenk, Town Clerk

6-4

Supervisor Rood read a letter from R & D Engineering, P.C. stating that the WNED project should be classified as a Type II Action under SEQR having no significant impact and not being subject to SEQR does not call for a coordinated review involving other agencies.

Supervisor Rood convened the Public Hearing.

REGULAR BOARD MEETING
JUNE 17, 1998

TOWN HALL
7:30 P.M.

PUBLIC HEARING (CONT.)

There were no comments.

A motion was made by Supervisor Rood and seconded by Councilman Tills to close the Public Hearing at 8:17 p.m.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth grant Western New York Public Broadcasting Association (WNED) a Special Use Permit to replace an existing tower at 8971 Zimmerman Road.

five (5) Ayes — Carried

COUNCILMAN REPORT (CONT.)

Councilman Wiktor announced that schedules for the Summer Concert Series is available in the Town Clerk's office.

Councilman Wiktor noted that the Emergency Squad will conduct a first aid course on June 22nd, 24th, 25th, 1998 from 6:00 p.m. to 10:00 p.m. at the Squad Hall. The Emergency Squad is seeking new members, at least eighteen years of age with a valid NYS drivers license and having taken a course in CPR.

Councilman Wiktor reported that at the last Haz-mat meeting he attended a discussion was held on the proposed 800 mega hertz band for radio service in Erie County. Thirty-five million dollars is needed to get this system implemented and Erie County Executive Gorski was asked to aid in the bringing this program to conclusion.

Councilman Wiktor noted three (3) residents have offered their services in helping with the maintenance of the Creative Playground at the Boston Valley School. The State Police have increased patrol protection at the playground.

Councilman Wiktor announced that at the last Youth Advisory Board Meeting the Service to Youth Award was given to Larry Steward and Tom Krajewski for their dedicated service to our youth programs. There are 192 girls playing softball this year. The Town of Boston Recreation program will include golf instruction at the Gowanda Country Club and tennis lessons at the Boston courts. A meeting is scheduled with representatives from the East Aurora Boys and Girls Club of America and the United Way to discuss the possibility of a youth center.

Supervisor Rood commended Councilman Wiktor for his work in the Creative Playground.

Councilman Simmeth noted that the Hazardous Waste Drop-off is on June 20, 1998 at ECC South Campus from 9:00 a.m. to 2:00 p.m.

Councilman Simmeth attended the Eighteen Mile Creek Water Shed Regional Meeting at the Boston Town Hall on June 11, 1998. CAC representatives from the towns of Hamburg, Orchard Park, Colden, Eden, Concord, North Collins, Boston, and Evans were in attendance. A three year program to have cleaner water in the area will be formed along with a Water Shed Advisory Council.

Councilman Simmeth reported that he received a call from John Spors, Service Star Station owner, who is concerned over safety issues at the intersection of Boston State and Boston-Colden Roads. Councilman Simmeth contacted Erie County Legislator Marshall who suggested gathering accident reports from the rescue squad and the state police and research the possibility of installing signs indicating that a stop sign is being approached.

REGULAR BOARD MEETING
JUNE 17, 1998

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.)

Supervisor Rood alerted the media that there is a scam requesting that the birth certificate and social security number of your child be sent to a given address to receive a $500 savings bond as part of a class action court settlement for Gerber baby foods.

Councilman Tills reported that during the Boyd Trailer Park inspection last week and it was noted that the barn on that property is thought to have been the site of an underground railroad at one time. Mr. Boyd was interested and Councilman Tills discovered through legal research that there is state and federal law relative to the preservation of underground railroad sites. The key is to establish that this is a historical underground railroad site. Mrs. Jehle, the Town Historian supplied the names of people who may have information and Councilman Tills contacted the Town Librarian for books on the subject.

Councilman Tills noted that councilman hours were held on Saturday, June 13, 1998 and residents were picking up the small composting pails and were enthusiastic about composting.

Councilman Tills reported that Mrs. Jehle and Helen Estep are concerned about access to the South Boston Park from Sunset Lane. There is no public access from that area without crossing private property. Councilman Tills will investigate the feasibility of getting public access to the park.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to adjourn the meeting at 8:35 p.m.

Karen A. Ellis
KAREN A. ELLIS, DEPUTY TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
JULY 22, 1998 — 7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Stephen K. Tills, Councilman Karl J. Simmeth Jr., Supervisor Lisa M. Rood, Highway Superintendent Eugene E. Ruchalski and Town Attorney Michael F. Perley. Absent: Councilman Dennis J. Mead.

A motion was made by Councilman Wiktor and seconded by Councilman Tills to adopt the minutes of the June 17, 1998 Town Board Meeting.

four (4) Ayes — Carried

See Correction page 88

A motion was made by Councilman Tills and seconded by Councilman Wiktor, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #7, dated June 22, 1998 in the amount of $115,721.73 be paid.

four (4) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth, upon review by the Town Board, that the Highway Bills on Abstract #7, dated July 22, 1998, in amount of $10,537.27 be paid.

four (4) Ayes — Carried

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to accept the Town Clerk Monthly Report for June 1998.

four (4) Ayes — Carried

Received and filed notification from Erie County Legislator Marshall that the Town of Boston joint purchase of Vacuum Street Sweeper and Cylinder Air Take Recharge Station proposals submitted for consideration to the Erie County Municipal Regionalism Committee have been recommended by the Committee and approved by the Legislature, unanimously.

Received and filed a Resolution submitted by Erie County Legislators Larson & Marshall regarding Erie County Storm Damage.

Received and filed information from Congressman Jack Quinn on the FEMA (Federal Emergency Management Association) program for Western New York residents affected by the recent flood damage.

Received and filed notification from Assemblyman Richard Smith and NYS Archives & Records Administration that the Town of Boston has been awarded a Local Government and Documentary Heritage Grant in the amount of $11,874 from NYS Archives & Records Administration.

Received and filed June 1998 Erie County Sheriff Monthly Report.

Received and filed notification from Mariano's Restaurant of a Liquor License Request to NYS Liquor Authority.

PROCLAMATION - EAGLE SCOUT ADAM REPMAN

PROCLAMATION - EAGLE SCOUT SEAN REILLY

REQUESTS FROM THE FLOOR

Thomas Rzepecki, 6553 Omphalius Road: I'd like to know the status on the water on the East Hill.

Town Attorney Perley: Negotiations with the ECWA on the Lease Management Agreement for the Town of Boston are in the process of being finalized and has to be acceptable in principal to the towns of Colden and Boston. If the agreement is accepted by the ECWA it is anticipated that the project will go forward sometime at the end of August or early September, although not guaranteed. A new Public Hearing will be held due to the change in the structure of the system and the financing.

TOWN OF BOSTON

PROCLAMATION

WHEREAS, Adam Repman received the rank of Eagle Scout at a ceremony on June 3, 1998, and

WHEREAS, Adam has been in scouting since the age of 9 and during those years he learned a wide variety of skills, and

WHEREAS, he developed during those years into a well-rounded individual who participated in many school activities and used his abilities and talent by singing and acting in Springville High school musical productions and by playing trumpet in the Boston Town Band, and

WHEREAS, as part of the attainment of Eagle Scout in Troop 491, Adam volunteered at the South Boston Playground, where he stained picnic benches and tables and helped in the clearing of the volleyball court, and

WHEREAS, Adam graduated from Springville Griffith Institute High School this past June and plans to attend college to become a Forest Ranger, which he attributes to his love of the wilderness he developed by being a Boy Scout, and

WHEREAS, a quote from Adam best exemplifies the pride he feels in attaining the rank of Eagle Scout: "Many can say, 'I was a Boy Scout when I was a kid' - I can say, I am an Eagle Scout, because when you become an Eagle Scout, you are an Eagle Scout for life."

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Boston, on behalf of the residents of our community, offer heartiest congratulations to **ADAM C. REPMAN** on attaining the rank of Eagle Scout, and

BE IT FURTHER RESOLVED, that all our best wishes are conveyed to Adam for the realization of his future plans.

Dated: July 22, 1998

TOWN OF BOSTON, NEW YORK

By: Lisa M. Rood
Lisa M. Rood, Supervisor

TOWN OF BOSTON

PROCLAMATION

WHEREAS, the Town of Boston is honored to have a young man from Troop 491, who will receive at a ceremony on July 1, 1998, the rank of Eagle Scout, and

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

WHEREAS, one of the service projects completed by this Scout was the organizing of and the work involved in a project to seal and finish the fencing at the Boston fire hall, and

WHEREAS, this Scout has also participated in other volunteer community activities, such as Welcome Wagon plant sales, county road clean up and assistant coaching for Boston's youth soccer team, as well as actively participating in town baseball and soccer teams, and

WHEREAS, his accomplishments are not only a credit to him, but also to his parents, his Scout leaders and other members of Troop 491 who assisted and encouraged him in attaining this Eagle Scout rank, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Boston, on behalf of the residents of our community, offer heartiest congratulations to **SEAN M. REILLY** on attaining the rank of Eagle Scout, knowing he serves as a fine example to other young people to experience and attain the lofty principles of scouting, and

BE IT FURTHER RESOLVED, that best wishes are conveyed to Sean for his future endeavors.

Dated: July 1, 1998

TOWN OF BOSTON, NEW YORK

By: Lisa M. Rood
Lisa M. Rood, Supervisor

REGULAR BOARD MEETING TOWN HALL
JULY 22, 1998 7:30 P.M.

REQUESTS FROM THE FLOOR (CONT.)

Thomas Rzepecki: So I can expect something by the end of August?

Town Attorney Perley: By early September I expect we would move for Public Hearing and the map plan and report should be ready.

Robert Nowak, 9742 Trevett Road: I am checking on the status of the machine shop next to me.

Code Enforcement Officer Kramer: No formal application has been made for a building permit.

Robert Nowak: My information is that the machine shop is out but that other plans are made. Is this a whole new procedure if he is planning on putting something else in? And the neighbors who are affected will have no input or say? Will be notified of anything?

Town Attorney Perley: I am not going to speculate on what is going to be applied for and therefore I can't speculate on what the town's procedure for handling it is. You may call the Town Clerk, the Supervisor, or me from time to time and if we have received anything we will be happy to tell you about it. You are entitled to a copy of anything that we receive pursuant to the Freedom of Information Act and the Town Clerk will be happy to assist you.

Supervisor Rood: I can ask the Building Inspector to notify me when a permit comes in and I could call you.

Clive Rucker, 6910 Boston Cross Road: A few years ago I brought up the speed limit on Boston Cross Road. I am concerned because of the recreational program at the Catholic Church and that school busses pull in and out every day. I see the little mishaps that could be a tragedy. I can't see why the town can't apply to have a speed limit sign, "recreational park" posted and in the summer during the program have a portable sign put up.

Town Attorney Perley: I am aware of the problem and will look into that. If this is an option available to the town under the Uniform Manual Traffic Control Devices, I will advise the Town Board.

Sergeant Fox, Erie County Sheriff Department: Councilman Simmeth received complaints of speeding in the Meadow Drive area and that area is being patrolled every morning from about 6:00 to 7:30 a.m.

Audience Member: What is happening with the speeding problems on Boston Colden Road near Boston State Road?

Councilman Simmeth: The Erie County Traffic Safety Engineer has suggested lowering the speed limit on Boston Colden Rd to 35 mph.

Supervisor Rood: Regarding a request from Betty and Jerome Krencik to rezone 7130 Boston State Road from R-2 to C-1, there was a question as to how much of the Krencik property was to be rezoned. It is only the property the house is sitting on, not the side yard.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to remove from the table a request from Betty and Jerome Krencik for Proposed Local Law No. 3-1998, to rezone 7130 Boston State Road from R-2 to C-1.

four (4) Ayes Carried

Supervisor Rood: Some residents were concerned about traffic flow. Krencik's have a large driveway in which to park and the speed limit is 40 mph with a white line along the side of the road which means there can be no passing on the right. If traffic laws are obeyed I don't see where there would be any problems.

REGULAR BOARD MEETING
JULY 22, 1998

TOWN HALL
7:30 P.M.

REQUESTS FROM THE FLOOR (CONT.)

Councilman Wiktor: Mr. Krencik's son previously had a card shop in that location and to the best that I could research there were no complaints issued regarding the volume of traffic. This would be an interest level form of business, meaning the only people going in or out would be those interested in that type of business.

Town Attorney Perley: When we adopted the Local Law that permits this application to go forward, it was subject to a site plan review and must be submitted to the Planning Board.

A motion was made by Supervisor Rood and seconded by Councilman Wiktor, having taken a hard look at the many potential environmental impacts with respect to the project named "Proposed Local Law No. 3-1998, to rezone 7130 Boston State Road from R-2 to C-1", in the Environmental Assessment Form filed with the Town of Boston, NY, hereby determines that there are no significant adverse environmental impacts associated with the said project and hereby adopts a Negative Declaration pursuant to 6 NYCRR Part 617 adopted pursuant to Article 8 of the Environmental Conservation Law of the State of NY and authorized the Supervisor and/or the Town Clerk to prepare and execute any and all documents required to notify interested parties.

four (4) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Supervisor Rood to adopt Local Law No. 3-1998, to rezone approximately 3/4 acres at 7130 Boston State Road from R-2 to C-1.

four (4) Ayes — Carried

Supervisor Rood commented that the Town of Boston no longer has use for the tank situated on Brown Hill Road or the tank adjacent to the old pump station behind Rucker Lumber or the pumps encased in the pump station. The pump station is in good repair and could be used for some very needed storage space for the recreation program.

Bids were received and opened on July 20, 1998 at 10:00 a.m. for the demolition and removal of two (2) water storage tanks and two (2) water pumps, Water District #1:

Cambia Contracting	$13,700
Eastwood Industries	$13,800

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to award Cambia Contracting the bid for the demolition and removal of two (2) water storage tanks and two (2) water pumps at a cost of $13,700.

four (4) Ayes — Carried

RESOLUTION 1998 - 26 STOP DWI GRANT PROGRAM

Supervisor Rood read the June 5, 1998 Deputy Code Enforcement Trailer Park Inspection Report. The Falkides park was in excellent shape and repairs were listed for the Boyd park.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to grant a license for operation of a Mobile Home Park to John and Katherine Falkides, Boston Hills Homes & Estates.

four (4) Ayes — Carried

A motion was made by Supervisor Rood and seconded by Councilman Tills to deny a license for operation of a Mobile Home Park and grant thirty (30) day extension for repairs to Richard & Joy Boyd.

four (4) Ayes — Carried

TOWN OF BOSTON

TOWN OF BOSTON

RESOLUTION 1998-26

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 22nd day of July 1998 at 7:30 P.M. Eastern Standard Time, there were:

Present:	Lisa M. Rood	Supervisor
	Damian P. Wiktor	Councilman
	Karl J. Simmeth Jr.	Councilman
	Stephen K. Tills	Councilman
Absent:	Dennis J. Mead	Councilman

Councilman Wiktor presented the following resolution and moved its adoption:

NOW THEREFORE:

BE IT RESOLVED, that the Town of Boston authorizes Supervisor Rood to sign the contractual agreement to renew the Erie County STOP-DWI Grant Program. The contracts are for January 1, 1998 through December 31, 1998.

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

Supervisor Rood	**Voting Aye**
Councilman Wiktor	**Voting Aye**
Councilman Simmeth	**Voting Aye**
Councilman Tills	**Voting Aye**
Councilman Mead	**Absent**

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

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
JULY 22, 1998 — 7:30 P.M.

A motion was made by Supervisor Rood and seconded by Councilman Tills to approve the General Fund and Special Districts correction to Abstract #6, June 3, 1998 as follows:

Total Water District #1	$ 1,900.00 to	$ 1,900.80
Total Abstract	$17,557.08	$17,557.88

four (4) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Tills to grant Dan Rychlik, 6014 West Tillen Road, permission to use the Lions Shelter, Town Park and restrooms for a family picnic on Sunday, August 30, 1998.

four (4) Ayes — Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth to appoint the following to the Summer Recreation Program, retro-active from June 30, 1998 and to expire on August 14, 1998:

Kiesan Lin	Rec. Attendant	$5.15
Mamie Green	Rec. Attendant/Part Time	$5.15
Scott Muchaylak	Rec. Attendant/Part Time	$5.15

Part time employees not to exceed 20 hours per week.

four (4) Ayes — Carried

A motion was made by Supervisor Rood and seconded by Councilman Wiktor to grant David Shenk, Tax Collector, permission to use the Town Hall for the collection of the 1998-1999 Hamburg School Taxes for the sum of $1,000.00.

four (4) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Tills to appoint the following 1998 Boston Youth Soccer Coaches:

Prep Division	Dan Bartel	Gene Partrige
	Eric Heimburger	Bill Eagan
	Jay Broadway	Paul Speich
	George Persons	Dave Stringfellow
	Mark McCallister	Tom Williams
	Bob Smith	Pat Cole
Junior Division	Gary Drews	Bill Hochul
	M.A. Sullivan	Dave Ruzzine
	Dave Derkacz	Jim Slmolarek
	Larry Kosowski	Jim Singer
	Curt Etzel	Alan Winship
	Jeff Knowles	Mark Schictel
	Bob Newton	John Roedel
	Ken Bihl	Steve Manning
Senior Division	Sean Greene	Mike Hacker
	John Marron	Veidon Zahariev
	Dave Dercacz	Linda Darling
	Wally Odden	Barry Decker
	John Hogenmiller	

four (4) Ayes — Carried

SUPERVISOR REPORT

A) Supervisor Monthly Bank Account Report for June 1998 was received and is on file in the Clerk's Office.

REGULAR BOARD MEETING — TOWN HALL
JULY 22, 1998 — 7:30 P.M.

SUPERVISOR REPORT (CONT.)

Supervisor Rood read a letter she wrote to Erie County Department of Environment and Planning Coordinator, Thomas J. Dearing requesting to expand the scope of the CDBG awarded in 1996 to include a handicapped-accessible entrance door to the Town Hall. Mr. Dearing approved this request.

A motion was made by Councilman Wiktor and seconded by Councilman Tills to authorize Town Clerk Shenk to advertize for bids for the handicapped-accessible entrance door to the Town Hall and set the bid opening for August 12, 1998 at 10:00 a.m.

four (4) Ayes — Carried

Supervisor Rood noted that the Menzemer house at 7615 Boston State Road was burned in a controlled fire training session by the Boston Fire Companies on Saturday, July 18, 1998.

TOWN CLERK REPORT

A) Vital Statistics Report for June 1998 was received and is on file in the Clerk's Office.

B) Tax Collector Report for June 1998 was received and is on file in the Clerk's Office.

Town Clerk Shenk thanked Deputy Town Clerk Ellis for covering the office during his military leave.

Town Clerk Shenk announced that the Safety Committee met on June 30, 1998. The Town of Boston again earned a 20% certificate for reported losses and earned 600 out of 630 points on the Loss Control Program evaluation which will further discount the premium. The annual inspection of town buildings went well.

Town Clerk Shenk announced that hunting licenses will go on sale Monday, August 17, 1998.

TOWN ATTORNEY REPORT

Town Attorney Perley thanked the Town Board members and everyone employees for their support during a difficult time with the recent loss of his father.

Town Attorney Perley reported that the Town Board previously authorized a bond resolution for the Water District No. 2 project and is awaiting a favorable quotation from the Evans National Bank.

COUNCILMAN REPORT

Councilman Wiktor announced that residents experiencing problems due to recent flooding should contact FEMA at 1-800-462-9029 and allow the representatives to determine if their claims qualify for aid.

Councilman Wiktor reported that on July 16, 1998, he, Supervisor Rood and Councilman Tills attended a luncheon in Williamsville. NYS Comptroller McCall was the guest speaker on the SMART (State Municipal Advisory Review Teams) program. This program addresses enhancing non-property tax revenues.

Councilman Wiktor met with Boston Valley School Principal and the Head Custodian regarding the creative playground situation. A list was compiled of things that need to be addressed. Councilman Wiktor and Highway Superintendent Ruchalski toured the playground and noted the list will be completed if time allows.

TOWN OF BOSTON

1998 - 27

SPEED LIMIT REDUCTION FOR BOSTON COLDEN AND BOSTON STATE ROAD AREA

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 22nd day of July 1998 at 7:30 P.M. Eastern Prevailing Time there were

Present:	Lisa. M. Rood	Supervisor
	Damian P. Wiktor	Councilman
	Stephen K. Tills	Councilman
	Karl J. Simmeth Jr.	Councilman
	Dennis J. Mead	Councilman

Councilman Simmeth presented the following resolution and moved its adoption:

WHEREAS, The intersection of West Tillen Road and Boston State Road has had many accidents between January 7, 1997 and June 24, 1998, (See Exhibit "A" - Boston emergency Squad Letter), and

WHEREAS, Councilman Simmeth, Erie County Legislator Marshall, and Erie county Traffic Engineer Dubin met on July 12, 1998 to discuss problems and solutions, and

WHEREAS, John Spors a business owner at this intersection has reported to Councilman Simmeth that many near misses occur on a frequent basis, and

WHEREAS, Councilman, Karl J. Simmeth Jr., and Chairman of the Traffic Safety and Roadways Committee after inspection recommends this reduction in speed for this area, and therefore

BE IT RESOLVED, the Department of Transportation, has the power and authority to grant this request pursuant to the sections of the Vehicle and Traffic Law, (See exhibit "B"), and,

BE IT FURTHER RESOLVED, the Boston Town Board requests that the speed limit in the area of West Tillen Road and Boston State Road be reduced to 35 Mph, and

BE IT FURTHER RESOLVED, all necessary signs be installed acknowledging "35 Mph Speed Limit."

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

Supervisor Rood	**Voting Aye**
Councilman Wiktor	**Voting Aye**
Councilman Tills	**Voting Aye**
Councilman Simmeth	**Voting Aye**
Councilman Mead	**Voting Aye**

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

David J. Shenk

DAVID J. SHENK, TOWN CLERK

"EXHIBIT A"

MEMORANDUM FOR: karl Simmeth Jr., Councilman June 24, 1998

SUBJECT: Motor Vehicle Accidents @ Boston State Road & W. Tillen/Boston Colden Road Intersection

I reviewed our Pre-Hospital Care Reports for the period January 1, 1997 through June 24, 1998 and found the following 6 calls for Boston Emergency Squad assistance at MVA's at the subject location:

January 7, 1997 @ 6:28PM - 3 patients
November 20, 1997 @ 3:15PM - 2 patients
May 15, 1998 @ 7:35PM - 3 patients
June 7, 1998 @ 10:24PM -5 patients
June 20, 1998 4:22PM - 3 patients
June 24, 1998 1:05PM - 3 patients

Clock times are the times we were dispatched by Hamburg Fire Control. The majority of the patients did not require or refused transportation to a hospital. We had no fatalities. there during the period. I have no information relative to other accidents at that intersection that we were not called for. Coincidentally, the 6th call came in as I was completing this memo!

Frank J (Jim) Henry, Director of Operations

212.2 Engineering considerations. EXHIBIT "B"

(a) General. Speed limits should be established only where engineering study indicates they are justified and reasonable. Unrealistic regulations are ineffective and should be avoided. Experience has firmly established that posted speed limits have little effect on overall traffic speeds. However, realistic limits do provide a sound enforcement basis for citing those who drive at imprudent speed.

(b) Linear limits. An engineering investigation to determine a linear maximum speed limit should include the following considerations:

(1) The existing speed pattern, with particular emphasis on the eighty-five percentile, maximum, and ten mile-per-hour pace speeds.

(2) Potential traffic conflict due to intersections and roadside development (residences, public buildings, commercial establishments, etc.).

(3) Traffic volumes, parking practices, and pedestrian activity.

(4) Accident experience.

(5) Physical conditions, such as pavement width and condition, shoulder width and condition, grades, alignment, sight distance, etc.

(c) Area limits. Evaluations for area speed limits should include the same considerations as for linear speed limits. However, since the specific factors for the highways involved usually vary, a general assessment for the area as a whole must be made.

(1) Within an area, specific highways which warrant higher speed limits than the area in general may be excluded from the area limit and be subject to a different linear speed limit or the State-wide speed limit.

(2) Specific highways which warrant a lower limit than the general area limit may also be separately regulated on a linear basis. However, since highway conditions themselves generally limit speed, speed on those highways would be naturally lower, and exception from the area limit is generally unnecessary.

(d) Numerical values.

(1) Maximum speed limits should be established at values appropriate for optimum weather and visibility conditions, and free-flow traffic conditions. Appropriate numerical limits generally approximate off-peak eighty-five percentile speeds.

(2) Speed limits shall be established in multiples of five miles per hour.

(e) Termini and boundaries. Speed limits should not extend beyond locations where they are justified. However, care must be taken in selecting linear speed limit termini and area speed limit boundaries to enable effective sign placement.

(1) Termini and boundaries should be selected so that speed limit signs will have adequate visibility and will not conflict with other signs.

(2) A speed limit terminus or boundary should be either at an intersection or at least five hundred feet from the nearest intersection.

(f) Seasonal and part-time limits.

(1) Frequently, speed limits in recreational or resort areas are required only during the tourist season. Such speed limits should be established and posted on a part-time basis (see section 201.4).

TOWN OF BOSTON

1998 - 28

LOWER SPEED LIMIT ON BOSTON STATE ROAD

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 22nd day of July 1998 at 7:30 P.M. Eastern Prevailing Time there were

Present:	Lisa. M. Rood	Supervisor
	Damian P. Wiktor	Councilman
	Stephen K. Tills	Councilman
	Karl J. Simmeth Jr.	Councilman
	Dennis J. Mead	Councilman

Councilman Simmeth presented the following resolution and moved its adoption:

WHEREAS, The intersection of West Tillen Road and Boston State Road has had many accidents between January 7, 1997 and June 24, 1998, (See Exhibit "A" - Boston Emergency Squad Letter), and

WHEREAS, Councilman Simmeth, Erie County Legislator Marshall, and Erie county Traffic Engineer Dubin met on July 12, 1998 to discuss problems and solutions, and

WHEREAS, John Spors a business owner at this intersection has reported to Councilman Simmeth that many near misses occur on a frequent basis, and

WHEREAS, a 55 Mph speed in the "S" curve near the intersection of Trevett Road is dangerous and a 40 Mph speed would better prepare North bound motorist's for the Boston Colden Road intersection, and

WHERFAS, Councilman, Karl J. Simmeth Jr., and Chairman of the Traffic Safety and Roadways Committee after inspection recommends this reduction in speed on this road, and therefore

BE IT RESOLVED, the Department of Transportation, has the power and authority to grant this request pursuant to the sections of the Vehicle and Traffic Law, (See Exhibit "B"), and,

BE IT FURTHER RESOLVED, the Boston Town Board requests that the speed limit on Boston State Road be reduced to 40 Mph, and

BE IT FURTHER RESOLVED, all necessary signs be installed acknowledging "40 Mph Speed Limit."

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

Supervisor Rood	**Voting Aye**
Councilman Wiktor	**Voting Aye**
Councilman Tills	**Voting Aye**
Councilman Simmeth	**Voting Aye**
Councilman Mead	**Voting Aye**

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

David J. Shenk

DAVID J. SHENK, TOWN CLERK

"EXHIBIT A"

MEMORANDUM FOR: karl Simmeth Jr., Councilman June 24, 1998

SUBJECT: Motor Vehicle Accidents @ Boston State Road & W. Tillen/Boston Colden Road Intersection

I reviewed our Pre-Hospital Care Reports for the period January 1, 1997 through June 24, 1998 and found the following 6 calls for Boston Emergency Squad assistance at MVA's at the subject location:

January 7, 1997 @ 6:28PM - 3 patients
November 20, 1997 @ 3:15PM - 2 patients
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June 7, 1998 @ 10:24PM -5 patients
June 20, 1998 4:22PM - 3 patients
June 24, 1998 1:05PM - 3 patients

Clock times are the times we were dispatched by Hamburg Fire Control. The majority of the patients did not require or refused transportation to a hospital. We had no fatalities. there during the period. I have no information relative to other accidents at that intersection that we were not called for. Coincidentally, the 6th call came in as I was completing this memo!

Frank J (Jim) Henry, Director of Operations

212.2 *Engineering considerations.* EXHIBIT "B"

(a) **General.** Speed limits should be established only where engineering study indicates they are justified and reasonable. Unrealistic regulations are ineffective and should be avoided. Experience has firmly established that posted speed limits have little effect on overall traffic speeds. However, realistic limits do provide a sound enforcement basis for citing those who drive at imprudent speed.

(b) **Linear limits.** An engineering investigation to determine a linear maximum speed limit should include the following considerations:

(1) The existing speed pattern, with particular emphasis on the eighty-five percentile, maximum, and ten mile-per-hour pace speeds.

(2) Potential traffic conflict due to intersections and roadside development (residences, public buildings, commercial establishments, etc.).

(3) Traffic volumes, parking practices, and pedestrian activity.

(4) Accident experience.

(5) Physical conditions, such as pavement width and condition, shoulder width and condition, grades, alignment, sight distance, etc.

(c) **Area limits.** Evaluations for area speed limits should include the same considerations as for linear speed limits. However, since the specific factors for the highways involved usually vary, a general assessment for the area as a whole must be made.

(1) Within an area, specific highways which warrant higher speed limits than the area in general may be excluded from the area limit and be subject to a different linear speed limit or the State-wide speed limit.

(2) Specific highways which warrant a lower limit than the general area limit may also be separately regulated on a linear basis. However, since highway conditions themselves generally limit speed, speed on those highways would be naturally lower, and exception from the area limit is generally unnecessary.

(d) **Numerical values.**

(1) Maximum speed limits should be established at values appropriate for optimum weather and visibility conditions, and free-flow traffic conditions. Appropriate numerical limits generally approximate off-peak eighty-five percentile speeds.

(2) Speed limits shall be established in multiples of five miles per hour.

(e) **Termini and boundaries.** Speed limits should not extend beyond locations where they are justified. However, care must be taken in selecting linear speed limit termini and area speed limit boundaries to enable effective sign placement.

(1) Termini and boundaries should be selected so that speed limit signs will have adequate visibility and will not conflict with other signs.

(2) A speed limit terminus or boundary should be either at an intersection or at least five hundred feet from the nearest intersection.

(f) **Seasonal and part-time limits.**

(1) Frequently, speed limits in recreational or resort areas are required only during the tourist season. Such speed limits should be established and posted on a part-time basis (see section 201.4).

TOWN HALL
7:30 P.M.

REGULAR BOARD MEETING
JULY 22, 1998

COUNCILMAN REPORT (CONT.)

Councilman Wiktor attended the Boston Fire Company Memorial Dedication on July 15, 1998 in remembrance of the four (4) fireman who died twenty years ago in the line of duty.

Councilman Wiktor reported that on July 14, 1998 he attended a Public Hearing in Springville on the 219 corridor from Springville to Salamanca. The engineers on the project will be doing extensive hydro studies to be sure that no drainage from this extension will add to any existing creek flows.

Councilman Wiktor noted that a Buffalo News article this past week stated that cutbacks in training funds will slash reimbursement for members of our volunteer rescue squads who need to take mandated state recertification courses. Councilman Wiktor sent a request to Senator Volker and Assemblyman Smith to reinstate those funds because small communities rely on the volunteer emergency squads and without them we have no service.

Councilman Wiktor announced that on July 23, 1998, he, Highway Superintendent Ruchalski and Supervisor Rood will attend a meeting in Springville on the effects of the last flooding.

Councilman Wiktor displayed a Tee Shirt which will be worn by the 360 children participating in the Summer Recreation Program. There is an approximate 85% attendance rate at the three (3) sites.

Councilman Wiktor thanked the three (3) Town of Boston fire companies for their controlled fire training session on the Menzemer property on July 18, 1998.

Councilman Wiktor thanked Assemblyman Smith for an additional $5,000 grant for the Boston-Colden-East-Eden Fire Council for the compressed air bank system which brings the funds up to $35,000.

Councilman Wiktor reported that he has received complaints from residents of loud music coming from moving cars. Some communities are proposing legislation to address this problem.

Councilman Simmeth announced there will be a Solid Waste and Refuse Committee meeting at 5:00 p.m. on July 30, 1998 in the Planning Board Room.

Councilman Simmeth noted that regarding the Boston Colden and Boston State Roads intersection, he met with Legislator Marshall and the Erie County Traffic Engineer on July 1, 1998. One proposal is to keep the grass cut on the southwest corner of the intersection and relocate the destination sign on West Tillen Road which is blocking the stop sign on Boston State Road. Another stop sign will be installed on the northwest corner of West Tillen Road so there will be two stop signs on West Tillen Road as you approach Boston State Road. The Erie County Traffic Engineer suggested lowering the speed limit on Boston Colden Road to 35 miles per hr. vs. 40 miles per hr. since this would be considered an area speed limit and would have a better chance at being lowered.

RESOLUTION 1998 - 27 **SPEED LIMIT REDUCTION FOR BOSTON COLDEN AND BOSTON STATE ROAD AREA**

RESOLUTION 1998 - 28 **LOWER SPEED LIMIT ON BOSTON STATE ROAD**

Councilman Simmeth attended the NEST meeting on July 8, 1998 at the Orchard Park Town Hall. The Household Hazardous Waste Drop Off at Erie Community South Campus was a success. The cost was approximately $15,000 of which half will be paid through a state grant. A report was given on funding opportunities for a potential NEST composting facility. Another report noted that one third of the mercury entering the atmosphere originates from products that

TOWN HALL
7:30 P.M.

REGULAR BOARD MEETING
JULY 22, 1998

COUNCILMAN REPORT (CONT.)

Councilman Simmeth (Cont.): have been discarded in the trash such as oral thermometers, outdoor thermometers, games and switches. The County has a few outreach programs on mercury and Councilman Simmeth will suggest to Conservation Advisory Chairman Chris Bifaro that the Town of Boston conduct a thermometers exchange. You may turn in your old thermometer for one that doesn't contain mercury.

Councilman Simmeth requested that anyone who has a Earth Machine contact him and let him know how they are working.

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer monthly report for June 1998 was received and is on file in the Clerk's Office.

B) Deputy Code Enforcement Officer monthly report for June 1998 was received and is on file in the Clerk's Office.

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officer monthly report for June 1998 was received and is on file in the Clerk's Office.

B) Deputy Dog Control Officer monthly report for June 1998 was received and is on file in the Clerk's Office.

Supervisor Rood commended Deputy Dog Control Officer Huson for the professional job she is doing and noted that people are giving her good reports.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for June 1998 was received and is on file in the Clerk's Office.

A motion was made by Councilman Simmeth and seconded by Councilman Tills to adjourn the meeting at 8:40 p.m.

David J. Shenk
DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
AUGUST 19, 1998 — 7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Stephen K. Tills, Councilman Karl J. Simmeth Jr., Councilman Dennis J.Mead, Supervisor Lisa M. Rood, Highway Superintendent Eugene E. Ruchalski and Town Attorney Michael F. Perley.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to adopt the minutes of the July 22, 1998 Town Board Meeting.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #8, dated August 19, 1998 in the amount of $202,114.39 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth, upon review by the Town Board, that the Highway Bills on Abstract #8, dated August 19, 1998, amount of $22,563.79 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to accept the Town Clerk Monthly Report for July 1998.

five (5) Ayes — Carried

Received and filed status report from the Army Corps of Engineers on the Hillcroft Bridge Project.

Supervisor Rood commented that the Hillcroft Bridge area suffered extensive damage due to recent flooding. Letters and applications were sent to various agencies requesting aid and the Army Corp of Engineers agreed to resurrect a previous proposal to correct the problem. The Emergency Water Shed Program will pay 75% of the cost and Erie County will pay 25%. The work will be done in conjunction with the waterline repairs to Hillcroft Drive. Supervisor Rood is investigating the availability of federal assistance in the form of Hazard Mitigation Grant Funds to assist in the waterline restoration project.

Received and filed Erie County Sheriff July 1998 Monthly Report.

The Boston Youth Baseball League sent a letter of appreciation to the Boston Town Board commending the Highway and Parks Departments for preparing the diamonds for the 1998 season.

Supervisor Rood commented that many compliments have been received for work done by the Highway and Parks departments.

A letter dated August 14, 1998, was sent to Lu-Don Drive residents from Supervisor Rood notifying residents that the Erie County Highway Department will ditch Boston State Road which will bring a solution to the long standing drainage problems in the area.

Superintendent Ruchalski commented that an easement could not be obtained for the Simmeth property. Erie County Representative Gary Kane, determined that running the water down the east side, south on Boston State Rd. would solve drainage problems in the Lu-Don area. This project will be completed this week or early next week.

A letter was read from James Kersten, 6480 Lu-Don Drive dated August 10, 1998 as a follow-up regarding the Lu-Don drainage problems.

REGULAR BOARD MEETING TOWN HALL
AUGUST 19, 1998 7:30 P.M.

REQUESTS FROM THE FLOOR

Herman Feldman, 4818 Eckhardt Road: For years we have had a traffic problem on Eckhardt and Taylor Roads and it is getting worse. Something has to be done before someone is killed. We need either a four way stop sign or a blinking red light. A group of us are here tonight and we want to know who is going to be designated to solve this problem? When kids get killed there everyone here is going to scratch their heads and wonder why we let this happen.

Town Attorney Perley: This is an intersection of two (2) county roads and the town cannot install anything there. I am aware of the problem and this is a situation where we must meet with the county and make a new application. Former Councilman Peter Walter attempted to get a four way stop sign placed there and big stop signs were installed for whatever good they do.

Herman Feldman: I talked to a county representative a few weeks ago and was told a crew would pull out the stake where a 35 mph speed limit sign was stolen. It is still there.

Town Attorney Perley: One of the problems we have had is that the county took the position that there hadn't been enough accident experience at that intersection. Accidents were documented and brought to their attention. We are going to re-document based upon the most recent accident which was in the newspapers and remind them of their own reasoning.

Councilman Simmeth: Erie County Traffic Safety Engineer Earl Dubin said he will schedule a meeting with Mrs. Sanders and Erie County Highway Officials Commerford and Kane. Mr. Dubin said he did not want to reverse the stop signs because doing this in the past has caused accidents. I have researched this and a four way stop sign has been previously denied but we can try again.

Joanne Sauders, 7097 Taylor Road: Mr. Dubin said there was no way I could have a guard rail installed in front of my house and there is no criteria for a stop sign on Taylor Road. He might consider a blinking light.

Supervisor Rood: I would suggest that a petition be signed by as many people as possible. We will start it here tonight. This is a county decision and we need to contact our county officials.

Councilman Wiktor: My suggestion is to use the power of the press which is sitting here tonight, by writing letters to the Buffalo News editor stating the condition of the road and why the county isn't taking care of the problem.

Councilman Simmeth: Residents have complained that a row of trees on the south east side of Taylor Road blocks the view at the stop sign causing cars to move out in the intersection. The trees are not in the county right-a-way so the property owner is responsible for trimming the trees.

Supervisor Rood: A show of hands demonstrates that everyone here would prefer a blinking red light on both sides over a stop sign.

Councilman Simmeth: Erie County Traffic Safety Engineer Earl Dubin has noted that a blinking light would cost the town $30,000.

Herman Feldman: Now isn't that ridiculous when I can make it for eighty to ninety dollars?

Councilman Simmeth: I will call Erie County Traffic Safety Engineer Earl Dubin tomorrow and schedule a meeting with Erie County Legislator Marshall, Town Attorney Perley and myself.

REGULAR BOARD MEETING TOWN HALL
AUGUST 19, 1998 7:30 P.M.

REQUESTS FROM THE FLOOR (CONT.)

Paul O'Brien, 7098 Taylor Road: I live on the northwest corner of the intersection and there have been many accidents there. Charlie Brown's trees don't bother the view they slow people down before they get to the intersection. If you want a solution and you can't put stop signs there, you can have the State Troopers put radar there and I will guarantee that within a month you will solve the problem and it won't cost a nickel.

Councilman Simmeth: I have been in contact with the NYS Police and a blitz is scheduled either this week or next week.

Councilman Tills: Why do you think a four-way stop sign won't work?

Paul O'Brien: In my opinion it might work but how about the people who have to live there with the noise, the fumes and with young kids pealing rubber during the night?

Councilman Tills: Do you think a four-way stop will help from a safety stand point of view?

Paul O'Brien: It would somewhat but you say you have roadblocks and you can't put signs there. It doesn't take a roadblock to get a State Trooper up there.

Barbara Meyer, 4651 Pinecrest Terrace: It was my mother-in-law who was involved in the last accident. Previous to this accident there have been at least five (5) accidents that I know of and perhaps the numbers are greater. Something should be done and quickly before there is a fatality. I don't think the four-way stop will work but the blinking light will. In my mother-in-law's accident it was a matter of visibility. She did stop but because the trees on Doctor Steckmeyer's property obstructed her view on the right, she assumed there was no traffic. Something should be done about the visibility. Lines should be painted on the highway with the stop sign so you come to a stop and ease into the intersection. I will circulate the petition.

Jeremy Rust, 4720 Edgewood Terrace: I am a Landscape Architectural Design student at SUNY Syracuse and one area of study is traffic concern and traffic safety problems. It is definitely a problem with trees on Dr. Steckmeyer's corner and the opposite corner. The Town of Boston plows plow our subdivision. It's approximately twelve feet from the tip of the plow blade to the windshield of the plow and if you have to pull up even with the intersection on the white line, past the stop sign, and that is where you need to stop, and hopefully your bumper is not hanging over a white line that is not painted there, if that is twelve feet over I can guarantee that the plow blade is well over the double yellow line. So it does concern this Town Board and each taxpayer because of insurance issues if the plow is involved in accidents. There is also concern for school busses. The trees infringe on the county intersection and something needs to be done.

Councilman Tills: Mr. Perley, has any former Town Board that has considered this problem in the past contacted any resident at either corner and assessed the site in respect to the trees?

Town Attorney Perley: Yes. Some trees have been removed.

Walter Slomka, 4714 Eckhardt Road: The problem is not only visibility but that no one passes my driveway at 35 mph. Why can't we get the speed limit changed to 30 mph and a State Trooper stationed in my driveway for about two weeks?

Town Attorney Perley: I doubt the speed limit can be changed to 30 mph. Eckhardt is now a shortcut between the 219 and the thruway.

REGULAR BOARD MEETING — TOWN HALL
AUGUST 19, 1998 — 7:30 P.M.

REQUESTS FROM THE FLOOR (CONT.)

Jeremy Rust: There are not enough speed limit signs on Eckhardt Road. The sign on Eckhardt coming from 391 approaching the Taylor Road intersection is either non existent or has fallen into the bushes. No one knows the speed limit and in NYS the law states with if there are no signs the speed limit is 55 mph.

Supervisor Rood: That I think we can do something about. As long as that is the posted speed limit we can have signs put up because it has already been approved.

Town Attorney Perley: There are members of the news here and it wouldn't hurt if there was another article on this problem.

Supervisor Rood: The petition is a good step and everyone should write to Erie County Legislator Marshall. I will call him tomorrow and discuss this with him. Councilman Simmeth will continue to work on this and Highway Superintendent Ruchalski will make sure the 35 mph speed limit signs are posted. The State Troopers will be patrolling there soon.

A motion was made by Supervisor Rood and seconded by Councilman Tills to grant the Boston Youth Baseball and Softball leagues permission to use the Lions Shelter on August 28, 1998 for a coach's appreciation party.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to grant Cheryl Spanic, 6857 Boston Cross Rd. permission to use the South Boston Park on August 23, 1998 for a birthday party.

five (5) Ayes — Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth to grant Cub Scout Pack #391 permission to use the South Boston Park and Shelter on August 29, 1998 for a family picnic.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead to grant the Patchin Fire Company permission to use the South Boston Park and Shelter on August 30, 1998 for a Fire Co. picnic.

five (5) Ayes — Carried

A motion was made by Councilman Simmeth and seconded by Supervisor Rood to approve the correction to the General Fund and Special Districts Abstract #7, dated July 22, 1998 as follows:

page #3 Voucher #552 National Fuel-Ambulance District SM4540.4	From $	50.23	To $ 50.73
page #4 Total Ambulance	From $	2,542.59	To $ 2,543.09
Total Abstract	From $	115,721.73	To $ 115,722.23

five (5) Ayes — Carried

A motion was made by Councilman Mead and seconded by Councilman Wiktor to authorize the transfer of fund balance of $7,628.53 to Water District #1, to close the Water #1 Pump and Tank Project:

From	- Capital Transfer H5031	$7,628.53
To	- Water #1 Cash SW1200	$7,628.53

five (5) Ayes — Carried

REGULAR BOARD MEETING
AUGUST 19, 1998

TOWN HALL
7:30 P.M.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to appoint Julie A. Costello as Assessment Clerk part-time, term to begin September 1, 1998 and expire on December 31, 1998, salary $3,046.14.

five (5) Ayes — Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth to authorize Supervisor Rood to enter into a contract with Certified Public Accountants Clark and Koller for preparation of the Town of Boston Annual Financial Statements, cost $2,750.00.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to authorize payment of $2,500 and tax adjustment of $10.00 to Richard and Joyce May for conveyance of vacant lot on Keller Road to the Town of Boston for the Water District #2 Pump Station.

five (5) Ayes — Carried

A motion was made by Councilman Tills and seconded by Councilman Wiktor to establish a Deferred Compensation Plan (457) for town employees and direct the Clerk to publish a public notice in the NYS Register.

five (5) Ayes — Carried

Supervisor Rood appointed Damian Wiktor, Richard Kennedy and Karen Ellis to the Deferred Compensation Plan Committee.

A motion was made by Supervisor Rood and seconded by Councilman Mead to refer to the Planning Board a Site Plan for Jerome and Betty Krencik for a craft and gift shop at 7130 Boston State Road for review and recommendation.

five (5) Ayes — Carried

A motion was made by Supervisor Rood and seconded by Councilman Wiktor to refer to the Planning Board a Site Plan for William Brunner for a parking lot at 7166 Boston State Road for review and recommendation.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead to grant Jeffery Kuhn a Soil Removal Permit for property at Boston State Road in North Boston.

five (5) Ayes — Carried

Supervisor Rood commented that in 1996 the Town of Boston was awarded a Community Development Block Fund Grant in the amount of $17,055 to make buildings on town property handicap accessible. A new rear outside door with building alterations needs to be installed on the Boston Town Hall to permit handicap accessibility.

On August 12, 1998 at 10:00 a.m. bids were received, opened and read aloud for the Handicap Accessibility Alteration Project as follows:

Landmark Construction Co., Inc.	$17,290.00
Peyton Barlow Co.	$21,700.00
Kirst Construction, Inc.	$21,715.00
North Boston Construction	$31,218.00

REGULAR BOARD MEETING — TOWN HALL
AUGUST 19, 1998 — 7:30 P.M.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth, on the recommendation of R & D Engineering, P.C. and review by Town Attorney Perley, to award Landmark Construction Co., Inc. the contract for the Handicap Accessibility Alteration Project at a cost of $17,290.

five (5) Ayes — Carried

On August 12, 1998 at 2:00 a.m. bids were received, opened and read aloud for a One Ton Cab/Chassis and Dump Body as follows:

	Company	No Trade	With Trade
Cab/Chassis	Joe Basil Chevrolet	$21,935	$21,635
	Emerling Springville	$22,890	$22,040
	Emerling Boston	$23,868	$22,868
Dump Body	Valley Fab & Equip		$ 2,589
	General Welding		$ 3,610 or 3,681
	Kaminski Truck Equip.		$ 3,735

A motion was made by Councilman Simmeth and seconded by Councilman Wiktor, on the recommendation of Highway Superintendent Ruchálski, to award the contract for a Cab/Chassis to Basil Chevrolet for $21,635 (with trade) and for the Dump Body to Valley Fab Equipment for $3,589.90.

five (5) Ayes — Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth to authorize the Clerk to advertise for bids for the Hillcroft Drive Waterline Repairs and schedule the bid opening for September 11, 1998 at 2:00 p.m.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Tills to appoint Joyce Rote as a Clerk, part-time, term to begin 8/19/98, and expire on 12/31/98, at a salary of $9.00 per hour.

five (5) Ayes — Carried

SUPERVISOR REPORT

A) Supervisor Monthly Bank Account Report for July 1998 was received and is on file in the Clerk's Office.

Supervisor Rood reported that Steve Tybor, 6540 Hillcroft Drive, inquired if the Town could clean up the creek. The town cannot go on private property but the DEC does not require a permit for manual cleaning of the creeks as long as no equipment is used and the creek beds or banks are not disturbed. Under the FEMA Program federal assistance is available for workers working overtime. Mr. Tybor will distribute flyers to residents to join a volunteer group on September 12, 1998 and meet at the Hillcroft Bridge at 8:00 a.m. Work will begin at the Hillcroft Bridge and work both ways as far as possible. The Town Highway Department will pick-up wood and debris from the roadway and the cost will be paid under the FEMA Program. Supervisor Rood commended Mr. Tybor for coordinating this effort.

Supervisor Rood reported that Deputy Town Clerk Karen Ellis will contact Computel Consultants in an effort to save the town money on utility bills. The company will research our previous bills and secure the lowest rates and obtain reimbursements if there was an overpayment. The fee for this service is 50% of what is saved or recouped so there is no cost to the town. Supervisor Rood has been in contact with TRC Potter Group, a company who will buy out the service contracts for the town and insure them at no cost to the town.

REGULAR BOARD MEETING — TOWN HALL
AUGUST 19, 1998 — 7:30 P.M.

TOWN CLERK REPORT

A) Vital Statistics Report for July 1998 was received and is on file in the Clerk's Office.

B) Tax Collector Report for July 1998 was received and is on file in the Clerk's Office.

Town Clerk Shenk announced that hunting licenses went on sale Monday, August 17, 1998. Deer management permits are due on Friday, September 11, 1998.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Ruchalski reported that he met with owner Mr. Ekis, Town Engineer Harris, and the contractor on August 17, 1998 regarding construction of the Polish Hill Project and inspected the progress of the road. The road meets all specifications at this point. The last phase of oiling and stoning will be done on August 20, 1998 weather permitting.

Councilman Tills: What do you expect the Highway Department will do with the trees from the Hillcroft Bridge area clean-up?

Highway Superintendent Ruchalski: The wood will be cut in reasonable lengths and piled behind the town garage before being ground up into chips for the residents.

TOWN ATTORNEY REPORT

Town Attorney Perley received an application from John Moore of SBA, owner of the Sprint Tower site, regarding modification of the site plan to build a larger building at the tower site for the purpose of potential co-locations.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to refer to the Planning Board for review and recommendation, the application of John Moore of SBA for the modification of the site plan to build a larger building at the Sprint Tower site for the purpose of potential co-locations.

five (5) Ayes — Carried

Town Attorney Perley has been requested by the Town Board and the Code Enforcement Officer to determine if the processing of topsoil is permitted on the Clark property at 6752 Mill Street. The property is zoned C-1 and the processing of topsoil is not a permitted activity. Town Attorney Perley will prepare a Cease and Desist Order for serving on August 20, 1998.

Town Attorney Perley reported that regarding the status of Water District #3, formal agreements of the Joint Use of Facilities between the towns of Colden and Boston have been sent to the Colden Town Attorney. A similar agreement has been sent to the Orchard Park Town Attorney. Favorable responses are anticipated by the end of next week and can be presented to the Town Board for signatures. Town Attorney Perley will provide the ECWA Attorney with the formal agreements as requested.

Town Attorney Perley reported that regarding Water District #2, the deed for the May property will be filed on August 20, 1998. Provisions have been incorporated into the lease in consultation with Michael Sutton, Chief Financial Officer of Public Television, concerning the repair, alteration or replacement of the tank. The lease is not yet final but from an engineering standpoint there is no problem.

REGULAR BOARD MEETING
AUGUST 19, 1998

TOWN HALL
7:30 P.M.

TOWN ATTORNEY REPORT (CONT.)

Town Attorney Perley reported that the Dzierzanowski issue was before the Town Court in early August and was adjourned. Mr. Dzierzanowski has removed over forty (40) tons of material from his property according to the tipping receipts. A pre-trial conference has been scheduled by Judge Bender for August 31, 1998 at 5:45 with the Town Prosecutor. If Town Attorney Perley is unable to attend the Town Prosecutor will be fully briefed and steps will be taken to continue to obtain compliance from Mr. Dzierzanowski.

Town Attorney Perley was requested by the Town Code Enforcement Officers to render an opinion of what a professional sign is and a formal letter will be sent to Code Enforcement Officer Kramer. A professional sign is for an individual in a licensed profession in the State of New York such as Doctor, Accountant, or Lawyer. It does not apply to siding installers etc.

Town Attorney Perley noted that regarding the Emerling subdivision the Town Board has received a copy of the final plat. The Planning Board was unable to act on it because the developer could not obtain ECWA approval until the tank and pump station project was completed. Since that is now done the Planning Board reopened the file and the matter is scheduled for a Public Hearing on the final plat on August 25, 1998. When the final plat is submitted, section 104-19 of the town code provides that the final plat is submitted to the Town Board for its review and recommendation prior to the Planning Board taking final action. Town Attorney Perley requested that Town Board members review the final subdivision plat and make recommendation at the September 2, 1998 Town Board meeting. It is anticipated that the Planning Board will take action in September.

COUNCILMAN REPORT

Councilman Mead reported that at the July 28, 1998 Planning Board meeting the Hickory Meadows Subdivision was discussed and Maurice and Pearl Emerling were advised to revise the restrictive conveyances. The Polish Hill proposed subdivision and the dedicated road were discussed in reference to Engineer and Highway Superintendent approval of specifications when complete.

Councilman Mead will attend the Nutrition Project Council meeting at the West Seneca Jewish Center on September 17, 1998.

Councilman Mead will attend the NYS Office of State Comptroller, Division of Municipal Affairs, Statewide Satellite Tele-conference on September 10, 1998.

Councilman Mead announced that the Boston Chamber of Commerce will sponsor an Ice Cream Social at the Summer Concert Series, August 25, 1998 at the Boston Lions Shelter.

Councilman Wiktor congratulated the town band, the Trapezium Quartet and Mrs. Gene Ruchalski for their concert on August 4, 1998. There were over four hundred people in attendance.

Councilman Wiktor attended the Southtowns Planning and Development Group meeting on July 27, 1998 in the Town of Evans. The guest speaker was the Director of the Institute for Local Governments and Regional Growth at the University of Buffalo and also the Chairman of the Municipal Grant Program. The topic of regionalism in Erie County was discussed.

Councilman Wiktor noted that at the July 22, 1998 Town Board meeting he reported that Emergency Medical Services Advanced Life Support training reimbursement and regional program agencies have experienced severe funding cuts. Councilman Wiktor contacted Senator Volker and Assemblyman Smith on this problem and Senator Volker responded that this matter will be a priority when session

REGULAR BOARD MEETING
AUGUST 19, 1998

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.)

Councilman Wiktor (cont.)

convenes in the fall and funds will likely be reinstated. A letter was sent to the NYS Health Department from the Western NYS Senators and Assemblymen inquiring why the NYS Government was not informed that the NYS Health Department's budget was cut.

Councilman Wiktor reported that he and Supervisor Rood are working with the Springville FEMA Program Inspector to recoup funds expended by our volunteer fire companies during the June/July floods.

Councilman Wiktor will attend a meeting on August 27, 1998 with the three (3) fire companies to begin negotiations for the upcoming three (3) year contract with the Town of Boston.

Councilman Simmeth noted that he will schedule a meeting with Mrs. Sanders regarding the Taylor and Eckhardt Roads intersection.

Councilman Simmeth reported that he and Town Clerk Shenk are working on the TE9 and TE10 report for the Boston State and Boston-Colden Roads intersection. Earl Dubin, Erie County Traffic Safety Engineer stated that the work orders are in for installing another stop sign and removing the destination sign.

Councilman Simmeth discussed with Highway Superintendent Ruchalski the possibility of requesting that Erie County Highway Department install a stop sign on Back Creek and Polish Hill Roads when Polish Hill Road is dedicated.

Councilman Simmeth announced that the Solid Waste Committee has reviewed the Refuse and Garbage contract.

Councilman Tills noted that he received correspondence from the Hamburg Chamber of Commerce regarding the development of a Regional Use Master Plan which would involve the south towns. One goal is to include assembling business community academic leaders throughout Erie County for input in this regional planning effort. Other goals include the collecting and examining of existing master plans, retaining a Growth and Development Consultant, conducting informal citizen discussions and fostering a census for future southtowns growth. This would be a comprehensive master plan and involve the southern towns in one general master plan.

Councilman Tills reported that he is in charge of researching the feasibility of a parade for the First Annual Event Festival which will be held in July 1999. After consulting with a person knowledgeable about parades it was discovered that there was a significant expense involved in attempting to attract groups from outside the town. Local groups can participate and Councilman Tills will contact a representative from the Shriners Group for their input. Anyone else interested in being involved in the parade issue may contact Councilman Tills.

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer monthly report for July 1998 was received and is on file in the Clerk's Office.

B) Deputy Code Enforcement Officer monthly report for July 1998 was received and is on file in the Clerk's Office.

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officer monthly report for July 1998 was received and is on file in the Clerk's Office.

REGULAR BOARD MEETING
AUGUST 19, 1998

TOWN HALL
7:30 P.M.

DOG CONTROL OFFICER MONTHLY REPORT (CONT.)

B) Deputy Dog Control Officer monthly report for July 1998 was received and is on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for July 1998 was received and is on file in the Clerk's Office.

A motion was made by Councilman Tills and seconded by Councilman Simmeth to adjourn the meeting at 9:17 p.m.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
SEPTEMBER 02, 1998 — 7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Stephen K. Tills, Councilman Karl J. Simmeth Jr., Councilman Dennis J.Mead, Supervisor Lisa M. Rood, Highway Superintendent Eugene E. Ruchalski and Town Attorney Michael F. Perley.

A motion was made by Supervisor Rood and seconded by Councilman Mead to adopt the minutes of the August 19, 1998 Town Board Meeting.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #9, dated September 2, 1998 in the amount of $60,077.36 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Tills and seconded by Councilman Mead, upon review by the Town Board, that the Highway Bills on Abstract #9, dated September 2, 1998, amount of $24,953.26 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead to accept the Town Clerk Monthly Report for August 1998.

five (5) Ayes — Carried

Received and filed a letter dated August 19, 1998 from James Kersten, 6480 Lu-Don Drive regarding the Lu-Don drainage problem.

Supervisor Rood noted that she has been in contact with Mr. Kersten and that the drainage ditch was recently dug from Churchill Memorial Church, south on Boston State Road. The Erie County Highway Department devised and implemented the plan.

Received and filed a denial from the Erie County Highway Department and the NYS DOT for the lower speed limit request on Back Creek and Zimmerman Roads.

Councilman Simmeth directed the Town Clerk to send copies of the speed limit denials for Back Creek and Zimmerman Roads to Dr. Peter Roswell, Superintendent of Hamburg Central School District, and Angela Curtis, Director of Administrative Services. Councilman Simmeth will approach the Erie County Highway Department to install signs and/or flashing lights in the area.

A motion was made by Councilman Mead and seconded by Councilman Wiktor to authorize Supervisor Rood to sign the NYSEG Easement for the Water District #2 Pump Station at Keller and Feddick Rds.

five (5) Ayes — Carried

Supervisor Rood reported that Richard and Joy Boyd, owners of the Boyd Mobile Home Court Trailer Park, were given a thirty (30) day extension to complete repairs for the renewal of the annual Mobile Home Court License. To date, the Mobile Park is still in violation of Town Code.

Town Attorney Perley noted that the unlicensed operation of a Mobile Home Court Park constitutes an offence under section 70-15 of Town Code, punishable by a $250 fine and fifteen (15) days in jail or both. Each week in violation constitutes a separate offence. The Town Board must deny the license before beginning enforcement proceedings.

REGULAR BOARD MEETING — TOWN HALL
SEPTEMBER 02, 1998 — 7:30 P.M.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to grant a fourteen (14) day extension until on or before 5:00 p.m. September 16, 1998, for compliance with Town Code for a Mobile Home Court License to Richard and Joy Boyd or be subject to enforcement.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead, on the recommendation of the Planning Board, to approve the Craft and Gift Shop site plan for Jerome and Betty Krencik, 7130 Boston State Road.

five (5) Ayes — Carried

Received and filed notification from the Boston Planning Board that the Hickory Meadows Subdivision application was tabled pending Town Board review and report.

A motion was made by Councilman Mead and seconded by Councilman Simmeth, upon Town Board review, to recommend to the Planning Board the road name of Hickory Meadows Drive, Maurice and Pearl Court and to voice concerns regarding street lighting for the Hickory Meadows Subdivision.

five (5) Ayes — Carried

Received and filed notification from the Planning Board that a Public Hearing is scheduled for September 8, 1998 at 8:00 p.m. regarding the Polish Hill Subdivision preliminary Plat

Received and filed notification from the Planning Board of a recommendation against approval of the Upstate Cellular (Frontier Cellular) application due to the need for a variance and the co-location issue.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to schedule a Public Hearing for September 16, 1998 at 8:00 p.m. on the Upstate Cellular (Frontier Cellular) Special Use Permit application.

five (5) Ayes — Carried

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to approve the correction of the August 19, 1998 Transfer of Fund Balance for Water District #1 Pump and Tank Capital Project as follows:

From Fund Bal		$7,628.53	to	$6,516.13
From Capital Transfer		H5031		$7,628.53
To Water #1	Cash	SW1200		$6,516.13

five (5) Ayes — Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth to authorize Supervisor Rood to sign an Engineering Services Proposal with R & D Engineering, P.C. for the Hillcroft Waterline Rehabilitation at Creek Crossing, fee of $4,900.

five (5) Ayes — Carried

Supervisor Rood announced that an application has been made to the Hazard Mitigation Grant Fund Program which offers aid for utility breakdowns in areas damaged prior to the June and July floods. Upon application approval, 75% of all costs incurred for the restoration project will be funded.

REGULAR BOARD MEETING — TOWN HALL
SEPTEMBER 02, 1998 — 7:30 P.M.

A motion was made by Councilman Wiktor and seconded by Councilman Tills to authorize the Clerk, on the recommendation of the Highway Superintendent, to advertise in a two (2) part bid, for a 1999 Medium Size Truck and snow equipment. Bid opening will be scheduled for September 30, 1998 at 2:00 p.m.

five (5) Ayes — Carried

A motion was made by Councilman Simmeth and seconded by Councilman Tills to authorize payment of Water District #2 and Water District #2 Extension #2 bills when Bond Funds are available as follows:

As of 9/2/98:	8/27/98	Kandy Company	$23,804.86
	9/01/98	Eastern Summit Development	$17,785.36
	9/01/98	Eastern Summit Development	$51,739.89

five (5) Ayes — Carried

Town Attorney Perley noted for clarification of the record that these bills are the approved amounts from the engineer and all applicable retainers have been deducted.

SUPERVISOR REPORT

A) Supervisor Monthly Bank Account Report for August 1998 was received and is on file in the Clerk's Office.

Supervisor Rood reported that she met with Councilman Wiktor, Superintendent Ruchalski and FEMA representatives on September 1, 1998 for a site inspection of damage to the park, nature trail, and Trevett Road along the waterline. An application has been made to the FEMA Program and upon approval, reimbursement will be made to the Highway Department for vehicle use and overtime incurred for the September 12, 1998 creek clean-up.

TOWN CLERK REPORT

A) Vital Statistics Report for August 1998 was received and is on file in the Clerk's Office.

B) Tax Collector Report for August 1998 was received and is on file in the Clerk's Office.

TOWN ATTORNEY REPORT

Town Attorney Perley reported that he spoke with the WNED Vice President and Chief Financial Officer and finalized the terms of the proposed WNED ninety-nine (99) year lease for the tank site.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to authorize Supervisor Rood to execute the WNED Lease Agreement.

five (5) Ayes — Carried

COUNCILMAN REPORT

Councilman Mead reported that he attended a Nutrition Program picnic on Friday, August 28, 1998 and will attend the Nutrition Project Council Meeting on September 17, 1998. Councilman Mead is encouraging greater participation in the program and will seek new ideas to increase program enrollment.

Councilman Mead reported that Tuesday, August 25, 1998 was the last concert for the Boston Summer Concert Series. The Boston Chamber of Commerce Ice Cream Social at the concert was a success.

REGULAR BOARD MEETING
SEPTEMBER 02, 1998

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.)

Councilman Wiktor reported that the appropriate forms have been received and transmitted to Albany for Senator Volker's grant for the Volunteer Fire Companies. The Erie County Regionalism Grant will remit funds to the town to pay for the Volunteer Fireman's Air Bank System. Funds for the Air Bank System should arrive in late October.

Councilman Wiktor reported that Rural Transit Coordinator, Betsy Fadale, announced that volunteers are needed as drivers for the Rural Transit Van and interested parties may contact her at the Boston Town Hall or at 472-6090.

Councilman Simmeth announced that Erie County will sponsor a Household Hazardous Waste Drop-off on Saturday, September 12, 1998, from 9:00 a.m. to 2:00 p.m. at the C.I.D. Refuse Recycling facility, Hopkins and Tifft Streets in Buffalo.

Councilman Simmeth reported that he met with Supervisor Rood, Erie County Legislator Marshall, and Erie County Traffic Engineer Earl Dubin at the intersection of Taylor and Eckhardt Roads on Friday, September 28, 1998. Mr. Charles Brown has agreed to remove the first row of trees on his property that interfere with utility wires plus two trees located at the corner which should alleviate some visibility problems. The Highway Department repaired the bent speed limit sign in the area and NYS Troopers will patrol Taylor Road as well as Eckhardt Road. Erie County has determined that traffic at the intersection does not warrant a four-way stop sign and there must be at least five (5) recorded accidents in a twelve (12) month period to warrant installing other traffic devices. A stripe and the word "stop" painted on the road is being considered.

Councilman Tills reported that he is continuing discussions with Mrs. Dye, whose property is adjacent to the South Boston Park, to either deed or grant a right-a-way to citizens for ingress and egress to the park from Sunset Lane.

Councilman Tills noted that he was pleased that the Highway Department removed the graffiti from Highway Dept. equipment.

Supervisor Rood reported that there was considerable vandalism in the North Boston Park. The Town recently reconditioned the concession stand, the drainage and the soccer field. Someone drove a vehicle making doughnuts through the new soccer field, the new drainage lines and shot out the glass block windows in the new building. Supervisor Rood requested anyone with information on the vandalism to contact her and she will press charges. A gate will be installed at the park entrance in hopes of preventing future damage.

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer monthly report for August 1998 was received and is on file in the Clerk's Office.

B) Deputy Code Enforcement Officer monthly report for August 1998 was received and is on file in the Clerk's Office.

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officer monthly report for August 1998 was received and is on file in the Clerk's Office.

B) Deputy Dog Control Officer monthly report for August 1998 was received and is on file in the Clerk's Office.

0002219

REGULAR BOARD MEETING
SEPTEMBER 02, 1998

TOWN HALL
7:30 P.M.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for August 1998 was received and is on file in the Clerk's Office.

Supervisor Rood reported that the Engineer inspected the Brown Hill Road site and the pump station behind Rucker Lumber Company after the demolition project was completed. The brick building behind Rucker Lumber will be used by the town for storage.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to adjourn the meeting at 8:17 p.m.

David J. Shenk
DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
SEPTEMBER 16, 1998 — 7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Stephen K. Tills, Councilman Karl J. Simmeth Jr., Councilman Dennis J.Mead, Supervisor Lisa M. Rood, and Town Attorney Michael F. 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 Tills and seconded by Councilman Simmeth to adopt the minutes of the September 2, 1998 Town Board Meeting.

five (5) Ayes — Carried

A motion was made by Councilman Simmeth and seconded by Councilman Tills, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #9A, dated September 16, 1998 in the amount of $60,221.70 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Mead and seconded by Councilman Wiktor, upon review by the Town Board, that the Highway Bills on Abstract #9A, dated September 16, 1998, amount of $8,970.18 be paid.

five (5) Ayes — Carried

Received and filed a letter from Erie County Legislator Frederick Marshall noting that the Town of Boston and Erie County have reached an equitable and practical solution to the Lu-Don drainage problem.

Received and filed notification from NYS DOT of a Public Hearing on September 30, 1998 at the Orchard Park Town Hall regarding the US219, Southern Expressway and Route 391 to Duerr Road Overpass.

Received and filed notification from Erie County Dept. of Environment and Planning of a Mercury Thermometer Exchange on September 25, 1998 at 95 Franklin Street, 7:00 a.m. to 2:00 p.m.

Councilman Simmeth noted that the Town Board and the Conservation Advisory Council are considering offering a Mercury Thermometer Exchange at the Town of Boston Earth Day Program 1999.

Received and filed August 1998 Erie County Sheriff Monthly Report.

Received and filed notification from the Planning Board that the preliminary subdivision plat for the Polish Hill Subdivision was tabled at the Public Hearing on September 8, 1998.

A motion was made by Councilman Simmeth and seconded by Councilman Tills to approve the General Fund and Special Districts Correction to Abstract #9 September 2, 1998 as follows:

General Fund	From:	$ 9,010.80
	To:	$ 9,137.60
Total Abstract	From:	$60,077.36
	To:	$60,204.16

five (5) Ayes — Carried

Town Attorney Perley commented that in connection with the borrowing done for Water District #2 and Water District #2 Extension, money will be borrowed from Fleet Bank. The Town of Boston must open an account as one condition of the very favorable rate that we are receiving. Since a municipality account could

TOWN OF BOSTON

RESOLUTION 1998-29

OUTDOOR RECREATION & LANDOWNER LIABILITY BILL

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 16th day of September, 1998 at 7:30 p.m., there were present:

Lisa M. Rood	Supervisor
Damian P. Wiktor	Councilman
Stephen K. Tills	Councilman
Karl J. Simmeth	Councilman
Dennis J. Mead	Councilman

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

WHEREAS, the Outdoor Recreation & Landowner Liability bill (S.2803-B/A.4793-B) would amend Section 9-103 of the State's General Obligations Law (GOL), and

WHEREAS, under this section, landowners who open their lands are protected from lawsuits by people who are injured while engaged in an a current list of enumerated activities, and

WHEREAS, the proposed amendment would expand the definition of Section 9-103 of the General Obligation Law to include "any recreational use", and

WHEREAS, a Cornell University recent study showed that over 100,000 acres of formerly open land are being posted each year, as the courts have found owners liable for injuries of people engaged in activities not specifically listed in Section 9-103, and

WHEREAS, this legislation would expand landowners' limited liability for people engaging in "any recreational use", which is currently the standard in at least twenty-three other states, and would in no way affect the existing standard of liability for landowners "for willful or malicious failure to guard or warn against, a dangerous condition, use, structure or activity".

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Boston supports the **Outdoor Recreation & Landowner Liability bill (S.2803-B/A.4793-B)**, and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to Senator Dale M. Volker and Assemblyman Richard A. Smith.

Motion was seconded by Councilman Mead and duly put to a vote, as follows:

Supervisor Rood	Voting Aye
Councilman Wiktor	Voting Aye
Councilman Tills	Voting Aye
Councilman Simmeth	Voting Aye
Councilman Mead	Voting Aye

Ayes: 5 Noes: 0 Carried

David J. Shenk

David J. Shenk, Town Clerk

TOWN OF BOSTON

TOWN OF BOSTON

RESOLUTION 1998 - 30

ERIE COUNTY CONSORTIUM FOR THE COURT RECORDS INITIATIVE

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 16th day of September 1998 at 7:30 P.M. Eastern Standard Time, there were:

Present:	Lisa M. Rood	Supervisor
	Damian P. Wiktor	Councilman
	Dennis J. Mead	Councilman
	Karl J. Simmeth Jr.	Councilman
	Stephen K. Tills	Councilman

Councilman Tills presented the following resolution and moved its adoption:

WHEREAS, the Boston Town Board wishes to participate in the Erie-Monroe County Consortium for the Court Records Initiative Grant and,

WHEREAS, the Village of Blasdell will be the Lead Agency, other participating municipalities include the Villages of: Alden, Depew, Lancaster, and the Towns of: Boston, Brant, Chili, Elma, Gates, and Grand Island.

NOW THEREFORE:

BE IT RESOLVED, the Erie-Monroe Consortium will make a request to the State Education Department through the Local Government Records Management Improvement Fund in an amount not to exceed $75,000,

BE IT FURTHER RESOLVED, these funds will be used to inventory and purge court records, as well as to establish a Files Management Plan for the municipalities,

BE IT FURTHER RESOLVED, the Town Board authorizes Supervisor Rood to execute all documents which pertain to this grant.

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

Supervisor Rood	Voting AYE
Councilman Wiktor	Voting AYE
Councilman Mead	Voting AYE
Councilman Simmeth Jr.	Voting AYE
Councilman Tills	Voting AYE

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

David J. Shenk

DAVID J. SHENK, TOWN CLERK

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Town Attorney Perley (Cont.): exceed the maximum insurable amount of $200,000, the NYS Comptroller requires that the Town Board enter into a third party custodial collateral agreement, wherein the bank certifies to the town that it has the requisite collateral, securities and other assets to cover any uninsured amount on deposit with the bank.

A motion was made by Councilman Mead and seconded by Councilman Tills to authorize Supervisor Rood to execute a Third Party Custodial Collateral Agreement and designate the Supervisor and Deputy Supervisor as the official representatives to Fleet Bank.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to authorize Supervisor Rood to open an account at Fleet Bank, Hamburg Office and authorize the signature cards on behalf of the Town of Boston.

five (5) Ayes — Carried

Received and filed a Memo from NYS Legislative Commission of Rural Resources in support of Commission Landowner Liability Legislation.

RESOLUTION 1998-29 OUTDOOR RECREATION & LANDOWNER LIABILITY BILL

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth, on the recommendation of Records Management Officer Shenk, to adopt a Records and Retention Schedule for the Court Office.

five (5) Ayes — Carried

five (5) Ayes — Carried

RESOLUTION 1998-30 ERIE COUNTY CONSORTIUM FOR THE COURT RECORDS INITIATIVE

Received and filed a letter and a Soil Removal Application for a permit from Sharco Enterprises, Inc. dated September 10, 1998.

Town Attorney Perley noted that in his legal opinion regarding the Soil Permit Application of Sharco Enterprises, Inc., 6752 Mill Street, the activity of material processing is not covered by the Soil Removal Permit and is not a permitted activity in a C-1 zone. The Code Enforcement Officer will serve a Cease and Desist Order within the next two (2) weeks.

A motion was made by Councilman Wiktor and seconded by Councilman Tills to reject the Sharco Enterprises, Inc. Soil Permit Application and refund the permit fee.

five (5) Ayes — Carried

Supervisor Rood noted that regarding the Boyd Mobile Home Court License renewal, Mr. & Mrs. Boyd were granted an extension to fence an open culvert and replace a roof on trailer #54. The culvert area is fenced and the tenant of trailer #54 is in the process of being evicted and the trailer will be removed.

A motion was made by Councilman Tills and seconded by Councilman Simmeth to approve renewal of the Boyd Mobile Home Court license.

five (5) Ayes — Carried

Received and filed notification from the Planning Board of approval of the William Brunner Site Plan, 7166 Boston State Road with the following conditions:

1. 13 parking spots
2. Addition of one tree in the front
3. Guarantee of landscaping in the front of building.
4. Future parking would have to be in the back of the building

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A motion was made by Supervisor Rood and seconded by Councilman Mead to table to the October 7, 1998 Town Board Meeting, the William Brunner Site Plan, 7166 Boston State Road and refer site plan to the Conservation Advisory Council for review and comment with the recommendation that a landscape plan be in place.

five (5) Ayes — Carried

Received and filed notification of approval from the Planning Board for the SBA John Moore, site plan, 6405 Ward Road.

A motion was made by Councilman Mead and seconded by Councilman Simmeth, on the recommendation of the Planning Board, to approve the SBA John Moore, site plan, 6405 Ward Road.

five (5) Ayes — Carried

Received and filed notification of approval from the Planning Board for the Hickory Meadows Subdivision with the following conditions:

1. Streets need to be named as follows:
   The circle to be Hickory Meadows Drive
   The two cul-de-sacs to be Pearl Court and Maurice Court.

2. Contribution of $300.00 per lot, to the Recreation Trust Fund, in lieu of the setting aside of 10% of the land. Time of payment to be determined between Mr. & Mrs. Emerling and the Town Board.

On Friday, September 11, 1998 at 2:00 p.m. the Town of Boston received five (5) bids for the Water Systems Improvements Contract No. 1 Project, as follows:

Kandey Company	$ 23,700.00
70 Sheldon, Inc.	60,711.00
STC Construction	74,976.00
S. St. George Enterprises, Inc.	77,102.00
Triple R Development of WNY	151,150.00

R & D Engineering, P.C. recommended awarding Contract No. 1 to Kandey Company, total bid amount of $23,700.00, contingent upon the availability of project funding and review by the Town Attorney.

Supervisor Rood commented that the Water Systems Improvements Contract No. 1 Project is a water line crossing that was damaged in January 1998. The Town submitted an application to the Hazard Mitigation Grant Fund Program through the FEMA Program and up to 75% of the funding may be covered. There is work being done on the other side of Hillcroft Bridge from NRCS and Erie County has contributed 25% of in kind services to this project. The two projects are being coordinated so that the creek would only be de-watered once. A special Board meeting could be conducted to award the bid to the lowest bidder, Kandey Company, when the Hazard Mitigation Grant Fund Program application is approved. The Town has 45 days from Sept. 11, 1998 to award the bid at the prices bid.

Town Attorney Perley noted that he has reviewed the bid documents received from the Town Engineer and has found everything to be satisfactory from a legal standpoint which will remove the contingency of attorney approval on the Engineer's recommendation.

At 8:00 p.m. a Public Hearing was held to consider the application of Upstate Cellular Network for a Special Use Permit to construct a tower and operate a Cellular Telephone Communications Facility at 8741-A Cole Road.

A motion was made by Supervisor Rood and seconded by Councilman Tills to open the Public Hearing.

five (5) Ayes — Carried

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Public Hearing (Cont.):

Supervisor Rood read the legal notice and noted that twenty (20) neighboring property owners were notified.

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 16, 1998 at 8:00 p.m., Eastern Prevailing Time, to consider the application of Upstate Cellular Network for a Special Use Permit to construct a tower and operate a cellular telephone communications facility at 8741-A Cole Road.

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

DATED: September 3, 1998
PUBLISHED: September 10, 1998
BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK
9-10

Town Attorney Perley: For the benefit of the Town Board this matter has been before the Planning Board for at least three (3) formal meetings, during the course of which there has been numerous documents that have been prepared. The Public Hearing this evening is for the Town Board to receive comments from both the applicant and the public and additional documents, including what you will see tonight, I imagine some colored exhibits. Those colored exhibits were submitted to the Planning Board and referred to the Town Board, which of course I don't believe the Town Board had. What you see tonight in terms of propagation studies are in full color. You will receive your own, I think they're 11 by 17, for your own review, in addition to your own copy by the town's consultant preparing the submittal, the consultants correspondence to us as well as other correspondence that we have received from any engineers you may hear about tonight, some of which may be referenced to in Mr. Greiner's comments. Just so the Board is aware, many of the documents you see tonight are larger exhibits. We will be providing some to you for your own personal review in the very near future.

Thomas Greiner, Partner in the Law Firm of Nixon, Hargrave, Devans & Doyle, in Rochester at Clinton Square, 14603: With me tonight are two (2) people from the telephone company and Upstate Cellular Network. One is Gerald Brophy, Project Manager for this site and the other is Robert Ritz, who is the RF Engineer. He's responsible for the Buffalo Region at Frontier. We have people in Buffalo, Rochester and Syracuse to handle the license area for the company.

We are here as the notice stated, for a special permit to operate, construct and operate a cellular wireless telephone tower and facility and in addition to this special permit, we will also require, in order to construct the site at this location, we will require two (2) area variances from the Zoning Board of Appeals.

Just to give you a sense of the prior history here, we made our application, I believe by letter dated March 31, 1998 and as Mr. Perley indicated, we've had several appearances before the Planning Board. April 28th, May 26th, June 9th and August 25th was the last time we were in front of the Planning Board. At that time the Board recommended a denial and I have just received from Mr. Perley, the minutes here and the motion was that the Planning Board recommended against approval because presumably, Upstate Cellular needed a variance and perhaps a suitable co-location for the site can be found, co-locating meaning, I believe, locating our antennas and our sites at another existing structure, presumably a tower.

At the time of the application, we did not know precisely how tall the tower needed to be and the application reads, "a cell site tower up to 190 feet", in height and that's the way the application read. We have since modified the application somewhat and I will get into that and the modifications along the way.

I think it's important to try to provide a little bit of background about how cellular works and how we came to be in this area, what the problems are that the telephone company faces and what our solution is and some of the other aspects but I think the background is important.

Cellular developed after the 1950's, 60's. That is when it

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Public Hearing (Cont.):

Thomas Greiner (cont.): started. To give you an idea, it actually occupies a radio frequency spectrum, which goes from power lines and electric toasters down to 60 hertz, all the way up to gamma rays. We're way down but we're still quite away from the electric toaster ban but it developed in the same region as UHF T.V. and the upper bands, Channel 71.

I am going to look at Bob Ritz when I talk technical terms in case I miss something or misstate something. I'd like Bob to correct me but basically, Channel 71 and us are appropriated by the FCC out of UHF T.V., out of UH T.V., because UHF T.V. did not pan out as everyone had expected because of the advent of cable. So they had a certain area radio spectrum and the FCC took away the upper piece of that and gave it to cellular as it was developing and what's where it is and if anyone's interested in where it's broadcasting from, it would be in the upper ban of what was UHF T.V.

The country was divided up by the FCC into regions, licensed areas. Then within these licensed areas, licenses were afforded to both wire line telephone companies and entrepreneurial groups who would, without owning and operation wire line telephones, would simply create a cellular system. B band is a wire line telephone company and A band is the entrepreneurial type. The A band is this area, (indicating) Cell One and the B band is Upstate Cellular Network, which is a joint venture of Frontier Cellular, which is the old Rochester Cell Mobile and NYNEX, which is now Bell Atlantic. That's the B band, that's the wire line license, that's the B band.

If you can imagine that the spectrum that was afforded to cellular is fairly narrow, you can begin to understand why this is an extremely low power system. The idea behind this is, that if you divided up an area into, basically hexagonal areas, which gives the names cell by the way, cellular comes from the hexagonal area of a honeycomb of an area. You divide them up into areas. Each one of those cells, each one will have a cell site and the idea is that you're broadcasting at extremely low power.

You can use and reuse that narrow band of frequency that you have, so that you can create capacity so more and more people in a given small area can use a cellular telephone at the same time. If you could not do that, if you didn't have the capacity, you couldn't make a phone call, and in fact, to this day, if you have a cellular phone and you hear rather annoying sounds, it means that you're not making your telephone call because it's blocking because that site is operating to its full capacity. All radios are being used and you simply cannot make a phone call because there are no radios free to use.

Cellular is nothing really more than a two-way radio, that's all it is. So we have low power so that you're not interfering with neighboring cells and so you can keep using and reusing and reusing the same and adjacent frequencies in your narrow band which has been allocated by the FCC. So that's the essence of the system. Low power in order to have that capacity.

In the old days, for example, when I started working for and on behalf of Frontier Cellular over ten (10) years ago, out in anything but really urban areas, we would build 400 foot towers and the reason was, we could cover a big area and it didn't matter that there wasn't that much capacity in that area because not that many people had telephones. As the system has deterred, the coverage area has shrunk dramatically for each cell. The heights of the towers have come down dramatically and so what you've done is have a system that creates the capacity for everyone hopefully, that need to use a cellular phone, can use a cellular phone.

So another couple of things to keep in mind is that the telephones that are mounted in the car are three (3) watt power telephones and the telephones that about 90 percent of the people use these days, the hand held phones, are six tenths of one watt. Much less power going to the cell site than the car mounted phone and so the system also had to adjust for that as well, which

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Public Hearing (Cont.):

Thomas Greiner (cont.): created a need to have stronger signals out in a given area in order to accommodate any hand held telephones.

This concept of spacing the cells, for a couple of reasons, number one, if they're too far apart, there's a gap in between and when there's a gap in between of sufficient size, you lose the phone call. So you don't want to be too far apart from each other. And if they're too close together, you get into the situation where you're now interfering with your own system. You're creating noise or you're creating cross talk because your sites are too close and they're interfering with each other. So there's a certain delicacy of balance that needs to be made when creating a whole host of cells in the area.

The idea of handoff is going from one cell to the next. If you're actually not stationary with the phone either in the car or in your hands, you're traveling along the road to make a phone call and as you reach the outer limits of one cell, the signal from that cell starts to become insufficient to maintain the phone call and the next cell to overlap someone. To actually hand off that phone call there so that in a geographical area, you can go from one cell to the next cell to the next cell and continue to maintain your phone call. Again, if the gap is too big, you simply drop your phone call.

Topography is very important to the line of the site, the site of the communications. Unlike long distance towers, which are lines of site with each other, tower to tower marching across the state, for example. The line of site concept at Cellular is from the antennas, which transmit and receive the radio signal at the cell site, which telephone is receiving and transmitting as well. A two way radio, again, they have to be able to quote, see each other, so topography becomes very important as well as for example, trees, it must be above trees because the power is so low with cellular, that even leaves will block signals, which is why you may not notice it but some people do. That is why the coverage and reception and the use is much better in the wintertime or late fall, early spring than it is in the summer because there are no leaves.

Councilman Tills: How would it work in the city? I mean, wouldn't it be blocked by large buildings and other obstacles in the city? I mean if it is blocked by trees.

Thomas Greiner: There is blockage in cities as well. What happens in a city is that you have many more cell sites because you've got so many more people that each cell is much, much smaller in the city or an urban cell than it is in the suburb or rural areas but you're right, buildings clearly block them but there is some bending. Things go around and there is some bouncing off as well.

It's the forest aspect. Where it's really wide it actually creates more of a problem but there can be a problem with buildings as well. You may find static once in a while from a phone call. But in the city, more cell sites covering a smaller area and you have a bending effect. If you were, for example, a building as big as the Blue/Cross/Blue Shield building in the city of Rochester, its massive, it's very wide. If you were standing at the base of that, that would actually act like a forest only worse because it would actually be worse than leaves. It's a massive building from side to side. That's a good point though.

Topography is important, shadowing the line of site, these are all concepts that are important with respect to cellular transmissions. Anyway, that's a small background. I hope I haven't been too confusing on cellular, on how it works. One of the most important concepts is the low power nature of this.

Councilman Tills: What's the future of this technology? Do you expect this to be replaced?

Public Hearing (Cont.):

Thomas Greiner: I think everybody expects it to be replaced in what, maybe 20 plus years from now.

Councilman Tills: Maybe possibly we're not going to need a tower.

Thomas Greiner: For cellular?

Councilman Tills: Yes, do you know, is that in the design?

Thomas Greiner: No.

Councilman Tills: In the long term plans?

Thomas Greiner: No, there are some systems going up in the sky. Aridium, which has Motorola as one of the, I think principals.

Mr. Tills: Satellites.

Thomas Greiner: Lower orbiting satellites. They've done that but that is not designed to replace cellular, it's designed to reach somebody who is in the MOBI desert or in the middle of the ocean or in the dark regions of someplace that has a lot of money and also has the ability to cart around a trunk load of equipment to make a telephone call. I read in a report about Aridium, that by the year 2006, I believe, they plan to put up 1500 satellites and that would be able to accommodate 690,000, 695,000 users. By contrast, cellular today, just in the United States, has over 50 million and growing incredibly. I mean it started out in the early 80's with a couple hundred thousand and we're already over 50 million and it keeps growing actually at an accelerated pace. So the satellites, at least what we know today, the satellite idea is a very specialized use. Cellular, for example, was really developed in the late 50's early 60's but it didn't actually come into commercial use until close to the mid 80's.

If we're clear, at least as lay people, how this works, let me go on and discuss how the company purposes to find a spot to put a cellular site and by the way, when we talk about cell telephones and cell sites, what we're talking about is typically the tower structure to get the antennas up in the air. Cable coming down to the equipment building, goes into the equipment building next to the telephone equipment going out the other way and the electric telephone line, electric for the tower and telephone, then to connect with the land line telephone systems. The cellular part of the telephone call is from your mobile phone to the cell site. The rest of it is then traditional land line phone calls. It actually switches it to that system and then routes it anywhere it can go. Other countries, other areas of the nation. The cellular part is just that one segment.

So how did we come to be here? How did we come to be anywhere? The company will look at an area that has little or no or poor coverage and look around to see what the surrounding cell sites are and to find a spot that will actually provide coverage in the area that has no coverage and will also, if possible, hand off to the surrounding cell site as part of, for lack of another word, a grid.

The search area, which by the way, is just this area right here (indicating) this black oval, that's the search area. The search area is developed by looking at the cells that are intended to be established to compete with other cells. Looking toward the center of it and the rule of thumb is not to go more than 25 percent of the radius from the center point. That's pretty much how these things are developed.

Again, you get too far away and you do not have hand off. You get too close to the other cells and you start to have frequency use problems. This was developed in that way and of course, in a perfectly flat world it would be very simple or much simpler to locate, efficiently, a cell site. I mean it would be a much more

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Public Hearing (Cont.):

Thomas Greiner (cont.): uniformed honeycomb hexagonal pattern around it, say the states for example.

But topography, because the line of site issues come into play, so for example, if you look at Boston, which is a beautiful town, we find we have a big ridge here and you have a valley on either side and you have got a fairly severe topographic situation that also actually comes into play and has come into play in Boston in a very large way. Look at Ithaca, for those that know Ithaca, New York, you have the same kind of situation because of all the irregular ridges and hills and then the populated areas, where it is down in the valley going up the hill partially, you have another situation very similar here. The same thing, for example, the southern tier from Binghamton on over, it's a very difficult situation. Different than going up towards Lake Ontario across the states, it's much more flat and at least it's easier. It's not so sensitive. The topography is within a screened area to location.

Now over here, however, we have a very severe topographic situation and that makes it a very difficult challenge. What we're trying to cover and we have of course outlined this in our application and in our site analysis as well as the addendum and maybe just a quick question here for purposes of discussion, we have submitted a lot of the information to the Planning Board and I am addressing this question to Mr. Perley, has the Planning Board had a chance, have we taken the files that the Planning Board simulated?

Town Attorney Perley: I have not yet had a chance to review this.

Thomas Greiner: Okay. You have a lot of the information from our application and our post application submissions that actually say it in a much more elegant way that what I am saying now, in terms of how cellular works. The constraints that we're under and the problems and that type of thing, so I would commend that to you because you'd be able to study it in a more relaxed fashion than we can in a public hearing but basically we're trying to cover Boston generally, Colden, Patchin, Route 219, Route 240, Boston State Road and we're trying to also provided some handoff to neighboring cells. So those are the covering objectives. That's what is needed. That is what is not being served today.

This cell site that we had proposed on Cole Road will actually meet those objectives and we'll get into that as well as but for now, let me just jump into one exhibit here. What you see in the upper part of this board here is what is called a propagation. It's a propagation of existing coverage showing currently in this area what's being covered and here is 219, Boston State Road. Here's Colden and Boston over here (indicating) in this area, these areas. The white is marginal poor, no coverage. That's why, especially down in the valley, phones don't work very well around here. Mobile phones and Frontier Systems do not work well, if at all, in many places.

Councilman Tills: How far does that cover? What area does that cover with the boundary?

Thomas Greiner: This is the whole region here (indicating). Let me give you the surrounding cell site and you can get an idea where we are. This is North Collins over here (indicating) this is Springville. Up here we have Orchard Park, the southern part of Orchard Park and over here we have Long Avenue, Orchard Park, it gives you an idea of the extent of this map. So, that's our problem in a nutshell, is that those areas are not being covered and we're not getting hand off to our surrounding cells and our solution, that we have made in the way of our application in these proceedings, since April, is to locate at Cole Road on property owned by BARRA, the Buffalo Amateur Radio Repeater Association and the idea, as you know from the application, is to replace one of their towers with our facility, leaving the other one in place.

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Public Hearing (Cont.):

Thomas Greiner (cont.): Technically, this meets the coverage objectives defined by the RF people and from a land use perspective, this site was concentrated on for two (2) reasons. One is again, looking at the topography of the area, it's in a really good spot. It's up on the top of a ridge, it looks down into Boston State Road to the west. It looks down to the road to the East. It looks down into Colden and Boston and North, it shoots right north and west up towards this area, towards this site here on Long Avenue. So from that perspective, it's great. It does the job for coverage.

From a land use perspective, we have tried and these materials, so to say, our goal here was to try to not add another tower to the Town of Boston. Your ordinance is really fairly strong on that and that was the deciding principle going back to the early part of last year, was to look in our search area and try to do something that would comport with your ordinance.

This is what we have chosen and these meet our objectives technically and again, as I said, tried to observe the brunt of the ordinance. Although it's taller, our proposal is taller than the existing towers, which are each 100 feet. It was a replacement. That's what we're looking for here. Now I said earlier that we had modified our plan from its inception and that was by a letter I wrote dated June 23rd to the town, which based on some of the feedback and comments and interchange with both the Planning Board and Mr. Perley, as well as some of the neighbors and residents in the area, we were able, prior to that time, to finally conduct a drive test and a drive test is actually where what we actually did, was go up to the site with a crane at different heights, putting a transmitting antenna on and then with your consultant, Dr. Johnson, being part of the drive test, using calibrated equipment, the technicians then drove the area and actually recorded the transmissions from that antenna up on the crane at different heights. The drive test was then compiled and turned into plots. The panel has those plots showing the differences at 120 feet, 150 feet, 190 feet.

Based on those drive tests, we were able to bring the height of the structure down to 150 feet. In addition, for a couple of reasons, we changed from what had originally been a self supporting open metal lattice work tower, such as the FM tower at the bottom of Cole Road at the freestanding tower. We changed from one of those to a monopole. The monopole being much more slender, being a regular surface, it's round and goes up and tapers slightly. We did that for a couple of reasons, which I'll get into.

We also proposed to paint the monopole with something called eosophobic paint and we also changed the air conditioning system to something called Quite Line Air Conditioners from Lieber and we reduced the size of the fenced in area. We also added landscaping where none existed previously. The reason for the monopole is two fold. One, to reduce any horizontal surfaces, again to reduce the possibility of ice formation. Secondly, I think it was considered by most people to be more aesthetic with an open lattice work tower. And that was responding to, actually, it's from feedback from neighbors in the area who say falling ice is a potential dangerous situation and in addition, they had mentioned that they were concerned or would be concerned about noise from the air conditioning system.

As you can imagine, you have to have a temperature controlled environment for the equipment and air conditioning is necessary. The Quiet Line Air Conditioners were two or three times as expensive but were also much more quiet. No differently really than residential air conditioning that would be used.

Those are the modifications to the plan. As I say, we have conducted extensive testing to determine that the site would properly serve the covered objectives. The propagation tools we have used, the drive test tools we have used, as well as call testings, all confirms, cross confirms each other and in connection with that, the Board has received a couple of reports from your

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Public Hearing (Cont.):

Thomas Greiner (cont.): consultant, Dr. Johnson, one dated June 22, one dated August 19, which are in the material that you have or will have. And those reports, I think it's fair to say, confirm the telephone companies need for the site, as well as the height of the site with one caveat.

I think Dr. Johnson, without quoting his report, said he understood that 150 feet would do the job but he wasn't quite sure if we had completely demonstrated that 135 feet, for example, wouldn't work. Those were his limits. 120 didn't work, 150 would work, 190 he said would make very little difference. In fact, there is some difference but the phone company was willing to drop to 150 to compromise in this area. And by the way, just to complete the thought on the height tower, typically, absence, unusual circumstances, towers that are under 200 feet in height, do not require any type of aviation lighting.

That's one of the goals of the phone company to try and avoid, whenever possible, towers over 200 feet, so they can avoid the need to light them. Typically, in most areas, people would prefer that towers not be lit. It's not always possible. In some of the rural areas we have towers, as I said before, over 400 feet. Still in many areas, and the towers are 220, 230, 250, those need to be lit.

Councilman Tills: What about Mercy Flight?

Thomas Greiner: I talked to Mercy Flight about that. They prefer any tower frankly to be lit. And in fact, in the Buffalo region, we're requested to place affixed lights at the top of a tower that's 120 feet tall because of the request of the municipality and although not required by the FAA, although obviously more expensive, the expense item is certainly something the phone company has done and will do at the request of any municipality that it's in. But again, typically, I think it's fair to say most people seek to have the companies design their system to eliminate lighting.

Councilman Tills: Does Mercy Flight have any requirements, Michael?

Town Attorney Perley: They don't have any legal authority but it's my understanding, that as an accommodation, from time to time, towers have been lighted in areas where Mercy Flight has requested it. They can't require it.

Thomas Greiner: I talked with Ed O'Connell at Mercy Flight and in fact, even in your materials, there are a couple of letters to and from him regarding that.

Supervisor Rood: Neither of the towers that are on the existing BARRA site have lights on them, correct?

Thomas Greiner: Correct. That's right. And again, that's something we would do if requested by the municipality and something we would not do if the municipality said no. We talked, by the way, when I talked to Mercy Flight, we talked about angles of descent and ascent in terms, obviously, the steeper they can go, the less need there is, the less likelihood there is a problem. The less steep the descent or ascent is where they would really prefer lighting because they're cutting through a much larger plain but I think it's fair to say that Dr. Johnson has pretty well confirmed that indeed was an issue back in front of the Planning Board and I think that's no longer an issue.

Town Attorney Perley: The need for?

Thomas Greiner: The need for a location and by and large the height.

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Public Hearing (Cont.):

Town Attorney Perley: Dr. Johnson rendered an opinion to me, in consultation with the Planning Board, based upon the standard of negative 75 DB, which he believed was appropriate under the circumstances, that there was a need demonstrated for coverage within the valley. Now the extent of that need and the amount of coverage that is required is still open I think to some interpretation in terms of the various studies you put before this Board. Certainly there is some need to be addressed.

Thomas Greiner: I think it's fair to say that we have not controverted those issues in respect to those issues.

Town Attorney Perley: That's a fair statement.

Thomas Greiner: Before we ever came to the town, we looked at the area and of course being again, being up in this general area, on this ridge, it is extremely important, given the topographic constraints. But we looked at some possible existing structures. we looked at the Sprint Tower to the north west. We looked at the FM tower down at the bottom of Cole Road. We have looked at the Patchin Fire Department, Number two property. We have looked at the north of Wohlhueter Road. We looked at the Lake Erie Transport property.

Subsequently, at some of the meetings, as a result of conversations with Mr. Perley, we looked at the site where the town would propose to build a water tank on Wohlhueter Road and we ran propagation of that at 300, 400, and 450 feet. Those have been analyzed by Dr. Johnson. We looked at the Sprint Tower at 250 feet. We looked at the Patchin Fire Department at 50 feet, 300 feet. We looked at the Lake Erie Transport property at 75 feet and 300 feet. We looked at the FM Station Tower at 190 to 240 feet and we have submitted propagation of all of those that are in your materials.

Dr. Johnson has every one of those as well. He does say in his report and again, without quoting but the substance of it was that he questioned why the FM Tower, 92.9 could not be used and we have spent some time talking with the Planning Board about that and Mr. Perley and I have had discussions. Our site acquisition people have not been able to come to an agreement. Nor are we even close to an agreement on being able to use that tower, number one.

Number two, the tower is in extremely poor shape. The cavil observation would show pitting and rusting of the members, a lot of the structural members.

Number three, these are not in order of priority, they're really just in order of me being able to talk without my notes. Number three, the FM Tower up at 240 feet, is the highest we could go on that tower. It does not provide the same excellent coverage that our BARRA site at 150 produces and by the way, just to let the Board know, in terms of elevation, there is about 100 foot difference between the two that rise is very steep on Cole Road and the difference in the elevation from the FM Tower and the BARRA site is approximately 100 feet, with BARRA being of course the higher elevation.

Councilman Tills: Excuse me sir, as far as the FM Site, was it looked at or was it considered with FM that they may be replacing their tower at a point in the future and therefore that you would have a new tower whether it be on your site or on the FM site that could accommodate you?

Thomas Greiner: If they're planning to replace the tower, they have not shared it with us.

Councilman Tills: But, I mean as far as co-location, have you made any efforts with them to discuss co-locating on a future tower site there?

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Public Hearing (Cont.):

Thomas Greiner: Well, there's the existing tower there.

Councilman Tills: Right.

Thomas Greiner: As I said, they've not indicated in any way, shape or form that they intend to replace that tower. It doesn't sound like I am being responsive to you but that's the only thing I can say.

Councilman Tills: Well, when I read about the co-location idea, I get the feeling that there's supposed to be a little bit more communication between these companies to try to co-locate and that means discussing long term plans and a long term site.

Thomas Greiner: Okay, let me get to that and then I'll give you my number four in a minute if I can remember it.

The idea and concept of co-location among people that use towers, I think it's fair to say, never arose except anecdotal until about two or three years ago and if I recall what I said at the beginning of my discussion, that in the beginning there were (2) two cellular licenses. A and B, broadcasting in the 800 to 900 megahertz range. In 1995, the FCC auctioned off more spectrum up at the 1.9 gigahertz range. Way up here (indicating) for something that has come to be known commonly as PCS. Sprint has PCS. PCS, by the way, is a marketing standard, it means personal communication services.

What it is, is a wireless radio broadcast at 1.9 gigahertz using at their inception, digital technology rather than analog. That's what Sprint is. That's what AT&T is and that's what Omni Point is in this area, okay? So when it was just called Cell One and Upstate Cellular, up until a few years ago, you had two wireless carriers in this whole area, this whole region, this whole State of New York, two (2) licenses and their system developed mutually, exclusively. Starting at the same time, they developed their own grids. Sometimes they would develop in such a way that they would be close to each other but by and large, they didn't. By and large, they developed their own systems independently and that's exactly what the FCC had in mind. They wanted a redundant system, they wanted it for a lot of other reasons that you can expect. It would be deployed more quickly, it would be a greater quality and it would do that at a reduced price.

That's what competition does and that's what it has done. In 1995 you have three (3) more wireless providers added to the mix and Sprint especially and very aggressively, for obvious reasons, it developed its system extremely quickly. They co-located wherever it could but in many instances, it built their own towers with everybody coming after them, including Nextell, which is a specialized mobile radio also broadcasting down on the 850 megahertz range.

Robert Ritz: Right.

Thomas Greiner: Similar to Cell One and Frontier Upstate Cellular have come along. That was the real push for co-location. This is a very long-winded way of saying that if the cellular wireless companies were co-locating with each other okay, Frontier Systems, and I say Frontier because it's the marketing name for Upstate Cellular, Frontier System includes about 38 percent co-location statewide. A lot of that, most of that, has happened in the last three (3) years, okay? So we have close to 300 sites and when I say 38 percent co-location, what I mean by that, is that whether you add all of their sites and all of their towers, 38 percent accommodate their systems and others using Frontier's towers, it's in that mix of that adds up to 38 percent.

Councilman Tills: Not necessarily using the same tower, but using the same site, correct?

Public Hearing (Cont.):

Thomas Greiner: No, I mean using the same tower. I'm not talking about a tower farm or two towers next to each other. I mean that either Frontier is on someone else's tower or someone else is using Frontier's cell tower and that figure of 38 percent would cover both of those situations and it gets even higher if we look at roof tops, for example. I think 38 percent would include water tanks, okay? All right. The long way of saying it, Mr. Tills, is that this phenomenon of co-location is shared, the very first region is shared among wireless companies. Everybody who has towers in the State of New York isn't putting them into a pool. The FM stations, the AM stations, the counties that are in the 911 systems, you name it, they are not part of this pool. That's not to say that they couldn't be but they're not at the drawing board every day seeing who they could co-locate with.

Councilman Tills: They weren't part of the legislatures intent in co-locating? It was just the cellular tower expansion?

Thomas Greiner: When you say the legislature, do you mean the State Legislature?

Councilman Tills: Yes, that drafted the co-location advisory opinion.

Thomas Greiner: That State bill?

Councilman Tills: Yes.

Thomas Greiner: That was withdrawn by Assemblyman Braggman. I think it was.

Councilman Tills: The one that's proposed.

Town Attorney Perley: With the co-location that we have now, the co-location policy in place now is a local policy. It is a town policy that adopted under Local Law Number Six for the Year 1997. The construction of the FM tower predated our co-location policy.

Thomas Greiner: 1946, I think, is the birth of that tower.

Town Attorney Perley: By a couple of years.

Thomas Greiner: You by the way, have our co-location policy for our application.

Town Attorney Perley: Would you complete your presentation on the Fm tower. I know there are a lot of points that you want to cover, because I want to ask you a couple of questions about it if I could stop you now.

Thomas Greiner: The number four reason was an issue of what's called harmonics and let me try to explain that. If radio broadcasts, they broadcast a certain frequency, but they have broadcast lobes of that broadcast in multiples of the frequency. That is what harmonics are, so the FM station is broadcasting at 92.9, okay, the ninth harmonic of that, which would be 836.1, I think. It's exactly one of the frequencies used by Frontier. Okay, what that means is that it's almost like a minute, it's almost as though, let me put it in its darkest case, it's as though our receiving antennas on our tower would be confused between you on your cell phone talking to that tower and the ninth harmonic at the ninth lobe of the FM station that transmits, okay? What does that mean? It means interference. It means jamming. It means noise, It means no phone call, okay?

It was something that we raised early on and then as we got into it, it was Mr. Ritz's turn to really study that issue and we have since presented the town with material on that and I know that

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Public Hearing (Cont.):

Thomas Greiner (cont.): Dr. Johnson has also written a letter responding or asking questions or raising concerns about that. So that was the other issue, the fourth issue, with respect to that FM tower. That completes, at least initially, what I have to say about that, so if you want to ask a question.

Town Attorney Perley: If I might. At the Planning Board I recall a conversation you and I had concerning the use of the FM tower. I ask you to assume for purposes of my question, that all other things being equal, the tower was available structurally sufficient and you didn't have an interference problem.

Thomas Greiner: Right.

Town Attorney Perley: Am I correct in my recollection that Upstate Cellular was willing to consider operation on that tower at a height as being a feasible alternative to the BARRA site, assuming that all other things could be addressed?

Thomas Greiner: Right.

Town Attorney Perley: Was that the 240 foot height?

Thomas Greiner: Yes.

Town Attorney Perley: And that provided you as I recall with a lesser amount of coverage than the BARRA sight at 150 feet but one that Upstate Cellular was willing to consider as acceptable under the circumstances?

Thomas Greiner: Right.

Town Attorney Perley: Do you know or have you made any studies that would indicate what the equivalent height at the BARRA site would be for that level of coverage?

Thomas Greiner: For the equivalent coverage of the FM site? It would be something less than 150. Probably, I am just going to guess now, 140 perhaps. Try to mimic what we could get at the 240 foot level. Everything, all the problems taken away.

Robert Ritz: From the 240, the Alice Tower, we were not really getting acceptable coverage with the Alice tower.

Thomas Greiner: Let me try to repeat what Mr. Ritz is saying. Basically it doesn't provide as good coverage. The issue in terms of why it would flunk the RF test, according to Mr. Ritz, would be the coverage to the north, again, given the topographic constraints, it would have a hard time. If you look down in the southern part of our coverage objectives, it's almost as good. You get up to the northern part, it's not. Looking at that from if this were completely flat, other than the fact that we're 100 feet higher, but if that were the only topographic anomaly, then you would probably look at simply, how did you get those antennas up at the same height or would ten feet lower be almost as good and the answer would be, yes, except we're not looking at that as the only topographic constraint. As you know, there are a lot of ridges and valleys all over the place there and so it doesn't become just a foot form, a linear foot in a one to one kind of a difference.

Town Attorney Perley: I'd like to ask you a few more questions and the purpose of this, Mr. Greiner, is to consider, if you will, that all the things that would make the FM site appropriate and try to make the issues, make sure I and the Board understands them, has there been an elevation of the FM tower to determine whether or not it currently lacks the structural capacity to handle the wind load of your antenna array and for that matter the static load?

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Public Hearing (Cont.):

Thomas Greiner: Let me just make a statement and then I will ask Mr. Brophy to correct me if I have it wrong, okay So forgive me if I do. I believe there is a study showing that it's basically functioning now.

Gerald Brophy: That's correct.

Thomas Greiner: In other words, without our antennas, it's actually the tower company, whose job it is to counsel, if you will, go around and investigate and help people who own towers, would probably recommend that they need a lot of help right now because it's not structurally capable.

Town Attorney Perley: Was that study done at your request?

Thomas Greiner: No, I believe it was from 1994.

Gerald Brophy: Yes, the study was conducted at a different person's request who at that time requested not to be specifically identified.

Town Attorney Perley: Is that study in your possession?

Thomas Greiner: I don't have it.

Gerald Brophy: I do have a copy of it.

Thomas Greiner: Thank you.

Town Attorney Perley: Second of all, it is my understanding and correct me if I am wrong, that even assuming the tower is structurally efficient for your purpose, say the tower were structurally sufficient, the FM tower, you have not reached any measure of a financial agreement or any type of agreement with American. I think, American Tower System?

Thomas Greiner: Yes, financial or other nonfinancial provisions in what they would require they also are far apart.

Town Attorney Perley: All right. Was your purpose or were the negotiations regarding the financial aspect of it, were the financial consideration that you considered to be appropriate, roughly equivalent to an amortized cost of constructing on the existing tower at BARRA or was it based on different considerations to your knowledge?

Thomas Greiner: Although I don't handle height applications, I have been, as I said before, working on this for over ten (10) years and I've done about 300 sites here. I don't think the analysis was done that way. I think it's been done more in what would they require as rental versus what is the market. And it was so substantially out of wack with the market. You might do that calculation and it would probably provide the same answer but I don't think we did it that way. I can find out precisely how they did it but I'm pretty sure they did it with the rental thing.

Town Attorney Perley: By the way, I am going to ask you that you provide me or provide the Board with some of that information. You can do that through my office if you would like. And certainly if there are any issues that we ask you to provide to us, outside of providing the tower studies that we ask, you can delete any personal information or confidential information that would not affect the merits of the report.

Along that line, if it comes to your attention that this involves proprietary information, please let me know and you and I can address the proprietary issues.

Public Hearing (Cont.):

Thomas Greiner: Certainly. I would only ask that if we provide information to you, subject to the proprietary issues that would be provided to you, that it can be considered part of the record.

Town Attorney Perley: Certainly.

Thomas Greiner: Okay.

Town Attorney Perley: Certainly, we can address the--those issues as they arise. I believe we have been successful with that. What are the nonfinancial issues, generally speaking, as you understand them to be?

Thomas Greiner: Number one, they won't give us a lease on a license, I have a lot of problems with that.

Town Attorney Perley: How about nonfinancial issues such as equipment placement, location of antenna, any other collateral equipment that they're requiring in excess of what you believe to be customary and necessary to the operation of your system? Are you aware of any of those types of requirements?

Thomas Greiner: I am not specifically aware of that. Did you catch that?

Gerald Brophy: They did require us to combine our frequencies to use combiners, to combine our frequency with other person's frequency, which is intolerable to us. We absolutely would not do that--

Town Attorney Perley: I am sorry to have interrupted you.

Thomas Greiner: It's quite all right. I should have said this at the outset, knowing that I was going to be pretty-long winded.

Councilman Mead: I have one question. Regarding all these papers you have here. Just a quick question on some of the numbers that are here. What I am looking at here is that you have the BARRA proposed coverage at 190, which is the one you're looking at.

Thomas Greiner: Right, it's this one by the way (indicating) for everybody that probably can't see it very well.

Councilman Mead: The only one that I don't see here that I have a question on is the Concord, the Concord existing one, which shows here that it's at 100, is that correct?

Thomas Greiner: No, look before that, Mr. Mead. Look a little to the left of that. See the CL there? That 100 is 100 watts.

Councilman Mead: Okay.

Thomas Greiner: Right before that 175 feet, See That, the 175, the CL?

Councilman Mead: Oh, okay, I am sorry.

Thomas Greiner: That's the 175 foot tower.

Councilman Mead: What does the 1720 stand for, the ground or something in front of it?

Thomas Greiner: Yes.

Councilman Mead: What's that?

Thomas Greiner: That's the ground elevation.

Public Hearing (Cont.):

Councilman Mead: The ground elevation? My question is , as far as the ground elevation, regarding the other cell sites, that seems to be even higher than the BARRA proposed coverage.

Thomas Greiner: Correct.

Councilman Mead: And that one is at 190?

Thomas Greiner: Right, and at 140.

Councilman Mead: And comparing this one at 175.

Thomas Greiner: Right.

Councilman Mead: And this one was not checked out or looked at as far as a proposed site?

Thomas Greiner: That is one of our sites. Concord is one of our sites.

Councilman Tills: That's the next cell?

Thomas Greiner: That's the cell.

Councilman Mead: And that doesn't cover this area even though it's at a higher elevation than the proposed one?

Thomas Greiner: That's right. See the Concord cell, here's our proposed cell, right here (indicating).

Councilman Mead: Right.

Thomas Greiner: This is the Concord cell right here (indicating).

Councilman Mead: Correct.

Thomas Greiner: That's the next cell, they work together. They would work together.

Councilman Tills: And right now that does provides some coverage.

Thomas Greiner: Right. Well, take a look at this one (indicating). See this Concord here? That provides some coverage up into this area here, so that is providing some coverage.

Councilman Tills: Well, what's providing coverage beyond that white area?

Thomas Greiner: The Orchard Park site. Okay? The Long Avenue site, those would be, probably South Wales is contributing some, okay? But you notice, again look at the valleys here, it's pretty stark in the hamlet, the village areas and in the roadways in the valley. In other words, they're not doing anything, which again, is one of the needs for the site, is to provide that initial coverage in this geographic area.

Supervisor Rood: Mr. Greiner, might I ask why you haven't checked on the BARRA site at 135 feet?

Thomas Greiner: Let me ask Mr. Brophy to respond to that. Let me just give you his initial response, which was that what we tried to do with that drive test was check out height along the scale, which was 120, 150 and 190. 190 is what we thought we would need. The 150 was something that we thought we could get by with. 120 we looked at and confirmed that it's not nearly adequate. Why we didn't check out 135? It's probably why we didn't check out 137 and 137, you don't check them out in that narrow of a step.

Public Hearing (Cont.):

Supervisor Rood: Why?

Thomas Greiner: Because that's not all that meaningful.

Supervisor Rood: Well, if you can drop a tower down 15 feet, I think that's meaningful.

Thomas Greiner: Well, with all due respect, when a tower is up 150 feet in the air, I doubt you can tell the difference between that and 135. That may not be the answer. We can ask Mr. Brophy or Bob.

Gerald Brophy: It isn't a case that we don't look at that. It's a case where we have to present data and exactly how much data is present. Bob spends all day and on this particular problem, in terms of identifying the most equitable solution, the best height for this particular site, Bob spends a lot of time on that. It isn't that we don't look at it, but we have to look at things and decide what to present and we went with what we thought was meaningful and that is we say that 190 feet worked and suited all of our purposes, met all of our objectives just fine. When we came and presented that to the town, the town requested that we go lower. So we looked to see how low we could go and settled on 150 as the lowest that we could go and still stay comfortable in meeting our objectives while meeting the request of the town.

Supervisor Rood: But you're not sure that 135 would be adequate?

Gerald Brophy: I am going to say that I am sure but it's based on the information Bob Ritz gave to me. I am going to pass this to Bob Ritz.

Robert Ritz: One of the reasons we looked at the information for the 190, you have the information from the 190 and the 150 and there's just a little bit of a dispute there, but there is a big difference between that 190 and 150. It's not like the 150 worked and the 190 worked the same and the 135 doesn't work. There's a big difference between the coverage we get at 190 and what we get at 150. We're willing to accept going to the 150 height because that's where the ordinance is cut off. We can't go much below that. I mean you're not going to notice the height of the tower five (5) feet. You're probably not going to notice the five (5) feet difference but somewhere, you're not going to mentally notice there's a big difference here or here but there is a cut off point. It's just 150, we're really sacrificing considerable coverage between the 190 and the 150. I mean, so 120 is clearly, just from the information that you have, it's clearly not going to work. Somewhere, if we do cut off, and it's a significant difference at 150 over other heights, I don't just look at what you have here, I spend all day looking at this information so I can present this. 150 is really a good cut off point.

Thomas Greiner: Is it fair to say that you would prefer 190?

Robert Ritz: I would much prefer the 190.

Thomas Greiner: By the way, the Board does have the propagation of 120, 150, and 190. You can actually look at those yourself and let me just explain the propagation. I really didn't. The green area in these propagation would be the signal strength of neg 75 DBM. That's the signal strength that the system is designed to. As Mr. Perley said, Dr. Johnson had evaluated that and concurred in the neg 75 standards. The blue cross latching is the neg 75 provided by these other cell sites in the region. This, I'll call it the pink, for lack of anything better to call it, is a signal strength that is weaker than neg 75, it's neg 85.

Mr. Perley, I have an answer to your question. Why is neg 75,

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Thomas Greiner (cont.): why is it a negative number? How do you get a signal that is below zero and that is really comparing signals to one milliwatt of signal strength, that zero, anything less than that, then you have a negative number, so now it becomes clear that the lower the negative number, the stronger the signal. The lower the negative number, the closer you are to that zero, so neg 85 is a weaker signal than neg 75 and I believe that's the explanation. In any event, you have these and you can actually at your leisure, compare 150 to 190. You also have 120 and you can see the differences that Mr. Ritz has referred to.

By the way, we did drive tests at those heights as well, which I think the Supervisor, that is what you were referring to. The tests we did were at 120, 150 and 190. They pretty much confirmed the propagation that we have.

Town Attorney Perley: Could I ask a question of Mr. Brophy and Mr. Ritz about that? How much variation is there between the propagation studies and the drive test and in that regard does the drive test show generally more or less coverage than the propagation studies? Either one of the gentlemen could address that.

Thomas Greiner: The BARRA site, there generally is a variance between the drive test and the propagation study. They're not identical?

Robert Ritz: That's correct.

Town Attorney Perley: How close were they?

Robert Ritz: I think they were actually quite close. There can be variations and the predominant reason depends on how good your data is, the data base.

Town Attorney Perley: Were they close on a consistent basis? Were they close to the 120, 150, 190?

Robert Ritz: Yes, they were.

Town Attorney Perley: Which showed better coverage, the propagation study or the drive test or don't you recall?

Robert Ritz: I don't recall.

Town Attorney Perley: Mr. Brophy, do you recall? I think at one time we both knew the answer but I don't recall.

Gerald Brophy: Well, the purpose of the two (2) tests is different. The purpose of the propagation is to look at the overall, to get a feel for what coverage would be predicted overall. The purpose of the drive test is to drive and specifically test the particular areas on our drive route and so the two aren't intended to be immediately and exactly comparable in all situations. The one is a prediction. The other is a measurement, so in that sense, we don't expect them to be the same. And in the case where we're concerned that the propagation is marginal, that is we don't know exactly, we're afraid that if it's over predicting or under predicting, that could really hurt us. We do a drive test to get more accurate results. So I don't know that we make that comparison to say which one is better.

Town Attorney Perley: I didn't really ask you which one is better or more accurate. I am just talking about now, based upon the fact that there is some variation between them. Which tends to demonstrate greater coverage or better coverage, the propagation study or the drive test in this instance? I know that from instance to instance this is also available. Do you recall in this

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Town Attorney Perley (cont.): instance, which shows greater coverage, the prop study or the drive test?

Thomas Greiner: It is hard to compare them. This is the drive test.

Gerald Brophy: Tom, I can answer. I don't recall ever making that distinction and saying that one provides better coverage.

Town Attorney Perley: Showing better coverage not providing.

Thomas Greiner: I would just say that again, looking at this, just to reinforce what Mr. Brophy is saying, it's difficult. This is at the drive test at the BARRA site at 150 feet. The green and blue, the green is the best, the blue is the next best, the red and yellow are very poor. I think some of the people here have seen this. It's difficult to take this and put it up against 150, just to say which is better. They will show probably variations, which I think everyone agreed. I am not sure that the mechanisms would say this one is better, this one shows better coverage or this one is more accurate. A drive test is an actual test of the signal that is offset at being broadcasted.

Councilman Mead: May I see that?

Thomas Greiner: Sure.

Town Attorney Perley: I probably should have proposed to everybody that we move off of that.

Thomas Greiner: I think that the basic point to understand is that they're not out of wack with each other. And I think Dr. Johnson said the same thing.

Supervisor Rood: Mr. Perley, any more questions? I'd like to move onto the floor if possible.

Thomas Greiner: I just have a couple of other points here. I haven't shown you the site plan yet.

Supervisor Rood: Can we summarize it?

Thomas Greiner: Certainly.

Supervisor Rood: I'd like to give these people an opportunity to speak and it's moving.

Thomas Greiner: At a snails pace?

Supervisor Rood: Yes.

Thomas Greiner: Okay, this is our site. This is the access to the gravel entrance, the driveway here. This is the north, south. We would put the equipment shelter here (indicating) and this shows a freestanding tower but as I have said, we have modified the application. The monopole would just be a circle. You have site plans showing that. The fences around it, again, there's no fence that exists there now. We would remove the BARRA tower that is in the southeast area right here (indicating), replacing the one further north. The other existing BARRA tower right here, (indicating) would remain. We would landscape around here. The utilities are basically already in place. It's an unattended facility. There's no water, no sewer, no other kind of facility. It requires typically one or two visits a month to check the equipment, sometimes less. Never more than that. And as you could tell from the application material, it's a fairly inner type of a facility. Vibrations and noise are nonexistent. Again, I think

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Thomas Greiner (cont.): the one issue that was brought up in respect to the noise has been addressed satisfactorily with the Quite Line Air Conditioning. So that's pretty much how it works.

Town Attorney Perley: Mr. Greiner, what's the distance of the proposed tower site to this new infrastructure?

Thomas Greiner: We have not had a chance to survey. We need people's permission and we have not sought that but it's fairly I think clear, and our estimate wouldn't be off by much, that the existing building to the east here, and it's depicted right here (indicating), and that building is on the property directly to the east, that's the closest structure. It's approximately 100 feet to the western edge of that building.

Town Attorney Perley: From the tower location?

Thomas Greiner: From our tower or monopole location. That building by the way, ironically, was built and intended to be an equipment shelter for a tower. That's the closest structure. That's the only structure that would be less than the full height setback of our monopole. In other words, that's the only structure within 150 feet of our monopole. If we had permission to survey I think it would really confirm 100 feet, plus or minus the western edge of that building.

I just had a couple of other real quick points, once, again, this will take just a couple minutes. I was talking with Mr. Perley, as I discussed, we need an area variance from the Zoning Board. I was talking with Mr. Perley earlier and thought that this is something that I think would be very helpful even before this Board makes a decision on our special permit application, we think it would be important. The need for variances to get a bottom design for it and present our project to that Board to try to get an early indication of their concerns and so I guess I would ask the Board to waive any requirement that we have obtained, say the special permit, prior to approaching the Zoning Board.

Town Attorney Perley: In that regard, Mr. Greiner, let me just bring up one other thing that we talked about. Given the complexity of the matters brought before the Board to review the documents and potentially to have future communications between our consultants and you and the Board, I would propose that the earliest that I believe this Board could intelligently act on this application would be November fourth.

Thomas Greiner: All the more reason I would ask for that then.

Town Attorney Perley: In that regard, I will respectfully request Upstate Cellular, on behalf of Upstate Cellular, here tonight, for the near future, confirm in writing and not insist upon, and I did the math.

Thomas Greiner: Okay.

Town Attorney Perley: We would agree that November fourth would be an appropriate date and I would suggest to the Board that if they're willing to consider your application, to permit the presentation to the Zoning Boards of Appeals, that even the proviso that any actions by the Zoning Board of Appeals on the application, any vote by the Zoning Board of Appeals, would be necessarily after November fourth, as a matter of fact, it would be on November fifth, I believe.

Thomas Greiner: Right, that would be perfectly acceptable.

Town Attorney Perley: I want this Board to understand, and I understand your concerns about presenting this to the Zoning Board,

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Public Hearing (Cont.):

Town Attorney Perley (cont.): it's still my opinion that this Board has the primary obligation to act first.

Thomas Greiner: I don't disagree with that. By the way, just one more procedural thing, the SEQR process, would it be the Town Board's intention, that it has really the Use Permit meeting the statue in the coordinated review?

Town Attorney Perley: It's our understanding that this may not need coordinated review.

Robert Ritz: No it doesn't.

Town Attorney Perley: This Board, at the close of the Public Hearing, we're still waiting final word on information to SEQR.

Thomas Greiner: That's fine.

Town Attorney Perley: In our coordinated review, we would lower this in the neighboring town, I don't think it requires it.

Thomas Greiner: No, it doesn't have to in the neighboring towns but if you're going to do a coordinated review, it would require either a 30 day period or the consent of the Zoning Board. I have done many of these. I think I have done them both ways, each Board conducts it's own SEQR review, I think it's probably in the best interest of everyone to have the lead agency conduct a SEQR review so the Board or the leading agency can have the Zoning Board either say okay or no.

Town Attorney Perley: Since this is a new application situation, we will direct a letter to the Zoning Board of Appeals and ask for their consent if the Board becomes lead contact, we'll act on this.

Thomas Greiner: The last point is that in conjunction with the actions and discussions with the Planning Board and also with the representatives of the neighbors who have asked us to consider other sites, we looked at this site because we looked at this as trying to conform with the ordinance of not adding a tower to the Town of Boston. We looked at this as a replacement, albeit, a slightly higher height. However, if the town felt that a site within the search area here, and we've looked, in fact, we spent some time with Mr. and Mrs. Dilappo, August 25th, an hour talking up on the hill and we have done some preliminary looking at the northwest by several blocks but it would require a new tower where none exists today. I just throw that out as something that I guess we would want a little bit of direction since you're saying November fourth would be the time that we get a decision, we have got a little time here. We already started looking. We would be willing to look more than we've looked already.

Again, because we're trying to hold ourselves to no new tower, so we would be willing to look, or pursue looking and if the Board is familiar with the area here, I assume you are, if you go slightly to the north and to the west, south of Wohlhueter Road, there are a couple of properties. One owned by, I think, a Mr. Meyer, and one which has a house that looks unoccupied on it and as well as the properties in that area of the east and west side of the road. We would be willing to consider that. Again, we really didn't before because we were trying not to add a new tower to the Town. But, if that's something that the town wants us to consider as an alternative, we will.

Councilman Tills: Is there any possibility of further contact with the FM tower owners about future possibilities of co-locating plans?

Thomas Greiner: You mean on their tower?

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Town Attorney Perley: That's an avenue that I am attempting to pursue.

Thomas Greiner: Like I said, we have four issues with that. We would need to resolve all four of those issues fairly quickly and I think it's the companies belief that the harmonics issue is really a difficult one to overcome.

Councilman Tills: Even with a different type of tower, correct?

Thomas Greiner: It's not the type of tower that matters, it's the fact that broadcasting, the monopole of their frequency is at the same as one of our frequencies and it would be perceived to be a telephone pole where it would really be a radio station. It would just come in as noise, which would actually inhibit, and it would just make that cell cite useless. We looked by the way at Dr. Johnson's issues. We did use a filter and a fiber attenuator on that. Mr. Ritz went out and redid that study. Dr. Johnson's idea of using a filter really doesn't work. If we used a filter it's on our receive, then we wouldn't be able to receive our broadcast because we're worried about the ninth harmonic. If we tried to put a filter on the..we couldn't. If the FM station decided to put a filter on, there is so much leaking and bleeding of the signals all over the place that we're still not going to be able to fix that.

Town Attorney Perley: Would you be able to address that in writing so that I could submit that to Dr. Johnson for further review of that issue? This will assure that it will accurately be in the record as you and I have discussed the application.

Thomas Greiner: That completes our presentation.

Gerald Brophy: I would like to clarify something. It started to sound as if I provided a variance in regards to reusing the existing tower and that tower study. We did submit to the town, to the Planning Board, on July 21st, a documentation with numerous attachments and that was one of the issues that the documentation addressed and I wrote and in presenting this, there was a tower study conducted by an independent consulting firm in '94, showing that the tower constructed in 1946 is overloaded under current standards and could not, in its condition, support any additional cellular or any other antenna. The H tower is 52 years old, its outdated in other ways including below the ground rounding network, which would not meet today's standards. The tower shows rust and corrosion, which affects the strength and performance of the tower. At the Board's suggestion, we contacted a tower engineering firm and discussed the possibilities of strengthening and reusing the existing tower with a cellular antenna. They pointed out that an additional study would not be useful and it would be impossible to determine with any accuracy, the ability of the foundation to withstand any additional stress. The location of the size of the reinforcing steel that's within the foundation cannot be accurately tested without destroying the foundation itself.

Councilman Tills: You're speaking about the FM tower, sir?

Gerald Brophy: Yes. So I asked the tower company for a letter stating that and signed by them and they provided that and they're maintaining their confidentiality also here. However, I ended up with a copy of this study but they're under the requirement and I'm not, so I will read what they say. In 1994 two (2) analysis were done on the FM self supporting tower on Cole Road in Boston, New York. Our 1994 analysis was performed for an attorney who requested that we not share our results with others. We found the same issue as the other company that did the analysis. No foundation documentation is available. The only data we got was the tower drawing for the foundation design for a smaller tower by

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Gerald Brophy (cont.): the same manufacturer. If the foundations were installed according to the foundation plans we received, the tower would be loaded at twice the allowable load. It goes on to other issues.

Thomas Greiner: What letter is it in?

Gerald Brophy: July 21st, 1998 submission to the Planning Board.

Supervisor Rood: Okay, thank you. Any other questions?

Councilman Wiktor: Presently your system that you're trying to better service would be what we consider the valley corridor here?

Thomas Greiner: That's one of the areas.

Councilman Wiktor: Okay, and presently the system is now being served by either your existing tower in Springville or your tower on Long Avenue?

Thomas Greiner: And Concord.

Councilman Wiktor. And Concord.

Thomas Greiner: Let me get that propagation out. There's some coverage from the surrounding site in this area here (indicating).

Councilman Wiktor: I look at your study that shows the Springville tower is at 145 feet tall, if I'm reading your paper right here.

Thomas Greiner: Right.

Councilman Wiktor: Okay, and your tower that's on Long Avenue is 107 feet tall?

Thomas Greiner: Correct.

Councilman Wiktor: Has any thought been given to increasing the height of the Long Avenue tower because of the topography from that distance to here is much different?

Robert Ritz: Those are both water towers. Springville and Long Avenue are both water towers.

Councilman Wiktor: And you cannot increase the height off a water tower?

Robert Ritz: I have never seen that, not significantly.

Councilman Wiktor: Well, you have a water tower that's 145 and another tower that's 107.

Thomas Greiner: Are you suggesting that we raise the height of the water tank?

Councilman Wiktor: No, I'm trying to figure this out. Has any thought been given to increasing your tower height from Long Avenue to better service your need coming south because the topography of the land from Long Avenue through Hamburg and into the corridor here certainly does not present the hill problem?

Thomas Greiner: That's a sector site up there and what that means is the site we're proposing in Boston, and I haven't gotten into this, is the Omni site, with that being within what looks like whips and they're broadcasting at 360 degrees and so they generally have to be at the top of structures, okay? That's another reason, by the way, the FM tower doesn't work too well, they have the side

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Thomas Greiner (cont.): mount.
That water tank has an area where you can put panel antennas. They're not whips, they're much bigger antennas. They are each broadcasting at 120 degrees on a section, okay? So you really can't put them..you're suggesting that we take them and put them at the very top?

Councilman Wiktor: Well, what I was looking at, is the fact that if you're trying to service this corridor area and you're saying that we need another, an existing tower.

Thomas Greiner: Right.

Councilman Wiktor: And if your service is coming from Long Avenue, has any thought been given to increasing that tower, which might increase your power or your usage in your direction?

Thomas Greiner: Well, if you recall at the very beginning, which I realize was a long time ago, of my presentation, why I talked about the need to increase the capacity and so, if this were 15 years ago, we might get away with actually, maybe even building a tower next to that water tank at a higher height. What that would mean, that without increasing the number of channels, you would be increasing the area and so you would be getting even more blocking then there would be with the panel. If you understand what I am saying, you wouldn't be increasing the capacity.

Councilman Wiktor: Okay, I was just looking at it as numbers off of your sheet, there's a reference.

Thomas Greiner: No, sure, that's a good point. I am not saying that could never happen but here we're lacking fundamental coverage in an area. It's not just how far does your signal reach, it's also a question of how many phone calls can be made. It's a capacity issue as well.

Councilman Tills: Sir, as far as your coverage off of this map, I mean, if you look at the bottom right-hand corner, it appears you have a very limited coverage. Is that a proper conclusion?

Thomas Greiner: Correct, that has nothing to do with the Town of Boston or our site in the town.

Councilman Tills: Right, that's an indication that not too far from Boston you have drastically reduced coverage.

Thomas Greiner: No coverage actually.

Councilman Tills: Or no coverage?

Thomas Greiner: Right. I am just being told by Mr. Ritz and Mr. Brophy that east of Springville is Holland. We have no site in Holland. We're currently trying to get a site in Holland.

Councilman Tills: Well, Holland is north of Springville.

Thomas Greiner: The Holland site would cover that area.

Supervisor Rood: I'd like to open it up to the floor now and if you'd step to the microphone and state your name for the record, this is all going into a record.

Karen Spaulding, 8741 Cole Road: I am a new resident of the town. I moved into 8741 Cole Road at the end of July. I want to talk about three (3) points. Point number one is not having control over the land that I now own, having worked so hard to own. I will not be able to build the gazebo, which was one of my dreams when I

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Karen Spaulding (cont.): moved into my home if it is in the fall down zone and I am in the house that is closest to the tower that will be going up. I own the building that is in the fall down zone. That is a storage building but also a play area for my nieces and nephews. They've claimed it as their club house. They've painted girl power and all this stuff all over it. They're having a ball. That's a safety issue, a concern of mine and noise. I know Mr. Greiner addressed it but it's still a concern of mine. I moved from a suburb up here to be close to nature and I don't want to be listening to air conditioning, the droning of the sound constantly. I go out at night to look up at the stars. I don't want to hear the sound of air conditioning. We had to turn off the air conditioning tonight because it was so loud. I don't want to hear that. I moved up here to be closer to nature and finally, I'd like to quote Mr. Greiner, I chose 8741 Cole Road because it was a good spot, an excellent spot to spend the rest of my life there and I hope that you, the Town Board, will hold up the ordinance because there is a structure in the fall down zone that I do own. Thank you.

Robert Zahm, 8809 Cole Road: If Mr. Greiner would accommodate us, I'd like to use his easel. I'd like to start out by saying that I am not opposed to the tower. I certainly understand the need for cellular towers. Really all I'm opposed to is the inappropriate size of the site they have selected. Although Upstate Cellular site map shows the tank zone as being 390 feet from the tower, in fact it will only be 26 feet from the Graves/Spaulding home, whom you have just heard from. That's substantially closer. As a matter of fact, my home will be only 290 feet away from the proposed tower site as well as the Dilappo's, will be 440. On top of that it will only be 220 feet from the inground pool that I paid taxes on and was properly permitted to build. The fact is, as Karen Spaulding pointed out, it will be about 100 feet from their existing garage, which is now a playhouse for her nieces and nephews.

This is a clear violation of the ordinance as it's written, that there's to be no structures within the fall down zone. There's also another structure in that fall down zone as proposed, and that would be the BARRA building, which I assume would be coming out because of that problem. Also Upstate Cellular's site plans shows that the fall down zone will extend to the BARRA property well into the adjacent properties. There's three (3) adjacent properties that it will affect and you can see it on that illustration here. It would appear that they intend to seize the use of adjacent land on this property without any compensation. All right, I know that the town isn't going to allow this because that would be a violation of our constitutional rights.

Also, it's interesting, if you would put up the second exhibit here, this tower that they are now talking about, taking one down and putting one up, The upper picture shows a three year old or four year old child standing next to the base of that tower. The lower picture is an illustration of the similar construction to what they're proposing. As you can see, they don't really look alike. Also, if you look to the right, there's an aerial photograph of our existing site that they're proposing and if you get real close to it you'd be able to make out the tower as she points them out. Below it you'll see a similar monopole structure that was shot. I'd like to point out the difference between what I would call a hobby tower as opposed to a communication tower. Also, I'd like to point out that the proposed tower and the attachments as spelled out in the tower ordinance would be at 155 feet, which is also a violation of the town ordinance which would require a variance. They keep talking about the 150 foot tower but the drawings show the antennas, the attachment antennas, extending five (5) feet higher, so I guess we're really talking about a 155 foot tower. There are more than 15 children living within a thousand feet of this site. The site is 100 feet by 160

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Robert Zahm (cont.): feet and it cannot safely contain this large a tower. There is a grave safety risk with the high winds and the icing conditions found on the top of the hill. What are they going to do if one of these ten (10) foot whip antennas blows off that tower and spears one of our children? What are they going to do?

Alright, has the town met with any county officials to talk about the issues of coordinating the siting of these towers generally? I guess the Ward Road tower site was supposed to meet some of these concerns for the needs of the future expansions with cell towers. It's not two (2) years later and here we are again. We're starting the process all over again. All right, the town should select and secure a site with adequate room for future requests for other cell providers rather than using the shot gun approach that we're seeing now where they come in and pick a site and then start all over again.

Alright, there's nothing unreasonable and discriminatory in the town's local laws concerning siting of communication towers. If the town granted permits to put that large a tower in such a small land locked parcel then any cell company will be able to site any site that they want and any area in the Town of Boston because basically you'll have said it's fair game for anything. All right, you'll be setting the stage for unbridled proliferation towers in the Town of Boston. You allow a site that small to put a tower that big, you're going to have to allow everybody to go anywhere they want. In fact, I think granting a permit with disregard for these serious safety concerns would probably abrogate the town's ability to enforce any of their ordinances if you can't enforce one that deals with safety.

I'd also like to say that concerning the existing towers there's been talk about the safety of special paint, etc. There was talk about this existing FM antenna tower being substandard. I think if you look at those old hundred foot civil defense towers there, particularly the western most tower, it has a plethora of antennas on it now. That tower is very old and very rusty. It was only intended to hold probably a ten foot whip, monopole whip at the top. Has anyone in the town ever looked at the wind loading and ice loading with all those antennas on that old tower? I would suspect that we'll find the same conditions as they claim exist on that FM tower. If that tower is a serious safety risk then I would like something done to insure that it's not. Now I understand it's grandfathered and there's no fall down requirements with that but by the same token, if it's a danger, I think it should be addressed. You look at it and it's very rusty. It's overloaded with antennas that it wasn't meant to have in the first place. And now you've got age, excess wind loading etc. I wold really appreciate if we could look into that because the town ordinance doesn't allow any structures other than the structures associated with the cell site to be within the fall down zone, that the BARRA building would be removed and all that equipment also would have to be co-located because that's also going to be in the fall down zone of the proposed tower.

Donna, if you could put up the third site there. These two (2) small hobby towers that they referred to replacing, one with almost the same except a little higher, basically you're saying that this is the attractive magnet for cell sites. Well that might be the case, but I don't think a 100 by 160 foot site is adequate for even the 100 foot antennas if they don't meet the current fall down zone requirements, albeit, they're there. Fortunately, they're fairly unobtrusive and if you look at the last display that Donna has here, I think that this kind of says a lot about why we're here. Not just the safety but do you want that in your front yard? That's exactly what you're saying you're willing to live with for the people who will no longer have any say. Although, I don't think it's going to come to that because the fall down zone and the seizing of people's property without compensation is a serious issue and the safety issues are far beyond anything that we can pay for. So thank you ever much for your time.

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Russell Deveso, 7768 Lower East Hill Road: I operate the Lake Erie Transportation and own property off of Wohlhueter and Cole Roads. I want to go on record to say if it were to become acceptable to the town, the residents of the town, Frontier Cellular and Lake Erie Transportation, that I'd be willing to negotiate and willing to erect a tower in place of the tower they have that would be acceptable to all, at our cost.

Clyde Hutchins, 8726 Cole Road: I am going to reemphasize some of the things that Bob said. I oppose the placement of this tower. I am not opposed to cell towers. This site is inappropriate for a cell tower. It's simply too large to fit on this size lot. I get a lot of my logic and guidance from making that statement from the towns zoning ordinances. I would believe that the logic behind those ordinances is in fact valid. That they're made to protect the residents from economic loss, from loss and a quality of life and from safety issues that may be associated with the inappropriate siting of the facilities, businesses or whatever.

According to the ordinances that are in place and were created after the permit was requested, it's too close to residences which are around it. The fall down zone simply won't fit on the property and there are existing structures within the fall down zone. Speaking to each of those three points that I brought up, I believe there is a real hazard associated with falling ice in this size lot with the traffic that occurs around it, especially the children that live in the area and me.

I guess I should have introduced myself as Dr. Clyde Hutchins. I am a certified chemist. I am employed by DuPont and one of my specialties is coating. The reference to an eosophobic coating won't inhibit the formation of ice. What it does, is it encourages the release of ice, so in my opinion, application of that kind of a material would only make my concerns worse because the material is going to fall off more easily. I also believe that one of the other things that I am going to take a loss on is the aesthetics associated with the area. We have already talked about the sound. I think the exhibits point to the fact that this is not a one to one replacement. An amateur radio tower, that maybe shouldn't be there anyway, being replaced by a cell tower. Lighting will occur on this tower. Common sense tells you there's going to be a light up there. Even if the FAA doesn't require it today, you're going to have a light on that tower. The tower is too substantially higher than what's already there. That means it's got to be bigger at the bottom. That's going to have a lot more impact than the lattice work that's there now, contrary to previous statements by Attorney Greiner, where there would be no devaluation of my property as a result of siting. We have consulted with a certified appraiser and the opinion is different. They have convinced me that in fact if this tower is placed there, I and my neighbors will sustain an economic loss. And again, that's one the purposes of the zoning board as I understand.

And the final issue is again, that by doing this we will establish precedence and even on this site, if it becomes a place for further additions it may grow higher, it certainly will attract more arrays and other requests will be asked to co-locate and maybe they'll request to go even higher and lighting will become more of an issue.

Those are really the main points I wanted to make. In summary, it won't fit. The existing zoning ordinances are consistent with that. I would simply ask that we take those into consideration and follow our own rules.

Town Attorney Perley: Mr. Hutchins, do you have an appraisal report?

Clyde Hutchins: Only a verbal one, but a written one is to be forth coming.

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Town Attorney Perley: If you do receive a report, would you forward it to the Town Board? Thank you.

Clyde Hutchins: One of the questions that came up was could you raise the height of the towers that now service the areas? The answer that I heard was, no, because there's the capacity issue. To me that begs the question of need. Originally need came because of the propagation site study, not no coverage, but now the answer is need based upon capacity. Is there really a need for capacity out in this area, for more capacity than you have?

The second question is a little bit technical but I understand that the interference due to the harmonic drop off is the square. Now this is the ninth harmonic. My calculations tell me that you know the square root of nine times nine times is 99.99. Is this really an issue?

Town Attorney Perley: Mr. Hutchins, we also rely on our consultants with respect to that.

Clyde Hutchins: One of the questions that came up, I think through Mr. Perley was, you were really asking the purpose of the drive test was to confirm the model, which is the propagation study.

Thomas Greiner: If I said that, I didn't mean to say that. That was one of the results. It shows that there is congruent but I didn't mean to say that the drive test was conducted as an exercise to confirm the propagation. The drive test was conducted to actually confirm that there was a problem in coverage where we thought there was a problem in coverage.

Peter Grandits, 8710 Cole Road: About three years ago I went in front of the Zoning Board and asked for an application to get a variance in the construction of a garage on my property. I have a lovely property and a beautiful home and wanted to extend and demonstrated the fact that I had a lot of need for additional storage space. That application ended up being denied on the basis of insufficient need and the basis of the fact that there is zoning, which is to protect the property values of others. I thought my request was somewhat simple. It was going to be a well constructed garage and yet I was told about the property values and upholding the property values. Then I look at this, which requires three zoning violations to be released and I find it hard to accept the fact that with all the safety considerations and the unsightliness of the site and the certainty that property value will be reduced, that this be considered for a variance. I think it is totally inconsistent with my previous experience as a home owner.

My second point I would like to make, is the fact that with this FM tower so nearby, I am quite surprised that they haven't had any further progress and any negotiations on that particular tower. I would have expected that this other company is saddled with a tower that is crumbling under their feet apparently, by some reports and that they would be looking for someone to partner with to correct their situation and their safety hazard that exists currently and why they would not embrace more openly negotiations to share the costs of putting up either a new tower or making the necessary repairs doesn't seem to make any sense given their situation. I encourage that whatever the town can do to further negotiations between those parties I wish the town would pursue as an alternative site.

Dr. Henry Shehata, Cole Road: I am a physician with the State of New York. I was contacted several months ago by a lady for the company asking, because I have six acres or 5.9 acres of land next to the dome house. I told her I am not ready to stab my neighbor and I'm not going to sell, however, I have a really good real estate lady who helped me get these plans. She can look for some

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Dr. Henry Shehata (cont.): land for you that serves the purpose and at the same time won't be very harmful for the neighborhood. She did not express any interest. They should know, it was not very fair for one reason, if you go for a malpractice case, you have expert witnesses on both sides. We have had our brains jammed with so many scientific jargons and so many electronic things and the only expert, is with their company. So the issue now is let's say that our five sites plus other suggestions of tower or building a tower next to a tower or whatever, here the company has to write, let us say site number one, we have problem with that for the following reasons. One based on the following findings and so on with the other sites because I hear like the one of the farmer who wanted to sell X amount of land and then I don't know exactly why the company refused it, number one.

Number two, the issue of money should be the last thing. This is a multimillion dollar..., and without envying them I mean money is the last thing for them, compared to the potential, to the devastation to the neighborhood go through, number one. So now the main issue is we have to know what are our choices, not only, the neighbors also have -- if they find other land or they should tell the company here, if you refuse it then it can be reviewed by our expert. I think for that reason I feel that the town needs more time from the company to allow for this investigation.

Town Attorney Perley: Doctor, during the period of five (5) months that this was before the Planning Board, the town retained a consultant. During that period of time and in the interest of time, making it's presentation, not all of the documentation has gone into it, various alternative sites were studied. All of those studies and all of the data has been reviewed by a expert retained by the Town of Boston who is a professor of telecommunications, of radio engineering from the Rochester Institute of Technology. During this period of time the search for an alternative site continues and those sites would have to be suitable for Upstate Cellular and suitable for the town and subject to the very same procedures that you see for the people that live in the vicinity of those sites. This process had not stopped.

Dr. Shehata: Without the option of building the tower next to the FM tower, would they exercise, like paying these people and the company can build their own tower next to them, is that a possibility? And the other issue also, when they say the same frequency, if it is the same frequency, I ask you even if you go to a tower like 200 feet longer, you will still have interference.

Town Attorney Perley: It's among the issues. There are a lot of different items that have to be addressed.

Dr. Shehata: There is this another issue, which I know is controversial, which is the effect of the radiation on people who are very close to it. We know that sometimes they say don't use cellular phones too much next to the head. Now should we experiment on these kids and see this after ten years what will happen to their blood or whatever? It's just another issue. I hope it's taken into consideration.

Councilman Tills: You mean cellular transmissions?

Dr. Shehata: Yes, any magnetic waves. Being to close to it. Some say, yes, it can cause cancer and some say no. So now you are in a gray area. And those who wish to prove or disapprove it after a few years, you see how the kids are doing, so this another experiment I don't think we should do.

Supervisor Rood: I think the federal rights pulled that right out of the mix. Right out of the top. You can't even do it.

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John Dominkewicz, Cole Road: I'd like to make a comment or two concerning the more or less technical issues that Mr. Greiner had mentioned. I noted with great interest that when a question is raised concerning the coverage, that a response is provided, which is essentially framed to address that particular question. On the other hand, when the question is raised concerning the capacity issue, the conversation then seems to be that here in Boston it is indeed a capacity issue and not a coverage issue. Looking at the population and the density and so forth in the past 20 years, my question would be, and I asked this earlier, is it in fact, we just assume that it is a capacity issue and so forth and we just can increase the power or the height of the other existing structure because that would still not answer or provide a solution for capacity constraints? Then I guess I look at a fundamental question and that is, be that it would, if it does cause a degradation of quality of service in so far as blocking the telephones, maybe we have different engineering methods of determining blocking a probability statistically and my specific question is, can the telephone company provide perhaps a percentage figure that might indicate a two or three percent degradation of service? I would respectfully ask the Town Board to ask yourself, is this endeavor worth it for the degradation of only two or three percent of blockage because we didn't have transmission calls?

And I would also remind the Town Board, on a prior date that Mr. Dilappo and I had driven the perimeter and certain areas of the town and in fact, there is coverage from inside a car with a portable flip phone, which again, we could get into subsequent tests that we could run to determine if it is a neg 75 or if it is a neg 85 and so forth but the fact remains and Mr. Russ Deveso has indicated that his phone works to Colden and so forth, so I just wanted to share those thoughts with you and bring us back on track to that fundamental issue.

What is this all about really? Or is there some other hidden agenda further down as far as the company positioning itself strategically to say we have tower sites here and here and here and enhances stock value perhaps?

Loretta Janak, 7185 Liebler Road: I live nowhere near your fall down zone and nowhere near my beautiful view being obstructed. I am here in support of my fiends who I know all the way from Liebler, all the way down Cole Road because it is a small community. I would like to state as an observation, that on my road there is an old dilapidated bulldozer located on a piece of property that somebody had purchased where there was no home located. Our neighbor complained and the town forced the individual to remove it. I don't know whether it was removed because it was unsightly and pretty darn ugly sitting up there or whether there was an ordinance that it violated. If it was an ordinance that it violated, it's funny that you would uphold that ordinance for an individual of your town when you would be willing to break ordinances for a corporation or a company.

Secondly, the site that your looking at now, the alternative on Cole Road where that old unoccupied home is, is also located next door to a friend of mine. This is a small community and we do support each other and it would be unacceptable to that set of neighbors to go rouse them up and you'll have the same difficulty addressing that issue there. And a question to the Town Board is, if the value of our property becomes devalued, say a $200,000 property is worth less, do you then go ahead and reassess our taxes or do you still consider the fact that we have to pay as much tax on a piece of property that's no longer valuable because we can't sell that home? Nobody wants to live next door to a tower. So do you decrease our tax liability then? That I would be curious to have an answer to.

Town Attorney Perley: That's a matter that is specifically up to the assessor. It is not a function of the Town Board. It is

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Public Hearing (Cont.):

Town Attorney Perley (cont.): outside of our jurisdiction.

Supervisor Rood: There is a grievance stage that you may go through and you may grieve your assessed taxes and that's taken into consideration. Out of curiosity, Mrs. Spaulding, when did you start looking at that home that you bought?

Karen Spaulding: I'd say about six (6) months ago. We did review the plans. Our lawyer contacted your lawyer and we came in here to this town hall and as a matter of fact, met some of the neighbors at that time and reviewed the plans but at that point the tower was not what it is now and it was definitely not a building and a fence. It was very different from what it is now at that point.

Supervisor Rood: I was curious as to whether the price of the home dropped because there was a tower going on.

Karen Spaulding: I don't know.

Kim Kaul, 8714 Cole Road: I am the one that would be living directly across from this. I have been living up on the hill for eleven (11) years. I moved there for the reasons all stated by the neighbors up there. I have spent more money in the last year than I did to purchase my house eleven (11) years ago. I am extremely worried about property value. I plan to do more remodeling and I just put a beautiful front porch on. I am going to be the one that is staring at this tower. I love to sit outside and read. When it is windy I can't sit out back, so I sit out front. I know that there is going to be strobe lights or something on this tower. When I was watching meteor showers that were just out about a month ago, all I could see was the FM tower building and that's about a quarter mile away. The reflection comes right off the front of my home. I don't want to sit and listen to air conditioning or look at a tower. I walk by the tower, where the FM tower is, a quarter mile down the road pretty regularly and that's all you hear is noise. Many people are going to be very affected by the noise of this tower and I don't want to hear about how quiet air conditioning is. None of us have air conditioning because we have a nice breeze up there. We keep our windows open. I am deeply distraught over the fact that this tower is possibly going to be built where it is.

Dr. Shehata: The value of the property very clearly will go down for one reason, it is not next to the University of Buffalo where you move so that the kids will go to the university. Those who move, move mainly to seek a quiet house, clean air, so whoever would sell the house after that will...that's the end of it.

Donna Hutchins, 8726 Cole Road: I also will be living across the street or live across the street from where the site would be proposed. We moved here from the east coast two (2) years ago and searched in the southtowns for the perfect home and at no small investment we found one, we thought, up in the beautiful Boston hills. It just doesn't make sense that you would destroy this. I mean we really would be upset because of the investment and the reason for picking this home over all the others we had looked at in the southtowns. Also, it has been reiterated over and over again and other people have brought this too, that this is already a designated tower site because there are two (2) antennas on that site already. Well, obviously as you can tell from the pictures that you can't compare. I mean I wouldn't mind a stone on my front lawn but I'm certainly going to move a boulder. It's just not the same and you can't compare them at all. I think the most frustrating thing, for me anyway, is that if this tower is built, every time I walk out my front door, every time I go by this, it will be a constant reminder as to what little power we have with our local ordinances in this town. Thank you.

REGULAR BOARD MEETING TOWN HALL
SEPTEMBER 16, 1998 7:30 P.M.

Public Hearing (Cont.):

Tristan Dilappo, 8715 Cole Road: I have a couple of questions, Mr. Greiner. It says that the tower will work at 120. The area where it drops down to minus 75 or minus 85, those areas there, that are habituated, are there actual roadways in those areas or are those just areas where there are cell phones in the middle of the woods?

Thomas Greiner: I am sorry, and the propagation is at 120 feet?

James Dilappo: Right, you said they weren't acceptable to Frontier Cellular but what about the areas below minus 75?

Thomas Greiner: Showing the area by the propagation drop way below the marginal coverage of 120 feet.

James Dilappo: In areas that have roadways and pavement.

Thomas Greiner: That have roadways and population. Again, we can go over propagation either here or maybe since it's getting late, these are on file. You can look and clearly see from these propagation as well as the town's own expert report regarding that.

James Dilappo: I have one question on the building too. The plans show a light structure, like a high pressure sodium wall pack, does that go on like 24 hours a day or does that just go on only when workmen go out there?

Thomas Greiner: No, actually it's intended to go on at night.

James Dilappo: It goes on at night for security reasons?

Thomas Greiner: It can go either way or simply at night.

James Dilappo: Okay, the other area, there are very few lights at night and I'm sure there's never been a break in or any street problems out there.

Thomas Greiner: We have in the past, Mr. Dilappo, when people have objected and that becomes an issue, that it does not happen unless they're working there, which is in the evening and that would only be during an emergency.

James Dilappo: I appreciate that. I could reiterate everything that has been said tonight about the inappropriate site but I'm sure you want to go home and I won't do that but I want you to know my feelings are in spades ten times over what everyone has said about it not being in the right site and I hope they can find a better site. Hopefully, the FM tower and if not, possibly they can look a little harder to find a different site. Thank You.

Supervisor Rood: Please do not reiterate.

Deborah Dilappo, 8715 Cole Road: I do need to reiterate some essential points. My house is a little over 400 feet from the proposed tower. Most of my windows face this tower. My front yard is in this tower. Our house faces in this direction. All of my rooms, with the exception of two (2) rooms, will see this tower at all times. Every meal I eat, I will be looking out my window, which has no curtains, at this tower. I do need to make this personal because it's a very personal issue. So, please, if the Board will allow me to address the points.

Supervisor Rood: Please Debbie, I mean it, five minutes.

Deborah Dilappo: Let me make some of the points that maybe haven't been made. The arm array we measured at about 22 feet. Not only is this tower 155 feet, it looks like the array is 20 feet deep. I like everybody else have concerns, the arm, in total capacity,

Public Hearing (Cont.):

Deborah Dilappo (cont.): one arm with another arm with this tower in the middle equals a 22 foot deeper scale than on your plan unless the scale is off or we're off. It's about 22 feet up there hanging. That has the potential for icing and I, like Mr. Hutchins, I'm very concerned about the eosophobic paint. Even if it does work, which is questioned that it will work, what happens in a few years? It's not going to work after a few years. We know the weather conditions up there, that paint is going to wear off. Are you going to come and repaint it? I don't think so. I need to address the weather conditions on this hill. With the exception of Mr. Perley, who knows first hand the weather conditions on that hill, if you don't live there, you don't know what our winters are like. We're in a unique world up there. It is sunny here and it is sunny in the Orchard Park school system where my children go to school but it's a raging blizzard where we live. My husband plows it out and 20 minutes later it fills right back in.

The icing conditions on this hill are atrocious. Last year we lost six (6) huge trees from the wind and the icy conditions. Four or five telephone poles blew down. When they say 50 mile per hour winds, we get 100 mile per hour winds. And that's a typical winter. Ice is going to blow from the array on that tower. If that array is 22 feet, it's going to be going all over the place on our properties. There's four (4) properties that are affected. Primarily, children play now with our new neighbors, my children are really in that area, in this playroom and I have a real serious problem with this safety issue and the ice blowing and potentially killing my child.. we have seen it blow off these towers. We have seen it blow off the wires off the trees.

To get to some other points, okay, I could reiterate everybody else's points. The evaluation, the health hazards. The big, big issue is safety. Like everybody has said, your fall down zone ordinance addresses safety. You have given the least amount, a conservative measure, the height of the tower and safety ring. They do not meet the safety ring. If you don't protect us, you, who we elect to make these ordinances to uphold these ordinances, who will protect us? And then, you're looking to buy a house, to get advice. You go to the Zoning Board of Appeals, go to the town hall and look up their ordinances, to look up their policy on siting variance things and you feel like you're protected. I am sure Kathy and Karen, when they moved in, they felt totally protected. You may say, well, why did they move in? They felt totally protected. We're told that these ordinances protect us. Just bear with me. Upstate Cellular is a business. It's a business to make a profit. In this case, their profit, a profit from our losses, whether it's dollars in property or the loss of life.

Nowhere in the federal law is it required that we sacrifice our natural and scenic beauty of our town or our children's lives in order to improve the profits of the cellular industry. We're not buying something. We're being asked to help them do business and I feel that you, as a town, have great leeway in establishing the criteria on how they do business in this town. There are over 200 acres south of this site. Some of which are in the site. There are over 400 acres starting 1,000 feet from this cell ring. I know that topography makes this network but there are open wooded land, fields, between Omphalius and Wohlhueter and Lower East Hill and Cole. It may need a higher tower but look for the future. If you're going to have these companies come in after this company, asking for co-location, where are they going to be? If this tower gets permitted, it's going to be on our tower, then, what rights do we have? How do we fight a request to increase this tower an additional 50 feet? You're gonna say that, no, it will never happen. More co-location won't go on it. It's going to be a further violation of our basic rights as property owners. Look for the future. We acknowledge a tower needs to be here. Let's find a place that is the least impacting on our residences, not a detriment, a hazard, a safety hazard to our children. Follow your

REGULAR BOARD MEETING — TOWN HALL
SEPTEMBER 16, 1998 — 7:30 P.M.

Public Hearing (Cont.):

Deborah Dilappo (cont.): fall down zone requirements. Place a tower where there is potential for co-location and have the foresight to ...

Supervisor Rood: Debbie, you have got to summarize here.

Clyde Hutchins: The total time spent by the people is still less than one individual from Frontier.

Deborah Dilappo: Thank you Mr. Hutchins. I deserve this time. Please give me the respect and finish getting this off my chest because I have been here six months following this and I need to make this statement. You may say, why are not the towers that are currently looked at a problem to me? These towers are so unobtrusive. I can't tell you the number of people who I have talked about these towers to, who have been visiting me for the last 15 years and said to me, one of my close friends, what towers are you talking about? The two (2) amateur radio towers. Where are they? I can't tell you the number of people who have said that. You can believe they will not say that if this tower gets built.

Back to the point about finding a suitable location that doesn't impact on our property so dramatically and our children's safety. Let it be a resident, land owner, who profits from getting a lease from Frontier Cellular. Let them, if they choose to make the sacrifice to give their land to build a higher tower, and there are people out there, believe me, because I have talked to them, let them profit. They're the land owners here, they don't live in Tonawanda and Riverside and Kenmore where our current nonresidents have given the lease to. Let them make the decision and profit from this decision and I want to stress too, that you're not alone in this fight. It's happening all across the country. I know you say that pending legislation doesn't matter but it does matter in the sense that it's happening all across the country and it is going to change. They are going to return the power fully back to the local municipalities because that's where it belongs in making the decision on what is right for its community. And I want to, for the record, submit a letter that I just received today from State Assemblyman Richard Smith, who is co-sponsoring some of this legislation, and so I'd like to submit that on the record and I will give that and there is also another Mr. and Mrs. Riker, who haven't been present, but will be present most likely at future meetings, is another affected property on the fall down zone that needs to be addressed and also from my council, I believe now there's four (4) variances that they need to obtain, if that's correct?

Audience Member: It would appear correct.

Deborah Dilappo: So I would like to conclude and thank the Board for hearing me out. Thank You.

Audience Member: Can I make one quick statement on the tower safety issue? Frontier Cellular claims that their towers are safe of course, that's what they are always going to say. We have got figures requested by the Board. Since the 1950's there have been dozens of failures of towers across the United States. I am sure that the engineers in Montreal told the Board Members of that city that their towers, their electric towers were safe and last year or the year before when they all fell down because of the ice storms, they were supposed to be safe but obviously they weren't either because of the conditions, the icing conditions. So you've got to take it at face value, please.

Robert Arent, 8712 Cole Road: I feel responsible. I sold those people the property but I also sold Mike the property and he was smart enough to leave. I'll tell you something, when they bought

REGULAR BOARD MEETING TOWN HALL
SEPTEMBER 16, 1998 7:30 P.M.

Public Hearing (Cont.):

Robert Arent (cont.): that thing in the first place, I don't think they really asked you people for permission to do some of this. Somebody ought to check into that. And Kim Hall mentioned that she spent a lot of money on her home. Well I don't know if anybody realizes it but I've lived up there for 45 years. Kim Hall's home, when it was being built, I was outside. I saw Kim Hall's home, the whole basement, the steel beams, the posts and the whole floor go across Cole Road towards the radio tower. Took down all the electric, took down the telephone poles on Cole Road, so I am also the one that usually plowed out that driveway for John and Kathy Dominkewicz. I know that there's a lot of ice there and I also know that you can touch the telephone wires that are in that driveway right now from the last couple of wind storms that we've had, so the safety thing is very important. It's not that big of a place and maybe they'll put a Disneyland or something up there but there's very little space to put a tower. That's all I have. Thank you.

Supervisor Rood: I entertain a motion to close this Public Hearing.

Town Attorney Perley: Can I ask Mr. Greiner one question? Mr. Greiner I know you wanted to make a response in view of the time maybe it would be best if we respond in writing. Do you want to respond to this, maybe make a submission to the Board in view of the time. I want to get one thing on the record if I could. Could you identify for us the areas that Upstate Cellular is principally concerned with, with respect to the construction of this tower? Can you identify the areas, the principal areas of concern that you have in terms of providing service?

Thomas Greiner: Well again, Colden.

Town Attorney Perley: Is that Route 240 in Colden?

Thomas Greiner: Yes, the hamlet there, that would be Boston, Patchin, that route...

Town Attorney Perley: That's Boston State Road.

Thomas Greiner: Route 219, those are the main areas.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to close the Public Hearing at 10:45 p.m.

five (5) Ayes Carried

Town Attorney Perley: There are a couple of items that we have to address in respect to the Public Hearing at this time. First of all, there's been a SEQR application and at this time it is my opinion, in consultation with the Town Engineer, that this is an unlisted action. The Town Board in light of the application which will shortly be pending before the Zoning Board of Appeals, should make a determination as to whether or not it wants to be the lead agency. I respectfully suggest that you should consider becoming lead agency and adopt a motion now, designating yourself as lead agency and direct the clerk to advise the Zoning Board of Appeals, that you are so designating yourself and ask for their consent and that can be put in the motion by one of the councilman.

A motion was made by Councilman Simmeth and seconded by Councilman Mead to designate the Boston Town Board as Lead Agency for the Upstate Cellular Network Special Use Permit Application and direct the clerk to advise the Zoning Board of Appeals of the designation and ask for their consent.

five (5) Ayes Carried

REGULAR BOARD MEETING TOWN HALL
SEPTEMBER 16, 1998 7:30 P.M.

Public Hearing (Cont.):

Robert Arent (cont.): that thing in the first place, I don't think they really asked you people for permission to do some of this. Somebody ought to check into that. And Kim Hall mentioned that she spent a lot of money on her home. Well I don't know if anybody realizes it but I've lived up there for 45 years. Kim Hall's home, when it was being built, I was outside. I saw Kim Hall's home, the whole basement, the steel beams, the posts and the whole floor go across Cole Road towards the radio tower. Took down all the electric, took down the telephone poles on Cole Road, so I am also the one that usually plowed out that driveway for John and Kathy Dominkewicz. I know that there's a lot of ice there and I also know that you can touch the telephone wires that are in that driveway right now from the last couple of wind storms that we've had, so the safety thing is very important. It's not that big of a place and maybe they'll put a Disneyland or something up there but there's very little space to put a tower. That's all I have. Thank you.

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five (5) Ayes Carried

Town Attorney Perley: Further, with respect to the lighting discussions that we had with Mr. Greiner, the town could entertain the following motion that the applicant, Upstate Cellular, be permitted to begin or to submit its application to the Town of Boston Zoning Board of Appeals prior to the determination of the Town Board on the application for a Special Permit subject to the provision that the Town Board would be expected to vote on November 4th and that its vote must precede the vote of the Zoning Board of Appeals with respect to them. Is that agreeable to you Mr. Greiner?

Thomas Greiner: Absolutely.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth that Upstate Cellular be permitted to begin or to submit its application to the Town of Boston Zoning Board of Appeals prior to the determination of the Town Board on the application for a Special Permit subject to the provision that the Town Board would be expected to vote on November 4th and that its vote must precede the vote of the Zoning Board of Appeals with respect to them.

five (5) Ayes Carried

Town Attorney Perley: I believe that covers the issues that came before the Town Board. Mr. Greiner has asked to be able to respond to a certain number of these things and I suggested to him that he could make a written response to the Board.

Town Attorney Perley requested that the photographs provided by members of the audience be available for the Town Board to keep.

The audience members responded yes.

Supervisor Rood noted the photographs will be kept in the Planning Board room if anyone wished to see them.

SUPERVISOR REPORT

A). Supervisor's Monthly and Bank Account Reports for August received and on file in the Town Clerk's Office.

Supervisor Rood reported that approximately thirty-five (35) volunteers participated in the creek clean-up on Saturday, September 12, 1998 at 8:00 a.m. The FEMA program will reimburse the town for costs incurred.

Supervisor Rood attended an investment seminar sponsored by Erie County. It was suggested that local municipalities in smaller towns consider pooling their resources in an attempt to obtain higher interest rates on their surplus funds.

TOWN CLERK REPORT

Town Clerk Shenk announced that the Hamburg School Taxes were mailed on September 15, 1998. The Town Clerk's office will be open to receive tax payments on Saturdays, October 3rd and October 10th from 9:00 a.m. to 3:00 p.m.

Town Clerk Shenk noted that flu shots will be available at the Town Hall on Friday, October 9, 1998 from 10:00 a.m. to 2:00 p.m.

TOWN ATTORNEY REPORT

Town Attorney Perley reported that the semi-annual franchise fee for Adelphia Cable was $20,719.23. When the franchise was initially signed it was estimated that the franchise fee would be about $7,500 a year.

REGULAR BOARD MEETING
SEPTEMBER 16, 1998

TOWN HALL
7:30 P.M.

A motion was made by Councilman Tills and seconded by Councilman Simmeth to adjourn the meeting at 10:50 p.m.

David J. Shenk
DAVID J. SHENK, TOWN CLERK

SPECIAL BOARD MEETING — TOWN HALL
September 25, 1998 — 5:15 P.M.

Present were Councilman Damian P. Wiktor, Councilman Stephen K. Tills, Councilman Karl J. Simmeth Jr., Councilman Dennis J. Mead, Supervisor Rood and Town Attorney Michael F. Perley.

Absent were Highway Superintendent Eugene E. Ruchalski

Received and filed a recommendation from the Conservation Advisory Council regarding the Brunner Site Plan - 7166 Boston State Road. Approval with the following conditions:

1. Parking spot number 13 be eliminated.
2. A shrubbery buffer be installed on the Western side of the parking lot.
3. A berm, guard rail or shrubbery buffer be installed on the Eastern side of the Parking Lot.
4. No additional parking in front of the building in the future.

The preliminary landscape design presented was acceptable.

Received and filed a recommendation from the Planning Board regarding the Brunner Site Plan - 7166 Boston State Road. Approval with the following conditions:

1. 13 Parking spots
2. Addition of one tree in the front
3. Guarantee of landscaping in the front of the building
4. Future parking would have to be in the back of the building (this matter would have to come before the Planning Board) and that future planting be of particular care and consideration.

Town Attorney Perley recommended that consistent with our zoning, there should be a buffer on the boundary between a Residential & Commercial District. This should be addressed with the applicant and tabled.

Councilman Mead noted that there is a ten foot buffer on the North side of the lot.

Supervisor Rood and Councilman Tills would like to table the application until a new plan can be submitted.

A motion was made by Supervisor Rood and seconded by Councilman Tills to table the Site Plan request of William Brunner - 7166 Boston State Road.

Councilman Wiktor	Voting	nay
Councilman Tills	Voting	aye
Councilman Simmeth	Voting	nay
Councilman Mead	Voting	nay
Supervisor Rood	Voting	aye

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

A motion was made by Councilman Simmeth and seconded by Councilman Mead to approve the Site Plan request of William Brunner - 7166 Boston State Road.

Councilman Wiktor	Voting	aye
Councilman Tills	Voting	nay
Councilman Simmeth	Voting	aye
Councilman Mead	Voting	aye
Supervisor Rood	Voting	nay

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

RESOLUTION 1998-31 AUTHORIZING THE EXECUTION OF A LEASE MANAGEMENT AGREEMENT BETWEEN THE TOWN OF BOSTON WATER DISTRICTS NO.1, NO.2 AND NO.3 (TO BE FORMED)

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1998 - 31

Resolution Authorizing the Execution of A Lease Management Agreement between the Town of Boston Water Districts No. 1, No. 2 and No. 3 (to be formed)

At a Special Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 25th day of September, 1998 at 5:00 o'clock in the evening Eastern Prevailing Time there were:

Present:	**Lisa M. Rood**	**Supervisor**
	Damian P. Wiktor	**Councilman**
	Dennis J. Mead	**Councilman**
	Karl J. Simmeth, Jr.	**Councilman**
	Stephen K. Tills	**Councilman**
Absent:		

Councilman Wiktor presented the following Resolution and moved its adoption:

BE IT RESOLVED that the Town Board of the Town of Boston authorize the Supervisor to execute the Lease Management Agreement presented to the Town Board by the Erie County Water Authority on behalf of Town of Boston Water Districts Numbered 1, 2 and 3 (to be formed).; and be it further

RESOLVED that the Town of Boston Water District No. 3, upon its formation convey to the Erie County Water Authority the pump station facility constructed as a part of the said Water District No. 3 in consideration of the Erie County Water Authority Grant of $500,000.00 to the said Water District.

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

Supervisor Rood	Voting - Aye
Councilman Wiktor	Voting - Aye
Councilman Mead	Voting - Aye
Councilman Simmeth	Voting - Aye
Councilman Tills	Voting - Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk-Town Clerk

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1998 - 32

A Resolution Regarding Permission from the Town of Orchard Park for Town of Boston Water District No. 3 to Use the Ward Road Tank as a Source of Water Supply

At a Special Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 25th day of September, 1998 at 5:00 o'clock in the evening Eastern Prevailing Time there were:

Present:	**Lisa M. Rood**	**Supervisor**
	Damian P. Wiktor	**Councilman**
	Dennis J. Mead	**Councilman**
	Karl J. Simmeth, Jr.	**Councilman**
	Stephen K. Tills	**Councilman**
Absent:		

Councilman Wiktor presented the following Resolution and moved its adoption:

WHEREAS the Town of Boston has begun proceedings to establish a new Water District No. 3 in the said Town of Boston; and

WHEREAS the water supply for the said District, according to the design thereof, is a water tank on Ward Road in the Town of Boston (the Ward Road Tank) which is owned and operated by the Town of Orchard Park and/or one of its Water Districts; and

WHEREAS the Town of Orchard Park is willing to grant said permission but has requested that the said District contribute to any expense incurred by the Town of Orchard Park for refurbishing the Ward Road Tank; and

WHEREAS the Town of Boston, by and on behalf of Water District No. 3 agrees to contribute in proportion to the water usage generated by the residents of Water District No. 3 and the other facilities situated within the said District.

NOW THEREFORE BE IT

RESOLVED that, in consideration of the Town of Orchard Park granting permission for the Town of Boston Water District No. 3 (to be formed) to use the Ward Road Tank as a source of water supply for the said District; the Town of Boston, on behalf of Town of Boston Water District No. 3 (to be formed), agrees to contribute to the refurbishing of the Ward Road Water Tank, when performed at the expense of the Town of Orchard Park or its Water Districts, in proportion to amount of water usage by the said residents and facilities of the said Water District No. 3

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

Supervisor Rood	Voting -	Aye
Councilman Wiktor	Voting -	Aye
Councilman Mead	Voting -	Aye
Councilman Simmeth	Voting -	Aye
Councilman Tills	Voting -	Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk

David J. Shenk Town Clerk

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1998 - 33

A Resolution Authorizing Boston Valley Pottery Inc. to connect to Town of Boston Water District No. 1 Waterline

At a Special Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 25th day of September, 1998 at 5:00 o'clock in the evening Eastern Prevailing Time there were:

Present:	**Lisa M. Rood**	**Supervisor**
	Damian P. Wiktor	**Councilman**
	Dennis J. Mead	**Councilman**
	Karl J. Simmeth, Jr.	**Councilman**
	Stephen K. Tills	**Councilman**

Absent:

Councilman Tills presented the following Resolution and moved its adoption:

WHEREAS: Boston Valley Pottery, Inc. owns property in the Town of Orchard Park which does not have municipal water service; and

WHEREAS The nearest available water source for Boston Valley Pottery, Inc. is the Town of Boston Water District No. 1 waterline,or an extension thereto constructed, owned and operated by the Erie County Water Authority; and

WHEREAS Boston Valley Pottery, Inc. has sought permission from the Erie County Water Authority and the Town of Boston Water District No. 1 to connect to the said line for the purpose of extending the waterline and locating a hydrant near their facility on Abbott Road in the Town of Orchard Park, New York; and

WHEREAS There is no anticipated water usage and Boston Valley Pottery, Inc. has agreed to reimburse the Town of Orchard Park for any hydrant fees and has further agreed to pay the cost of the waterline extension; and

WHEREAS According to Boston Valley Pottery, Inc. there will be no financial risk to the Town of Boston.

NOW THEREFORE BE IT

RESOLVED that, to the extent same is required, the Town of Boston Water District No. 1 hereby grants Boston Valley Pottery, Inc. permission to construct an extension to the water main of Water District No. 1 on Abbott Road into the Town of Orchard Park, New York.

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

Supervisor Rood	Voting -	Aye
Councilman Wiktor	Voting -	Aye
Councilman Mead	Voting -	Aye
Councilman Simmeth	Voting -	Aye
Councilman Tills	Voting -	Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk

David J. Shenk-Town Clerk

SPECIAL BOARD MEETING — TOWN HALL
September 25, 1998 — 5:15 P.M.

RESOLUTION 1998-32 **REGARDING PERMISSION FROM THE TOWN OF ORCHARD PARK FOR THE TOWN OF BOSTON WATER DISTRICT NO.3 TO USE THE WARD ROAD TANK AS A SOURCE OF WATER SUPPLY**

RESOLUTION 1998-33 **AUTHORIZING BOSTON VALLEY POTTERY INC. TO CONNECT TO TOWN OF BOSTON WATER DISTRICT NO.1 WATERLINE**

A motion was made by Councilman Wiktor and seconded by Councilman Mead to adjourn the meeting at 5:43 P.M.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 7, 1998 — 7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Stephen K. Tills, Councilman Karl J. Simmeth Jr., Councilman Dennis J. Mead, Supervisor Lisa M. Rood, Highway Superintendent Eugene E. Ruchalski and Town Attorney Michael F. Perley.

Rev. John VanHaneghan, Good Shepherd Lutheran Church, opened the meeting with a prayer.

See correction Page 150

A motion was made by Councilman Tills and seconded by Councilman Simmeth to adopt the minutes of the September 16, 1998 regular monthly meeting and the Special Meeting of September 25, 1998.

five (5) Ayes — Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #10, dated October 7, 1998 in the amount of $283,422.52 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead, upon review by the Town Board, that the Highway Bills on Abstract #10, dated October 7, 1998 in the amount of $42,203.44 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to accept the Town Clerk's Report for September 1998.

five (5) Ayes — Carried

five (5) Ayes — Carried

Received and filed notification from the NYS Public Service Commission of scheduled hearings on the proposal of National Fuel Gas Distribution Corporation to reduce rates.

Received and filed notification that the Boston Town Band Christmas Concert is scheduled for December 10, 1998, 7:30 p.m. at Boston Valley School.

Received and filed notification of a liquor license renewal for Tony's Patchin Pizzeria.

REQUESTS FROM THE FLOOR

Thomas Greiner, partner in law firm of Nixon, Hargrave, Devans & Doyle, representing Upstate Cellular: Last time we were here we presented the Town Board with a site at the Buffalo Amateur Radio Repeater property on the east side of Cole Road. A presentation was made about need and RF considerations etc. All that obviously still remains the same. There is an alternate site on the west side of Cole Road, somewhat to the north, and we will present this to the Board tonight and we would like the Board to refer this to the Planning Board which meets next Tuesday. I have given Town Attorney Perley, in addition to the transcript of the last meeting, twelve (12) letters and both copies of my cover letter asking the town to consider this as an alternate, as well as a concept plan. In addition, we have given Town Attorney Perley twelve (12) copies of the RF propagation from this site proposed tonight. It shows that the coverage over the southeast in the area of Colden is not as good but it does show slightly better coverage in the northwest. We are proposing a tower in this location (indicating) 185 feet with antennas on top. It keeps the total height under 200 feet so that it would not, under FAA regulations, require any lighting at all. In order to duplicate the coverage that we get from the BARA sight we would need a 285 foot tower. We are down 100 feet and we lose some coverage but it still provides acceptable coverage. The site is at 8554 Cole Road, a 300 X 300 foot parcel.

Thomas Greiner (Cont.): Some of the advantages of locating the tower here, at least in terms of land use impacts, is the advantage of being off the road but with nothing in back of it and so is not surrounded by houses. It should be a site that has less of an impact on fewer residents. There would be trees that block some of it. It is probably important to the town that we have a much greater setback from the property lines. The closest one is 155 feet which is an improvement over the 22 foot set back at the BARA site. We still will need a variance as we still don't have full height setback from this line or this line (indicating). Wohlhueter Road is the closest intersection.

Councilman Simmeth: So we really don't have a problem in the fall down zone?

Thomas Greiner: Not really especially when you consider a guyed tower. If it ever fell, which none of Frontier's towers ever fell, it would collapse within the radius of the guides.

Supervisor Rood: Are there any houses across the street in the direct line of vision of the tower?

Thomas Greiner: No, in fact there is a fairly large field there. Again from a land use perspective to the extent that anyone is concerned with fall down or being impeded within a circle of residences, this site has the merit of avoiding this while providing us with sufficiently good coverage even at this height to make it worthwhile doing. We would like to build it this year.

A motion was made by Supervisor Rood and seconded by Councilman Wiktor to accept the new site at 8554 Cole Road, being proposed by Upstate Cellular as a modification or an alternative supplement to the existing Upstate Cellular Application and refer to the Planning Board per Special Use Permit procedures.

five (5) Ayes

Carried

Received and filed letters from Ken and Mary Gliwa and Sned and Barbara Gilani requesting a zoning change on West Tillen Road.

Superivsor Rood directed Town Clerk Shenk to send a letter to the Gliwa and Gilani families informing them of the application process for rezoning.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to schedule a Public Hearing on November 4, 1998 at 7:50 p.m. for the Community Development Block Grant Funds.

five (5) Ayes

Carried

Received and filed a request from the Conservation Advisory Council that an ordinance be adopted to enforce parking in the rear for all new commercial projects coming before the Town Board.

Supervisor Rood expressed her approval of a proposed ordinance to enforce parking in the rear for all new commercial projects. Town Attorney Perley will draft legislation for the ordinance.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to approve the following General Fund and Special Districts Transfer of Appropriations:

Approp. From	A960 Safety Insp.	A3620.4	$336.00
To	Police & Const.	A3120.4	$336.00
			$336.00

five (5) Ayes

Carried

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 7, 1998 — 7:30 P.M.

Received and filed notification that the Erie County Water Authority's Board of Commissioners has authorized an investment in the Town of Boston's Water District #3 by the Erie County Water Authority in the amount of $500,000, subject to negotiation of an Agreement for supply and sale of water between the Town of Boston and the Erie County Water Authority.

Supervisor Rood commented that the Lease Management Agreement between the Erie County Water Authority and the Town of Boston was signed and delivered on Tuesday, October 6, 1998. NYS Audit and Control could take up to eight (8) months to make a determination. After approval, the project will move into the final map plan and design stage which could take three (3) to four (4) months. The project will be prepared for bid and the bids will be awarded.

Town Attorney Perley reported that there will be a new map plan and report to incorporate the tank and pump station into the project because originally the ECWA had assumed responsibility and in lieu the ECWA has now offered this grant of $500,000. There will be a Public Hearing and the formation of the district, based upon our procedures that in thirty (30) days after the order is adopted, assuming there are no objections, the project can go forward with the application to the NYS Comptroller. This application was submitted once, so now it is just a matter of substituting numbers and updating the bond. We do not have to vote again and based upon a grant found by the engineers, the actual price per homeowner will go down under this new plan. It requires a new Public Hearing because the facilities have changed since the town has assumed responsibility for the tank and pump station.

Supervisor Rood: In addition to the $500,000 commitment from the ECWA we are getting $349,000 from Rural Development in the form of a grant. If all goes well it will be approximately three (3) years before completion of the project.

Received and filed the R & D Engineering, P.C. Final Inspection Report for the Polish Hill Road construction project, noting that all roadway, shoulder and roadside drainage work has been completed satisfactorily.

Highway Superintendent Ruchalski reported that Polish Hill Road meets specifications. The road has a good base, a sub-base, a fabric, eighteen and 16/18th inches of gravel, four (4) inches of binder, and was oiled and stoned. The shoulders were oiled and stoned, the ditches and drainage were done. Everything asked of Mr. Eckis, the Developer, was done. Highway Superintendent Ruchalski reported that it is a good road and the town should accept it.

Supervisor Rood noted the face of the road was tested twice by a geologist and passed both times. The material used on the road is a better material for a steep slope road rather than the limestone. The base is much heavier than originally requested and the binder is an additional inch. Highway Superintendent Ruchalski requested an oil and chip finish rather than a flat asphalt finish which provides better traction. Regarding the slopes and depths of the ditches, Mr. Eckis and the Engineers decided that if serge rock was put in place on both sides of the ditches it would stabilize the slopes and the ditches. The areas were hydro-seeded and are growing a dense root system to avoid erosion. The shoulders were oiled and chipped and the road was covered with polymer and chipped. The delineators have been purchased by Mr. Eckis and the highway department will place them where they will be the most efficient. Much was requested of Mr. Eckis regarding this road but Supervisor Rood noted she was not comfortable taking over a road if the town would suffer major costs and maintenance over the years. In addition to all that was done, there is a two (2) year maintenance bond.

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1998 - 34

A Resolution Accepting Maintenance on a Portion of Polish Hill Road – Previously Qualifiedly Abandoned

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 October, 1998 at 7:30 o'clock in the evening Eastern Prevailing Time there were:

Present:	**Lisa M. Rood**	**Supervisor**
	Damian P. Wiktor	**Councilman**
	Dennis J. Mead	**Councilman**
	Karl J. Simmeth, Jr.	**Councilman**
	Stephen K. Tills	**Councilman**
Absent:		

Councilman Simmeth presented the following Resolution and moved its adoption:

UPON the application of Boston Hill LLC requesting that the Town of Boston, Erie County, New York accept a portion of Polish Hill Road – previously qualifiedly abandoned beginning at the easterly portion of the said road –previously abandoned and continuing along the right-of way thereof to the Northwest Corner of Lot 11, Township 8, Range 7 of the Holland Land Company's Survey; and upon the recommendation of the R & D Engineering, the Consulting Engineers for the Town of Boston, be it

RESOLVED that, in accordance with the provisions of Section 171 of the Highway Law of the State of New York, consent is given for the Highway Superintendent of the Town of Boston to accept, resume maintenance of make an order laying out the aforesaid town highway, as hereinabove described per the Order, a copy of which is annexed hereto.

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

Supervisor Rood	Voting -	Aye
Councilman Wiktor	Voting -	Aye
Councilman Mead	Voting -	No
Councilman Simmeth	Voting -	Aye

Voting - Aye

Councilman Tills

AYES: 4 NOES: 1 ABSENT: 0

David J. Shenk-Town Clerk

In the Matter
of the
accepting maintenance on a
portion of Polish Hill Road a
highway in the Town of Boston,
County of Erie and
State of New York
Previously qualifiedly abandoned

ORDER

Application having been made accepting a portion of Polish Hill Road – previously qualifiedly abandoned in the Town of Boston, Erie County, New York, beginning at the easterly portion of the said road –previously abandoned and continuing along the right-of way thereof to the Northwest Corner of Lot 11, Township 8, Range 7 of the Holland Land Company's Survey,

NOW, THEREFORE, I, Eugene Ruchalski the Highway Superintendent of the Town of Boston, Erie County, New York, do hereby determine and order that a town highway shall be accepted in the Town in accordance with the description hereinabove set forth. The undersigned finds and determines that said highway is not less than three rods in width.

Dated: Boston New York
October 7, 1998

Eugene Ruchalski
Highway Superintendent

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1998 - 35

A Resolution Laying out a Certain Town Highway in the Town of Boston, County of Erie and State of New York; Said Highway to Be Named at a Later Date

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 October, 1998 at 7:30 o'clock in the evening Eastern Prevailing Time there were:

Present:	**Lisa M. Rood**	**Supervisor**
	Damian P. Wiktor	**Councilman**
	Dennis J. Mead	**Councilman**
	Karl J. Simmeth, Jr.	**Councilman**
	Stephen K. Tills	**Councilman**
Absent:		

Councilman Simmeth presented the following Resolution and moved its adoption:

Upon the deed of dedication of Boston Hill LLC, dated and acknowledged August 31, 1998, dedicating and releasing the necessary lands for a town highway to extend from a point on the westerly terminus of Polish Hill Road, as re-opened by prior Resolution of the Town Board of the Town of Boston; said road being situated in the Town of Boston, Erie County, New York to a point described in the deed of dedication which is attached hereto and made a part hereof, it is

RESOLVED that, in accordance with the provisions of Section 171 of the Highway Law of the State of New York, consent is given that the Highway Superintendent of the Town of make an order laying out and accepting the aforesaid town highway, in accordance with the Order, a copy of which is annexed hereto, the said town highway to consist of the lands described in the deed of dedication, and it is further

RESOLVED, that the Town Clerk record the deed of dedication in the Erie County Clerk's Office.

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

Supervisor Rood	Voting -	Aye
Councilman Wiktor	Voting -	Aye
Councilman Mead	Voting -	No
Councilman Simmeth	Voting -	Aye
Councilman Tills	Voting -	Aye

AYES: 4 NOES: 1 ABSENT: 0

David J. Sherk-Town Clerk

In the Matter
of the
Laying out of a certain town
highway in the Town of Boston,
County of Erie] and
State of New York to be named at
a later date

ORDER

Application having been made for the laying out of a town highway in the Town of Boston, Erie County, New York, extending from the westerly terminus of a portion of Polish Hill Road, as reopened by prior Resolution and Order to a point described in a deed of dedication from Boston Hill LLC, the owner of the land through which the highway is proposed to be opened, and said dedication and release having been given;

NOW, THEREFORE, I, Eugene Ruchalski, the Highway of the Town Boston, Erie County, New York, do hereby determine and order that a town highway shall be laid out and accepted in the Town in accordance with the description set forth in the deed of dedication which is attached hereto and made a part hereof. The undersigned finds and determines that said highway is not less than three rods in width.

Dated Boston, New York
October 7, 1998

Eugene Ruchalski
Highway Superintendent

David P. Williamson Co., Inc., Publishers
Ellicott Sq. Bldg., Buffalo, N.Y. 14203

899X

This Indenture,

Made the 31 day of August in the year One Thousand Nine Hundred and ninety-eight

Between Boston Hill LLC

a company organized under the Laws of the State of New York, and having its place of business at 7002 Davis Road in the the Town of West Falls, County of Erie, and State of New York, party of the first part, and

Town of Boston
8500 Boston State Road, Boston NY 14025 party of the second part,

Witnessgeth, That the said party of the first part, in consideration of the sum of one dollar and no more ($ 1.00 and no more), lawful money of the United States, paid by the said party of the second part, doth hereby grant and release unto the said party of the second part, their assigns and assigns forever, all

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 eleven (11) and Lot Number eighteen (18), Township eight (8), Range seven (7) of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point on the northwest corner of Lot Number eleven (11); thence east along the north line of Lot eleven (11) a distance of ninety-three and sixty-seven hundredths (93.67) feet to a point; thence south 69° 25' 30" west a distance of thirty-five and ninety-two hundredths (35.92) feet to a point; thence south 00° 11' 19" east a distance of four hundred ninety-one and eight hundredths (491.08) feet to a point; thence east 90° from the last course a distance of fifty (50) feet to a point; thence south 90° a distance of fifty (50) feet to a point; thence west 90° a distance of fifty (50) feet to a point; thence south 90° a distance of fifty (50 feet to a point; thence south 90° a distance of fifty (50) feet to a point; thence west 90° a distance of sixty (60) feet to the west line of Lot eleven (11); thence north along the west line of Lot eleven (11) a distance of fifty (50) feet to a point; thence west 90° a distance of fifty (50) feet to a point; thence north 90° a distance of fifty (50) feet to a point; thence east 90° a distance of fifty (50) feet to the west line of Lot eleven (11); thence north 00° 11' 19" west along the west line of Lot eleven (11) a distance of five hundred five and sixty-seven hundredths (505.67) feet to the point of beginning.

REGULAR BOARD MEETING TOWN HALL
OCTOBER 7, 1998 7:30 P.M.

RESOLUTION 1998 - 34 ACCEPTING MAINTENANCE ON A PORTION OF POLISH ROAD - PREVIOUSLY QUALIFIEDLY ABANDONED

Highway Superintendent Ruchalski executed the Order to accept maintenance on a portion of Polish Hill Road, previously qualified abandoned.

RESOLUTION 1998 - 35 LAYING OUT A CERTAIN TOWN HIGHWAY IN THE TOWN OF BOSTON, COUNTY OF ERIE, AND STATE OF NY, SAID HIGHWAY TO BE NAMED AT A LATER DATE

Highway Superintendent Ruchalski executed the Order to accept the laying out of a town highway.

Orders were given to Town Clerk Shenk for filing along with the original Maintenance Bond for filing.

Supervisor Rood read her summary of the Town of Boston Fiscal Budget for 1999 as follows:

In presenting the budget for 1999, I am proud that I am able 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 is 76 cents for 1999. For the past seven (7) years there has been no increase in the General Fund tax rate and I am happy to carry on this tradition.

The Highway tax this year will decrease by 1 cent per 1000, largely due the payoff of a BAN for a 1993 International Truck. There is a 3% raise included for highway personnel, to bring them in line with wages of similar size departments in surrounding towns.

In the Special Districts portion of this year's fiscal plan, Fire Protection will increase by 3 cents per 1000 to compensate for the 3 percent increase to the companies for 1999. The interior attack firemen are also required to have physical and the estimated cost is $4,000 for a total of 75 firemen - 25 from each company.

Lighting taxes are up 1/2 cent, due to increasing costs.

The Ambulance District taxes are down 4 cents per thousand, due to a requested budget decrease of $6,300. I applaud their fiscally responsible conservatism.

Refuse and Garbage remains the same at $120 per unit.

Sewer #2 taxes remain the same and are only applicable to the Creekside Subdivision area of our community.

Water District #1 and Water District #1 Extension taxes remain the same, as do Water District #2 taxes.

The new Water District #2 Extension will be established at .72 cents per thousand on properties without service and $5.90 per thousand for those being serviced with public water. Those being serviced next year in Phase 1 of the project include Keller Road from Feddick to Zimmerman, Zimmerman from Keller to just south of Polish Hill Road and that portion of Shero where it jogs between the two ends of Zimmerman Road.

Supervisor Rood read a summary of 1999 tax rates in comparison to 1998 tax rates.

The 1999 Preliminary Budget was presented by Supervisor Rood.

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 7, 1998 — 7:30 P.M.

A motion was made by Councilman Simmeth and seconded by Councilman Mead that the 1999 General Fund Preliminary Budget be approved as follows:

Appropriations	1,089.697.00
Less Estimated Revenue	651,500.00
Less Unexpended Balance	257,838.00
Amount to be Raised by Taxes	180,359.00

five (5) Ayes — Carried

A motion was made by Councilman Mead and seconded by Councilman Wiktor that the 1999 Highway Fund Preliminary Budget be approved as follows:

Appropriations	843,103.00
Less Estimated Revenue	304,800.00
Less Unexpended Balance	8,000.00
Amount to be Raised by Taxes	530,303.00

five (5) Ayes — Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth that the 1999 Fire Protection Preliminary Budget be approved as follows:

Appropriations	512,739.00
Less Estimated Revenue	00.00
Less Unexpended Balance	12,000.00
Amount to be Raised by Taxes	500,739.00

five (5) Ayes — Carried

A motion was made by Councilman Mead and seconded by Councilman Tills that the 1999 Light District Preliminary Budget be approved as follows:

Appropriations	23,800.00
Less Estimated Revenue	00.00
Less Unexpended Balance	3,050.00
Amount to be Raised by Taxes	20,750.00

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth that the 1999 Ambulance Preliminary Budget be approved as follows:

Appropriations	87,884.00
Less Estimated Revenue	00.00
Less Unexpended Balance	7,400.00
Amount to be Raised by Taxes	80,484.00

five (5) Ayes — Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead that the 1999 Refuse and Garbage Preliminary Budget be approved as follows:

Appropriations	369,233.00
Less Estimated Revenue	00.00
Less Unexpended Balance	40,428.00
Amount to be Raised by Taxes	328,805.00

five (5) Ayes — Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth that the 1999 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
OCTOBER 7, 1998

TOWN HALL
7:30 P.M.

A motion was made by Councilman Mead and seconded by Councilman Simmeth that the 1999 Water District #1 Preliminary Budget be approved as follows:

Appropriations	83,442.00
Less Estimated Revenue	00.00
Less Unexpended Balance	11,000.00
Amount to be Raised by Taxes	72,442.00

Carried

five (5) Ayes

A motion was made by Councilman Tills and seconded Councilman Simmeth that the 1999 Water District #2 Preliminary Budget be approved as follows:

Appropriations	51,810.00
Less Estimated Revenue	00.00
Less Unexpended Balance	5,000.00
Amount to be Raised by Taxes	46,810.00

Carried

five (5) Ayes

A motion was made by Councilman Wiktor and seconded by Councilman Mead that the 1999 HSW Water District #1 Extension Preliminary Budget be approved as follows:

Appropriations	7,753.00
Less Estimated Revenue	00.00
Less Unexpended Balance	125.00
Amount to be Raised by Taxes	7,628.00

Carried

five (5) Ayes

A motion was made by Councilman Tills and seconded by Councilman Simmeth that the 1999 HSW Water District #2 Extension Preliminary Budget be approved as follows:

Appropriations	28,960.00
Less Estimated Revenue	00.00
Less Unexpended Balance	00.00
Amount to be Raised by Taxes	28,960.00

Carried

five (5) Ayes

Town Clerk Shenk read the 1999 Preliminary Budget totals:

Appropriations	3,099,632.00
Less Estimated Revenue	956,300.00
Less Unexpended Balance	344,841.00
Amount to be Raised by Taxes	1,798,491.00

A motion was made by Councilman Simmeth and seconded by Councilman Tills that the 1999 schedule of salaries for the elected Town officials be approved as follows:

Supervisor	25,100.00
Councilman	6,510.00
Councilman	6,510.00
Councilman	6,510.00
Councilman	6,510.00
Town Clerk	32,450.00
Town Justice	11,180.00
Town Justice	11,180.00
Superintendent of Highways	39,785.00

Carried

five (5) Ayes

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to direct Town Clerk Shenk to schedule a Public Hearing on November 4, 1998, at 8:00 p.m. for the 1999 Preliminary Budget.

Carried

five (5) Ayes

REGULAR BOARD MEETING TOWN HALL
OCTOBER 7, 1998 7:30 P.M.

Received an application from Burke Bros, Inc. for a permit for the Faniel Hall Coach Home Site Plan, 7281 Boston State Road.

Supervisor Rood noted that an application and site plan for the Faniel Hall Coach Homes, 7281 Boston State Road was before the Planning Board a few years ago and approved and nothing was done.

Town Attorney Perley reported that the key document is the building permit which states that one has 180 days to commence building and since that was not done, technically the application and permit have been abandoned. That does not negate the fact that a substantial amount of engineering, planning and a series of site inspections were involved. Technically this application requires approval again.

Councilman Tills: What is a Coach Home Community?

Patrick Burke, Builder: The Faniel Hall Community has been renamed as the Boston Commons Garden Homes. The difference between a coach home or a garden home and a typical garden apartment is that garden or coach homes have attached garages. It is a unique building style that we have currently under construction and we have completed ninety-two (92) units. This particular community will be thirty-two (32) units, four (4) buildings of eight (8) units each. It is designed specifically for single professionals or empty nesters and will be available for sale or for rent. We feel this is an affordable opportunity that is missing from many communities in WNY and in the Town of Boston.

Supervisor Rood: Where are you located in Hamburg?

Patrick Burke: Brierwood Country Club, right on the golf course.

Mr. Burke passed out pictures of existing units.

Patrick Burke: One of the reasons why we have not commenced with construction is that, due to the economic climate, we have been forced to get involved with pre sale and once we achieve a point that we receive a certain amount of commitments our bank will finance the community and we can commence construction. We expect that to occur in the first quarter of 1999.

Town Attorney Perley: Councilmen, back when this was done, there was a substantial amount of investigation into the area requirements under the ordinances and existing zoning laws and all of that was found to be in compliance.

Patrick Burke: It was approved I believe in March of 1997. The approval is about sixteen (16) months old. We are simply asking for re-approval.

A motion was made by Councilman Simmeth and seconded by Councilman Mead to refer the Burke Bros., Inc. application for the Boston Commons Garden Homes to the Planning Board and the Conservation Advisory Council for review and recommendation.

five (5) Ayes Carried

SUPERVISOR REPORT

A) Supervisor's monthly Bank Account Report for September 1998 was received and is on file in the Clerk's Office.

A motion was made by Supervisor Rood and seconded by Councilman Mead to approve the attendance of Assessor William Eagan at an Exemption Administration Course in Herkimer, NY, on October 14 and 15, 1998, all appropriate expenses to be paid.

five (5) Ayes Carried

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 7, 1998 — 7:30 P.M.

Supervisor Rood reported that regarding Water District #2 Extension, notification was received from Mr. Bennett, TVGA Engineering, that the water on Keller Road was approved by Erie County Health Department and the tap-ins should be started on October 8, 1993. Hopefully the rest of the line will be approved and tied in by the ECWA and the Erie County Health Department by the end of October or the beginning of November.

Supervisor Rood commented that flyers were delivered town wide and thirty-five (35) volunteers joined the creek clean up that was held on September 12, 1998. Approximately sixteen (16) loads of debris was hauled out of the creek from Hillcroft to Patchin Roads. Supervisor Rood applauded the efforts of the volunteers. FEMA will reimburse the town for costs incurred.

Supervisor Rood reported that work will begin soon on the Hillcroft Road waterline. Approval is still pending on the application for the FEMA Hazard Mitigation Plan Program for assistance. Seventy-five (75) percent of the funds expended for the project will be reimbursed from FEMA upon application approval. A permit has been secured from the NYS DEC and the Kandey Company was the low bidder for the project.

TOWN CLERK REPORT

Received and filed the Monthly Registrar of Vital Statistics Report for September 1998.

Town Clerk Shenk announced that Hamburg School Taxes are due October 15, 1998. The Town Clerk's Office will be open to collect taxes until 8:00 p.m. October 14th, and 9:00 p.m. on October 15th.

HIGHWAY SUPERINTENDENT REPORT

On September 30, 1998 at 2:00 p.m. the following bids were received and opened for a 1999 Medium Size Diezel Single Axel Truck:

Company	NC	DEL DATE	PRICE	PRICE WITH TRADE
Hanson International	NC	210 Days	$61,466	$52,966 W/Trade
Genesee Truck Sales	NC	2/1/99	$63,613	$59,613 W/Trade

Town Attorney noted that the notice to bidders indicated a delivery date of 2/1/99. The notice did not say that time was of the essence and Highway Superintendent Ruchalski confirmed that 2/1/99 is an approximate date and that time is not of the essence.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth, on the recommendation of Highway Superintendent Ruchalski, to authorize the Highway Superintendent to purchase a 1999 Medium Size Diezel Single Axel Truck from Hanson International at a cost of $52,966 W/Trade.

five (5) Ayes — Carried

On September 30, 1998 at 2:00 p.m. the following bids were received and opened for a Front Hitch, Plow, Wing and Dump Body:

Valley Fab & Equip.	NC	$22,920
Cycon Equipment	NC	$26,304
Boyle's Motor Sales	NC	$24,999

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth, on the recommendation of Highway Superintendent Ruchalski, to authorize the Highway Superintendent to purchase a Front Hitch, Plow, Wing and Dump Body from Valley Fab & Equip. at a cost of $22,920.

five (5) Ayes — Carried

REGULAR BOARD MEETING
OCTOBER 7, 1998

TOWN HALL
7:30 P.M.

HIGHWAY SUPERINTENDENT REPORT (CONT.):

Highway Superintendent Ruchalski announced that a $15,000 Multi-modal Program grant was previously received from Assemblyman Richard Smith and pipes were installed on Ward Road, the upper part of Liebler Road, the Hickory - Woodland section and the upper section of Pin Oak Drive. Another $15,000 grant was received from Assemblyman Smith on October 7, 1998 for culvert replacements. Highway Superintendent Ruchalski commended Assemblyman Smith.

TOWN ATTORNEY REPORT

Town Attorney Perley noted that regarding Water District #3, the new ECWA twenty-year (20) Lease Management Agreement will now become the model for any other situation where the ECWA will consider capital contributions toward the infrastructure. The ECWA Attorney was cooperative in placing certain provisions in the agreement that the town felt was essential to protect our interests, namely that we do have some consent rights with respect to the extension, beyond the district boundaries where the use of our facilities is integral to their system. We have entered into a preliminary agreement with Colden and Orchard Park.

COUNCILMAN REPORT

Councilman Mead reported that on September 22, 1998 he attended the Boston Planning Board meeting. The contract with Richard Brox, Planning Board Consultant was renewed and the Board agreed that he is an asset. Polish Hill Road issues of concern were discussed and forwarded to Supervisor Rood and the William Brunner site was approved at 7166 Boston State Road.

Councilman Mead announced that he attended the Nutrition Program Council Meeting on September 17, 1998 at the Getzville Jewish Center. Michelle Edmonds, Director of the TAP Program, (Telephone Assurance Program), was the guest speaker. The TAP Program is a free volunteer service which provides telephone calls to seniors age sixty (60) plus and living alone. It is the longest running program of this type in Erie County. The main purpose of the program is to eliminate concerns for those living alone and thereby assisting them to remain independent. Also discussed was the Rural Transit Service, which is transportation for eligible residents in southern and rural Erie County based on financial income. This program is sponsored by Community Development Block Grant Funds.

Councilman Mead attended a Boston Chamber of Commerce breakfast meeting on October 6, 1998. Chamber President, Karen Ellis and Chamber Board members are trying to renew interest in the Chamber. This year the Chamber will place the first annual "Sharing Tree" in the Town Hall lobby. The tree will be decorated with ornaments having a child's first name and age. Each person may pick an ornament, buy a toy for the child and place under the tree, with the ornament taped to the gift, by December 15, 1998.

Councilman Wiktor reported that he has received calls from residents inquiring about securing the Lions Shelter for an ice rink and also about the ski program.

Councilman Wiktor announced that the Town Board is still waiting for the Erie County Attorney to release a resolution for the Town Board to process so the Fire Council can receive their $30,000 regional grant.

Councilman Wiktor commented that on October 5, 1998, the three (3) fire companies presented a fire safety program at Churchill Memorial for the day nursery school. It was Fire Safety and Prevention Week and the children were enthused with the program. The fire companies remind us that as we change our clocks for fall we should change the batteries in our home smoke alarms.

REGULAR BOARD MEETING
OCTOBER 7, 1998

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.)

Councilman Wiktor noted that at a recent Haz-mat meeting, it was noted that the Frontier School District donated a bus to the Haz-Mat teams. The bus is in good condition and will be used as an on-site mobile command post and to transport equipment.

Councilman Wiktor reported that there is very little if any movement on the proposed 800 megahertz band for safety operations. It was proposed that a sur charge be imposed on our telephone bills which would help to generate the three (3) plus million dollars that it would cost to put this service in operation. This proposal is being met with opposition from certain members of the Erie County Legislature who view the sur charge as a tax. A way must be found to pay for this service or our emergency services will suffer when they attempt to use their radios in the future.

Councilman Wiktor requested that the Town Hall maintenance crew turn off the lights on the tennis courts as a number of residents have complained that the lights were on at 8:00 and 9:00 p.m.

Supervisor Rood noted that the parks close at the end of October and lights are needed on the soccer fields when the playoffs begin next week.

Councilman Simmeth reported that Developer Gary Eckis spent $35,000 on the Polish Hill Road development which has helped the drainage problems on Colonial Drive.

Councilman Simmeth announced that he is looking for residents to serve on the Traffic Safety Committee and anyone interested may contact him.

CODE ENFORCEMENT OFFICERS REPORT

A) Code Enforcement Officer monthly report for September 1998 was received and is on file in the Clerk's Office.

Deputy Code Enforcement Officer monthly report for September 1998 was received and is on file in the Clerk's Office.

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officer monthly report for September 1998 was received and is on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for September 1998 was received and is on file in the Clerk's Office.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to adjourn the meeting at 9:15 p.m.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING
October 21, 1998

TOWN HALL
7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Stephen K. Tills, Councilman Karl J. Simmeth Jr., Councilman Dennis J. Mead, Supervisor Lisa M. Rood, and Town Attorney Michael F. Perley.

Absent: Highway Superintendent Eugene E. Ruchalski

A motion was made by Councilman Simmeth and seconded by Councilman Mead to adopt the minutes of the October 7, 1998 Town Board Meeting with the following correction under Councilman Simmeth's report:

To: "Councilman Simmeth reported that Developer Gary Eckis spent $35,000 on drainage improvement on the Polish Hill Road development which has helped the drainage problems on Colonial Drive.

From: "Councilman Simmeth reported that Developer Gary Eckis spent $35,000 on the Polish Hill Road development which has helped the drainage problems on Colonial Drive.

Carried

five (5) Ayes

A motion was made by Councilman Wiktor and seconded by Councilman Tills, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #10A, dated October 21, 1998 in the amount of $48,917.86 be paid.

Carried

five (5) Ayes

A motion was made by Councilman Simmeth and seconded by Councilman Mead, upon review by the Town Board, that the Highway Bills on Abstract #10A, dated October 21, 1998, amount of $6,228.79 be paid.

Carried

five (5) Ayes

Received and filed September 1998 Erie County Sheriff Monthly Report.

Received and filed acknowledgments of the Town of Boston Resolution 1998-29 known as the Outdoor Recreation and Landowner Liability Bill from Assemblyman Richard Smith and Senator Dale Volker.

Received and filed notification from the Greater Buffalo-Niagara Regional Transportation Council of a Community Workshop to develop the region's 2020 Long Range Transportation Plan for Erie and Niagara Counties.

Received and filed notification from Erie County Water Authority of a Hydrant Rate Increase.

Supervisor Rood commented that the notice from the Erie County Water Authority of a Hydrant Rate Increase was anticipated and has been budgeted in the 1999 Town of Boston Budget. ECWA intends to increase hydrant fees 10% a year until the fee reaches $160 per hydrant. Residents will not see an increase in their water bills but eventually this increase will be reflected in taxes as the costs to the town have increased.

Received and filed notification from the State Board of Real Property Services that the Town of Boston is eligible for a Maintenance Aid payment OF $6,946.00 based on the 1996 Final Assessment Roll.

Received and filed notification that the NYS Emergency Management Office (FEMA) has processed a payment for the July 1998 flooding in the Town of Boston. The Federal share is $27,438 and the State share is $4,397 for a total payment of $31,835.

Supervisor Rood noted that damage was suffered on town property and to the waterline crossing at the Trevett Road Bridge during the July 1998 flooding.

TOWN OF BOSTON

RESOLUTION 1998-37
COUNTY REGIONALISM GRANT - VACUUM STREET SWEEPER

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 21st day of October, 1998 at 7:30 p.m., there were present:

Lisa M. Rood	Supervisor
Damian P. Wiktor	Councilman
Stephen K. Tills	Councilman
Karl J. Simmeth	Councilman
Dennis J. Mead	Councilman

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

WHEREAS, the Town of Boston applied to the County of Erie for a regionalism grant for the purpose of the joint purchase of a vacuum street sweeper; and

WHEREAS, the County of Erie has authorized a regionalism grant in the sum of one hundred forty thousand and no/hundred ($140,000.00) for the project; and

WHEREAS, the project is to be carried out pursuant to an intermunicipal agreement pursuant to Article 5-G of the General Municipal Law with the towns of Concord, Colden and Eden;

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor of the Town of Boston is hereby authorized to enter into a grant contract with the County of Erie in the sum of $140,000.00 for the purpose of carrying out an intermunicipal project pursuant to General Municipal Law Article 5-G, subject to the terms and conditions contained in the County grant contract; and be it further

RESOLVED, that the Supervisor is hereby authorized to enter into an intermunicipal agreement with the towns of Concord, Colden and Eden to carry out the project funded under the County grant contract.

Motion seconded by Councilman Mead and duly put to a vote, as follows:

Supervisor Rood	Voting aye
Councilman Wiktor	Voting aye
Councilman Tills	Voting aye
Councilman Simmeth	Voting aye
Councilman Mead	Voting aye

Ayes: 5 Noes: 0 Carried

David J. Shenk, Town Clerk

TOWN OF BOSTON

RESOLUTION 1998-36
COUNTY REGIONALISM GRANT - CYLINDER AIR TANK RECHARGING STATION

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 21st day of October, 1998 at 7:30 p.m., there were present:

Lisa M. Rood	Supervisor
Damian P. Wiktor	Councilman
Stephen K. Tills	Councilman
Karl J. Simmeth	Councilman
Dennis J. Mead	Councilman

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

WHEREAS, the Town of Boston applied to the County of Erie for a regionalism grant for the purpose of the joint purchase of a Cylinder Air Tank Recharging Station; and

WHEREAS, the County of Erie has authorized a regionalism grant in the sum of thirty thousand and no/hundred ($30,000.00) for the project; and

WHEREAS,the project is to be carried out pursuant to an intermunicipal agreement pursuant to Article 5-G of the General Municipal Law with the towns of Colden and Eden;

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor of the Town of Boston is hereby authorized to enter into a grant contract with the County of Erie in the sum of $30,000.00 for the purpose of carrying out an intermunicipal project pursuant to General Municipal Law Article 5-G, subject to the terms and conditions contained in the County grant contract; and be it further

RESOLVED, that the Supervisor is hereby authorized to enter into an intermunicipal agreement with the towns of Colden and Eden to carry out the project funded under the County grant contract.

Motion seconded by Simmeth and duly put to a vote, as follows:

Supervisor Rood	Voting aye
Councilman Wiktor	Voting aye
Councilman Tills	Voting aye
Councilman Simmeth	Voting aye
Councilman Mead	Voting aye

Ayes: 5 Noes: 0 Carried

David J. Shenk, Town Clerk

REGULAR BOARD MEETING — TOWN HALL
October 21, 1998 — 7:30 P.M.

A motion was made by Councilman Mead and seconded by Councilman Simmeth, on the recommendation of the Planning Board and the Conservation Advisory Council, to approve the Patrick Burke Site Plan Re-Submittal for 7281 Boston State Road.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to accept the resignation of Boards' and Committees' Secretary, Sharon Measer.

five (5) Ayes — Carried

Supervisor Rood requested that the media report the available position of a Boards' and Committees' Secretary and note that applications may be submitted to Supervisor Rood.

Supervisor Rood directed Town Clerk Shenk to send a letter to Sharon Measer thanking her for excellent service.

SUPERVISOR REPORT

A). Supervisor's Monthly and Bank Account Reports for September is received and on file in the Town Clerk's Office.

Received and filed a request from David Tomasello, 8687 Pin Oak Drive, to rezone of 8692 Boston State Road, formally Keen's Market, from R-C to C-1 for the purpose of opening a gift shop and storage.

Town Attorney Perley inquired if all the requisites for the Tomasello rezoning request have been received by the Town Clerk.

Town Clerk Shenk responded that the letter of intent, SEQR, survey and check have been received for the Tomasello rezoning request. Mr. Tomasello's will submit a deed from his attorney within five (5) days.

A motion was made by Councilman Mead and seconded by Councilman Tills to refer to the Planning Board for review and recommendation, a request from David Tomasello, 8687 Pin Oak Drive, to rezone 8692 Boston State Road, formally Keen's Market, from R-C to C-1 for the purpose of opening a gift shop and storage.

five (5) Ayes — Carried

Supervisor Rood reported that she investigated the work at in the Hillcroft Bridge area by the Natural Resources Conservation Services (NRCS). NRCS and Erie County have done a wonderful job of grading and redirecting the flow of the creek and hopefully this will solve the problems that have existed for a number of years with land erosion.

Supervisor Rood noted that NRCS will be doing work on three (3) sites on Back Creek Road within the next thirty (30) days. These sites were selected by NRCS because the homes at these sites would be in danger in the event of flooding.

Supervisor Rood noted that telephone calls from residents in Water District #3 have ceased now that a commitment of funding has been received from the ECWA. Work is now in progress on the West Hill and residents are inquiring as to when they will get water. The time frame on the West Hill is as follows, the electrical work in the pump station should have been done by today, October 21, 1998. The lines are charged on Keller Road and will be charged on Zimmerman Road on October 22, 1998. The tap-ins should be completed on Keller Road by the week of October 25, 1998. After the lines are charged and chlorinated, and the Health Department and the ECWA are satisfied, the tap-ins can begin on Zimmerman Road in the beginning of November.

REGULAR BOARD MEETING TOWN HALL
October 21, 1998 7:30 P.M.

Supervisor Rood (Cont.): The Federal share of the cost is 75% and the State and Town share the remaining 25 % of the cost. The funds received will be used for the Trevett Road rip rap replacement and the rehabilitation of the nature trail behind the Town Hall.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to table the request of Assessor Eagan to purchase computer equipment until the November 4, 1998 Town Board Meeting.

five (5) Ayes Carried

Received and filed a Planning Board recommendation for the Upstate Cellular Network, 8554 Cole Road site as follows:

The Meyers site is preferred over the BARRA site, not withstanding the fact that the BARRA site is an existing tower location based on:

1. The existence of available screening.
2. The remoteness of the site from existing occupied structures.
3. The remoteness of the site, generally, from development , as opposed to the BARRA site.
4. The possibility of landscaping being offered on the remaining portion of the site as screening for the tower facilities and the lower portion of the tower.

That the Planning Board would make these recommendations to the Town Board based upon the assumption that the Town Board would at some point be forced to consider one of the two sites for the Upstate Cellular Application. Further recognizing the fact that the issue of the FM Tower site hasn't been totally decided and also recognizing that variances would be needed. However, recognizing that the variances are less severe and fewer in number for the Meyers sites.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to schedule a Public Hearing for November 4, 1998 at 8:10 p.m. on the Upstate Cellular Special Use Permit Application for 8554 Cole Road.

five (5) Ayes Carried

Town Attorney Perley noted that the Zoning Board of Appeals will hold Public Hearings on the Upstate Cellular Variance Applications for the BARRA and Meyers sites on November 5, 1998. The ZBA must make a determination on the Lead Agency under SEQR and until then no formal action can be taken by either Board. The Town Board can convey its preference on November 4, 1998 but cannot take final action on the application until November 18, 1998. As a result, the ZBA will not be able to vote on either variance applications on November 5, 1998 until the Town Board, if it becomes Lead Agency, makes a determination on SEQR on November 18, 1998. These are the earliest possible time frames as conveyed to Upstate Cellular.

RESOLUTION 1998-37 COUNTY REGIONALISM GRANT - VACUUM STREET SWEEPER

RESOLUTION 1998-36 COUNTY REGIONALISM GRANT - CYLINDER AIR TANK RECHARGING STATION

Received and filed a Planning Board recommendation of approval for the Patrick Burke Site Plan Re-Submittal for 7281 Boston State Rd.

Councilman Simmeth reported that the Conservation Advisory Council approved the landscape plan for the Patrick Burke Site Plan Re-Submittal for 7281 Boston State Road.

REGULAR BOARD MEETING — TOWN HALL
October 21, 1998 — 7:30 P.M.

TOWN ATTORNEY REPORT

Town Attorney Perley reported that Mr. Tomasello has contacted him on his request to rezone 8692 Boston State Road, regarding the potential of prior non-conforming use rights. Town Attorney Perley requested that Mr. Tomasello outline in writing what his claim is with regard to those prior non-conforming use rights. A meeting will be scheduled with the Code Enforcement Officers to determine whether or not he does legally have prior non-conforming use rights. Mr. Tomasello represented to Town Attorney Perley that he intended to go forward with the rezoning application as the preferred method to address this problem permanently.

A motion was made by Councilman Simmeth and seconded by Supervisor Rood to authorize the Town Clerk to forward the invoices from William Johnson that have been paid by the Town of Boston to the firm of Nixon, Hargrave, Devans and Doyle, attention of Thomas Greiner, for reimbursement of fees by Upstate Cellular.

five (5) Ayes — Carried

Town Attorney Perley reported that there was a case decided September 1, 1998 on the Town's local authority over siting issues for towers. It is generally favorable to the towns and it doesn't address the issues in The Town of Boston where there is a demonstrated need they are entitled to put a tower somewhere. The matter the becomes a choice of locations.

SUPERVISOR REPORT (CONT.)

Supervisor Rood announced that the Public Hearings for the CDBG (Community Development Block Grant Funds) will be November 4, 1998. The town will request funds to repair the sewer lines in the Creekside Subdivision. Residents in the Creekside Subdivision are encouraged to answer the letter and confidential survey that will be sent to them because the information is vital to the grant application to repair and upgrade the sewer system. If the surveys are not answered there is not a chance that the town will receive funding and the costs will then be borne by the residents in the Creekside Subdivision Sewer District through their taxes.

COUNCILMAN REPORT

Councilman Mead announced he attended a Planning Board meeting on October 13, 1998 and recommendations were made on the Upstate Cellular and Burke Boston Commons Garden Homes Applications.

Councilman Mead reported that on October 13, 1998 he and Councilman Wiktor met with the Hamburg School PTA at the Boston valley Elementary School to address the Board regarding the Creative Playground. The Board is considering an Advisory Committee to monitor the maintenance and upkeep of the playground. The Town and the citizens would work together so that the playground does not fall into disrepair. David Tomasello has taken the initiative to solicit local merchants for donations and is attempting to form a work party of volunteers for November 7, 1998 to sand and paint the playground. Mr. Tomasello will distribute flyers and residents are encouraged to join in this effort.

Councilman Mead noted he met with Senior Nutrition Program Site Manager, Donna Pfarner, and there are approximately twenty-five participants per day in the Nutrition Program. There are two senior groups who meet every other Friday in the Community Room and there are at least one hundred and seventy five members total. In an effort to draw greater participation Mrs. Pfarner has offered Bingo on Monday and Tuesdays and movies and popcorn on Thursdays with door prizes given out after the mealtime. Councilman Mead will approach the Boston Chamber of Commerce to help promote the Nutrition Program.

REGULAR BOARD MEETING — TOWN HALL
October 21, 1998 — 7:30 P.M.

COUNCILMAN REPORT (CONT.)

Councilman Wiktor congratulated the students in attendance from the government school classes.

Councilman Tills reported that regarding the access of the South Boston Park from Sunset Road, Mrs. Dye is interested in discussions with Town Attorney Perley to negotiate an easement to allow access.

Councilman Tills noted that the Christmas Lighting Committee is scheduled to decorate the town with Christmas decorations on October 26, 1998. The nativity scene will not be on display this year but hopefully it will be ready to display next year. A number of the figurines need to be replaced at a substantial cost.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to adjourn the meeting at 8:20 p.m.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 04, 1998 — 7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Stephen K. Tills, Councilman Karl J. Simmeth Jr., Councilman Dennis J. Mead, Supervisor Lisa M. Rood, Highway Superintendent Eugene E. Ruchalski and Town Attorney Michael F. Perley.

See Liber 1405 page 193

A motion was made by Councilman Simmeth and seconded by Councilman Mead to adopt the minutes of the October 21, 1998 regular monthly meeting.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #11, dated November 4, 1998 in the amount of $220,270.97 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Tills and seconded by Councilman Mead, upon review by the Town Board, that the Highway Bills on Abstract #11, dated November 4, 1998 in the amount of $21,530.59 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to accept the Town Clerk's Report for October 1998.

five (5) Ayes — Carried

Received and filed a letter of appreciation to Councilman Simmeth from Kenneth E. Nuwer, President of Nuwer Enterprises, Inc. and owner of several properties at the Creekside Court Apartments, for addressing a lighting complaint.

Referred to the Town Engineer a request for water service in Water District #2 Extension #2 from James & Barbara Black, Zimmerman Rd.

REQUESTS FROM THE FLOOR

William Eagan, Assessor: I am here tonight in reference to the inevitable closing of Our Lady of Victory Hospital. I was contacted by friends who are employed at the hospital as well as an individual who lives in the Town of Boston. There are many people in this community that have had the benefit of OLV Hospital. I understand that the Town of Hamburg will send the diocese of Buffalo a Resolution showing a firm declaration of their position on the anticipated closing of this hospital. On behalf of those who have been cared for and those employed at OLV Hospital, I ask this Town Board to show their support by passing some form of legislative action to notify the Buffalo Diocese that this is not a proper and just move at this time.

Donald Weiss, 5589 Creekside Drive: I received a letter a week and a half ago concerning our sewer district. I filled out the paper work and sent it in as you requested but I would like to know what is happening.

Supervisor Rood: A survey was sent to Creekside Subdivision residents because $90,000 in CDBG (Community Development Block Grant) funds are available to the Town of Boston with no match required. The grant is targeted towards senior citizens, disabled or low to moderate income people. The survey needs to be filled out to determine eligibility. The poor quality of the orangeburg pipe used in the Creekside subdivision has deteriorated over time causing many problems and requiring much maintenance. Since January there have been approximately a dozen calls from residents with sink holes and collapsed line problems.

Supervisor Rood (Cont.): The Sewer Authority has notified the town that maintenance of this sewer system is not their responsibility and they will not maintain it in the future. The Sewer Authority did not mandate that the entire system be overhauled at a cost of $300,000 to $400,000, which would be a burden on the taxpayers in that area, but is insisting on replacement of twenty-five (25) manholes at a cost of $13,000 to $15,000. There are 6,253 linear feet of pipe under the road that should be replaced. The first step is to pursue the CDBG funding. It is very important that residents send in the surveys so eligibility for funding can be determined. On November 5, 1998 there will be a meeting with the Sewer Board to discuss the Town of Boston choices. The Town has a good chance of receiving this funding if people would send in the surveys. Approximately half of the surveys have been received and approximately half of those received do qualify.

Donald Weiss: I will tell residents to send the surveys in.

Paul Ziarnowski, 9137 Back Creek Road: I was at the Planning Board meeting when the "Hair We Are" site plan and green space were discussed. Is there a system in place to monitor this if there is a deviation from the original plans?

Town Attorney Perley: That is the Code Enforcement Officer's duty.

Paul Ziarnowski: Two or three years ago there was a discussion at a Town Board meeting regarding the green space in front of the Easy Shop. I see there is still no green space and I would hope that if this is going to be enforced that it would be enforced better than that. Talk about an ugly situation! So why is that not being enforced?

Town Attorney Perley: There have been some traffic and safety considerations that have gone into the way the green space operated.

Supervisor Rood: There is a small amount of green space if you look at the bushes on the right hand side but Mr. Garlock took it upon himself to pave over the green space. The Conservation Advisory Council was also concerned about this but unfortunately the plans could not be found to prove our end of it. Mr. Garlock has said he would consider ideas suggested by the CAC for a raised landscape timber area with flowers etc. I plan to pursue it.

Councilman Mead: Mr. Garlock attended a Planning Board meeting regarding his application for installation of a new awning and noted that green space would be constructed at the same time the awning was installed.

At 7:53 p.m. a Public Hearing was held regarding the use of Federal Community Grant Funds in the Town of Boston.

Supervisor Rood read the legal notice.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to convene the Public Hearing.

five (5) Ayes Carried

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

A Public Hearing will be held on November 4, 1998 at 7:50 p.m. Eastern Standard Time at the Boston Town Hall, 8500 Boston State Road, Boston, New York regarding the use of Federal Community Development Funds in the Town of Boston.

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

The purpose of the hearing is to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate income persons in the Town of Boston.

Citizens are urged to attend this meeting to make known their views and/or written proposals on the Town of Boston's selection of potential projects to be submitted for possible funding by the Federal Community Development Grant Program.

The hearing will also present a review of prior Community Development projects and expenditures and a discussion of eligible activities. The meeting room is wheelchair accessible. Those needing special arrangements should call David J. Shenk, Boston Town Clerk at (716)-941-6113 by October 28, 1998.

Dated: October 7, 1998
Published: October 15, 1998

BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK
10-15

TOWN OF BOSTON

RESOLUTION 1998 - 39

COMMUNITY DEVELOPMENT BLOCK GRANT REQUESTS FOR 1999 - 2000

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 4th day of November, 1998 at 7:30 P.M.

PRESENT:	Lisa M. Rood	Supervisor
	Damian P. Wiktor	Councilman
	Dennis J. Mead	Councilman
	Karl J. Simmeth Jr.	Councilman
	Stephen K. Tills	Councilman

Supervisor Rood presented the following resolution and moved its adoption;

WHEREAS; The result of a Public Hearing which was held at the Boston Town Hall on November 4th, 1998 relating to suggestions by the public for projects to be submitted for funding during 1999.

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 1999.

1st Priority - Town of Boston Sewer District #2

2nd Priority - Sidewalks - Hamlet of Boston

3rd Priority - Rural Transit Van 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 Simmeth and duly put to a vote which resulted as follows:

Supervisor Rood	**Voting AYE**
Councilman Wiktor	**Voting AYE**
Councilman Mead	**Voting AYE**
Councilman Simmeth Jr.	**Voting AYE**
Councilman Tills	**Voting AYE**

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

David J. Shenk

David J. Shenk, Town Clerk

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 04, 1998 — 7:30 P.M.

Public Hearing (Cont.):

Supervisor Rood: This is your opportunity to suggest to the Town Board, projects that you would like funded by the Community Development Block Grant (CDBG).

John Spors, owner of the STAR Service and a resident on Boston Colden Road: I would like to address the unsafe and dangerous situation at the intersection of Boston State and Boston-Colden Roads and request help in rectifying this situation.

Supervisor Rood: Councilman Simmeth brought this to the attention of the Town Board at the November 2, 1998 Agenda Review meeting. The Grants Consultant has determined that unless there was a high saturated area of seniors, disabled or low to moderate income residents, the project would not qualify for CDBG funds because these are the groups that the funds are targeted for. I understand you are interested in lights installed on a "Stop Ahead" sign?

Councilman Simmeth: I have a call into Senator Volker's office for help with this problem. There are other avenues we can pursue to get that money. Highway Superintendent Ruchalski has noted that if the town installs lights on a county road, and the light goes out and there is an accident, the town would be held responsible.

John Spors: What can we do to rectify this situation? There was one person killed there this year. I see a major problem there.

Supervisor Rood: Unfortunately we don't own or have jurisdiction over this county road.

John Spors: What about the town speed limit? It is 55 mph on every road going into that intersection and that is way too high.

Supervisor Rood: A reduction in the speed limit has been requested and that is still pending.

Highway Superintendent Ruchalski: I called the Erie County Deputy Commissioner of Highways about a near accident I had at that intersection when I pulled out in front of a car going south that I never saw. There is a knoll or bend in the road and I think there is a sight distance problem to the south. I am working with the county on this problem.

Councilman Simmeth: The bottom line is that the speed limit is way too high in that area and the faster we can act on it the faster we can save someone's life.

John Spors: As a resident of the Town of Boston I am looking at the Town of Boston to help us accomplish this goal.

Supervisor Rood: The Town Board has checked into the sewer line replacement for the Creekside Subdivision as one priority for possible CDBG funding. The sidewalks in the southern end of Boston need repairing. Previously this section of town qualified to receive CDBG funds so this project could be a option. The Rural Transit Van Service is an aid to senior citizens, the disabled and those with moderate to low incomes and the county has been generous in helping with this service.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to close the Public Hearing at 8:03 p.m.

five (5) Ayes — Carried

RESOLUTION 1998 - 39 **COMMUNITY DEVELOPMENT BLOCK GRANT REQUESTS FOR 1999-2000**

REGULAR BOARD MEETING
NOVEMBER 04, 1998

TOWN HALL
7:30 P.M.

At 8:05 p.m. a Public Hearing was held to hear public comments for or against the Town of Boston 1999 Preliminary Budget as compiled or any items contained therein.

A motion was made by Councilman Rood and seconded by Councilman Simmeth to convene the Public Hearing.

five (5) Ayes Carried

Supervisor Rood read the Legal Notice.

Supervisor Rood read the 1999 Town of Boston Budget Summary Totals:

Appropriations	3,118,632.00
Less Estimated Revenue	956,300.00
Less Unexpended Balance	376,641.00
Amount to be Raised by Taxes	1,798,491.00

There were no comments.

A motion was made by Supervisor Rood and seconded by Councilman Mead to close the Public Hearing at 8:06 p.m.

five (5) Ayes Carried

PUBLIC NOTICE
TOWN OF BOSTON
NOTICE OF HEARING
UPON PRELIMINARY BUDGET

NOTICE IS HEREBY GIVEN that the Preliminary Budget of the Town of Boston for the fiscal year beginning January 1, 1999 has been completed and filed in the office of the Town Clerk, where it is available for inspection by any interested person during regular office hours.

FURTHER NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston will 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 4th day of November 1998 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	$25,100.00
Councilman	6,510.00
Councilman	6,510.00
Councilman	6,510.00
Councilman	6,510.00
Town Clerk	32,450.00
Town Justice	11,180.00
Town Justice	11,180.00
Superintendent of Highways	39,785.00

Dated: October 7, 1998
Published: October 15, 1998
BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK
10-15

Supervisor Rood commented that due to the fact that we received a check from F.E.M.A. on October 23, 1998 in the amount of $31,835 it is necessary to increase the (General Fund) fund balance.

A motion was made by Supervisor Rood and seconded by Councilman Tills to amend the 1999 Preliminary Budget by increasing the (General Fund) fund balance as follows:

From: $257,838
To: $289,638

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead that the 1999 General Fund Budget be approved as follows:

Appropriations	1,108.697.00
Less Estimated Revenue	651,500.00
Less Unexpended Balance	289,638.00
Amount to be Raised by Taxes	180,359.00

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth that the 1999 Highway Fund Budget be approved as follows:

Appropriations	843,103.00
Less Estimated Revenue	304,800.00
Less Unexpended Balance	8,000.00
Amount to be Raised by Taxes	530,303.00

five (5) Ayes Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth that the 1999 Fire Protection Budget be approved as follows:

Appropriations	512,739.00
Less Estimated Revenue	00.00
Less Unexpended Balance	12,000.00
Amount to be Raised by Taxes	500,739.00

five (5) Ayes Carried

TOWN BUDGET

FOR 1999

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 1999 budget of the TOWN OF BOSTON as adopted by the Town Board on the 4th day of November, 1998.

Signed, David J. Shenk
Town Clerk

Dated November 13, 1998

SUMMARY OF TOWN OF BOSTON BUDGET - 1999

		APP/OTH USES	-EST REVENUE	-UNEXP BAL	RSD BY TAX
A	GENERAL	1,108,697.00	651,500.00	276,838.00	180,359.00
D	HIGHWAY	843,103.00	304,800.00	8,000.00	530,303.00
SF	FIRE PROTEC	512,739.00	0.00	12,000.00	500,739.00
SL	LIGHT	23,800.00	0.00	3,050.00	20,750.00
SM	AMBULANCE	87,884.00	0.00	7,400.00	80,484.00
SR	REFUSE & GARB	369,233.00	0.00	40,428.00	328,805.00
SS	SEWER #2	1,211.00	0.00	0.00	1,211.00
SW	WATER #1	83,442.00	0.00	11,000.00	72,442.00
SW	WATER #2	51,810.00	0.00	5,000.00	46,810.00
HSW	WATER #1 EXT	7,753.00	0.00	125.00	7,628.00
HSW	WATER #2 EXT	28,960.00	0.00	0.00	28,960.00
TOTALS		3,118,632.00	956,300.00	363,841.00	1,798,491.00
					1,798,491.00

SUMMARY OF TOWN OF BOSTON BUDGET - 1999

	APP/OTH USES	-EST REVENUE	-UNEXP BAL	RSD BY TAX
A GENERAL	1,108,697.00	651,500.00	289,638.00	180,359.00
D HIGHWAY	843,103.00	304,800.00	8,000.00	530,303.00
SF FIRE PROTEC	512,739.00	0.00	12,000.00	500,739.00
SL LIGHT	23,800.00	0.00	3,050.00	20,750.00
SM AMBULANCE	87,884.00	0.00	7,400.00	80,484.00
SR REFUSE & GARB	369,233.00	0.00	40,428.00	328,805.00
SS SEWER #2	1,211.00	0.00	0.00	1,211.00
SW WATER #1	83,442.00	0.00	11,000.00	72,442.00
SW WATER #2	51,810.00	0.00	5,000.00	46,810.00
HSW WATER #1 EXT	7,753.00	0.00	125.00	7,628.00
HSW WATER #2 EXT	28,960.00	0.00	0.00	28,960.00
TOTALS	3,118,632.00	956,300.00	376,641.00	1,798,491.00

GENERAL GOVERNMENT SUPPORT - 1999 BUDGET

	CODE	ACT 97	98 BUDGET	PRE 99	ADOPT 99
TOWN BOARD					
Pers Serv	1,010.1	24,400	25,260	26,040	26,040
Contractual	1,010.4	2,773	3,100	3,200	3,200
Total		27,173	28,360	29,240	29,240
JUSTICE					
Pers Serv	1,110.1	52,709	52,030	47,340	47,340
Equipment	1,110.2	0.00	500	3,500	3,500
Contractual	1,110.4	6,669	5,150	5,600	5,600
Total		59,378	57,680	56,440	56,440
SUPERVISOR					
Pers Serv	1,220.1	46,802	63,750	70,730	70,730
Equipment	1,220.2	909.00	500	500	500
Contractual	1,220.4	22,167	12,775	18,500	18,500
Total		69,878	77,025	89,730	89,730
IND AUDIT					
Contractual	1,320.4	0	3,000	2,920	2,920
Total		0	3,000	2,920	2,920
ASSESSOR					
Pers Serv	1,355.1	32,125	33,365	34,320	34,320
Equipment	1,355.2	2,000	500	1,500	1,500
Contractual	1,355.4	3,210	4,000	4,000	4,000
Total		37,335	37,865	39,820	39,820
FISCAL AGENT					
Contractual	1,380.4	0	0	0	0
Total		0	0	0	0
TOWN CLERK					
Pers Serv	1,410.1	53,062	56,000	57,630	57,630
Equipment	1,410.2	3,330	5,200	1,000	1,000
Contractual	1,410.4	3,919	3,400	4,200	4,200
Total		60,311	64,600	62,830	62,830
ATTORNEY					
Pers Serv	1,420.1	31,250	31,550	33,000	33,000
Contractual	1,420.4	5,963	3,850	3,850	3,850
Total		37,213	35,400	36,850	36,850
ENGINEER					
Contractual	1,440.4	7,686	13,250	13,000	13,000
Total		7,686	13,250	13,000	13,000

GENERAL GOVERNMENT SUPPORT - 1999 BUDGET

ELECTIONS					
Equipment	1,450.2	0	5,980	1,500	1,500
Contractual	1,450.4	7,719	8,500	7,400	7,400
Total		7,719	14,480	8,900	8,900
REC MANAGEMENT					
Pers Serv	1,460.1	0.00	800	900	900
Equipment	1,460.2	0.00	1,000	2,000	2,000
Contractual	1,460.4	8,780	3,000	7,350	7,350
Total		8,780	4,800	10,250	10,250
BUILDINGS					
Pers Serv	1,620.1	9,030	10,000	9,500	9,500
Equipment	1,620.2	6,069	4,000	3,000	3,000
Contractual	1,620.4	45,166	45,000	44,300	44,300
Total		60,265	59,000	56,800	56,800
CENT GARAGE					
Equipment	1,640.2	0	0	0	0
Contractual	1,640.4	0	1,000	0	0
Total		0	1,000	0	0
CENT COMMUN					
Equipment	1,650.2	0	0	0	0
Contractual	1,650.4	0	200	200	200
Total		0	200	200	200
CENT PR & MAIL					
Contractual	1,670.4	17,983	19,000	20,000	20,000
Total		17,983	19,000	20,000	20,000
SPECIAL ITEMS					
Unalloc Insur	1,910.4	46,686	60,500	49,100	49,100
Munic Assn Dues	1,920.4	2,121	2,040	2,400	2,400
Judge & Claims	1,930.4	0	593	70	70
Purchase/Land	1,940.4	0	0	0	0
Tx&Asses Tn Prop	1,950.4	2,790	3,000	3,200	3,200
Unclassified	1,989.4	0	0	19,000	19,000
Contingent Acct	1,990.4	0	20,000	20,000	20,000
Total		51,597	86,133	93,770	93,770
TOTAL GEN GOVT SUPPORT		445,318	501,793	520,750	520,750

PUBLIC SAFETY - 1999 BUDGET

	CODE	ACT 97	98 BUDGET	PRE 99	ADOPT 99
POL & CONSTABLES					
Contractual	3,120.4	900	500	850	850
Total		900	500	850	850
TRAFFIC CONTROL					
Contractual	3,310.4	2,588	4,000	3,500	3,500
Total		2,588	4,000	3,500	3,500
CONTROL OF DOGS					
Pers Serv	3,510.1	9,921	11,900	11,800	11,800
Equipment	3,510.2	1,799	500	500	500
Contractual	3,510.4	2,196	6,700	6,900	6,900
Total		13,916	19,100	19,200	19,200
SAFETY INSPEC					
Pers Serv	3,620.1	14,465	15,160	15,350	15,350
Equipment	3,620.2	0	250	250	250
Contractual	3,620.4	128	1,240	1,200	1,200
Demo Unsafe Bldgs	3,650.2	11,000.00	0	0	0
Total		25,593	16,650	16,800	16,800
TOTAL PUBLIC SAFETY		42,997	40,250	40,350	40,350

HEALTH - 1999 BUDGET

	CODE	ACT 97	98 BUDGET	PRE 99	ADOPT 99
REG VIT STATS					
Contractual	4,020.4	0	25	25	25
Total		0	25	25	25

TOTAL HEALTH	0	25	25	25

TRANSPORTATION - 1999 BUDGET

	CODE	ACT 97	BUDGET 98	PRE 99	ADOPT 99
SUPT HIGHWAYS					
Pers Serv	5,010.1	37,491	42,225	45,200	45,200
Contractual	5,010.4	1,348	2,400	2,500	2,500
Total		38,839	44,625	47,700	47,700
GARAGE					
Equipment	5,132.2	0	0	0	0
Contractual	5,132.4	14,738	19,000	20,000	20,000
Total		14,738	19,000	20,000	20,000
STREET LIGHTING					
Contractual	5,182.4	35,466	37,000	37,000	37,000
Total		35,466	37,000	37,000	37,000
		0	0	0	0
TOTAL TRANSPORTATION		89,043	100,625	104,700	104,700

ECONOMIC ASSISTANCE & OPPORTUNITY - 1999 BUDGET

	CODE	ACT 97 98 BUDGET	PRE 99	ADOPT 99
PUBLICITY				
Contractual	6,410.4	812	1,100	1,000	1,000
Total		812	1,100	1,000	1,000
PROG FOR AGING				
Pers Serv	6,772.1	8,291	9,200	9,500	9,500
Contractual	6,772.4	1,777	2,600	1,500	1,500
Total		10,068	11,800	11,000	11,000
TOTAL ECONOMIC ASSISTANCE & OPPORT		10,880	12,900	12,000	12,000

CULTURE & RECREATION - 1999 BUDGET

	CODE	ACT 97	98 BUDGET	PRE 99	ADOPT 99
PARKS					
Per Serv	7,110.1	34,764	36,000	20,000	20,000
Equipment	7,110.2	6,107	6,000	8,000	8,000
Contractual	7,110.4	23,604	21,000	52,000	52,000
Total		64,475	63,000	80,000	80,000
PLAY & REC CENTERS					
Per Serv	7,140.1	5,235	8,000	8,000	8,000
Contractual	7,140.4	2,869	4,000	4,000	4,000
Total		8,104	12,000	12,000	12,000
BAND CONCERTS					
Contractual	7,270.4	2,554	3,000	3,000	3,000
Total		2,554	3,000	3,000	3,000
YOUTH PROGRAM					
Pers Serv	7,310.1	58,755	57,975	62,000	62,000
Contractual	7,310.4	61,867	65,975	66,500	66,500
Total		120,622	123,950	128,500	128,500
HISTORIAN					
Equipment	7,510.2	2,795	1,000	1,000	1,000
Contractual	7,510.4	2,165	2,000	2,100	2,100
Total		4,960	3,000	3,100	3,100
HISTORICAL PROPERTY					
Contractual	7,520.4	4,200	4,300	4,800	4,800
Total		4,200	4,300	4,800	4,800
CELEBRATIONS					
Contractual	7,550.4	1,646	2,500	1,950	1,950
Total		1,646	2,500	1,950	1,950
ADULT RECREATION					
Contractual	7,620.4	15,555	16,200	16,700	16,700
Total		15,555	16,200	16,700	16,700
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		223,116	228,950	251,050	251,050

HOME & COMMUNITY SERVICE - 1999 BUDGET

	CODE	ACT 97	98 BUDGET	PRE 1999	ADOPT 99
ZONING					
Pers Serv	8,010.1	1,157	1,500	1,500	1,500
Contractual	8,010.4	249	800	800	800
Total		1,406	2,300	2,300	2,300
PLANNING					
Pers Serv	8,020.1	2,037	3,500	3,000	3,000
Contractual	8,020.4	3,484	7,500	7,000	7,000
Total		5,521	11,000	10,000	10,000
DRAINAGE					
Pers Serv	8,540.1	0	0	0	0
Contractual	8,540.4	4,195	1,400	1,400	1,400
Total		4,195	1,400	1,400	1,400
CONSERVATION					
Pers Serv	8,710.1	745	500	500	500
Contractual	8,710.4	326	1,500	1,500	1,500
Total		1,071	2,000	2,000	2,000
CEMETERY					
Pers Serv	8,810.1	275	300	300	300
Contracturl	8,810.4	0	400	400	400
Total		275	700	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	14,739	16,500	16,000	16,000
Total		14,739	16,500	16,000	16,000
TOTAL HOME & COMMUNITY SERVICES		27,207	33,900	32,400	32,400

UNDISTRIBUTED - 1999 BUDGET

	CODE	ACT 97	98 BUDGET	PRE 1999	ADOPT 99
UNDISTRIBUTED					
EMPLOYEE BENEFITS					
State Retirement	9,010.8	2,373	15,000	15,000	15,000
Social Security	9,030.8	32,103	36,500	37,700	37,700
Workmens Comp	9,040.8	3,609	8,000	8,000	8,000
Unemploy Insur	9,050.8	0	1,000	1,000	1,000
Disability Insur	9,055.8	392	500	500	500
Hosp & Med Insur	9,060.8	13,410	22,000	22,000	22,000
Total		51,887	83,000	84,200	84,200
DEBT SERVICE					
PRINCIPAL					
Serial Bonds	9,710.6	35,000	35,000	35,000	35,000
Bond Anticipation	9,730.6	48,000	48,000	26,000	26,000
Rev Anticipation	9,770.6	0	0	0	0
Total		83,000	83,000	61,000	61,000
DEBT SERVICE					
INTEREST					
Serial Bonds	9,710.7	6,038	3,623	1,208	1,208
Bond Anticipation	9,730.7	4,753	3,064	1,014	1,014
Rev Anticipation	9,770.7	0	0	0	0
Total		10,791	6,687	2,222	2,222
INTERFUND TRANSFER					
Risk Retention	9,901.9	3,500	0	0	0
Cap Proj Fund	9,950.9	5,765	0	0	0
Total		9,265	0	0	0
TOT UNDISTRIBUTED		154,943	172,687	147,422	147,422

TOTAL APPROPRIATIONS - 1999 BUDGET

SUMMARY	ACT 1997	1998 BUDGET	PRELIM 1999	ADOPT 1999
GEN GOVT	499,410	501,793	520,750	520,750
PUB SAFETY	38,920	40,250	40,350	40,350
HEALTH	25	25	25	25
TRANSPORTATION	101,000	100,625	104,700	104,700
EC ASSIS & OPPOR	12,100	12,900	12,000	12,000
CULTURE & REC	220,340	228,950	251,050	251,050
HOME & COMM SERV	18,900	33,900	32,400	32,400
UNDISTRIBUTED	177,291	172,687	147,422	147,422
TOT APPROPRIATIONS	1,067,986	1,091,130	1,108,697	1,108,697 *

*TRANSFER TO PAGE 2

GENERAL FUND ESTIMATED REVENUES - 1999 BUDGET

	CODE	ACT 97	98 BUDGET	PRE 1999	ADOPT 99
OTHER TAX ITEMS					
Lieu of Tax	A1081	377	0	0	0
Int/Pen R/Prop Tax	A1090	7,581	7,000	9,000	9,000
Non Prop Tax, Co	A1120	383,551	335,000	335,000	335,000
Franchises	A1170	40,176	28,000	28,000	28,000
DEPARTMENTAL INCOME					
Clerk Fees	A1255	3,510	1,500	1,500	1,500
Dog Control Fees	A1550	831	500	500	500
PROG FOR AGING	A1972	1,681	500	500	500
Park & Rec Charges	A2001	37,367	39,000	35,000	35,000
Zoning Fees	A2110	1,220	700	700	700
USE MONEY/PROPERTY					
Interest & Earnings	A2401	23,959	12,000	12,000	12,000
Rent R/Prop	A2410	31,642	30,500	30,500	30,500
Commissions	A2450	3	0	0	0
Games of Chance	A2530	414	0	0	0
Bingo Licenses	A2540	2,419	1,100	1,000	1,000
Dog Licenses	A2544	3,330	2,000	4,000	4,000
Licenses, Other	A2545	2,415	1,500	1,500	1,500
Building Permits	A2555	4,213	3,000	3,500	3,500
Permits, Other	A2590	605	0	0	0
FINES & FORFEITURES					
Fines/Forfeit Bail	A2610	100,565	71,000	74,000	74,000
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	3,459	0	0	0
Interfund Revenue	A2801	660	0	0	0
TOTAL EST REV FROM LOCAL SOURCES		649,978	533,300	536,700	536,700

GEN FUND EST REVENUE - 1999 - PAGE 2

	CODE	ACT 97	98 BUDGET	PRE 1999	ADOPT 99
STATE AID					
Per Capita	A3001	38,923	29,000	29,000	29,000
Mortgage Tax	A3005	83,195	50,000	50,000	50,000
Record Management	A3060	0	0	0	0
Rec for Aging	A3801	0	0	0	0
Youth Programs	A3820	10,063	1,000	3,000	3,000
Other	A3089	8,785	0	20,000	20,000
Cultural Grants	A3897	0	0	0	0
TOT EST REV FROM STATE AID		140,966	80,000	102,000	102,000
REVENUE SUMMARY					
TOT EST REV FROM LOCAL SOURCES		649,978	533,300	536,700	536,700
TOT EST REV FROM STATE AID		140,966	80,000	102,000	102,000
TOT EST REVENUES		790,944	613,300	638,700	638,700
ESTIMATED UNEXPENDED BALANCE					
EST GENERAL FUND UNEXPENDED BALANCE (Transfer Total "Adopted" to Page 2)		471,315	298,000	289,638	289,638

HIGHWAY FUND - APPROPRIATIONS - 1999 BUDGET - PG 1

	CODE	ACT 97	98 BUDGET	PRE 1999	ADOPT 99
GEN REPAIRS					
Judge/Claims	1,930.4	0	1,425	0	0
Pers Serv	5,110.1	134,239	123,000	132,000	132,000
Contractual	5,110.4	100,862	92,000	92,000	92,000
Total		235,101	216,425	224,000	224,000
IMPROVEMTS					
Cap Outlay	5,112.2	30,000	30,000	30,000	30,000
Total		30,000	30,000	30,000	30,000
MACHINERY					
Pers Serv	5,130.1	0	0	0	0
Equipment	5,130.2	13,580	34,900	34,900	34,900
Contractual	5,130.4	98,823	100,000	100,000	100,000
Total		112,403	134,900	134,900	134,900
MISC/BR/WDS					
Pers Serv	5,140.1	0	0	0	0
Contractual	5,140.4	0	100	100	100
Total		0	100	100	100
SNOW REMOV					
Pers Serv	5,142.1	86,502	88,000	90,640	90,640
Contractual	5,142.4	50,668	51,000	52,530	52,530
Total		137,170	139,000	143,170	143,170
SER/OTH GVT					
Pers Serv	5,148.1	86,502	88,000	90,640	90,640
Contractual	5,148.4	54,981	51,000	52,530	52,530
Total		141,483	139,000	143,170	143,170
EMPLOY BEN					
State Retire	9,010.8	0	16,000	15,000	15,000
Soc Security	9,030.8	23,402	31,000	31,500	31,500
Workers Comp	9,040.8	16,984	25,000	25,000	25,000
Unemploy Ins	9,050.8	0	1,000	1,000	1,000
Disability	9,055.8	390	500	500	500
Hosp/Med Ins	9,060.8	39,988	51,000	51,500	51,500
Total		80,764	124,500	124,500	124,500
TOT P. 1		736,921	783,925	799,840	799,840

HIGHWAY FUND - APPROPRIATIONS - 1999 BUDGET - PG 2

	CODE	ACT 97	98 BUDGET	PRE 1999	ADOPT 99
DEBT SERV					
Ser Bonds	9,710.6	0	0	0	0
BAN's	9,730.6	36,000	53,000	39,000	39,000
Total		36,000	53,000	39,000	39,000
INTEREST					
Ser Bonds	9,710.7	0	0	0	0
BAN's	9,730.7	4,684	6,593	4,263	4,263
Total		4,684	6,593	4,263	4,263
INT TRANS TO:					
Cap Proj	9,950.9	0	0	0	0
Total		0	0	0	0
BUDGETARY PROVISION OTH/USES		40,700	59,593	43,263	43,263
TOT APPROP &OTH USES					
Page 1		736,921	783,925	799,840	799,840
Page 2		40,684	59,593	43,263	43,263
Trans to Page TB-2		777,605	843,518	843,103	843,103

HIGHWAY FUND - ESTIMATED REVENUE - 1999 BUDGET

	CODE	ACT 97	98 BUDGET	PRE 1999	ADOPT 99
LOCAL SOURCES					
Lieu/Tax	1,081	1,080	1,000	1,000	1,000
Non Prop Tax Dist/County	1,120	185,000	185,000	185,000	185,000
Ser/Oth Govts	2,300	32,170	66,000	66,000	66,000
Int & Earn	2,401	5,629	2,800	2,800	2,800
Rent/Equip	2,416	9,450	0	0	0
Intfund Rev	2,801	14,000	16,000	16,000	16,000
Misc(Specify)	2,770	0	0	0	0
STATE AID Consolidated Highway	3,501	41,509	32,000	32,000	32,000
FEDERAL AID (Specify)	4,500	0	0	2,000	2,000
INTER TRANSF	5,031	3,500	0	0	0
TOT EST REV		292,338	302,800	304,800	304,800
UNEXPEND BAL		2,691	0	8,000	8,000

Transfer Est Rev and Unexp Bal to TB-2

FIRE PROTECT DIST - APPROPRIATIONS - 1999 BUDGET

	CODE	ACT 97	98 BUDGET	PRE 1999	ADOPT 99
FIRE PROTEC					
Judg/Claims	1,930.4	0	1,306	0	0
Contracts	3,410.4	468,721	479,818	491,739	491,739
Comp Insur	9,040.8	15,907	20,000	21,000	21,000
Total		484,628	501,124	512,739	512,739
Tot Approp (Trans Adopt to Page 1)		484,628	501,124	512,739	512,739
		ESTIMATED REVENUE			
Int & Earn	2,401	1,616	0	0	0
Refund Pr Yr	2,701	0	0	0	0
Total		1,616	0	0	0
		UNEXPENDED BALANCE			
Est Fire Pr Dist Unexpd Balance		18,999.00	6,124	12,000	12,000
Transfer total Adopt to page 2					

LIGHT DISTRICT - APPROPRIATIONS - 1999 BUDGET

	CODE	ACT 97	98 BUDGET	PRE 1999	ADOPT 99
LIGHT DIST					
Judge/Claims	1,930.4	0	54	0	0
Street light					
Contractual	5,182.4	20,390	23,554	23,800	23,800
Total		20,390	23,608	23,800	23,800
Tot Approp (Trans Adopt to Page 2)					
ESTIMATED REVENUES					
Int & Earn	2,401	290	0	0	0
Tot Est Rev		290	0	0	0
(Trans Adopt to Page 2)					
UNEXPENDED BALANCE					
Est Light Unexp Bal		2,111	3,054	3,050	3,050

AMBULANCE DISTRICT - APPROPRIATIONS - 1999 BUDGET

	CODE	ACT 97	98 BUDGET	PRE 1999	ADOPT 99
AMBULANCE					
Judg/Claims	1,930.4	0	205	0	0
Ambulance, Eq	4,540.2	0	0	0	0
Ambulance, C.	4,540.4	42,833	85,794	78,200	78,200
Total		42,833	85,999	78,200	78,200
DEBT SERV					
Principal					
Ser Bonds	9,710.6	0	0	0	0
BAN's	9,730.6	9,000	9,000	9,000	9,000
Total		9,000	9,000	9,000	9,000
INTEREST					
Ser Bonds	9,710.7	0	0	0	0
BAN's	9,730.7	1,440	1,040	684	684
Total		1,440	1,040	684	684
TRANS/CAP PRJ Oth Uses	9,950.9	0	0	0	0
Total Approp (Transfer Adopted to Page 2)		53,273	96,039	87,884	87,884
		ESTIMATED REVENUE			
Int & Earn	2,401	1,146	0	0	0
Total Revenue		1,146	0	0	0
(Trans adopt To Page 2)					
		UNEXPENDED BALANCE			
Est Unexp Bal (Transfer tot to Page 2)		39,622	7,000	7,400	7,400

REFUSE & GARBAGE - APPROPRIATIONS - 1999 BUDGET

	CODE	ACT 97	98 BUDGET	PRE 1999	ADOPT 99
REFUSE/GARB					
Judge/Claims	1,930.4	0	125	125	125
Pers Serv	8,160.1	0	0	0	0
Contractual	8,160.4	343,206	361,053	369,108	369,108
Total		343,206	361,178	369,233	369,233

ESTIMATED REVENUE

Ref/Gar Chgs	2,130	126	0	0	0
Int & Earn	2,401	12,583	0	0	0
Total		12,709	0	0	0

UNEXPENDED BALANCE

Est Refuse & Garb Dist Unexp Bal	154,511	35,978	40,428	40,428

(Trans Adopt Totals to Page 2)

SEWER DISTRICT #2 - APPROPRIATIONS - 1999 BUDGET

	CODE	ACT 97 98 BUDGET	PRE 1998	ADOPT 99	
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	484	0	0	0
Total		484	0	0	0

UNEXPENDED BALANCE

Est Sewer Dist Unexp Balance	10,825	0	0	0

(Transfer Tot to Page 2)

WATER DISTRICT #1 - APPROPRIATIONS - 1999 BUDGET

	CODE	ACT 97	98 BUDGET	TEN 1999	ADOPT 99
Trans/Dist					
Judge/Claims	1,930.4	0	99	0	0
Pers Serv	8,340.1	0	0	0	0
Equipment	8,340.2	18,887	0	0	0
Contractual	8,340.4	17,891	23,616	35,000	35,000
Total		36,778	23,715	35,000	35,000
DEBT SERV					
Principal					
Ser Bonds	9,710.6	0	15,714	16,500	16,500
BAN's	9,730.6	0	0	0	0
Total		0	15,714	16,500	16,500
Interest					
Ser Bonds	9,710.7	0	0	0	0
BAN's	9,730.7	0	32,625	31,942	31,942
Total		0	32,625	31,942	31,942
Total Approp (Transfer adopted to Page 2)		36,778	72,054	83,442	83,442
			ESTIMATED REVENUE		
Spec Assess	1,030	0	0	0	0
Int & Earn	2,401	1,372	0	0	0
Total		1,372	0	0	0
			UNEXPENDED BALANCE		
Est Unexp Bal (Transfer tot to Page 1)		46,919	38,500	11,000	11,000

WATER DISTRICT #2 - APPROPRIATIONS - 1999 BUDGET

	CODE	ACT 97	98 BUDGET	TEN 1999	ADOPT 99
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	230,000	0	0
Contractual	8,340.4	6,678	6,775	15,080	15,080
Total		6,678	236,775	15,080	15,080
DEBT SERV					
Principal					
Ser Bonds	9,710.6	0	0	0	0
BAN's	9,730.6	0	0	8,000	8,000
Total		0	0	8,000	8,000
Interest					
Ser Bonds	9,710.7	0	0	0	0
BAN's	9,730.7	0	0	28,730	28,730
Total		0	0	28,730	28,730
Total Approp (Transfer adopted to Page 2		200,266	180,200	51,810	51,810
		ESTIMATED REVENUE			
MISC (TAP IN)	2,701	0	0	0	0
Int & Earn	2,401	8,094	0	0	0
Total		8,094	0	0	0
		UNEXPENDED BALANCE			
Est Unexp Bal (Transfer tot to page 2)		6,266	137,465	5,000	5,000

WATER DIST #1 EXT - APPROPRIATIONS - 1999 BUDGET

	CODE	ACT 97	98 BUDGET TEN	1999 ADOPT 99	
Trans/Dist					
Judge/Claims	1,930.4	0	0	0	0
Pers Serv	8,340.1	0	0	0	0
Equipment	8,340.2	66,079	0	0	0
Contractual	8,340.4	0	0	0	0
Total		66,079	0	0	0
DEBT SERV					
Principal					
Ser Bonds	9,710.6	0	3,995	3,995	3,995
BAN's	9,730.6	0	0	0	0
Total		0	3,995	3,995	3,995
Interest					
Ser Bonds	9,710.7	0	3,758	3,758	3,758
BAN's	9,730.7	0	0	0	0
Total		0	3,758	3,758	3,758
Total Approp (Transfer adopted to Page 2)		66,079	7,753	7,753	7,753
			ESTIMATED REVENUE		
Spec Assess	1,030	0	0	0	0
Int & Earn	2,401	651	0	0	0
Total		651	0	0	0
			UNEXPENDED BALANCE		
Est Unexp Bal (Transfer tot to Page 1)		0	0	125	125

WATER DIST #2 EXT - APPROPRIATIONS - 1999 BUDGET

	CODE	ACT 97	98 BUDGET	TEN 1999	ADOPT 99
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	6,028	6,028
Contractual	8,340.4	0	0	1,600	1,600
Total		0	0	7,628	7,628
DEBT SERV					
Principal					
Ser Bonds	9,710.6	0	0	0	0
BAN's	9,730.6	0	0	5,000	5,000
Total		0	0	5,000	5,000
Interest					
Ser Bonds	9,710.7	0	0	0	0
BAN's	9,730.7	0	0	16,332	16,332
Total		0	0	16,332	16,332
Total Approp (Transfer adopted to Page 2)		0	0	28,960	28,960
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)		0	0	0	0

SCHEDULE OF SALARIES OF ELECTED TOWN OFFICIALS

(ARTICLE 8 OF THE TOWN LAWS)

OFFICER	1998 SALARY	1999 SALARY
SUPERVISOR	24,250	25,100
COUNCILMAN	6,315	6,510
COUNCILMAN	6,315	6,510
COUNCILMAN	6,315	6,510
COUNCILMAN	6,315	6,510
TOWN CLERK	31,300	32,450
TOWN JUSTICE	10,850	11,180
TOWN JUSTICE	10,850	11,180
SUPERINTENDENT OF HIGHWAYS	38,625	39,785

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 04, 1998 — 7:30 P.M.

A motion was made by Councilman Mead and seconded by Councilman Simmeth that the 1999 Light District Budget be approved as follows:

Appropriations	23,800.00
Less Estimated Revenue	00.00
Less Unexpended Balance	3,050.00
Amount to be Raised by Taxes	20,750.00

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead that the 1999 Ambulance Budget be approved as follows:

Appropriations	87,884.00
Less Estimated Revenue	00.00
Less Unexpended Balance	7,400.00
Amount to be Raised by Taxes	80,484.00

five (5) Ayes — Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth that the 1999 Refuse and Garbage Budget be approved as follows:

Appropriations	369,233.00
Less Estimated Revenue	00.00
Less Unexpended Balance	40,428.00
Amount to be Raised by Taxes	328,805.00

five (5) Ayes — Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth that the 1999 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 Simmeth and seconded by Councilman Mead that the 1999 Water District #1 Budget be approved as follows:

Appropriations	83,442.00
Less Estimated Revenue	00.00
Less Unexpended Balance	11,000.00
Amount to be Raised by Taxes	72,442.00

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded Councilman Tills that the 1999 Water District #2 Budget be approved as follows:

Appropriations	51,810.00
Less Estimated Revenue	00.00
Less Unexpended Balance	5,000.00
Amount to be Raised by Taxes	46,810.00

five (5) Ayes — Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth that the 1999 HSW Water District #1 Extension Budget be approved as follows:

Appropriations	7,753.00
Less Estimated Revenue	00.00
Less Unexpended Balance	125.00
Amount to be Raised by Taxes	7,628.00

five (5) Ayes — Carried

REGULAR BOARD MEETING TOWN HALL
NOVEMBER 04, 1998 7:30 P.M.

A motion was made by Councilman Wiktor and seconded by Councilman Mead that the 1999 HSW Water District #2 Extension Budget be approved as follows:

Appropriations	28,960.00
Less Estimated Revenue	00.00
Less Unexpended Balance	00.00
Amount to be Raised by Taxes	28,960.00

five (5) Ayes Carried

A motion was made by Supervisor Rood and seconded by Councilman Simmeth that the 1999 schedule of salaries for the elected Town officials be approved as follows:

Supervisor	25,100.00
Councilman	6,510.00
Councilman	6,510.00
Councilman	6,510.00
Councilman	6,510.00
Town Clerk	32,450.00
Town Justice	11,180.00
Town Justice	11,180.00
Superintendent of Highways	39,785.00

five (5) Aye 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, November 4, 1998 at 8:10 p.m., Eastern Prevailing Time, to consider the application of Upstate Cellular Network for a Special Use Permit to construct a tower and operate a cellular telephone communications facility at 8554 Cole 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: October 23, 1998
Published: October 29, 1998
BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK
10-29

At 8:10 p.m. a Public Hearing was held to consider the application of Upstate Cellular network for a Special use Permit to construct a Tower and Operate a Cellular Telephone Communications Facility at 8554 Cole Road.

Supervisor Rood read the Legal Notice.

A motion was made by Councilman Tills and seconded by Councilman Simmeth to convene the Public Hearing.

five (5) Ayes Carried

Supervisor Rood read the letter sent by Town Clerk Shenk to twenty (20) neighboring property owners with an Assessor's map outlining the property and a copy of the Letter of Request.

Town Attorney Perley noted for the record that Thomas Greiner and Gerald Brophy are present from Upstate Cellular.

Supervisor Rood: Upstate Cellular would like to construct a tower on the east hill. There is a location where there is a amateur radio tower called the BARRA site. The BARRA people were receptive to having Upstate install a new tower and having them co-locate but the area residents attended a Public Hearing on that site and researched two alternate sites. One is the Myers property which would require a taller antenna with no lighting but which may be more conducive to the area because it would be farther down the hill and less of an eye sore and not interfere with as many residents in that site. There is another possibility near the FM tower which is being considered and owned by (Allithea) Killeen and (Phyllis) Decker. Tonight we are having another Public Hearing on the same tower but a different site.

Town Attorney Perley: Mr. Greiner, do you have any additional information to address the basic issues of the need for a site on the east hill in terms of the service that Upstate Cellular intends to provides?

Thomas Greiner: No. I think what I would like to do, especially if we have a real time limit here, at our September 16, 1998 Public Hearing I think we went really into great detail about the need for a site that was confirmed by your consultant. We went into the different alternatives that we looked at. I guess the only thing

REGULAR BOARD MEETING TOWN HALL
NOVEMBER 04, 1998 7:30 P.M.

Public Hearing (Cont.):

Thomas Greiner (cont.): that I would like to say about that and I think it is a good back drop for tonight's meeting and what we are proposing here, is that if everybody has in mind the topography on Cole Road as it comes up from the bottom of the hill where the Fm tower is and up past Wohlhueter Road and then Liebler Road as well, and you get an idea of that topography and then if you understand that it is really almost on a saddle or a crown between two (2) valleys and in those valleys are populated areas and roads. The Board has seen a number of times, our surrounding coverage from the Orchard Park site that we have and the southern part of that town, South Wales and so forth around the area and look at what we are trying to cover, which are the roads and the populated areas, you start to get an idea, that unlike a flat area where you would have much less sensitivity to a precise location, you are trying to cover a very hilly and low area that we are trying to cover and then consider that in our search area where we are actually going to place the structure in order to cover these areas, it itself has constraints. It has made this an extremely difficult challenge for us. It also really constrains the location. So for example, the BARRA is actually the best site. It is at a high point on Cole Road, until you get past Wohlhueter at least. It is at a high point. It sees to the south, it sees to the north, it sees to the east, it sees to the west. It is a very good location from a technical point of view. Obviously some people are concerned about it's location from other than technical points of view. From a technical point of view, it is a wonderful site. Anything that we do off of that is worse. For example just going to the Myers site, which isn't all that far to the north, but we lose forty (40) feet in elevation. Not only do we lose forty (40) feet in elevation, we are now north instead of in the center because the BARRA site is pretty much situated in the center and it covers to the north the extremities of the 219 up there. It covers to the south. It covers over Colden. It does a really great job. As you move to the north and then move down, again if you remember the image that we had of a light on a table, and if you are trying to cover the low areas below the table, as you move up the table, down the table, on one side or the other you are starting to lose the ability to light the lower areas. Well that is exactly what we are facing here on Cole Road. That is the real problem. So as we move to the north, not that far, we lose forty (40) feet in elevation so we are proposing a 190 foot guide tower at the Myers property. You mentioned the Killeen property. I did at Mr. Perley's direction today, he was kind enough to give me a Allithea Killeen's phone number, I talked with her and I have a good idea of where all her property is. The problem with that is that as you go to the northern end of that property you gain in elevation but you are also closer to the BARRA site. As you go to the south you lose substantial elevation and in addition, and there are two (2) other issues with that, as you move to the south, you are now losing coverage to the north because you are off that crown again, sliding down to the south. You lose elevation, you lose the distance from the center and you also get closer to the Fm tower which is posing us a lot of problems in that area with the harmonics issue that we have discussed, I think probably at great length. I have a letter that Mr. Perley gave me just now. I haven't been able to study it nor has anyone from Frontier. It looks like he has concurred with the problems that we have raised with that tower. If we could have just stuck an antenna on that tower we would have been up and operating six (6) months ago. People wouldn't recognize me at the restaurant. People I don't even know are coming up and saying hello to me at the restaurant because I have been around here so much. All that would have been avoided but unfortunately that simply doesn't work. What I think the Myers site, the subject of this evenings Public Hearing, I think that is the second best site. It addresses, technically at 190 feet, it still isn't as good as BARRA at 150. What we did was start at 200 feet to try to get the equivalent coverage at BARRA and then came down from 225 feet, came

Public Hearing (Cont.):

Thomas Greiner (cont.): down and finally at 190 it provided coverage that was not as good but that was minimally acceptable and kept it on ledge. That is one of the goals that we were trying to reach here. What it also does in terms of land use considerations, and I've said this before and I'll phrase it carefully, to the extent that people have concerns about the BARRA site with respect to ice and proximity of children, to the extent that people are legitimately and I know they are honestly concerned about it, the Myers site eliminates those concerns. So from a land use point of view, it is as it should be, more acceptable again if you share those concerns that people have raised. So that is really where we are tonight. Since this is the Public Hearing for the Myers site, I guess I need to incorporate by reference, everything that we said at the September 16, 1998 Public Hearing with respect to the existing system, how cellular works, which I think you all have a good grasp on, how it works, what our need is and how we expect to solve the problem with that need. I think I can incorporate all that. If you have any questions about it, I obviously would be happy to answer them. So would Jerry. Again, I don't want to take up your time needlessly. I think we have been over that and I did not get a sense that the Board had any issues with what we have been saying in terms of the need and how we would propose to solve it. If there are, obviously I would be happy to answer them. I think you have seen the plan for the Myers site. We talked about that at the October meeting of the Board. You can see that it is a site that is a vacant site. There is a house on the site that is not something that you would immediately move into, not to live. It has some issues with it. There are trees throughout that site. We've put it in an area where we think that it minimizes the visibility and the land use intrusion. You can see that from the site plan and again if there are any questions about that I would also be very happy to answer them.

Councilman Simmeth: You started at 225 feet and you dropped down to 200 feet and you are at 190 and that is acceptable?

Thomas Greiner: I say 190 feet, the tower itself is a 185. So I really shouldn't say 190. It is a 185. The whip antennas that we have would extend up to about 199. The long whip antennas would be at the very top maybe a foot below the 185 foot mark and they would extend above the top of the tower. The tower itself would be 185.

Town Attorney Perley: First of all, with respect to the transmissions at the FM site, does Upstate Cellular have any estimate as to what distance it needs, what amount of separation it needs from the FM tower in order to function?

Thomas Greiner: The only thing we know at this time is that at the FM tower it is an incredible problem. At the BARRA site it is not a problem. The distance between those two is about a half mile. It is probably upwards of 2,000 feet. In order to, it would be kind of complicated, you would have to take a crane and plan it with the antennas up at the desired broadcast height and move it back and forth and then do a lot of calculations and measurements to see where you would or where you would not have a problem. The issue that we have is, as you slide to the south you are sliding down and you are sliding south and you are losing coverage to the north. You remember that we were up at 240 feet as where we were looking to go, which was the highest we could go at the FM tower, and we were still deficient in coverage especially to the north.

Councilman Tills: Have you studied area near the FM tower, any of that land near the FM tower, to be able to get an idea of these things or is this speculation at this point?

Thomas Greiner: We have done propagation at the FM tower. We have done propagation north of the FM tower on the very property that

Public Hearing (Cont.):

Thomas Greiner (cont.): you are talking about. As you move down from the BARRA site south toward the FM tower you are losing elevation and you are also losing that centrality of location. We have done propagation from that area and you just lose it on 219 where Boston State Road and 219 come together, at that whole pocket up in the northern part of our cell. At some point between BARRA and the FM tower the harmonics is not a problem. Where that point is, is probably immaterial because we are already losing enough elevation and distance to make it.

Councilman Tills: I understand that sir but have you studied, you came up with a figure of 2,000 feet, is that an alleged distance that you believe will not have interference with the harmonic interference with the FM tower?

Thomas Greiner: Right. We've studied it at the BARRA site and recall that in addition to being above 2,000 feet or more from the FM tower it is also 100 feet higher in elevation, so you don't have as much of a problem with the line of sight. So that is not a problem because we've studied it there and we've studied it at the FM tower itself to try and see if we could go on the FM tower.

Town Attorney Perley: Can I go back to what you just said? You've run some propagation tentatively on the Lango property?

Thomas Greiner: Right.

Town Attorney Perley: What was the height of the tower?

Thomas Greiner: 190.

Town Attorney Perley: Can those propagation studies be made available to our engineer?

Thomas Greiner: Sure. We have them with us. We will give them to Mr. Johnson.

Town Attorney Perley: If you will deliver them directly that would be fine. It might be easier for you to deliver them than for me. I will call him and let him know they are coming. One other question that I have, in the event, and I don't mean to suggest that this event is likely, but in the event somewhere in the future, within the period of probable usefulness, to use a municipal financial term, of the tower, a distinct and different transmission tower, in other words a transmission tower operating at a frequency that wouldn't create this type of interference problem, becomes available on the east hill, and assuming for the moment that you have already constructed this site, but bearing in mind that it is on leased property, under what conditions or circumstances would Upstate Cellular look at a co-location situation? We understand that the transmission facility can't go on your tower but that a transmission tower may be available to you to reduce the number of towers on that hill.

Thomas Greiner: We would have to look at a number of things. We would have to look at the location and again, from our journey here, I think you can see, and certainly Dr. Johnson would collaborate this, that the location is extremely sensitive up here because of the topography, principally. So we would have to look at the location. The height I am assuming would be no problem. You are talking about something that would not present any issues where we would have to extend the height?

Town Attorney Perley: I am asking you to assume that for the sake of a hypothetical situation.

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Public Hearing (Cont.):

Thomas Greiner: Sure. Assuming, as I think that you are assuming, that we would not run into a broadcast interference issue, then there would be in addition to the location, obviously the economics would come into it. What would that be available at? Where are we in our cycle of lease renewals on our existing site. Subject to all those constraints, obviously we would certainly look at it. If it presented advantages, if it was something that we could do with little fuss, I am sure it is something that the phone company would consider.

Town Attorney Perley: I will put it to you in a different way to try to crystalize the situation. If such a tower presented a reasonable alternative to your existing facility, would Upstate Cellular consider that co-location in furtherance of the stated policy of our law, which is to encourage co-location and to reduce the number of towers where possible?

Thomas Greiner: Yes, I think they would consider that. There is precedent in the past for Frontier to be a pretty good citizen in terms of trying to accommodate. I think you have seen a small measure of it even with our present application, trying to be sensitive to the town and work with the town and trying to do the right thing here. I have worked with this client for a enough years to be pretty confident that where they could be a good citizen they are.

Supervisor Rood: Mr. Greiner, I have a question in regards to that too. How many towers does Upstate have now in use?

Thomas Greiner: Probably a little over 300, let me back up, they have a little over 300 cell sites.

Supervisor Rood: And of those, do you have a ball park figure of how many have co-locators on them?

Thomas Greiner: Thirty-eight percent (38%), the last time I actually checked which was back in April. The figure has probably risen by a percentage point or so. But there were thirty-eight percent (38%) just to be precise about that. We looked at our system and we counted in, as part of that thirty-eight percent (38%), the number of our cell sites that were on other peoples towers.

Supervisor Rood: So that includes the towers that you are co-locating on?

Thomas Greiner: Correct. I actually think that puts a little meat behind what could otherwise be a just a vacuous promise that, "Oh yeah, we co-locate when we can." I think the figures bear that out pretty well.

Supervisor Rood read the following petition received with twenty-seven (27) signatures:

We the undersigned town of Boston residents have become aware of an additional application by Upstate Cellular for an alternative cellular tower site to be located at 8554 Cole Road. We would like to bring to the attention of the Town Board, several aspects particular to this tower site.

This site does not have the high concentration of children playing in the immediate vicinity.

This site has no building structures within the "fall down" zone of the proposed tower.

The proposed tower will not over fall an active driveway nor will its driveway be encumbered with easements across adjacent properties.

This 3+ acre alternate site is over 8 times larger that the B.A.R.R.A. site.

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Petition (Cont.):
This proposed tower would be naturally sheltered and screened by mature trees and shrubs, making the tower less visually intrusive.

This site has only 2 adjacent properties as opposed to the circle of 5 properties surrounding the proposed B.A.R.R.A. site.

For the aforementioned reasons, this newly proposed site at 8554 Cole Road should be given serious consideration as a more appropriate location for a large cellular tower.

Dolores (Homme) Sheehan, sister of Thomas Homme, 8606 Cole Road: I live in Buffalo, NY. The same people who put that petition together came to my brother and asked him not to do it and now they are proposing the site right next to him.

Councilman Tills: I am confused. I don't understand this.

Supervisor Rood: The people from the first Public Hearing wanted Mr. Homme to sign that petition at that current time against the BARRA site and now they circulated this petition in favor of this new site which happens to be next door to his property.

Dolores Sheehan: My brother did not sign it because he felt first of all there were the neighbors and they have been calling constantly. Secondly, the Myers property, they are playing one against the other. If my brother puts it up, what does that do to the Myers property? The value, the view goes right down the tubes. They didn't approach us both together and say "can we work this out together and together with the town?" We are kind of in a position of what do we do? Do we become the first site, the second site? And where is the town backing him? If somebody would like to respond from the twenty-seven (27).

Joseph Fambo, 8570 Cole Road: I live at the property to the north of the Myers property. We were part of the first petition that went around, opposed to the BARRA site and now it is coming right back on us. Two (2) years ago we came to Boston and made a purchase of some property and decided to invest $200,000 in a home and property and right next door sandwiched in between two (2) houses now is this new proposed site of this tower. Well that wasn't there and we wouldn't have chosen Boston to pay our taxes in and live in if there was a tower there prior to us buying this property. On top of that we own probably six hundred (600) feet back on that property that is north of the Myers property and we plan on building an additional structure to house some horses and I don't think that creates a very safe environment at all. Sandwiching a tower right in between these two homes, we don't even know the width of this Myers property. It is probably three hundred (300) feet perhaps?

Supervisor Rood: 317 X 433.

Joseph Fambo: Proposing a 200 foot tower on this property, and I would imagine that somehow that's got to fall and put somebody in danger within a much closer proximity. I think the address that we are using here could be incorrect because to the south of our house I was under the impression that the numbers were going up. We are 8570 and we are to the north of the Myers property so I think the address might be screwed up there.

Councilman Simmeth: There is nothing on this map here.

Town Clerk Shenk: Councilman Simmeth you have received the same map that the neighbors have received but if you look where I labeled the property in question, there is obviously another map to the north and Mr. Fambo would be on that map. Mr. Fambo you did not receive a notice, correct?

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Public Hearing (Cont.):

Joseph Fambo: No.

Town Clerk Shenk: What you are saying is that your number is higher or lower than eighty?

Joseph Fambo: My number is 8570. So if you are going south the number should increase.

Town Clerk Shenk: Yes, they should increase. Apparently the house numbers must be out of order.

Clarice Fambo, 8570 Cole Road: I also would like to add that when we first moved out here, it was three (3) years ago, I was renting a home out here, and we liked it so much that I came to the town hall to help us find property. And you did that and we want to buy more property right next to our property and I don't want that thing next to me.

Charles Zimmerman, 8601 Cole Road: I live at the property directly across the street from the proposed Myers site. First of all there is a drainage problem with that property. I own approximately thirteen (13) acres and there is a natural drainage ditch that runs through my property parallel with Cole Road, turns a 90 degree turn and then runs out perpendicular to Cole Road, hits the county's ditch and crosses Cole Road through their drainage pipe. There is natural drainage on the other side of the road which through the years has been neglected. It has grown in with willow trees. It just doesn't drain. It is higher than my side of the road. Through the years the ditches have been cleaned and it keeps sinking the pipe deeper in the road etc. I literally have water backed up on my property because it doesn't drain. A couple of years ago I did approach the town about seeing if I could get something done with that natural drainage ditch. I got no help. I was told it was on private property. They couldn't do anything for me. I just want you to be aware that there is still a drainage problem there that still exists. Ok. That's number one. Number two, I can't say as I object one hundred percent to a cell tower going up on that hill. What I do object to, is that they constantly want to plop it in the middle of a bunch of residential houses. For all the same reasons that these people just talked about, I am sure you people want to get up in the morning and walk out your driveway and look at this 200 foot tower, or 190 foot tower, which is going to lead me to my next point, sitting right across the street from your homes. I feel they're trying to stay high on that hill to build an inexpensive tower so that they can keep the height down. They don't have to light it and can save costs for the construction of the tower. As far as the coverage goes, I think that is a bunch of bunk. I work for a mechanical contractor and we own over twenty (20) Frontier Cellular phones. It is the worst service I've ever had. In the heart of their digital service territory, which is Walden Avenue in the Town of Cheektowaga, I guarantee if I get to the corner of Walden and Harlem Roads my phone will drop right out of service. I lose the signal. So I am not buying all this bunk about better coverage. They're on the east hill looking. I want to know if they've considered anything over on the west hill? There seems to be a lot more vacant area on the west hill than there is on the east hill directly across from where we are located.

Supervisor Rood: I live about a quarter of a mile from the two (2) towers on the west hill and that has been researched because I would rather have all the towers in one place and cluster them. I feel I have to comment on the lighting issue. The reason for not lighting the tower is not so much a cost consideration for them but people do not want the lights at night. It is more that people are going to have to live with it that don't want the lighting not so much that they are trying to save money. Just to clarify that.

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Councilman Simmeth: Mr. Zimmerman, where are you concerned with the drainage problem with the tower? What has that got to do with the tower?

Charles Zimmerman: With that tower, that property drains on my side of the road and if there is not proper drainage through that property when they construct that tower, I am going to be flooded. I have already got polaroid pictures from last year when we had a lot of rain.

Councilman Simmeth: I have been up to talk to Mr. Casacci and he has told me about your problem.

Charles Zimmerman: I have got the pictures to prove it. My land has been under water and it has never been under water.

Councilman Simmeth: So you are afraid if they put that tower there and not construct some type of drainage system, you are going to be in worse shape?

Charles Zimmerman: Correct. And right now it is only the actual drainage.

Councilman Simmeth: I see in the SEQR Report that it is showing that it is very poorly drained, 100% of it is poorly drained.

Charles Zimmerman: I understand your comment about the lighting, Supervisor Rood, but if the thing is set back off the road 3,000 feet who cares? We are surrounded by towers. I can look out north, south, east or west out my back yard and wherever I look I can see a tower. I don't object to the tower when it is on the other hill or it is 5,000 yards from my house. I am going to object when I look out my front yard and there is this thing over there. They are the ugliest looking towers I've ever seen.

Supervisor Rood: I agree.

Charles Zimmerman: My cell phone works fine at the intersection of 219 and 391 for that gentleman's information. If you go down the road to Armor Dulles, it sucks.

James Krawczyk, 7434 Wohlhueter: One of the selling points of this house was the magnificent view. It did not include a 190 foot tower in that selling point. If you let one tower be built on this property, where is the next one going to go up, and the next one, and the next one? I can see three (3) towers from my deck already. I don't want to see another one.

Supervisor Rood: The latest one, the Sprint tower, you can see from everywhere. You can see it from Springville. I noticed yesterday when you are coming down the 219 expressway, you can see that from everywhere, Hamburg, Springville, pick a town. I think the problem is that, I don't think anybody likes to look at towers. Unfortunately we only have so much that we can do and if you were here earlier you heard the discussion about the intersection of West Tillen and the Boston State Road. They are both county roads and the town only has so much jurisdiction over something that they don't own. We have to go the county and ask their permission to put any signs or lighting up even if it involves our citizens being in accidents and being hurt. Our hands are tied at a certain point. These towers are coming and there is only so much we can do to fight them. We fought every single one of them that has come into town and they always end up winning because there is a higher layer of government. The best that we can do is put them in the least intrusive spot that is going to work with whatever it is that they need. If the Town Attorney would like to comment on this further. It puts us in quite a predicament.

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Public Hearing (Cont.):

Clarice Fambo: We've only been in our brand new house two (2) years. Will our taxes go down? Will this devalue our property now?

Supervisor Rood: That is a big question that has been debated. The procedure is to take it to the Board of Assessment and Review in July and grieve it. That's what you can do. You can take it in there and grieve it. There is a separate Board of Assessors that come in and they listen to your problem, your situation, and then they decide.

Clarice Fambo: They may lower our taxes?

Supervisor Rood: Yes.

Town Attorney Perley: Or they may not.

Audience member: What if you have to prove that your house will not sell? They probably will not lower it. That's what we were told.

Joseph Fambo: We would prefer it not go to that point and not have the tower 300 feet from my deck.

Thomas Homme, 8606 Cole Road: I have the property next to Mr. Myers. They wanted to make some type of deal and put it further back on my property. I signed a petition that I didn't want the tower. I didn't know that people went behind my back and did it. They didn't want it on my land. That was wrong. But if it will work with the neighborhood, I could put it back on my land. I have an easement to it. But it has to be worked out with these people. I don't want to go against the neighbors on it. Charlie here doesn't want to see a tower either but I don't want to see one on my land either but we can work it out.

Supervisor Rood: It is sad what these towers do to neighborhoods. It really is.

Thomas Homme: That way it wouldn't be near these peoples homes and it wouldn't be near mine either. It would be in the back.

Timothy Pufpaff: What is the zoning on the parcel? If I am not mistaken the owner doesn't even live there.

Town Attorney Perley: The application fits within the structure of our zoning law. The supervisor asked me a question before as to what recourse the town had. The town does have some authority over sitting, in other words where the tower goes. We, as a government shall not prohibit or have the effect of prohibiting the provision of personal wireless services. Which means that the wireless provider such as Frontier, establishes need for the tower, for us to flat out deny them a tower would violate the Telecommunication s Act of 1996.

Timothy Pufpaff: Basically, we look at it as that we live there.

Supervisor Rood: Because it is considered a public utility, they have rights that nobody else has.

Patricia Gurney, 7052 Chestnut Ridge Road: I feel like this is dejavu because we worked against the tower that is presently on the Chestnut Ridge and Ward Road property, another Myers property. Everything you are saying we said here a year and a half ago and we really got nowhere. I don't feel it's the town's fault but I really need some questions answered. Number one, I think our big issue then and it seems to be here again, is why can't they co-locate? If we have to look at that tower behind us now with the

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Public Hearing (Cont.):

Patricia Gurney (cont.): red and white blinking lights that is 250, 300 feet tall, why can't these people be on that tower? I thought that was the whole idea, that we would put one big giant tower up and everyone would co-locate on it and here we are right back to point zero. And I am confused about the lights. It was my understanding that we had to have lights because it was above 150 feet.

Supervisor Rood: Two hundred (200) feet. FAA regulations.

Patricia Gurney: So has the site that already has a tower on it been looked into and disregarded?

Town Attorney Perley: This application has been pending here for how long Mr. Greiner?

Thomas Greiner: We filed the application in March and had our first meeting in April and then May, June, July, August, September, October, and October.

Town Attorney Perley: During that period of time we looked at every existing tower on the east hill that is located in the Town of Boston including the Sprint site. The Town of Boston retained a Radio Propagation Frequency Engineer.

Supervisor Rood: Which was paid for by Upstate Cellular.

Town Attorney Perley: Well, we are reimbursed by them, but in any event we looked at all those sites, we looked at all the propagation studies and our engineer concluded that given the configuration of the Frontier System, this Sprint tower did not work. We went through every site, Mrs. Gurney.

Patricia Gurney: We are going to go through this every single time we have a cell tower application.

Town Attorney Perley: Well we may or we may not because in truth I've been approached and there may be a co-location permit coming in for the Sprint tower as a matter of fact so that may work as advertised. It is not firm yet but I have had calls from other radio providers that are looking at co-location on Sprint.

Patricia Gurney: How would it work for them and not for these people?

Town Attorney Perley: We have verified that their information was accurate. Mr. Greiner, if you would like to address this.

Thomas Greiner: We have shown the town a number of times before.

Supervisor Rood: I think it is because they each have their own different set of cells and they don't always coordinate with each other.

Town Attorney Perley: This system is much older and exists in a different pattern, is really what it comes down to.

Patricia Gurney: Well you can explain it to me and I am sure I will understand basically. I feel badly for you people because we have been here and we have done this and we have gone over this and you will see that tower.

Thomas Greiner: We have been here since April and have been here every month since then. We have shown the Planning Board and the Town Board what are called propagation of different possibilities for co-location. In other words we have shown them if we were on

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Public Hearing (Cont.):

Thomas Greiner (cont.): that Sprint tower, what would that do. Would that cover the area? Unfortunately that Sprint tower is way too far north. Our system has been in affect since the early eighties. Sprint system started basically from zero at the end of 1995 into 1996. Sprint looked at where towers were in western New York and tried to locate as many of their sites to design their grid all in those existing structures and then filled them in with new towers. We had a different path. We have been building on our system little by little since the early eighties. This middle propagation, (indicating) you can't see it from there but I would be happy to have you look at it, if you can see the green and right here is the Sprint tower, if we were on that tower at 250 feet, at the top, right along with Sprint, we would have good coverage there, where I indicated with my hand. What we are trying to cover however is an area much further to the south. Ok? In other words that Sprint tower is not anywhere in the area that would provide any kind of coverage for where we have a hole. We have plenty of coverage up where that tower is and we don't have it further south so putting it there wouldn't do anything. That is unfortunate from the people's point of view but that is simply the case.

Patricia Gurney: And there is no way that you can use the Sprint tower and then use an auxiliary tower further down?

Thomas Greiner: The Sprint tower is just too far to the north. It simply doesn't provide coverage in our area.

Patricia Gurney: I know but is there no way that technology can shoot it to a shorter tower that is down in a pocket that you need to cover that the Sprint Tower can shoot it down to an auxiliary tower down further into the south?

Thomas Greiner: We wouldn't go on the Sprint tower. We have coverage up in that area. There would be no reason to duplicate it. That doesn't add anything to the coverage that we do not have on Cole Road, in that whole area.

Patricia Gurney: So this tower on the Cole Road site is the one that is the best for you? It is the best economically? It is the best for you because you are putting up one tower that is going to cover the whole area? Isn't there a way that you can cover the area by putting up three or four shorter towers that don't impact a neighborhood? Maybe one on the 219 or isn't there some other way that you can do this that is maybe not going to be the best for you but the best for Boston, for the people so we don't have to look at these tall towers?

Thomas Greiner: What you would wind up with probably would be a series of towers that would be 140 feet high. Now we have spent six (6) months locked in a struggle, I call it a struggle because it has been a struggle, with people that are objecting to a 150 foot monopole. As I said, they have honest objections, I may not agree with them but I know they are honest objections. We've been locked in this struggle for six (6) months over a 150 foot pole. Taking a 190 foot guide structure and converting that to three or four 140 foot structures isn't really going to do anything.

Patricia Gurney: Well why do they have to be that tall?

Thomas Greiner: Because you have to get over hills. You have to get over trees. The power on these things is so weak that they are literally stopped by leaves on trees.

Patricia Gurney: But you are saying that the hole is down south along the 219.

Thomas Greiner: Sure. 219, Boston State Road, Boston itself,

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Public Hearing (Cont.):

Thomas Greiner (cont.): Colden, the two valleys.

Patricia Gurney: So why do they have to be so tall in the valley?

Tracy Hirsch, Cole Road: My wife and I have a piece of property on Cole Road and we live in Orchard Park. It is just about from where the fire station is south about 1,000 feet to Mr. Smetaniuk's property. There is about 36 acres there. I think what I am the most concerned about is that when I first heard about the situation at Mr. Dominkewicz's property, he had approached me to see if I was interested in doing something on my property or behind my property. At that time I told them I wasn't just because it seemed to be going into his area. The people in that area obviously are against it. So let's get a petition to put it into another person's back yard and obviously those people are against it. I see the same situation transpiring all over again, where we get 27 signatures to say I would rather have it over at Charlie Zimmerman's property and if that doesn't work out, ok, then it is going to come down to maybe a less populated area with some of those people that I don't see here tonight. But if it goes over to that piece of property then we are going to be going against neighbor against neighbor against neighbor or group against group against group instead of everybody saying just like Mr. Smetaniuk said at the meeting when it was over at Dominkewicz's, and I think he said it quite well, that he didn't say, "let's go put it over there" just because he couldn't see it and it was so far down the street, it was, "let's not have it up there at all or in anybody's back yard or if we are going to put it up, to put it somewhere where it isn't going to affect anybody or it's going to go on one of the other towers." I think that is one of the big problems that I see, is that everybody is trying to stick it in somebody else's back yard and it is going to continue like that until there is a spot that is picked out with the least amount of resistance and then all of the sudden we've got somebody to say that, "Oh well I've only got five (5) people now squawking about it being over on Joe Blow's property, that's the spot that we are going to have to go with", instead of everybody saying,"look, we don't necessarily want it up here for everybody's best interest."

Mary Jo Hubbard, 8616 Cole Road: I've been coming to all of these meetings. I got the feeling that the town's policy was co-location and now you seem to be backing away from that. Is your policy co-location or isn't it co-location?

Councilman Tills: It definitely is.

Mary Jo Hubbard: Ok. It seems to me that from what I've heard from all the meetings that I've been at, that Upstate Cellular is being inconvenienced by using the FM tower. The FM tower is the place to put it and no offence to Mr. Greiner, but Mr. Greiner, you spent six (6) months here? You are ruining all of our property. I don't care if it takes a year for you to figure this out. And quite frankly, when I moved on Cole Road it took me six (6) months to deal with National Fuel to get an easement so I don't think six (6) months is any big deal. I am a little bit upset to find out that my neighbors signed a petition. In fact I am in awe of that and I agree with this gentleman who said, "it doesn't belong in a residential neighborhood and if we have a tower up there such as the FM tower, that is not residential, then I don't understand why we are not pushing for that as a group, ladies and gentlemen.

Town Attorney Perley: We received a letter from our engineer and our engineer concurs with the findings of Upstate Cellular that the transmission signal from the FM transmitter would interfere with the signal from Frontier Cellular because the Frontier Cellular band is a harmonic of the FM signal to such a degree that the tower is not a feasible tower site. I wish that it were otherwise but

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Public Hearing (Cont.):

Town Attorney Perley (cont.): that is what our own engineer tells us. He also tells us that a tower situated within 200 feet of the FM tower isn't a feasible tower either and it could go well beyond that. I talked with him today to discuss it further and it could go well beyond that. It just so happens that there is the unfortunate coincidences that the signal on the FM tower is a base of which the signal of the Upstate system is at the ninth harmonic and there is a definite interference there. We do have a policy in favor of co-location but we also look at issues of safety. We look at issues of clearance. We look at a lot of issues. There are a lot of policies in this law, one of the policies being co-location. The co-location has to be feasible. Unfortunately, co-location on the FM tower, according to our consultant, is not feasible.

Charles Wallace, 7609 Wohlhueter Road: I know you folks are in kind of a difficult position because when the cellular companies come in and want to locate in an area, and they are certainly going to do that legally, but apparently you do have a lot of input and control as to where they do end up.

Town Attorney Perley: Maybe a lot is a bit of an exaggeration. We have some input.

Charles Wallace: Apparently though, from the investigation that I have done in recent weeks, apparently what you are able to do has increased in recent months as a result of some court decisions where cellular companies have taken Planning Boards and Tower Boards to get their way and there have been a number of cases now where cellular companies have lost those cases.

Town Attorney Perley: Two.

Charles Wallace: Well actually it is fun to get on the internet because you can start digging around.

Town Attorney Perley: I have read the cases and I know the facts of the cases too and it is not just the law, it is the facts that go into it.

Charles Wallace: Right, but what that means though is that there is a lot of leeway involved and you do have input to a large degree where these folks go. You can kind of advocate that, right? You can say, no, it is easier just to say one tower, let's make the fewest people unhappy but there may just be some other alternatives. I think some of the folks have brought up some very good points about maybe it is going to cost more money to put several towers in but maybe for our community that is the right thing to do. Maybe they feel that area on the end of Cole Road, they talk about that one site as being a wonderful site, well I don't want to pick on those words but we know that there aren't any wonderful sites just by the nature of the cellular systems and the topography in southern Erie County. No matter where you put a tower it is not going to be a perfect site and I am sure the gentleman knows that and is not saying otherwise. There isn't a perfect site and no matter where you go, whether it is on the Sprint tower or across on the other hill or on the other hill towards Aurora or further towards Sardinia, they are all going to have problems. I hope that you folks that are our representatives would take all those things into consideration and I think a number of people have brought up the point about how this neighborhood has changed through the years. Forty or fifty years ago it was a purely agricultural area and somebody could come out and just plop a tower out there and it wasn't a problem. Now, dozens of homes just in the last ten (10) years have built up there. I know when my kids started going to school there was one (1) bus that covered the whole end of the hill and now they have two (2) busses just for the one (1) end which gives you some idea of the growth. It is a

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Public Hearing (Cont.):

Charles Wallace (cont.): residential area now and I hope that you and they would take that into consideration also. I think there is a lot of leeway and I don't think we should throw up our hands and say, "oh, there is nothing we can do." I think there is quite a bit that can be done.

Supervisor Rood: I think just the statement that they have been here since April, every month, is kind of clear that we are not just throwing up our hands and saying, "go for it."

Elizabeth Holmes, 6271 Ward Road: I live on Ward Road right next door to the Myers site where the Sprint tower is. We were here back a year and a half ago fighting the tower that finally did go up on Ward Road. I must say that the Boston Town Board was very supportive to our group in trying to get the Sprint tower to be co-located on the WNED tower but that was before the new WNED tower and there were a lot of problems with that whole issue. However, the Boston Town Board did go to court supporting the position that it could be co-located on the WNED tower. The court said that it couldn't be located on the WNED tower because there was a fifty (50) yard pocket on the 219 where they could not receive proper transmissions.

Town Attorney Perley: That area was as dead as a doornail.

Elizabeth Holmes: It was fifty (50) yards wasn't it?

Town Attorney Perley: It was between fifty (50) and a hundred (100) yards but it was right on the four (4) lanes and it was totally dead.

Elizabeth Holmes: That's right. It was totally dead but how long does it take to get thought that area? However, the Judge had to rule between, there was no alternatives, it was not like, well could they put up another auxiliary tower down there to cover that site? Why did it just have to be covered by one (1) tower? It was kind of like an issue that could only be resolved yes or no. No other alternatives, which leads me to believe that there are other alternatives. It just can't be, this is the best location, this is where we've got to put it because our company wants it here because economically it's the best, it also provides the best coverage, it is best for us. What about all the people that it impacts upon and ruins their homes where they have lived for twenty, thirty, fifty-two years or whatever it is? It's my house right now and I look out on a wonderful 250 foot or however tall it is, tower. I have been told that probably I would have to prove that in order to get a tax decrease to lower my assessment, that I would have to prove that the value of my property has been devalued which is really difficult to do. It would be reassessed on today's value rather than the last assessment. I am just concerned because Boston is a beautiful place to live. We have got enough towers and it is just going to keep going on and on, So if we can co-locate, if we can use the existing facilities, maybe they are not the ideal thing for the phone companies or anything else that wants to put up a tower but can they make it work with the existing towers? Can they use the facilities that we already have and maybe put up something else that is not so tall so that we are not a town of towers. This proliferation of towers is just ridiculous and the thing is that it is not only happening to Boston it is happening to all the other towns.

Supervisor Rood: It is a shared problem everywhere and especially the hilly towns because that is where they want to go. They want to go to the tallest points.

Elizabeth Holmes: Maybe there is another place that they can co-locate and it doesn't have to be on Cole Road and it doesn't have

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Elizabeth Holmes (cont.): to be just one big tall tower. I know I don't like looking at that tower but I've got it now so they might as well use it for something else.

Thomas Greiner: Just a few quick points here. I don't usually do this but since the Supervisor actually made a comment right in between all the neighbor comments I will just address this one first. I think you said it was a shame what these things do to neighborhoods. I imagine they might have said that about telephone poles or substations or any other public utility structures. They don't tend to look beautiful but the flip side of the coin is that if we had five or six hours we could probably antidotally talk about the lives that have been saved by cellular communications. The same as you could about electricity or any other type of public utility that we have come up with in our advances. If there is some price to pay, typically I think the law has said that with respect to public utilities it has been deemed by society to be worth it. In your materials in our initial applications we had just a very small sample of the types of things, the lifesaving, the public safety aspects of cellular. I don't want to make a big deal out of it now. It is in the materials but I think that every day there is another article, there is another news clip, there is another television blurb about someone being saved by a cellular telephone. This past winter the person in North Dakota who was dying in their vehicle and covered in snow and they were able to hone in on him because of the cellular phone that was going dead but they were able to save him, totally buried by snow. That is melodramatic and I don't mean to be but I just wanted to make the point that there is something quite beneficial about these and that's why they enjoy the status that they do in the law. Second, on the comment that Mr. Zimmerman made about the drainage, frankly we can probably help that situation. The pad and so forth is certainly small enough that it is not going to increase any drainage problem but in the construction phase we can probably dig out that swail on the west side of the road and help fix the problem.

Audience Member: Great, right down to my property.

Thomas Greiner: The point about the coverage issue, I think the phrase was, "is bunk". Again we did not want to take up the Board's time again but if there is any issue with respect to our need for coverage I would be happy to go over it again or I am sure Mr. Perley has your town consultant's reports handy that would address the issue of need from an independent consultant. Again, tell me if there is an issue. I don't think so. As far as trying to save on a shorter tower, the tower is of course not the big item of cost here. The tower is inconsequential. We have spent more money just coming to Boston every month with legal fees, opportunity costs etc. than any cost differential of any tower. Interestingly enough I am not giving anything away but the Walden Avenue area, I know exactly where you are talking about, that is planned to be fixed this coming year in Cheektowaga because that is a problem. We have submitted a lot of information, a lot of appraisers reports from certified NAI appraisers with respect to property values and I know that intuitively and I know that people will not believe this when we say that the reports unanimously indicate that these don't seem to have an affect on property values. I think anyone in the world would probably intuitively say that they have to but the truth is that the universe of buyers is so large that and these things, other than they can be seen, they don't do anything else. They are like water tanks, they tend to just blend into the landscape.

Audience member: Do you have one in your back yard?

Thomas Greiner: Yes I do as a matter of fact. When I say blend in

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Public Hearing (Cont.):

Thomas Greiner (cont.): the landscape I don't mean physically as much as the light water tanks seems to enter the blind spot and after a while because they don't seem to make any noise and they are not attracting any traffic, this isn't me saying this, this is appraisers. I think we have addressed the structural issue. We did give the Board a report from tower engineers and tower manufactures regarding the structural stability and integrity on how these things are built. We have placed these on any type of weather condition or any type of topography in the State and have never had a problem with any one of them including in the adirondack where the winters I dare say are as severe as anywhere. I think we answered Mrs. Gurney's question about why we can't go on the Sprint tower but again if there is any doubt or if there is any more concern we can continue to discuss that one. We looked at that and we looked at the Patchin Fire Department, well you know what we looked at a number of alternatives here.

Supervisor Rood: We have a water tank going up in a couple of years.

Thomas Greiner: We looked at that property as well. In fact as I recall we were fairly excited about that. Again, your consultant looked at that and understands that doesn't work either. In fact we would have offered to just acquire the property and welcome you with your water tank after we got our tower done but that just simply doesn't work out from a technical point of view. I am just trying to see if there is really anything else to respond to here. The only thing I can say Mrs. Hubbard is that I didn't mean to imply that me coming here or that Jerry and I coming here for six (6) months is a big deal. What I really meant to say was that we have been coming here for six (6) months and we have been providing information for six (6) months and if you haven't followed all of the hearings then you might not know everything that we have discussed here. That is what I really meant to say, was that we have been here enough times, that I think have addressed enough issues over these months. I didn't mean to say that six (6) months of my time is somehow commensurately with people's living here, not in the least. I think that is really all of the issues that were raised and I think I have addressed them.

Councilman Mead: Mr. Greiner I have a question as far as with Mr. Homme's property. There was a question as far as it being put further down towards the tree line or further away from other houses. Could you address that?

Thomas Greiner: I am sorry. I may have to have Mr. Homme repeat his point or Mrs. Sheehan repeat the point so we can address that.

Dolores Sheehan: Well originally they asked for a specific area for a fall zone with approximately 185 feet. So they never gave us a location on the property, which, who is going to say yes when you are leaving it wide open? Our attorney asked them to be specific. We asked if anything would be behind the Myers but then that was why we never signed because what would that do the Myers property?

Audience members discuss among themselves if the Myers property was bought for the purpose of leasing the land to the cellular company.

Supervisor Rood: When Myers owned the land it was up for sale.

Dolores Sheehan: I am not saying he had an ulterior motive. What I am saying is that they are playing one against him and we are willing to say that we will work with people but what is bad is that neighbors are working together behind others and they did it in such a way that he didn't say no. They also approached Myers about buying that property with the tower. That there were going to be individuals who bought that land to lease it. Then Myers

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Dolores Sheehan (cont.): would have been totally out of it and the land would then go to the people if they want to identify themselves.

Robert Zahm, 8509 Cole Road: And they absolutely will.

Dolores Sheehan: Those are the same people who approached my brother and said don't do it. He is not saying that he doesn't want the tower. He is saying he will work with everyone and reach some agreement and maybe that will work. We didn't want to be in the position where we were playing one person against the other. We are trying to be fair. What's going to happen? You take the Myers property, that view that he has, his beautiful pond thing right there, for a future site for a house, they have the tower right there. So how you feel in your new built house, he bought this, I think it was wrong not to buy the property next to him, but I am a real estate agent so I always want him to buy, but I think it is unfair what people are doing to each other and I think it is really tough and putting the knife to him.

Councilman Mead: I am sorry if I misunderstand that. You're concerned that you didn't want it because of the Myers property, that they might build something on there that would be beautiful, and a house and then have to look at this tower?

Dolores Sheehan: What would happen to the Myers property? Tom said yes to putting it right behind. Will anyone buy that piece of land to put a house on it?

Councilman Mead: He was going to put a tower on it.

Dolores Sheehan: Who? Tom?

Councilman Mead: No, Myers.

Supervisor Rood: Tom was trying to be a good neighbor, I think is her point. She didn't want to impose a tower on Mr. Myers's property.

Dolores Sheehan: Because they could have come in today, and I am not saying they did something wrong either, we've got the option right here, they were going to come in with two (2) options. For all I know they were going to come in with three (3) or four (4) options. Maybe they approached Mr. Zimmerman. Then they used one person against the other which is their right to do but when they do that he can't say, "I want Myers to have this tower because then there would be oh, sour grapes for him, they go to Zimmerman, oh, sour grapes for him, he didn't get the money. If you are going to have a tower and he is going to have it right next to him then give us that check each month too. If there is some way of working together and I told these gentlemen that before the meeting. I am not trying to be underhanded here. If there is some way of working this out fine but we still say not at everybody else's expense.

Supervisor Rood: I think Councilman Mead's question is, is that a better site even then the two that are on the table now?

Councilman Mead: I guess that is what I am asking. In other words if that is further down toward the tree line and there is even less houses around where less people are going to see it, is that a better site?

Dolores Sheehan: There is more views obstructed that way.

Supervisor Rood: So, to the neighbors, the Homme site is an even worse site then the Myers site?

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Audience Member: It depends what side of the road you are on. If it is on the west side of Cole Road it is a poor site. If you are on the east side it is a better site.

Audience Member: Is there a site other than Cole Road that you can use? What if the this site is not acceptable to the Boston Town Board what will Upstate do then?

Supervisor Rood: Take us to court.

Audience Member: Do they have the right to say this is where we want our tower because it is perfect for us and who cares whose lives were ruined?

Supervisor Rood: I think Mrs. Gurney can address that because that is higher government.

Patricia Gurney: That happened to us and I appreciate the fact that you went to court for us. I think that was great but yet at the same time it was too bad that the Judge couldn't understand that there might have been another way to solve the problem too other than just the WNED tower or the Myers property.

Thomas Greiner: I think Councilman Mead your question was going to be on the Homme site what would that do or how was that site viewed? My understanding is that, the background on this is again, that we have been looking at the BARRA site for all these months. There was a suggestion made at one of the meetings here that we look at property on the west side. We did. We looked specifically at the Myers site. We looked at the Homme property as well. The Homme property is to the south and to the west of the Myers property. What happens though and I think you can just see this on the maps, what happens is, remember what I said about the sensitivity of a location in terms of being on a table and constraints, as you move to the west, not only are you losing coverage to the east because of the hill, because of the shadow, what happens as you move to the west you also drop in elevation. So if we were going to put the tower on Mr. Homme's property it would be a lit tower. So, from a relative point of view, and the company would do that, it would be a taller tower. It would be a lit tower. From the town's point of view, I would suspect that putting it in a site where it could be under 200 and remain unlit would be a better solution.

Robert Arent, 8712 Cole Road: I cut that hay on Tom Homme's property a number of times and after what Mr. Zimmerman said about Myers property being under water, I know when I was cutting Tom's, Tom's is higher than Myers. Not only that when I was right there because this thing is 317 feet wide and 433 feet deep and after the 433 feet where Tom owns, that was perfectly dry. We even had equipment parked over there and moved around. When we got to the Myers property that was like a swamp in there. I know that place is a muck hole. I mean it has stuff in there that you wouldn't believe. When you start talking about something, if you move back two hundred feet and something tips over, what is it going to hit? The thing is 317 feet wide. You put something up there that is 180 feet and you divide that in half is 158 feet, right? It will fall on somebody's property. What Tom is saying I guess, is if you go back 200 feet and you go 200 feet away from the line, at least it will all fall on his own property. I can't see where you are saying that it is lower back there.

Thomas Greiner: You can see it on the topography maps.

Robert Arent: You see the proposal over here, that he's got? You brought one over to me first in January. I said no.

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Dolores Sheehan: One other thing that I would like to make a point and I don't mean to be argumentative. Right here on the proposal you sent over to us it says, "no lights on the tower" of what is proposed on this plan. So obviously it was going to be under 200 feet. Either you presented this proposal in bad faith to get him to sign to work one against the other. Why did you make a proposal that you had no intention of using?

Thomas Greiner: The proposal was made prior to the RF checking the site.

Dolores Sheehan: I was handed this Saturday by my attorney and the date on it is October 28th. I really feel like you dealt with us really in poor taste, that you had no intentions of ever dealing with him and it was only the Myers site that you planned to use all along and with no compensation to him even if it goes through.

Thomas Greiner: I don't know the date that it was sent to Mr. Homme or his attorney. That is not part of my job. I don't work with the site acquisition aspect of this. It was certainly sent over before that but the issue is that when the RF people caught up to the real estate people, in fact that I know that Mr. Brophy spoke with Mr. Homme as recently as last week and Mr. Homme said, "I want it to be under 200 feet", or words to that effect. The RF people called up and said, "wait a minute that is not going to work. It can't be under 200 feet." It is not going to work under 200 feet. That is not bad faith. That's one arm of the company getting ahead of the other arm.

Robert Arent: The people were surveying today to find out how much higher or lower Myers is than BARRA's.

Thomas Greiner: No it is not lower. I know what it is. It is forty (40) feet lower.

Robert Arent: That is what they told me today. They found that out today. Because I got a son that walks up and down the road and asks them what the hell they are doing.

Thomas Greiner: You don't need a surveyor to show how much, it is pretty clear from the maps that the BARRA property is higher than the Myers property. It is 1,640 feet, about 100 feet higher than the FM tower property and about 40 feet higher than Mr. Myers property.

Laurette Janak, 7185 Liebler Road: I will support anybody in the Town of Boston who doesn't want it on their land just because I feel like it is a violation of our freedom to live where we want to live and have what we want in our neighborhood. With respect to the question of need, when you say for instance, it was mentioned a fifty (50) yard drop zone, where there was no phone contact where your phone would drop dead, and you state a need for this tower too, ok so you say there is this area and this is how big it is. How many customers are you saying are passing through that area? Are we talking about three (3) people a year that are losing contact in that zone? In layman terms that I can understand, when you say need I am just not referring to the fact that, oh yeah, there is no coverage in the area, how many people need coverage in that area? How many people in layman terms are you talking about that you are inconveniencing so many other people for the sake of what? Five (5) people who lose a phone call for three (3) seconds? And they are not going to die in this area because there are neighbors who will come out if they have a car accident. We are not talking about that. What exactly in layman terms is need?

Thomas Greiner: We are talking about Route 219 and Boston State Road. We are talking about thousands of cars every day.

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Laurette Janak: How many are making phone calls?

Thomas Greiner: We are not talking about gaps of fifty (50) yards here. Again, all I can say is that maybe you ought to have your consultant here. The need has been established.

Laurette Janak: Who's need?

Thomas Greiner: The need for cellular coverage in this area.

Town Attorney Perley: There is a transcript of the last hearing if anyone wants a copy of it. We can make it available.

Thomas Greiner: The issue of thousands of customers versus hundreds of customers at any given point in time not the criteria that the FCC looks at when they require adequate service. Certainly a major highway like 219 or a major arterial such as Boston State Road are the types, we are not talking about a cul-de-sac that happens not to be covered, we are talking about major highways.

Charles Wallace: Just another option, I have Cellular One service and I think after tonight I am glad I do. I have no problem on the hill. I have no problem on the 219. I don't know where the Cellular One tower is that covers this area. We haven't talked about that.

Town Attorney Perley: We have talked about that at length just not tonight.

Timothy Pufpaff: I watched the world news and with these satellite phones, cell phones are going to be a thing of the past.

Audience Member: Then we will be stuck with all these towers.

Supervisor Rood: No. It is written down as soon as they don't use it they have to take it down. It is part of the deal so that we are not left with all these towers sticking up.

Audience Member: Where is Frontier with satellite transmissions right now?

Thomas Greiner: It is not a question of Frontier. It is a question that nobody is close to satellite transmissions. At a guess, it is probably fifteen (15) years. There are two (2) big problems. One (1) is capacity. There is a satellite system that is going into effect now. It is called Meridian. One of the primary investors or operators is Motorola. They estimate that if they can launch another 1500 satellites by the year 2007 they will be able to accommodate 596,000 users, I think the figure is. 596,000 users compared to, just in this country today, we have over 65 million cellular users. The problem is capacity and the problem is also being able to have a phone to talk back up to the satellite. It is one thing for the satellite to broadcast the signal down to the user. It is another thing for the user to try and get it back up to the satellite. Where satellites could be useful in the next ten, twelve, fifteen years, are for people who are in the middle of the ocean, who are in the Gobi Desert and who have a truck full of equipment and who can pay a lot of money for one phone call. The use of satellites to replace the common cellular wireless system, if it is not on the horizon yet, that is why I say maybe fifteen (15), maybe twenty (20) years. The same as cellular. When they first started drilling and investigating cellular back in the sixties, early sixties, it took twenty years to get that up and operating and from what I've read they expect the same thing for useable satellites system that are actually a replacement for cellular.

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Tracy Hirsch: I would just hope that I am able to be kept in the loop and that everybody in the area is kept in the loop as to other possible sites not strictly the people in the neighborhood of where its proposed at that particular time and I think that if there were a lot more people here that lived in other areas, they would be here if they knew that it was proposed or that the next one might be in their area.

Supervisor Rood: We do publish a public notice. That is what I read. It is public knowledge. It is not a secret.

Tracy Hirsch: Ok. Then I would take exception to compare this neighborhood to North Dakota and that possible scenario that transpired there. If we were going to use one such as dramatic as the one that he used maybe we could pick one that happened here. To also state that a water tower is inconspicuous, I would take exception to anybody or see if there is anybody that doesn't know about the water tower on the 290 between Colvin and Niagara Falls Blvd. Also as a pilot, the FAA does use the Amherst Water Tower as a guide to the runways, which is at the 90 and the 290, so to say that nobody is aware of that or that maybe we could just listen to the weather and traffic in the morning and we use those as a guide, hopefully that won't happen.

Thomas Greiner: I am not trying to compare this to North Dakota. The point is that I myself was on the thruway coming back from Toronto one time. A white van went right off the thruway and into the median strip. It disappeared in about a minute. I mean literally from view and it wasn't obviously covered by snow. I was able to use my phone and get the thruway authorities to get him some help.

Supervisor Rood: I think everyone does agree that a cell phone could be a life saving tool.

Margaret Edington, 5664 Meadow Drive: They can also cause accidents while they are talking behind me and not watching traffic. They can be very dangerous.

Councilman Tills: Mr. Greiner and Mr. Brophy are you looking at any other sites at this point? Mr. Brophy are you considering any other sites along Cole Road? We were talking about the Killeen property. Is that still something that you can look into near the FM tower?

Thomas Greiner: We didn't actually hear about that until today.

Councilman Tills: We brought that up a couple months ago, about trying a site near the FM tower.

Thomas Greiner: We did propagate. We didn't specifically contact any land owners. We did propagate that property back awhile ago. When you say two (2) months ago do you mean your first September meeting?

Councilman Tills: The last public hearing a month and a half ago.

Thomas Greiner: We did propagate that.

Councilman Tills: OK. But now that we've been in touch with the Killeen land owners, is it possible to do a quick study of that area to see if that is a possible site? That is near the FM tower. It is kind of within putting towers near towers. It is a high point on Cole Road. They own a lot of property there.

Thomas Greiner: Well certainly down by the FM towers, Mr. Tills, it is not a high point.

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Councilman Tills: Right, but they own property, correct?

Thomas Greiner: Certainly it is another location on Cole Road if you get high enough and near enough to the BARRA site and it is located not too far from there.

Councilman Tills: That's still pretty far away from most of the landowners though.

Supervisor Rood. Well there is that existing tower there and I think if we are going to have to have a tower, I would rather see it in a cluster with other towers instead of one here, one here, one here. I mean put all the ugly things over here.

Councilman Tills: If you could please check on that sir.

Thomas Greiner: We could very well look at that. When you talk about clustering...

Supervisor Rood: I know that was your intention originally in coming to the BARRA site. I appreciate that. That is the original reason why they came to the BARRA site because there was an existing tower there and in our code it encourages clustering of tower farms and co-location so that is why they first approached the BARRA site as to where they wanted to put the tower.

David Stringfellow, 7928 Hywood Drive: I live clear over on the other side of the valley from this tower. Fortunately at the moment is not likely to affect me. I believe as a result of the Sprint Tower we enacted a zoning law which limits or sets requirements on the building of communication towers in our town. Neither the BARRA site nor the Myers site meets those requirements. So Upstate Cellular is here asking us to give them variances to that law.

Supervisor Rood: Well they have to ask the Zoning Board for the variance. The Town Board cannot give a variance.

David Stringfellow: Whatever. They have to ask for a variance. Now we have had, I don't know how many hearings on this thing. I have been to every one of them. I have heard many of our citizens get up and say they do not want this tower. I have not heard one single citizen get up and say that they do want it. So we are faced with a decision that at best will displease some of our citizens and will not please any of them. I think the one thing we certainly can and certainly should do is simply tell the Upstate Cellular people, "we have a zoning law and if you want to put up a tower you must meet every single requirement of that zoning law." And let them go find a site that meets all the requirements or take their tower to some other town.

Councilman Tills: I will let the Town Attorney comment on that but I don't think our zoning law really carries the power or even through the zoning law do we have the power to take it that far.

Town Attorney Perley: I will repeat what I said before. Any zoning law that we enact cannot have, cannot prohibit or have the effect of prohibiting the provision of personal wireless services. Everything that we enact has to be read against that federal stature.

Supervisor Rood: There's a higher law than ours that we have to adhere to as is demonstrated by the Sprint tower.

Town Attorney Perley: And to those people who commented on it, I was the attorney for the Town of Boston and I know what went into that. Believe me I know what went into that.

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Audience Member: When it comes right down to it we can't do anything.

Councilman Mead: A few of us attended meetings in New York City for the Association of Towns because as you are aware, a lot of the towns are going through the same situation. There is legislation being proposed to help the towns work better with the cellular tower people. It really comes down to letting the towns have a little bit more say as to where the towers go.

Audience Member: I also read where the lawmakers are encouraging the placement of these cellular towers to be more or less on public land adjoining, for instance, the 219 so that you always have the electric towers and the cellular towers too where it doesn't impact on neighborhoods. Yes it will be unsightly but the difference is I think when Mr. Greiner says that you have telephone poles, you have electric poles etc. Yes we do have those. We know where they are and we know what we are getting into when we move to the location where we are in Boston. However we don't know what's going to be in our back yards ten (10) years after we move in which really changes the whole flavor of the landscape which we view everyday.

Robert Zahm, 8809 Cole Road: I have been to many of these meetings and you know me very well. Some of the people here I am seeing for the first time and some of the others for the second time. It was insinuated that a group of people were very underhanded in signing a petition. Mine is the first signature on that petition and if you read that petition it does not say that we want their tower at the Myers's site. It says that there are two (2) sites and of the two (2) sites we feel personally that it is a less intrusive and better site for the reasons cited. Now that site was offered by Mr. Myers after we approached him and talked to him about it because there is a vacant house there. To say that it is a fixer upper would be a stretch. Mr. Myers put a lot of his own effort in to stripping that house up. Why, I don't know. People do strange things. But he did. I am the one that asked that it be boarded up. There is vermin in there. They apparently heard about a vacant house up on the hill not far from where I live and they know who I am. I have seen them there often. So they went up and looked at it and decided it may be a suitable site and approached Mr. Myers. He was not certain whether he was interested. So we got together to see if we could make that site available as an alternate site. I spoke to Tom. I came down and I said, "Tom this is what is going on, I'd like you to be a party to this because essentially this is right next door to you. If there is revenue to be gained from this, we are going to share it and we want to share it with you."

Thomas Homme: And I said I wanted no part of it.

Robert Zahm: I remember that distinctly and I said, "Tom we will do whatever we can. I would like you to be a part of it but if you don't that is your choice." Now also, Mr. Myers offered to sell that property to you at a lesser price. That is between you and him, not me. But it was available. It was on the market. They were well aware of what we were intending to do. Mr. Myers said, "Well if that's the case, then I may as well pursue it myself." That's his choice. It's his property.

Thomas Homme: Why didn't anyone come to my home with a petition to sign to put it next to mine? Wonder why I was left out?

Audience member: They didn't come to my house either.

Robert Zahm: I can understand where you are coming from because I am there too. Where is the other site Tom?

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Thomas Homme: You can't shit in my back yard.

Robert Zahm: But they can shit in my back yard?

Thomas Homme: No. Work together, work together.

Robert Zahm: I agree but let me ask you is there anything in that petition that says "put it on the Myers site?" Is there anything that says that?

Thomas Homme: No. Nobody brought it to my home to read it.

Supervisor Rood: This is between you two. I really don't want this as part of the record so if you want to discuss this, your petitions, you can discuss it later. I don't think this is for the benefit of what is going on here tonight.

Thomas Homme: If you are going to put it next to my house I would rather have it behind the house.

Robert Zahm: I don't have a problem with that either.

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

five (5) Ayes Carried

Town Attorney Perley: Tomorrow evening (November 5, 1998) the Zoning Board of Appeals has two (2) public hearings scheduled. It is totally within the discretion of this Board to do nothing in light of the public comments or to consider suggesting to the Zoning Board of Appeals that they consider one of the applications and not both. It is entirely up to the Board. This is a matter that we have discussed previously and I leave it to your discretion based on the comments you have heard tonight and the comments you have heard at the last public hearing. The Zoning Board of Appeals can proceed on both applications if you want them to and decide on both independently while this Board considers what it has heard. You cannot select a site tonight. You can only express a preference and you may or may not want to do that in light of the comments heard. The Zoning Board of Appeals will hear their applications for variances on both of the sites because of certain height and area requirements that exist in the law. The application must be made to the Zoning Board of Appeals. With regard to the Myers site which is newer, there are three (3) variances being sought. One variance being the 1,500 foot set back in the law the other being the 150 foot tower limitation and the third being the fact that if the tower fell over like a tree it couldn't fall on the property and whether the fall characteristics of the tower can allow it to fall within the property. There are four (4) applications for variances on the BARRA site. First is the 1,500 feet set back from the residences. Second is that the tower exceeds 150 foot in height and the third is that the tower would not fall completely within the property and the fourth is that there is building within the fall zone. Those matters have to go before the ZBA. The ZBA hearing will consider those issues. It will not consider issues of propagation. It will not consider issues of need. It will be confined to the height and area requirements and the issues that pertain specifically to those height and area requirements.

Thomas Greiner: Just one clarification. The ZBA will consider need under "Telephone vs. Rosenberg", they consider need for a public utility and in terms of getting variances.

Town Attorney Perley: Under "Rosenberg" they are constrained to determine that you have demonstrated a need in terms of being

REGULAR BOARD MEETING — TOWN HALL
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Public Hearing (Cont.):

Town Attorney Perley (cont.): classified as a public utility.

Thomas Greiner: As long as that is understood by the ZBA.

Town Attorney Perley: Your position is under "Rosenberg" that would they constrain to find that you are a public service. The ZBA will not decide anything tomorrow night because there is a technical issue with regard to the SEQR and actually there can be no decision at the earliest until November 18, 1998.

A motion was made by Supervisor Rood and seconded by Councilman Tills to table the entire Upstate Cellular Application until November 18, 1998.

five (5) Ayes — Carried

A motion was made by Councilman Simmeth 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 6, 1998 and to expire on May 28, 1998:

Melissa Wilson	Site Supervisor	$7.40
Nicole Kester	Rec. Attendant	6.25
Beth Marschner	Rec. Attendant	6.25
John Politowski	Rec. Attendant	6.25
Robert Rooney	Rec. Attendant	6.25
Keith Steward	Rec. Attendant	6.25
Karen Wieckowski	Rec. Attendant	6.25

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to appoint Thelma Faulring to the position of Secretary to the Boards and Committees and term to expire on May 28, 1998:.

five (5) Ayes — Carried

The following bids were received for a computer, printer and related items for the Assessor's office:

	Gateway	Compaq	CompUsa	CompCty	PC Support	TSL Co.
Computer	2,446	2,381	2,026	2,156	2,016	2,685
HP LJ 4000 Prt	1,174	1,199	1,149	1,199	1,149	1,250
Xerox 4508 Prt				499		
HP LJ6Pse Prt	824	799	799	799	799	

A motion was made by Councilman Simmeth and seconded by Councilman Wiktor, on the recommendation of Assessor Eagan, to award the contract for a computer, printer and additional items for the Assessor's office, at a cost of $3,165, to Professional Computer Support.

five (5) Ayes — Carried

Supervisor Rood noted that money was received from the Star Program to cover the cost of the computer system for the Assessor's office.

RESOLUTION 1998-38 1998 STATEWIDE SHARED SERVICES PROGRAM FOR MUNICIPALITIES AND SCHOOL DISTRICTS

SUPERVISOR REPORT

A) Supervisor's monthly Bank Account Report for October 1998 was received and is on file in the Clerk's Office.

TOWN CLERK REPORT

Received and filed the Monthly Registrar of Vital Statistics Report for October 1998.

TOWN OF BOSTON

RESOLUTION 1998-38

THE 1998 STATEWIDE SHARED SERVICES PROGRAM FOR MUNICIPALITIES AND SCHOOL DISTRICTS

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 4th day of November, 1998 at 7:30 p.m., there were present:

Lisa M. Rood	Supervisor
Damian P. Wiktor	Councilman
Stephen K. Tills	Councilman
Karl J. Simmeth	Councilman
Dennis J. Mead	Councilman

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

RESOLVED, that the Town of Boston agrees to participate as a partner in an application to the 1998 Statewide Shared Services Program with the Hamburg Central School District, for the purpose of improving the facilities of the Boston Valley Playground.

BE IT FURTHER RESOLVED, that the Town of Boston will be the Lead Agency for such collaboration program, and

BE IT FURTHER RESOLVED, that the collaboration program will improve the safety of the facility and improve accessibility for handicapped individuals.

Motion was seconded by Councilman Mead and duly put to a vote, as follows:

Supervisor Rood	Voting aye
Councilman Wiktor	Voting aye
Councilman Tills	Voting aye
Councilman Simmeth	Voting aye
Councilman Mead	Voting aye

Ayes: 5 Noes: 5 Carried

David J. Shenk

David J. Shenk, Town Clerk

REGULAR BOARD MEETING
NOVEMBER 04, 1998

TOWN HALL
7:30 P.M.

TOWN ATTORNEY REPORT

Town Attorney Perley reported that regarding the Tennessee Gas settlement, Hamburg Central School District objected to the former settlement and they now agree and have reached a separate agreement.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to authorize Town Attorney Perley to execute the Tennessee Gas stipulation of settlement on the same terms as previously reported to the Board.

five (5) Ayes — Carried

Town Attorney Perley noted that regarding Water District #3, the final touches are being placed on the map plan and report by Bruce Shear that will go to Bond Council and will be a new order by the next Town Board meeting so that an early December Public Hearing can be scheduled.

COUNCILMAN REPORT

Supervisor Rood congratulated Councilman Mead on his re-election victory for councilman.

Councilman Mead reported that on Saturday, November 7, 1998 at 9:00 a.m., a group of citizens are meeting at the Boston Valley School playground to sand and paint the Creative Playground. The more citizens that can attend the better. Interested parties can contact David Tomasello at 941-5663 to volunteer.

Councilman Mead noted that he, Councilman Wiktor and Planning Board Chairman Paul Jusko attended a Southtowns Planning and Development group meeting at the Boston Hotel on October 26, 1998. The group meets quarterly to discuss issues that affect citizens of the neighboring southtowns. The Landowner Liability issue, on which a resolution was made at the NY Association of Towns meeting, was not approved. Legislation on Landowner Liability may be introduced again in 1999. The speed limit increase to 65 mph was discussed for Route 219 and the 400 expressway. The Erie County Regional Planning Fund has available funds for the project of updating the town master plan.

Councilman Mead reported that he attended the Planning Board meeting on October 27, 1998 and the Polish Hill subdivision issue was discussed. The preliminary plat plans for the subdivision have not yet been submitted. A rezoning request for 8692 Boston State Road was received for the purpose of opening a gift shop and storage facility where the old Keen's Market was.

Councilman Wiktor reported that on October 24, 1998 he and Supervisor Rood attended the Boston Fire Company installation. Twenty-two (22) fireman received training certificates. Clarence Kader was recognized for over sixty-five (65) years of service to the Fire Company. Edward Bajer was recognized for fifty (50) years of service. Dennis Kramer was honored for thirty (30) years of service. The Boston Fire Company accepted two (2) Eagle Scouts, Sean Reilly and Adam Retman as honorary members of the fire company.

Councilman Wiktor announced that the Rural Transit Service is still seeking volunteer drivers or dispatchers for four (4) hours of weekly service. A standard drivers license is required. Volunteers amy call Elizabeth Fadale at 472-6090.

Councilman Wiktor noted that the Town Board members are invited to tour the North Boston Fire Company facility on November 10th or November 11th at 7:30 p.m. The Town Board chose November 11th.

REGULAR BOARD MEETING
NOVEMBER 04, 1998

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.):

Councilman Tills noted that regarding the Eckhardt and Taylor Roads situation, Dr. Steckmeyer, owner of the property on the corner of Eckhardt and Taylor going eastbound, agreed to trim the lower branches of the trees on that corner and possibly remove the trees. Councilman Tills proposed that perhaps if the town had extra young seedling trees, Dr. Steckmeyer could be given some as compensation.

Supervisor Rood commented that the town could not give the seedlings to Dr. Steckmeyer because they must be planted on public domain.

CODE ENFORCEMENT OFFICERS REPORT

A) Code Enforcement Officer monthly report for October 1998 was received and is on file in the Clerk's Office.

Deputy Code Enforcement Officer monthly report for October 1998 was received and is on file in the Clerk's Office.

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officer monthly report for October 1998 was received and is on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for October 1998 was received and is on file in the Clerk's Office.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to adjourn the meeting at 10:16 p.m.

David J. Shenk
DAVID J. SHENK, TOWN CLERK

TOWN OF BOSTON

TOWN OF BOSTON

RESOLUTION 1998-40

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 18th day of November, 1998 at 7:30 p.m., there were present:

Lisa M. Rood	Supervisor
Damian P. Wiktor	Councilman
Stephen K. Tills	Councilman
Karl J. Simmeth	Councilman
Dennis J. Mead	Councilman

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

WHEREAS, Our Lady of Victory Hospital was instituted as a health care facility by Father Nelson Baker, and

WHEREAS, Our Lady of Victory Hospital was operated by the Sisters of St. Joseph, having served many surrounding communities since 1919, and

WHEREAS, southtowns communities, such as the Town of Boston, greatly rely upon Our Lady of Victory Hospital to provide health care services to its residents because of the hospital's proximity, and

WHEREAS, the closing of Our Lady of Victory Hospital would increase the time and distance to the nearest hospital to provided emergency and health care when time could become a critical factor.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Boston requests that Bishop Henry Mansell and the Diocese of the City of Buffalo reconsider its options and keep Our Lady of Victory Hospital open as a vital institution, serving not only the residents of the Town of Boston, but the residents of the hospital's various neighboring communities, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Boston publicly supports all efforts to keep Our Lady of Victory Hospital open and accessible as a provider of health care to all the residents of the southtowns.

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

Supervisor Rood	Voting	Aye
Councilman Wiktor	Voting	Aye
Councilman Tills	Voting	Aye
Councilman Simmeth	Voting	Aye
Councilman Mead	Voting	Aye

Ayes: 5 Noes: 0 Carried

David J. Shenk, Town Clerk

TOWN OF BOSTON

TOWN OF BOSTON

RESOLUTION 1998 - 41

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 18th day of November 1998 at 7:30 P.M. Eastern Standard Time, there were present:

PRESENT:	Lisa M. Rood	Supervisor
	Damian P. Wiktor	Councilman
	Dennis J. Mead	Councilman
	Karl J. Simmeth Jr.	Councilman
	Stephen K. Tills	Councilman

Supervisor Rood 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 1999 Tax Rolls the following Water Bills and Demolition Bill:

Water Bills:

SBL #	211.14-3-17	7228 STATE ROAD	$ 216.24
	258.10-1-35	7084 STATE ROAD	$ 56.37
	242.09-1-1.312	8705 STATE ROAD	$ 108.19
	211.09-1-9	5472 CREEKSIDE CT	$ 365.21

Demolition Bill:

SBL # 211.00-4-48	7615 STATE ROAD	$ 1,450.00

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

Supervisor Rood	**Voting AYE**
Councilman Wiktor	**Voting AYE**
Councilman Mead	**Voting AYE**
Councilman Simmeth Jr.	**Voting AYE**
Councilman Tills	**Voting AYE**

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

DAVID J. SCHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 18, 1998 — 7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Stephen K. Tills, Councilman Karl J. Simmeth Jr., Councilman Dennis J. Mead, Supervisor Lisa M. Rood, Highway Superintendent Eugene E. Ruchalski and Town Attorney Michael F. Perley.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to adopt the minutes of the November 4, 1998 Town Board Meeting.

five (5) Ayes — Carried

A motion was made by Councilman Mead and seconded by Councilman Tills, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #11A, dated November 18, 1998 in the amount of $45,369.84 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead, upon review by the Town Board, that the Highway Bills on Abstract #11A, dated November 18, 1998, amount of $5,170.55 be paid.

five (5) Ayes — Carried

Received and filed October 1998 Erie County Sheriff Monthly Report.

Received and filed a review of the five (5) year strategic County Library Plan from Erie County Legislator Fred Marshall.

Received and filed notification from Erie County Division of Highways regarding the installation of a flashing signal or warning beacon at the Boston State, Boston-Colden, and West Tillen Roads intersection.

Received and filed notification from NYS Emergency Management Office of approval from FEMA for the Town of Boston Water System Improvement for Hillcroft Drive.

Supervisor Rood noted that approval of the Town of Boston Water System Improvement for Hillcroft Drive from FEMA is good news because the town will receive seventy-five percent (75%) of the cost to rehabilitate the waterline crossing at the Hillcroft Road Bridge that was damaged in the January 1998 floods. This will save Water Districts No. 1 and District No. 2 approximately $35,000 to $40,000.

Received and filed a letter of appreciation from Boston Valley Elementary School Principal, Eric Pearlstein for the community support displayed under the direction of Chairman David Tomasello, for the reconditioning of the Boston Valley School playground.

Supervisor Rood commented that she is very proud of the fact that Town Board Members and community members volunteered in the Boston Valley School playground reconstruction project.

Received and filed a NYS Erie County Legislature Resolution on Regionalism Grants.

RESOLUTION 1998-40 OUR LADY OF VICTORY HOSPITAL

Councilman Wiktor commented that residents of the neighboring communities depend on Our Lady of Victory Hospital as a health provider and the Diocese of the City of Buffalo needs to take a look at the care of people as opposed to their bottom line budgets.

RESOLUTION 1998-41 UNPAID BILLS

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 18, 1998 — 7:30 P.M.

Supervisor Rood announced that the adoption of an Employees' Deferred Compensation Plan is being made available to town employees at no cost to the town. The Deferred Compensation Plan Committee, Councilman Wiktor, Richard Kennedy, Deputy Town Clerk Karen Ellis, (Chairman) and Insurance Consultant Brian Baty, chose the Equitable and EQ Financial Consultants to provide investment, trust and administrative services for the Town of Boston's model plan.

RESOLUTION 1998-42 **ADOPTION OF EMPLOYEES' DEFERRED COMPENSATION PLAN**

Councilman Wiktor complimented Deputy Town Clerk Karen Ellis for doing an outstanding job as Chairman of the Deferred Compensation Plan Committee.

RESOLUTION 1998-43 **RECOGNITION OF BETTY SEUFERT'S 50 YEARS AS 4H LEADER**

A motion was made by Supervisor Rood and seconded by Councilman Mead to schedule Public Hearings on December 16, 1998 for the Town of Boston contracts with the Emergency Squad at 8:00 p.m., the Historical Society 8:05 p.m and the Fire Companies at 8:10 p.m.

five (5) Ayes — Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead to schedule a Public Hearing on December 16, 1998 at 8:15 p.m. to accept the revised map, plan and report for Water District #3.

five (5) Ayes — Carried

Town Attorney Perley reported that the ECWA had agreed to make a contribution of a certain construction activity toward Water District No. 3 under a previous Town of Boston administration and declined to honor that agreement under this present administration. After a year of negotiations the ECWA agreed to provide the town with $500,000 of grant money toward this project. As a result, the organic documents for this district had to be amended to reflect the change in responsibility for the construction. Those documents are being updated and will be sent to the Bond Council for approval. The formal Order will be adopted at the December 2, 1998 Town Board meeting. The numbers have improved for residents of Water district No. 3 but it is necessary to hold a third Public Hearing to adopt and form the district in the appropriate fashion. Once that is done and the appropriate time periods expire, an application will be filed with the State Comptroller Office and upon approval the project will go to design and construction.

A motion was made by Supervisor Rood and seconded by Councilman Mead to schedule the year end meeting December 30, 1998 at 4:00 pm.

five (5) Ayes — Carried

RESOLUTION 1998-44 **A RESOLUTION TO ADOPT A NEGATIVE DECLARATION PURSUANT TO SEQR REGARDING THE APPLICATION OF UPSTATE CELLULAR NETWORK FOR A SPECIAL PERMIT TO CONSTRUCT A TELECOMMUNICATION FACILITY AT THE BARRA SITE**

RESOLUTION 1998-45 **A RESOLUTION TO ADOPT A NEGATIVE DECLARATION PURSUANT TO SEQR REGARDING THE APPLICATION OF UPSTATE CELLULAR NETWORK FOR A SPECIAL PERMIT TO CONSTRUCT A TELECOMMUNICATION FACILITY AT THE MYERS SITE**

Supervisor Rood announced that the Zoning Board of Appeals meeting scheduled for November 19, 1998 has been rescheduled to December 2, 1998 at 8:30 p.m. in the Community Room. Notices will be sent to the same residents that were previously notified.

RESOLUTION 1998 - 42

TOWN OF BOSTON DEFERRED COMPENSATION COMMITTEE
RESOLUTION TO ESTABLISH A MODEL PLAN & TRUST AGREEMENT

WHEREAS, the New York State Deferred Compensation Board (the "Board"), pursuant to Section 5 of the New York State Finance Law ("Section 5") and the Regulations of the New York State Deferred Compensation Board (the "Regulations"), has promulgated the Model Deferred Compensation Plan for Employees of the Town of Boston (the "Model Plan") and offers the Model Plan for adoption by local employers;

WHEREAS, the Town of Boston, pursuant to Section 5 and the Regulations, wishes to establish a Model Plan to be known as the Deferred Compensation Plan for Employees of the Town of Boston;

WHEREAS, Section 457 of the Internal Revenue Code (the "Code") was recently amended by the Small Business Job Protection Act of 1996 to require that amounts held pursuant to eligible deferred compensation plans such as the Model Plan must be held in trust for the exclusive benefit of participants and their beneficiaries;

WHEREAS, Section 457(e)(9) of the Code was recently amended by the Taxpayer Relief Act of 1997 to increase the maximum elective distribution amount for small accounts from $3,500 to $5,000;

WHEREAS, effective September 3, 1997, the Board amended and restated the Model Plan to require that amounts held pursuant to eligible deferred compensation plans such as the Model Plan must be held in trust for the exclusive benefit of participants and their beneficiaries and to make other miscellaneous modifications to the Model Plan;

WHEREAS, effective April 1, 1998, the Board again amended and restated the Model Plan in the form set forth in Exhibit A to increase the maximum electivedistribution amount for small accounts from $3,500 to $5,000, to permit the deferred compensation committee of a Model Plan to direct the transfer of the account balances of Participants whose employment is being transferred to another employer permitted to adopt an eligible deferred compensation plan pursuant to Section 457 of the Code, or alternatively, to permit such Participants to each elect to transfer their account balances, to the eligible deferred compensation plan of the Participants' new employer, and to clarify that each Participant may take into account the portion of the annual deferred compensation limitation that the Participant did not utilize under any eligible deferred compensation plan adopted pursuant to Section 457 of the Code for the purpose of determining such Participant's catch-up contribution limitation with respect to the Model Plan adopted by the Participant's employer;

WHEREAS, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations;

WHEREAS, upon due deliberation, in accordance with the Regulations, the Deferred Compensation Committee has selected the Equitable to provide investment, trust and administrative services for the Town of Boston's Model Plan;

WHEREAS, the Deferred Compensation Committee has recommended the adoption of a payroll deducted Roth IRA program sponsored by the Equitable or its subsidiary EQ Financial Consultants to complement the Defered Compensation Plan;

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Boston hereby establishes a Deferred Compensation Plan for the employees of the Town of Boston by adopting the Model Plan effective November 18, 1998 in the form attached hereto as Exhibit A.

AND, BE IT FURTHER

RESOLVED, that the TOWN OF BOSTON hereby selects the Equitable to provide investment, trust and administrative services for the Town of Boston's Model Plan

AND, BE IT FURTHER

RESOLVED, that the Town of Boston hereby selects the Equitable and EQ Financial Consultants to provide a payroll deduction Roth IRA for Town employees;

IN WITNESS WHEREOF, the undersigned have executed this Resolution in Erie County, New York this 11/18/98 (date) and directed it be filed as appropriate.

Supervisor Rood presented the above resolution which was seconded by Councilman Wiktor and put to a vote which resulted as follows:

SUPERVISOR ROOD	VOTING	Aye
COUNCILMAN WIKTOR	VOTING	Aye
COUNCILMAN TILLS	VOTING	Aye
COUNCILMAN SIMMETH	VOTING	Aye
COUNCILMAN MEAD	VOTING	Aye

AYES: Five NOES: Zero ABSENT: None

David J. Shenk

DAVID J. SHENK, TOWN CLERK

EXHIBIT "A"

Plan Document

for the

DEFERRED COMPENSATION PLAN FOR EMPLOYEES OF

TOWN OF BOSTON

As amended and restated April 1, 1998

Effective November 18, 1998

Deferred Compensation Plan for Employees of

TOWN OF BOSTON

Plan Document

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Deferred Compensation Plan for Employees of

TOWN OF BOSTON

Plan Document

PURPOSE

The purpose of the Plan is to encourage Employees to make and continue careers with the Town of Boston by providing eligible Employees with a convenient way to save on a regular and long-term basis and thereby provide for their retirement as set forth herein. A Local Employer that is not a participating employer in the Deferred Compensation Plan for Employees of the State of New York and Other Participating Jurisdictions or the sponsor of any other eligible deferred compensation plan may adopt this Plan by complying with the procedures set forth in the Regulations.

The benefits provided to any Participant under the Plan will be based upon the aggregate Amount Deferred and will depend upon the investment results achieved by the Financial Organizations appointed to invest the assets of the Plan allocated to each of the Plan's Investment Funds hereunder and the Participant's individual investment choices among the Plan's Investment Funds. Each Participant shall be 100 percent vested at all times in his or her Plan Benefit in accordance with the terms of the Plan.

In accordance with amendments made to Section 457 of the Code and other federal laws by the Small Business Job Protection Act of 1996, all amounts of Compensation deferred under the Plan, all property and rights purchased with such amounts and all income attributable to such amounts, property and rights are held in trust as of the Effective Date for

SECTION 1. DEFINITIONS

When used herein the following terms shall have the following meanings:

"*Account*" means the Account established and maintained in respect of a Participant pursuant to Section 5.1 (including a sub-Account established with respect to an Alternate Payee of such Participant).

"*Administrative Service Agency*" means an Administrative Service Agency as defined in the Regulations selected by the Committee to provide services in respect of the Plan. If the Trust Agreement so provides, the recordkeeping services normally performed by an Administrative Service Agency may be performed by the Trustee, provided that the Trustee otherwise qualifies as an Administrative Service Agency.

"*Alternate Payee*" means a person entitled to a portion of a Participant's interest in the Trust Fund pursuant to a Plan Certified Domestic Relations Order.

"*Amount Deferred*" means Compensation deferred by a Participant pursuant to Section 3.1.

"*Beneficiary*" means the beneficiary or beneficiaries designated by a Participant pursuant to Section 8 to receive the amount, if any, payable under the Plan upon such Participant's death.

"*Business Day*" means any day that is not a Saturday, a Sunday or other day on which banks are required or authorized by law to be closed in the State of New York.

"*Enrollment Date*" means, with respect to an Employee, each payroll date on which such Employee receives Compensation, or such other date or dates as the Committee may establish either in lieu of, or in addition to, such dates.

"*Financial Organization*" means a Financial Organization as defined in the Regulations selected by the Committee to provide services in respect of the Plan. If the Trust Agreement so provides, the financial services provided by a Financial Organization may be performed by the Trustee, provided that the Trustee otherwise qualifies as a Financial Organization.

"*Investment Fund*" means each of the Investment Funds provided for in Section 4.1.

"*Local Employer*" means a Local Employer as defined in Section 5 of the State Finance Law.

"*Normal Retirement Age*" means, for purposes of Section 3.2(b)(i), any age designated by a Participant (i) beginning no earlier than the earliest age at which a Participant has the right to retire under the Employer's basic pension plan, if any, without the Employer's consent and to receive immediate retirement benefits without actuarial or similar reduction because of retirement before some later age specified in such basic pension plan or, in the case of a Participant who does not participate in such basic pension plan, age 65, and (ii) ending no later than age 70½. In the case of a Participant who continues to work beyond age 70½ and who, upon the attainment of age 70½, had not made the catch-up election provided for under Section 3.2(b)(i), the Normal Retirement Age shall be the age designated by the Participant, which shall not be later than the age at which the Participant Separates from Service with the

"*Review Committee*" means the committee designated by the Committee to review in accordance with Section 9.5 of the Plan claims to rights or benefits under the Plan and requests for hardship withdrawals under Section 6.

"*Separation from Service*" or "*Separates from Service*" means a separation from the service of the Employer within the meaning of the Treasury Regulations promulgated under Section 457 of the Code including, but not limited to, Treasury Regulation Section 1.457-2(h)(2), and USERRA.

"*State*" means the State of New York.

"*Surviving Spouse*" means the survivor of a deceased Participant to whom such Participant was legally married on the date of the Participant's death.

"*Treasury Regulations*" means the regulations promulgated by the Treasury Department under the Code, as now in effect or as hereafter amended. All citations to sections of the Treasury Regulations are to such sections as they may from time to time be amended or renumbered.

"*Trust Agreement*" means an agreement entered into in respect of the Plan between the Committee and one or more Trustee(s) pursuant to which all Amounts Deferred, all property and rights purchased with such Amounts Deferred and all income attributable to such Amounts Deferred, property and rights are held in trust for the exclusive benefit of Participants and their Beneficiaries and Alternate Payees, as such agreement may be amended from time to time.

SECTION 2. PARTICIPATION

2.1 (a) Each Employee shall be eligible to participate in the Plan as of any Enrollment Date following the date he becomes an Employee, and shall commence such participation in the Plan by duly filing with the Employer and the Administrative Service Agency, by the tenth day of the calendar month preceding such Enrollment Date or such other date as the Committee may determine, a Participation Agreement and any enrollment forms or other pertinent information concerning the Employee and his or her Beneficiary which the Committee may require; *provided, however*, that in no event shall any deferral be accepted until the first Enrollment Date following the date on which such Participation Agreement is filed.

(b) Each Employee enrolling in the Plan shall provide the Administrative Service Agency, at the time of initial enrollment and thereafter if there are any changes, with such information as may be required by the Committee, including, without limitation, whether the Employee is a participant in a plan described under Section 401(k), 403(b), 408(k), 457(a) or 501(c)(18) of the Code and any amounts deferred thereunder.

2.2 Participation in the Plan by Employees shall be wholly voluntary.

2.3 The participation of a Participant shall cease upon payment to the Participant of the entire value of his or her Plan Benefit or upon the Participant's death prior to such payment.

(i) a Participant may file an election in the manner provided by the Committee to have the catch-up limitation set forth in this Section 3.2(b)(i) apply to the determination of the maximum amount that may be deferred during one or more of the last three Plan Years ending before attainment of the Participant's Normal Retirement Age. Subject to Section 3.2(c), if the catch-up limitation is elected, the maximum amount that may be deferred for each of the Plan Years covered by the election shall not exceed the lesser of:

(A) $15,000, or

(B) the sum of the limitations provided for in Section 3.2(a) for all Plan Years the Participant was eligible to participate in the Plan or an eligible deferred compensation plan pursuant to Section 457 of the Code, minus the aggregate amount actually deferred for such Plan Years. A Participant may not elect to have this Section 3.2(b)(i) apply more than once, whether or not the Participant rejoins the Plan after Separation from Service; and

(ii) any Participant who is entitled to reemployment rights pursuant to USERRA and who is so reemployed in accordance with the provisions of such law may elect to make such additional deferrals as are permitted or required by USERRA.

(c) The limitations of Sections 3.2(a) and 3.2(b)(i) shall be reduced by any amount excluded from the Participant's gross income for the applicable Plan Year under Sections 402(a)(8), 402(h)(1)(B), 403(b), 457(a) and 501(c)(18) of the Code under any plan

SECTION 4. INVESTMENT OF AMOUNTS DEFERRED

4.1 All amounts of Compensation deferred in accordance with Section 3 shall be paid by the Employer as promptly as possible, but in no event later than two Business Days from the applicable payroll date, to the Trustee and shall be invested promptly in accordance with the investment directions of the Participant by the Trustee (but in no event later than two Business Days following receipt thereof by the Trustee) in the Investment Funds provided by one or more Financial Organizations appointed by the Committee in accordance with the Regulations, to be held, managed, invested and reinvested in accordance with the applicable agreement entered into by the Committee or the Trustee with each such Financial Organization. The Committee shall have the right in its sole discretion to replace any Financial Organization or Investment Fund with a successor Financial Organization or Investment Fund or to select any additional Financial Organization or Investment Fund and to incur any and all reasonable fees and expenses on behalf of the Plan and to allocate such fees and expenses among Accounts in connection with such replacement or addition.

4.2 A Participant shall, by filing a direction in writing or in such other form as the Committee may authorize with the Administrative Service Agency, specify the percentage (in multiples of one percent or such other percentage as may be prescribed by the Committee from time to time) of the amount of his or her Compensation being deferred in accordance with Section 3 or amounts transferred to the Plan and credited to his or her Account in accordance with Section 7.5(b) that shall be allocated to each Investment Fund made available by the Committee.

the Trustee and a Financial Organization providing any Investment Fund or of any applicable law.

4.5 The Administrative Service Agency shall have the right to decline to implement any investment direction upon determination that: (i) the person giving the direction is legally incompetent to do so; (ii) implementation of the investment direction would be contrary to the Plan or applicable law or governmental ruling or regulation including, but not limited to, Treasury Regulations; or (iii) implementation of the investment direction would be contrary to a court order including, but not limited to, a Plan Certified Domestic Relations Order.

4.6 Each Participant is solely responsible for the investment and allocation of his or her Plan Benefit in and among the Investment Funds and shall assume all risk in connection with any decrease in the value of any or all of the Funds. Neither the Committee, any Trustee, any Employer nor the Administrative Service Agency is empowered to advise a Participant as to the manner in which such Plan Benefit shall be allocated among the Investment Funds. The fact that a particular Investment Fund is available to Participants for investment under the Plan shall not be construed as a recommendation for investment in such Investment Fund.

4.7 (a) The entire value of each Participant's Account under the Plan shall be set-aside and held in the Trust Fund pursuant to the Trust Agreement for the exclusive benefit of Participants and their Beneficiaries and Alternate Payees.

SECTION 5. ACCOUNTS AND RECORDS OF THE PLAN

5.1 (a) The Administrative Service Agency shall establish and maintain an Account in respect of each Participant and, to the extent his or her entire Plan Benefit has not been distributed, each former Participant showing the value of his or her Plan Benefit, the value of the portion of his or her Plan Benefit, if any, which is invested in each Investment Fund and other relevant data pertaining thereto and, as applicable, the value of any sub-Account established in respect of an Alternate Payee of such Participant pursuant to Section 11.4(b). Each Account shall be adjusted as of each Valuation Date to reflect all Units or dollars credited thereto and valued as provided in Section 5.2(b) less all Units or dollars distributed, withdrawn or deducted therefrom in accordance with the terms of the Plan. All Amounts Deferred with respect to each Participant and all amounts transferred to the Plan with respect to the Participant in accordance with Section 7.5(b) shall be credited to his or her Account.

(b) Each Participant, and, for any period following the death of a Participant and prior to distribution of the entire Plan Benefit of such Participant, each Beneficiary, shall be furnished with a written statement of his or her Account (including the value of the interest he has, if any, in each Investment Fund and the amount of and explanation for each allocation to or deduction from his or her Account since the last statement provided) at least quarterly. During the period prior to distribution of his or her entire interest under the Plan, each Alternate Payee shall be furnished with a written statement of his or her sub-Account (including the value of the interest he or she has, if any, in each Investment Fund and the

performance of their duties under the Plan, (ii) the expenses incurred by the Committee or any of its members or any Trustee in the performance of their duties under the Plan (including reasonable compensation for any legal counsel, certified public accountants, consultants, and agents and cost of services rendered in respect of the Plan and the Trust Agreement (as provided therein)), and (iii) all other proper charges and disbursements of the Financial Organizations, Administrative Service Agency, the Committee or its members (including settlements of claims or legal actions approved by counsel to the Plan) or any Trustee shall be paid out of the Trust Fund, and allocated to and deducted from the Accounts as of each Valuation Date, unless paid by the Committee from State funds allocated for such expenses or the Employer elects to pay such expenses directly.

(b) Brokerage fees, transfer taxes and any other expenses incident to the purchase or sale of securities by the Financial Organizations for the Investment Funds shall be deemed to be part of the cost of such securities, or deducted in computing the proceeds therefrom, as the case may be. Taxes, if any, of any and all kinds whatsoever which are levied or assessed on any assets held or income received by the Trust Fund shall be allocated to and deducted from the Accounts in accordance with the provisions of this Section 5.

child to college or the desire to purchase a home does not constitute an unforeseeable emergency.

(b) For purposes of this Section 6, an amount will not be considered to be reasonably needed to meet the financial need created by an unforeseeable emergency to the extent that such need is or may be relieved (i) through reimbursement or compensation by insurance or otherwise, (ii) by liquidation of a Participant's assets, to the extent the liquidation of such assets would not itself cause severe financial hardship, or (iii) by cessation of deferrals under the Plan.

6.3 A Participant with respect to whom the total amount payable under the Plan does not exceed $5,000 (or did not exceed $3,500 for distributions made under this Section 6.3 prior to April 1, 1998), may elect at any time to receive a lump sum distribution of his or her Plan Benefit at least sixty days following such election, provided that:

(i) there has been no Amount Deferred by such Participant during the two-year period ending on the date of distribution, and

(ii) there has been no prior distribution elected by such Participant pursuant to this Section 6.3.

payments have commenced then payment to the Participant's Beneficiary must be made at least as rapidly as under the method of distribution in effect at the time of the Participant's death.

7.3 (a) Subject to the following provisions of this Section 7.3, any payment made under this Section 7 shall be made in one of the following methods, as the Participant (or, in the case of the death of a Participant, his or her Beneficiary) may elect pursuant to Section 7.4 hereof:

(i) one lump cash sum payment; or

(ii) subject to Section 7.3(d), substantially equivalent monthly, quarterly or annual installment payments; *provided*, *however*, that a Participant (or in the case of the death of a Participant, his or her Beneficiary) may elect to receive (A) an initial installment payment in a specified amount and (B) the remainder of his or her Plan Benefit in substantially equivalent monthly, quarterly or annual installment payments as long as the initial payment is in an amount greater than the amount of the subsequent installment payments.

(b) Any installment distribution which is payable over a period of more than one year shall be made no less frequently than annually and shall be paid in substantially nonincreasing amounts. All life expectancies shall be determined on the basis of unisex actuarial tables. In the case of a Participant's Plan Benefit with respect to which the distribution commences prior to the death of the Participant, such distribution shall be made in a form under which the amounts payable with respect to the Participant will be paid at times, specified by the Secretary of the Treasury, which are not later than the time determined under Section 401(a)(9)(G) of the Code (relating to incidental death benefits).

Year (i) in which the Participant attains age 70½ or (ii) in which the Participant Separates from Service. The election made pursuant to this Section 7.4(a) may not be changed or revoked; *provided, however*, that a Participant may elect to postpone the commencement date specified in the election made pursuant to this Section 7.4(a) to a later date if (i) such postponement election is made at least sixty days (or such other time period as specified by the Committee) prior to the original commencement date specified in the election made pursuant to this Section 7.4(a), and (ii) no other postponement election has been made pursuant to this sentence; and *provided further* that a Participant may change the form of payment elected at any time that is at least sixty days (or such other time period as specified by the Committee) prior to the date on which payments will commence. If an election under this Section 7.4(a) is not timely made, then upon the Participant's death or Separation from Service, payment shall be made in one lump cash sum within thirty days after the expiration of the period in which to make an election with respect to such death or Separation from Service; *provided, however*, that in no case may any such payment under this Section 7.4(a) commence later than sixty days following the close of the Plan Year in which the Participant attains age 70½ or Separates from Service, whichever is later.

(b) If a Participant dies before distribution of his or her Plan Benefit has commenced, at the Beneficiary's irrevocable election duly filed with the Administrative Service Agency in accordance with the provisions of Section 7.4(a), any distribution to a Beneficiary may be made over a period not extending beyond the lesser of fifteen years or the life expectancy of the Beneficiary as of the date of such election; *provided, however,* that, notwithstanding the foregoing, if such Beneficiary is also the Surviving Spouse, such

the Code and immediately after such transfer the Participant performs substantially the same job duties and is assigned to substantially the same work location with the new employer as the Participant performed and was assigned with respect to the Employer, the transferred Participant will not be deemed to have Separated from Service. In such event, with the consent of the committee or board of the eligible deferred compensation plan of the Participants' new employer and to the extent permitted by the Regulations and the Code, the Committee may direct the transfer of the Plan Benefits of all Participants whose employment is being transferred or, alternatively, permit such Participants to each elect to transfer their Plan Benefit, to the eligible deferred compensation plan of the Participants' new employer.

7.6 Notwithstanding anything in the Plan to the contrary, all distributions will be made in accordance with the Treasury Regulations under Section 401(a)(9) of the Code.

pursuant to applicable law and such payment shall be a complete discharge of the liability of the Trustee, Plan, Committee, Employer, Administrative Service Agency and Financial Organizations. If the primary Beneficiary so designated by the Participant shall die after the death of the Participant but prior to receiving a complete distribution of the amount that would have been paid to such Beneficiary had such Beneficiary's death not then occurred, then for purposes of the Plan the distribution that would otherwise have been received by such Beneficiary shall be paid to the Participant's contingent Beneficiary, if any, in accordance with the provisions of the Plan, or, if none, then to the primary Beneficiary's estate.

8.3 No power of attorney, other than one properly executed in accordance with Section 5-1501 of Title 15 of the General Obligations Law of the State, as such may be amended from time to time, shall be effective to permit an attorney-in-fact to make or change a Beneficiary designation on behalf of a Participant except upon specific determination by the Administrative Service Agency that the instrument expressly grants the power to act on behalf of the Participant regarding Beneficiary designation under this Plan.

(f) To permit more lenient time periods than otherwise may be specified under the Plan for any election, designation, request, notice, instruction or other communication from an Employee or Participant, or his or her Beneficiary.

9.3 Except as may be prohibited by applicable law, neither the Committee nor any member thereof, nor any person, firm or corporation to whom may be delegated any duty or power in connection with administering, managing or supervising the administration or management of the Plan or Trust Fund, shall be liable for anything done or omitted to be done by it or by them unless the act or omission claimed to be the basis for liability amounted to a failure to act in good faith or was due to gross negligence or willful misconduct; nor for the payment of any amount under the Plan; nor for any mistake of judgment made by it or on its behalf by a member of the Committee; nor for the neglect, omission or wrongdoing of any member of the Committee. No member of the Committee, nor any delegate, shall be personally liable under any contract, agreement, bond or other instrument made or executed by him or her or on his or her behalf in connection with the Plan or Trust Fund.

9.4 Except as otherwise provided in the Plan and the Trust Agreement, the Trustee shall have responsibility with respect to the control or management of the assets of the Plan and the Trust Fund. The Committee shall periodically review the performance and methods of the Trustee and the Committee may appoint and remove or change the Trustee. The Committee shall have the power to appoint or remove one or more Financial Organizations and to delegate to such Financial Organization(s) authority and discretion to manage (including the power to acquire and dispose of) the assets of the Plan and Trust Fund in accordance with the Regulations and shall periodically review the performance and methods

(c) Any claimant or Participant who has received notice of denial or grant, in whole or in part, of a claim made in accordance with the foregoing subsection (b) may file a written request within thirty days of receipt of such denial for review of the decision by the Review Committee. Within ninety days after receipt of such request for review, the Review Committee shall notify the claimant and, as applicable, the Participant, that the claim has been granted or denied, in whole or in part; *provided, however*, that the Review Committee may in its discretion extend such period by up to an additional 120 days upon notice to the claimant and, as applicable, the Participant, prior to expiration of the original ninety days that such additional period is needed for proper review of the claim. Notice of denial of any claim in whole or in part by the Review Committee shall include the specific reasons for denial and shall be final, binding and conclusive on all interested persons for all purposes.

(d) Subject to the discretion of the Committee or such other entity as the Committee may designate to determine otherwise, no distribution of any Plan Benefit shall be permitted during any period during which a claim, including without limitation, a purported Plan Certified Domestic Relations Order, against all or part of such Plan Benefit is being reviewed in accordance with the provisions of this Section 9.5. If the Trustee or the Administrative Service Agency reasonably believes that a claim, including, without limitation, a purported Plan Certified Domestic Relations Order, against all or part of any Plan Benefit is likely to be asserted, such Trustee or Administrative Service Agency shall notify the Committee and it shall be within the discretion of the Committee to refuse to permit any distribution of all or part of such Plan Benefit pending determination of such claim.

SECTION 10. AMENDMENT OR TERMINATION

10.1 (a) Subject to Section 10.1(b) and any requirements of State or federal law, the Committee reserves the right at any time and with or without prior notice to amend, suspend or terminate the Plan, any deferrals thereunder, the Trust Agreement and any Investment Fund, in whole or in part and for any reason and without the consent of any Employee, Participant, Beneficiary or other person. The Plan shall be terminated automatically upon complete and final discontinuance of all deferrals thereunder.

(b) No amendment or modification shall be made which would retroactively impair any individual's rights to any benefits under the Plan, except as provided in Section 10.1(c).

(c) Any amendment, suspension or termination of any provisions of the Plan, any deferrals thereunder, the Trust Agreement or any Investment Fund may be made retroactively if required to meet any applicable requirements of the Code or any other applicable law.

10.2 Upon termination of the Plan, the Employer shall permit no further deferrals of Compensation under the Plan and all Plan Benefits and other interests in the Trust Fund shall thereafter be payable as provided in the Plan. Any distributions, transfers or other dispositions of the Plan Benefits as provided in the Plan shall constitute a complete discharge of all liabilities under the Plan. The Committee and the Trustee(s) shall remain in existence and the Trust Agreement and all of the provisions of the Plan which in the opinion of the

SECTION 11. GENERAL LIMITATIONS AND PROVISIONS

11.1 The Plan, as duly amended from time to time, shall be binding on each Participant and his or her Surviving Spouse, heirs, administrators, trustees, successors, assigns, and Beneficiaries and all other interested persons.

11.2 Nothing contained herein shall give any individual the right to be retained in the employment of the Employer or affect the right of the Employer to terminate any individual's employment. The adoption and maintenance of the Plan shall not constitute a contract between the Employer and any individual or consideration for, or an inducement to or condition of, the employment of any individual.

11.3 If the Administrative Service Agency shall find that any person to whom any amount is payable under the Plan is unable to care for his or her affairs, is a minor, or has died, then it shall so notify the Committee and the Trustee, and any payment due him or her or his or her estate (unless a prior claim therefor has been made by a Beneficiary, Surviving Spouse or duly appointed legal representative or the time period during which a Beneficiary or Surviving Spouse could make a claim under the Plan has not elapsed) may, if the Trustee so elects, be paid to his or her spouse, a child, a relative, or any other person maintaining or having custody of such person otherwise entitled to payment or deemed by the Trustee to be a proper recipient on behalf of such person. Any such payment shall be a complete discharge of all liability under the Plan therefor.

11.4 (a) Except insofar as may otherwise be required by law or in accordance with this Section 11.4, no amount payable at any time under the Plan shall be

is made to the Alternate Payee in accordance with this Section 11.4 and the terms of the Plan. No liability whatsoever shall be incurred by the Committee, Trustee, Employer, Administrative Service Agency, Review Committee or any Financial Organization solely by reason of any action taken in accordance with this Section 11.4 pursuant to the terms of a Plan Certified Domestic Relations Order.

11.5 Each Participant shall file with the Administrative Service Agency such pertinent information concerning himself or herself and his or her Beneficiary as the Committee may specify, and no Participant, Beneficiary or other person shall have any rights or be entitled to any benefits under the Plan unless such information is filed by or with respect to him or her.

11.6 All elections, designations, requests, notices, instructions, and other communications from a Local Employer, Employee, Participant, Beneficiary, Surviving Spouse or other person to the Committee, Administrative Service Agency or the Employer required or permitted under the Plan shall be in such form as is prescribed from time to time by the Committee, shall be mailed by first class mail or delivered to such location as shall be specified by the Committee, and shall be deemed to have been given and delivered only upon actual receipt thereof at such location. Copies of all elections, designations, requests, notices, instructions and other communications from an Employee, Participant, Beneficiary, Surviving Spouse or other person to the Employer shall be promptly filed with the Administrative Service Agency.

11.7 All notices, statements, reports and other communications from a Local Employer, the Trustee or the Committee to any Employee, Participant, Beneficiary, Surviving

right, claim or demand therefor against the Committee, or any member thereof, the Employer, the Trustee, or any employee or director thereof.

11.11 Any and all rights or benefits accruing to any persons under the Plan shall be subject to the terms of the Trust Agreement or any other funding instrument that is part of the Plan and the Trust Fund.

11.12 The duties and responsibilities allocated to each person under the Plan and the Trust Agreement shall be the several and not joint responsibility of each, and no such person shall be liable for the act or omission of any other person.

11.13 The captions preceding the Sections hereof have been inserted solely as a matter of convenience and in no way define or limit the scope or intent of any provisions hereof.

11.14 The Plan and all rights thereunder shall be governed by and construed in accordance with the Code and the Treasury Regulations promulgated thereunder and the laws of the State.

TOWN OF BOSTON

TOWN OF BOSTON
RESOLUTION 1998-43

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 18th day of November, 1998 at 7:30 p.m., there were:

PRESENT:	Lisa M. Rood	Supervisor
	Damian P. Wiktor	Councilman
	Dennis J. Mead	Councilman
	Karl J. Simmeth	Councilman
	Stephen K. Tills	Councilman

Supervisor Rood presented the following resolution and moved its adoption:

WHEREAS, 4-H Youth Development is the oldest publicly funded youth organization in the United States, having been established in 1912, and

WHEREAS, 4-H builds leadership, team work and teaches practical life skills by instilling the four "h's" - Head, Heart, Hands and Health, and

WHEREAS, adult volunteer leaders are an integral part of this youth development, and

WHEREAS, the Town of Boston is indeed fortunate to have a 4-H leader who has served in this capacity for 50 of the 86 years that the 4-H has been in existence.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Boston does hereby honor **BETTY SEUFERT** for her years of distinguished and dedicated service to the youth of Boston, and

BE IT FURTHER RESOLVED, that the Town Board publicly states their appreciation and thanks to Mrs. Seufert for her devotion to possibly three generations of Town of Boston children. We are grateful for her accomplishments and contributions as leader of the Boston Valley Violets.

THANK YOU, BETTY SEUFERT!

Resolution was seconded by Councilman Simmeth and put to a vote, as follows:

Supervisor Rood	Voting	aye
Councilman Wiktor	Voting	aye
Councilman Tills	Voting	aye
Councilman Simmeth	Voting	aye
Councilman Mead	Voting	aye

Ayes: 5 Noes: 0 Carried

David J. Shenk, Town Clerk

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1998-44

A Resolution to Adopt a Negative Declaration Pursuant to SEQR Regarding the Application of Upstate Cellular Network for a Special Permit to Construct a Telecommunications Facility at the Barra Site

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York , held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 18th day of November, 1998 at 7:30 o'clock in the evening Eastern Prevailing Time there were:

Present:	**Lisa M. Rood**	**Supervisor**
	Dennis J. Mead	**Councilman**
	Karl J. Simmeth, Jr.	**Councilman**
	Steven K. Tills	**Councilman**
	Damian P. Wiktor	**Councilman**

Absent:

Councilman Tills presented the following Resolution and moved its adoption:

WHEREAS, Upstate Cellular has presented an application to construct a telecommunications facility at the so-called Barra site; and

WHEREAS, Upstate Cellular has presented an environmental assessment form which has been reviewed by the Town Engineer and Town Attorney,

NOW, THEREFORE

BE IT RESOLVED that the Town Board of Boston, having conducted a thorough environment impact of Upstate Cellular Network to construct a telecommunications facility, hereby determines that said facility will not cause a significant adverse environmental impact and hereby adopts a "Negative Declaration" for said project.

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

Supervisor Rood	Voting:	Aye
Councilman Mead	Voting:	Aye
Councilman Simmeth	Voting:	Aye
Councilman Tills	Voting:	Aye
Councilman Wiktor	Voting:	Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk-Town Clerk

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1998-45

A Resolution to Adopt a Negative Declaration Pursuant to SEQR Regarding the Application of Upstate Cellular Network for a Special Permit to Construct a Telecommunications Facility at the Myers Site

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York , held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 18th day of November, 1998 at 7:30 o'clock in the evening Eastern Prevailing Time there were:

Present:	**Lisa M. Rood**	**Supervisor**
	Dennis J. Mead	**Councilman**
	Karl J. Simmeth, Jr.	**Councilman**
	Steven K. Tills	**Councilman**
	Damian P. Wiktor	**Councilman**

Absent:

Councilman Tills presented the following Resolution and moved its adoption:

WHEREAS, Upstate Cellular has presented an application to construct a telecommunications facility at the so-called Myers site; and

WHEREAS, Upstate Cellular has presented an environmental assessment form which has been reviewed by the Town Engineer and Town Attorney, _

NOW, THEREFORE

BE IT RESOLVED that the Town Board of Boston, having conducted a thorough environment impact of Upstate Cellular Network to construct a telecommunications facility, hereby determines that said facility will not cause a significant adverse environmental impact and hereby adopts a "Negative Declaration" for said project.

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

Supervisor Rood	Voting:	Aye
Councilman Mead	Voting:	Aye
Councilman Simmeth	Voting:	Aye
Councilman Tills	Voting:	Aye
Councilman Wiktor	Voting:	Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Sheik-Town Clerk

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1998-46

A Resolution allowing Town of Concord Water District access to a potable water supply from Town of Boston Water District No. 1 upon certain conditions

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 18th of Nov. 1998 at 7:30 o'clock in the evening Eastern Prevailing Time there were:

Present:	**Lisa M. Rood**	**Supervisor**
	Dennis Mead	**Councilman**
	Karl Simmeth	**Councilman**
	Steven Tills	**Councilman**
	Damian P. Wiktor	**Councilman**
Absent:		

Councilman Tills presented the following Resolution and moved its adoption:

WHEREAS: Town of Concord Water District No. 2 has applied to the Town of Boston Water District No. 1 for access to a potable water supply for the Concord District No. 2; NOW THEREFORE

BE IT RESOLVED by the Town Board to the Town of Boston on behalf of the said Town of Boston Water District No. 1 as follows:

1. That the Town of Concord Water District No. 2 be and it is hereby authorized to obtain a supply of potable water from the existing main of Town of Boston Water District No. 1situated on Trevett Road in the said Town of Boston; and

2. That the said authorization be and the same is hereby made contingent upon the said Town of Concord Water District No. 2 agreeing in writing to contribute to the maintenance, refurbishing and/or capital improvement of the water storage tank and pump station situated in the vicinity of Chestnut Ridge Road in the said Town of Boston, in proportion to amount of water usage by the said Town of Concord Water District No. 2

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

Supervisor Rood	Voting:	Aye
Councilman Mead	Voting:	Aye

Councilman Simmeth	**Voting:**	Aye
Councilman Tills	**Voting:**	Aye
Councilman Wiktor	**Voting:**	Aye

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

David J. Shenk-Town Clerk

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 18, 1998 — 7:30 P.M.

Town Attorney Perley noted that the ZBA meeting will be a continuation of the Myers site Public Hearing and if deemed appropriate, a full Public Hearing on the BARRA site.

Received and filed notification from TVGA Engineering, representing the Town of Concord Trevett Road Waterline Project request, in accordance with NYS DEC Water Supply Permit requirements, to grant the Town of Concord Water District No. 2 permission to connect to an existing Town of Boston water main located on Trevett Toad that currently terminates at the Town Line.

Received and filed a recommendation of approval from R&D Engineering, P.C. that the Town of Boston grant the Town of Concord Water District No. 2 permission to connect to an existing Town of Boston water main located on Trevett Road.

RESOLUTION 1998-46 A RESOLUTION AUTHORIZING CONCORD WATER DISTRICT NO. 2 TO OBTAIN A POTABLE WATER SUPPLY FROM TOWN OF BOSTON WATER DISTRICT NO.1

A motion was made by Supervisor Rood and seconded by Councilman Mead to grant the "Young at Heart" Senior Group permission to serve wine at a Boston Town Hall party on November 27, 1998.

five (5) Ayes — Carried

The following bids were received to upgrade the Bookkeeper's computer accounting system:

Computer	1. Professional Computer Support	$1,498.00	
	2. User Friendly	$1,573.99	
	3. Technical Concepts, Int'l	$1,744.00	
Software	1. Software Solutions	$4,175.00	
	Training Inc.-Consulting Ser.	50.00	hr.
	2. Technical Concepts, Int'l	$4,175.00	
	2 hrs. Training Inc-10 hr time	850.00	
	or (fee for phone assistance)	95.00	
	3. George Crozier	$4,205.00	
	5 hrs training Inc.-10 hr time	900.00	
	or	95.00	hr.

A motion was made by Supervisor Rood and seconded by Councilman Mead to authorize the purchase of a computer from Professional Computer Support at a cost of $1,498 and the bookkeeping software program from Software Solutions, in the amount of $4,175.00.

five (5) Ayes — Carried

On September 11, 1998 at 2:00 p.m. the following bids were received for the Town of Boston Water Systems Improvements Contact No. 1:

Kandey Company	$ 23,700.00
70 Sheldon, Inc.	$ 60,711.00
STC Construction	$ 74,976.00
S. St. George Enterprises, Inc.	$ 77,102.00
Triple R Development of WNY	$151,150.00

R&D Engineering, P.C. recommended awarding the water System Improvements, Contract No. 1 to Kandey Company in the total bid amount of $23,700.00, contingent upon the availability of project funding and review by the Town Attorney.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to authorize the Supervisor to enter into a contract with Kandey Company in the amount of $23,700.00 for the Water Systems Improvements for Hillcroft Drive.

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 18, 1998 — 7:30 P.M.

Received and filed a recommendation of approval from the Boston Planning Board on the site plan and rezoning request to C-1 of David Tomasello, 8692 Boston State Road, subject to the following conditions:

1) rezoning to be conditional upon use as a retail sales establishment or professional office.
2) single driveway entrance on southside of lot
3) parking spaces reduced to ten (10) and shall be at rear of the building
4) include one (1) handicapped parking space
5) garage door be placed at rear of new storage area
6) landscape plan as required by ordinance
7) variance for building setback

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to schedule a Public Hearing on December 16, 1998 at 8:30 p.m. for Proposed Local Law #4 of the Year 1998, the rezoning request of David Tomasello, 8692 Boston State Road.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Tills, on the recommendation of Recreation Director O'Brien, to appoint Christine Maroney to the Friday Night Recreation Program as a Recreation Attendant, salary of $6.25 per hour, term retro-active from November 13, 1998 and to expire on May 28, 1999.

five (5) Ayes — Carried

SUPERVISOR REPORT

A) Supervisor's Monthly and Bank Account Reports for September are received and on file in the Town Clerk's Office.

Supervisor Rood wished everyone a happy Thanksgiving holiday.

Supervisor Rood announced that a grant was received from CDBG to bring the town buildings into ADA compliance. The scheduled work has been completed in the North Boston Stadium and the Highway Garage restrooms including installing lever handles on restroom doors downstairs in the Town Hall. Installation of a new Town Hall back door will be completed by the end of December.

Supervisor Rood noted that TVGA Engineering has announced that on November 23, 1998, the pumps will be turned on and the water lines charged for the Water District No. 2 project. The lines will be pressure tested, chlorinated and tested and upon approval by the Health Department the tap-ins can begin.

TOWN ATTORNEY REPORT

Town Attorney Perley reported that he will present an application for approval of a change in ownership from Adelphia Cable at the December 2, 1998 Town Board meeting.

COUNCILMAN REPORT

Councilman Mead thanked David Tomasello for taking the initiative to assemble volunteers for the Boston Valley playground restoration project. Councilman Mead thanked Bill Forness from the Boston Highway Department who volunteered to operate the highlift.

Councilman Mead attended the Chamber of Commerce board meeting on November 12, 1998. A sign bearing the name, "Chamber of Commerce" will be installed on the "Welcome to Boston" sign on Boston State Road near the 219 expressway. The Chamber "Sharing Tree" is in the Boston Town Hall lobby and people are encouraged to take an ornament bearing a child's name and age and return ornament taped to a wrapped gift by December 15, 1998.

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 18, 1998 — 7:30 P.M.

Councilman Mead attended the Planning Board meeting on November 10, 1998 regarding the David Tomasello rezoning request for 8692 Boston State Road.

Councilman Mead welcomed Thelma Faulring as Secretary to the Boards.

Councilman Wiktor thanked David Tomasello for coordinating the efforts volunteers for the Boston Valley playground restoration project. It will be recommended to Highway Superintendent Ruchalski that unused telephone poles and old beams be installed as a barrier to prevent vehicles from driving on the lawn.

Councilman Simmeth attended a NEST meeting on November 12, 1998 at the Orchard Park Town Hall. Composing and how to reduce the amount of yard waste that is entering the solid waste stream was a main topic at a Recycling Conference that was held in Syracuse. NYS is considering legislation to eliminate yard waste in landfills. The DEC is also in favor of this legislation. Backyard composing and municipal development could be the answer.

Supervisor Rood noted that residents are not allowed to put lawn waste in with their garbage.

Councilman Simmeth met with Erie County Traffic Engineer Earl Dubin on November 10, 1998 and passed a suggestion to Highway Superintendent Ruchalski regarding a sign placement at the Boston "Park and Ride" in North Boston. It was also suggested that the speed limit concerns on Trevett Road wait until the TE9 report is returned from NYS on the speed limit reduction request from 55 mph to 40 mph on Boston State Road. Senator Volker has been informed of the problem and is waiting for a response from NYS. EC Traffic Engineer Dubin feels that a yield sign heading west on Hillcroft Drive would be more appropriate than a stop sign at Back Creek and Polish Hill Roads and will respond shortly to this request.

Councilman Simmeth noted that Erie County Traffic Engineer Earl Dubin inspected the drainage problem on Charles Zimmerman's property on Cole Road and thinks the drain pipe under Cole Road may have collapsed causing the flooding problem.

Supervisor Rood noted that Mr. Myers reportedly spent $1,500 on bulldozer work earlier this year which may have solved the drainage problem on Mr. Zimmerman's property. If it hasn't, he has urged Mr. Zimmerman to contact him so he may help him solve the problem.

Charles Zimmerman indicated that the pipe under Cole Road has not collapsed and the ditches need to be dug out.

Councilman Simmeth reported that it has been brought to his attention that it is difficult to find Mill street at night when traveling east on West Tillen Road. Councilman Simmeth will contact NYSEG to remedy the problem.

Councilman Tills reported that he attended the Boston Library fundraiser on November 8, 1998. There was a good selection of used books for sale. Hors d'oeuvres were served and Town Attorney Perley's daughter played the harp.

Councilman Tills announced that members of the Christmas Lighting Committee will meet on November 20, 1998 to inspect the christmas decorations which will be installed on November 23, 1998.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to adjourn the meeting at 8:25 p.m.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
DECEMBER 02, 1998 — 7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Stephen K. Tills, Councilman Karl J. Simmeth Jr., Councilman Dennis J. Mead, Supervisor Lisa M. Rood, Highway Superintendent Eugene E. Ruchalski and Town Attorney Michael F. Perley.

A motion was made by Councilman Simmeth and seconded by Councilman Mead to adopt the minutes of the November 18, 1998 monthly meeting.

five (5) Ayes — Carried

See CG vouchers Page 216

A motion was made by Councilman Simmeth and seconded by Councilman Wiktor, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #12, dated December 2, 1998 in the amount of $34,450.06 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead, upon review by the Town Board, that the Highway Bills on Abstract #12, dated December 2, 1998, amount of $11,617.68 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to accept the Town Clerk's Report for November 1998.

five (5) Ayes — Carried

Received and filed notification of NYS Real Property Services 1998 Tentative Equalization Rate of 77.45 for the Town of Boston. Equalization Rate for 1997 was 77.30.

Received and filed a reply to the Town Board Resolution regarding the anticipated closing of Our Lady of Victory Hospital from Most Rev. Henry J. Mansell, Bishop of Buffalo, stating that OLV Hospital will not close but will undergo significant reconfiguration.

Received and filed a Summons and Complaint from Rita D. Seil vs. Town of Boston, etal. regarding drainage problems.

Town Attorney Perley commented that Rita D. Seil, 7099 East Lane, has named the Town of Boston and two (2) groups of property owners as defendants against a drainage complaint. Since the complaint appears to seek monetary damages against the Town of Boston, it is the opinion of Town Attorney Perley that this complaint would fall under the coverage of the Town of Boston insurance policy. Town Clerk Shenk sent the complaint to the insurance consultants.

Received and filed Erie County Water Authority Tariff Amendments from $126.72 per hydrant, per annum to $139.32 per hydrant, per annum, effective January 1, 1999.

Received and filed notification of payment from NYS Emergency Management Office (FEMA) to the Town of Boston for the 1998 July flooding. The Federal share is $7,142 and the State share is $1,144 for the total payment amount of $8,286.

Supervisor Rood commented that the check for $8,286 was the second check received from FEMA and there is more money yet to come.

Received and filed Notification from NYS Office of Real Property Services of Certification of Assessor William Eagan.

A motion was made by Supervisor Rood and seconded by Councilman Tills to authorize Highway Superintendent Ruchalski to sign the National Fuel 1999 Annual Blanket Highway Work Permit and consent to waive the requirement for a surety bond.

five (5) Ayes — Carried

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1998-47

CONSENT RESOLUTION AUTHORIZING A TRANSFER OF CONTROL OF CABLE TELEVISION FRANCHISE

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 2nd day of December, 1998 at 7:30 o'clock in the evening Eastern Prevailing Time there were:

Present:	**Lisa M. Rood**	**Supervisor**
	Dennis Mead	**Councilman**
	Karl Simmeth	**Councilman**
	Steven Tills	**Councilman**
	Damian P. Wiktor	**Councilman**
Absent:		

Councilman Mead presented the following Resolution and moved its adoption:

WHEREAS, Parnassos, L.P. ("Parnassos") currently owns and operates a cable television communications system (the "System") operating in the Town of Boston ("Franchising Authority") pursuant to a franchise agreement and all renewals or extensions thereof (the "Franchise") granted by the Franchising Authority; and

WHEREAS, TCI Adelphia Holdings, Inc. ("TCIAH"), a wholly owned subsidiary of Tele-Communications, Inc. ("TCI") is a minority partner of Parnassos; and

WHEREAS, American Telephone & Telegraph Co., Inc. ("AT&T") has entered into a Purchase Agreement whereby AT&T will acquire all of the shares of TCI. and will therefore acquire TCI's interests in Parnassos (the "Transaction"); and

WHEREAS, the Parnassos will continue to hold and manage the Franchise after the Transaction, although the Transaction may constitute a change in control of Parnassos pursuant to the provisions of the Franchise which may require Parnassos to obtain consent pursuant to the Franchise and applicable law; and

WHEREAS, Parnassos has filed a Form 394 and sought approval from the Franchise Authority for the Transaction; and

WHEREAS, the Franchising Authority has followed all required procedures to consider and act upon the request for approval of the Transaction and believes it is in the interest of the community to approve the Transaction.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

1. The Franchise Authority hereby consents to and approves the Transaction, to the extent that such consent is required by the terms of the Franchise and applicable law.

2. The Franchise Authority's consent to the Transaction herein provided shall be effective immediately upon adoption of this Resolution, and shall continue and remain in effect upon the consummation of the Transaction

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

Supervisor Rood	Voting:	Aye
Councilman Mead	Voting:	Aye
Councilman Simmeth	Voting:	Aye
Councilman Tills	Voting:	Aye
Councilman Wiktor	Voting:	Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk-Town Clerk

REGULAR BOARD MEETING — TOWN HALL
DECEMBER 02, 1998 — 7:30 P.M.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to reappoint Robert J. Ganey to the Assessment Board of Review, term to expire September 30, 2003.

five (5) Ayes — Carried

A motion was made by Supervisor Rood and seconded by Councilman Mead to postpone the Public Hearing for Water District #3 to December 30, 1998 at 4:10 p.m.

five (5) Ayes — Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth to approve the correction to the November 4, 1998 Regular Board Meeting Minutes as follows:

FROM:

A motion was made by Councilman Simmeth 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 6, 1998 and to expire on **May 28, 1998:**

Melissa Wilson	Site Supervisor	$7.40
Nicole Kester	Rec. Attendant	6.25
Beth Marschner	Rec. Attendant	6.25
John Politowski	Rec. Attendant	6.25
Robert Rooney	Rec. Attendant	6.25
Keith Steward	Rec. Attendant	6.25
Karen Wieckowski	Rec. Attendant	6.25

five (5) Ayes — Carried

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to appoint Thelma Faulring to the position of Secretary to the Boards and Committees and term to expire on **May 28, 1998:**.

five (5) Ayes — Carried

TO:

A motion was made by Councilman Simmeth 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 6, 1998 and to expire on **May 28, 1999:**

Melissa Wilson	Site Supervisor	$7.40
Nicole Kester	Rec. Attendant	6.25
Beth Marschner	Rec. Attendant	6.25
John Politowski	Rec. Attendant	6.25
Robert Rooney	Rec. Attendant	6.25
Keith Steward	Rec. Attendant	6.25
Karen Wieckowski	Rec. Attendant	6.25

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to appoint Thelma Faulring to the position of Secretary to the Boards and Committees and term to expire on **12/31/98**.

five (5) Ayes — Carried

RESOLUTION 1998 - 47 — **A RESOLUTION CONSENTING TO A TRANSFER OF CONTROL PERTAINING TO ADELPHIA CABLE**

Town Attorney Perley introduced Thomas Greiner and Gerald Brophy, Frontier Cellular representatives, and noted that Frontier Cellular has seriously looked at a third proposed tower site on the east side of Cole Road, south of the BARRA site on property owned by Decker and Killeen.

Town Attorney Perley: From an engineering standpoint, would that tower location be able to provide adequate service as far as you can determine from propagation studies understanding that the tower would be less than 200 feet in elevation?

Thomas Greiner: Right. It would probably have to be a little bit taller than the BARRA proposed tower but it would be under 200 ft.

Town Attorney Perley: The reason it would be taller is that the land is lower, is that correct?

Thomas Greiner: The land is lower and again it is a little south by that equation so in order to make sure we cover Boston State Road to the north, the tower must be taller.

Town Attorney Perley: With respect to that tower is there any other engineering concerns that Frontier has at this time?

Thomas Greiner: No.

Town Attorney Perley: Has Frontier Cellular (Upstate Cellular) been able to obtain a lease on that property at this time?

Thomas Greiner: We have not obtained an option however we have had discussions over the last week and a half with the owners of the property and we have had indications today that they will be willing to enter into an agreement with us.

Town Attorney Perley: Would Upstate Cellular be adverse to the Town Board allowing the BARRA and Myers application to remain tabled at this evenings meeting?

Thomas Greiner: For the meeting tonight? Certainly. If this is going to happen we should know very quickly. In time, I would expect that if everything goes well, that perhaps at the next meeting, if the Board were in a position to make a judgement on this, we would be ready to present this at a Public Hearing.

Town Attorney Perley: We may have some notice requirements that we've got some difficulty with but our efforts have been to attempt to accommodate you from a procedural standpoint especially as time has gone on. Understanding that you have not acquired land control and I know some of the Town Board members have had an opportunity to view that site, and in the event that you do not acquire land control for whatever reason, I would ask the Town Board for whatever direction they might have with regard to any actions that they would like me to take within this period as well.

Councilman Wiktor: Would there be a possibility of the town acquiring this property located on the east side of Cole Road that we will call the Lango site?

Town Attorney Perley: My preliminary research indicates that it is not impermissible certainly for the Town Board to acquire and operate a tower facility. It is within the realm of the Town Board's authority. It would be possible for the Town Board to acquire land for a tower site.

Councilman Wiktor: So as long as we continue with Mr. Greiner's admission that we could table this matter for another two (2) week period, to the next Town Board meeting, to give parties concerned a chance to see whomever could acquire this property, does this suffice your needs?

Thomas Greiner: Yes.

REGULAR BOARD MEETING TOWN HALL
DECEMBER 02, 1998 7:30 P.M.

A motion was made by Councilman Wiktor and seconded by Councilman Tills to authorize Town Attorney Perley to investigate the possibility of the town acquiring the property owned by Killeen and Decker (also referred to as the Lango property) as a proposed tower site in the event the efforts of Upstate Cellular to purchase the property are unsuccessful.

five (5) Ayes Carried

Thomas Greiner: I would hope that if we are in a position this week to tell the town that we do in fact have land control then procedurally I think there would be enough time to consider this at the next Town Board meeting.

Town Attorney: Our publication deadline is Monday and there is a mandatory referral to the Planning Board.

A motion was made by Supervisor Rood and seconded by Councilman Mead, that if the Upstate Cellular Application for the Killeen and Decker property is received and determined to be sufficient by December 4, 1998, to direct the Town Clerk to forward the application to the Planning Board for review and consideration.

five (5) Ayes Carried

Town Attorney Perley: Do you intend to present the BARRA site at the Zoning Board of Appeals meeting tonight at 8:30 p.m.?

Thomas Greiner: I think we will. Our intention would also be to ask that Board to defer any votes they are not in a position to act on tonight.

Town Attorney Perley: You would consent then to those applications being tabled by the Zoning Board of Appeals?

Thomas Greiner: Right. But it makes sense to complete the process with the Zoning Board and ask to table.

Town Attorney Perley: I agree with you. They have been extraordinarily accommodating in convening a meeting this evening and on behalf of the town I appreciate that under the circumstances because we are under federal mandates to process this application in a timely fashion and this application has been before the Town Board for between eight (8) and nine (9) months. We may, in my opinion, begin to run afoul of some federal mandates here and although Mr. Greiner and Upstate Cellular have been accommodating, they are entitled to some decisions too. Is there anything else about these applications that needs to be discussed tonight before you turn to the Zoning Board of Appeals? The SEQR resolutions have been E-mailed to you (not certified).

Thomas Greiner: I think that every Board has been very accommodating in terms of agreeing to help us process our way through this and I offer our thanks for that. I want to give the Board two (2) copies of appraisers reports dealing with the effects of cellular towers on property values.

A motion was made by Supervisor Rood and seconded by Councilman Mead, that if the Upstate Cellular Application for the Killeen and Decker property is received and determined to be sufficient and a notice can be generated in a timely fashion, to direct the Town Clerk schedule a Public Hearing for December 16, 1998 at 8:45 p.m.

five (5) Ayes Carried

Supervisor Rood: Mr. Greiner I thank you for all that you have done and had to say. Personally, I wanted to exhaust all the possibilities and I just can't see rushing through these things because it is a major impact on the town. I know that we all feel

REGULAR BOARD MEETING TOWN HALL
DECEMBER 02, 1998 7:30 P.M.

Supervisor Rood (Cont.): that we want to do the best for the town and put it where it is the most desirable location for all concerned. It looks like this site might work out and it will be unlit and all the rest of the deal is the same, right? You are going to have extra quiet air conditioners there?

Thomas Greiner: We can perform decibel tests and no lights if you don't want them.

Town Attorney Perley: There are a series of conditions that will go into any special permit that this Board may grant that will be the subject of additional negotiations.

Supervisor Rood noted that regarding the Emerling Subdivision Recreation Fee Structure, whenever a subdivision is established the developer is required to pay a $300.00 fee per lot that would be applied toward recreation.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to impose a fee of one third of the recreation fee based upon the total number of lots upon the sale of the first lot, one third upon the sale of the fifth lot and one third upon the sale of the tenth lot.

five (5) Ayes Carried

SUPERVISOR REPORT

A) Supervisor's monthly Bank Account Report for November 1998 was received and is on file in the Clerk's Office.

RESOLUTION 1998 - 48 LOCAL MASTER PLANNING INITIATIVE

TOWN CLERK REPORT

Received and filed the Monthly Registrar of Vital Statistics Report for November 1998.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Ruchalski received notification from the Erie County Department of Public Works, Division of Highways, that Back Creek Rd. between Hillcroft & Patchin Rds. will be closed for approximately two (2) weeks beginning December 4, 1998 for repairs.

COUNCILMAN REPORT

Councilman Wiktor reported that the Town Board visit to the North Boston Fire Co. needs to be re-scheduled. The Town Board re-scheduled the visit for 12/17/98 and 12/15/98 as a second choice.

Councilman Wiktor attended a recent Haz-mat meeting and announced that the Haz-Mat Team received a 1987 reconditioned Handicap Bus from the Frontier School District to be used as a command post communication center. Erie County Legislators Marshall and Chase attended the meeting and spoke on the proposed 800 mega-hertz band for Erie County emergency vehicles and apparatus. The funding will be astronomical to the County and the legislators noted it will be difficult to put this cost in the form of a tax or add the cost as a tax on phone bills as proposed. However the legislators commented that the issue will not die and they will seek a way to service the residents of Erie County.

Councilman Wiktor reported that he and Judge Bender attended the Erie County Youth Court Seminar held in Orchard Park on Saturday, November 21, 1998. Keynote speaker, Honorable Richard C. Wesley, NYS Court of Appeals Judge, referred to the Youth Court as "the blueprint to prevent disaster for our children." Attorney Kevin Walsh noted that the youth are trained in court procedures and

TOWN OF BOSTON

TOWN OF BOSTON

RESOLUTION 1998-48
LOCAL MASTER PLAN INITIATIVE

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 2nd day of December 1998 at 7:30 p.m., there were present:

Lisa M. Rood	Supervisor
Damian P. Wiktor	Councilman
Stephen K. Tills	Councilman
Karl J. Simmeth	Councilman
Dennis J. Mead	Councilman

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

RESOLVED, that the Supervisor of the Town of Boston is hereby authorized to execute an application for funding assistance through the Local Master Planning Initiative, as administered by the Erie County Department of Environment and Planning, and

BE IT FURTHER RESOLVED, that certified copies of this resolution shall be attached to the application upon its submittal to the Erie County Department of Environment and Planning.

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

Supervisor Rood	Voting	Aye
Councilman Wiktor	Voting	Aye
Councilman Tills	Voting	Aye
Councilman Simmeth	Voting	Aye
Councilman Mead	Voting	Aye

Ayes: 5 Noes: 0 Carried

David J. Shenk, Town Clerk

REGULAR BOARD MEETING
DECEMBER 02, 1998

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.):

Councilman Wiktor (Cont.): policy. Area towns instituting the Youth Court have found it to be helpful. Since the volume of youthful offenders in Boston is very low, Councilman Wiktor is investigating the possibility of having an Orchard Park Satellite in the Town of Boston.

Councilman Tills reported that the Christmas Lighting Committee decorated the town with christmas decorations last week and attention will be given to bulbs that have burned out.

Councilman Mead announced that the Annual Christmas Concert will be held at Boston Valley Elementary School, December 10, 1998 at 7:30 p.m. The Lake Effect Harmony Chorus and the Boston Town Band will be featured.

CODE ENFORCEMENT OFFICERS REPORT

A) Code Enforcement Officer monthly report for November 1998 was received and is on file in the Clerk's Office.

Deputy Code Enforcement Officer monthly report for November 1998 was received and is on file in the Clerk's Office.

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officer monthly report for November 1998 was received and is on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for November 1998 was received and is on file in the Clerk's Office.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to adjourn the meeting at 8:14 p.m.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
DECEMBER 16, 1998 — 7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Stephen K. Tills, Councilman Karl J. Simmeth Jr., Councilman Dennis J. Mead, Supervisor Lisa M. Rood, Highway Superintendent Eugene E. Ruchalski and Town Attorney Michael F. Perley.

A motion was made by Councilman Tills and seconded by Councilman Simmeth to adopt the minutes of the December 2, 1998 Town Board Meeting.

five (5) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #12A, dated December 16, 1998 in the amount of $149,383.34 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Mead and seconded by Councilman Wiktor, upon review by the Town Board, that the Highway Bills on Abstract #12A, dated December 16, 1998, amount of $10,913.92 be paid.

five (5) Ayes — Carried

Received and filed the November 1998 Erie County Sheriff Monthly Report.

Received and filed notice from NYSDOT that a speed limit reduction has been approved for Boston State Road between a point .6+- miles north of Boston Cross Road and a point .1+- miles south of Trevett Road to 40 mph. The NYSDOT also approved an area speed reduction for the Boston State Road and Boston Colden Road intersection to 35 mph (excluding Boston State Road)..

Councilman Simmeth commented that this is good news and hopefully will reduce accidents in that area. Councilman Simmeth thanked Town Attorney Perley and Town Clerk Shenk for their help in preparing this application for a speed reduction. Highway Superintendent Ruchalski will post the area speed limit signs and Erie County will post the regular speed limit signs.

Received a filed notification from the CAC that the December 17, 1998 CAC meeting has been canceled due to a lack of agenda items.

A motion was made by Councilman Simmeth and seconded by Councilman Tills, on the recommendation of Recreation Director O'Brien, to replace Karen Wieckowski with Josh Kiddy as a Friday Night Recreation Attendant, at $6.25 per hour, term effective immediately and to expire on May 28, 1999.

five (5) Ayes — Carried

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

APPROP A 960 $24,608.58

TO:	Justice	A1110.4	$ 439.55
	Supervisor	A1220.4	3,697.68
	Assessor	A1355.2	3,165.00
	Attorney	A1420.4	2,391.13
	Parks	A7110.4	4,460.17
	Youth Prog	A7310.1	6,561.87
	Youth Prog	A7310.4	3,460.41
	Concerts	A7270.4	432.77
			$24,608.58

REGULAR BOARD MEETING — TOWN HALL
DECEMBER 16, 1998 — 7:30 P.M.

General Fund Transfer of Appropriations (cont.):

FROM:	Rec & Play	A7140.1	$ 3,000.00
	Celebrations	A7550.4	432.77
	Planning	A8020.4	4,000.00
	Drainage	A8540.4	1,000.00
	Town Board	A1010.4	1,000.00
	Independ Audit	A1320.4	400.00
	Elections	A1450.4	1,000.00
	Central Garage	A1640.4	1,000.00
	Unalloc Ins	A1910.4	12,500.81
	Contingent	A1990.4	275.00
			$24,608.58

five (5) Ayes — Carried

Town Attorney Perley summarized an agreement regarding the request of James and Barbara Black, 8961 Zimmerman Road, to be included in Water District #2, Extension #2 as an Out of District Water user.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to authorize Town Attorney Perley and Supervisor Rood to execute an agreement with James and Barbara Black, 8961 Zimmerman Road, to become an Out of District Water User for Water District #2, Extension #2.

five (5) Ayes — Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to authorize Supervisor Rood to execute an agreement with the Town of Concord Water District No. 2 for the Trevett Road Waterline.

five (5) Ayes — Carried

The following quotes were received for the Town Clerk Software Program budgeted in the 1998 Equipment Budget:

Williamson Law Book	Software	$2,850
	Training	------
	Travel	40
	Total	2,890
	Annual	400
Business Automation Services	Software	$2,490
	Training	600
	Travel	------
	Total	3,090
	Annual	595

A motion was made by Councilman Simmeth and seconded by Councilman Tills to approve the purchase of a Town Clerk Software Program from Williamson Law Book for a total of $2,890 and $400 annually.

five (5) Ayes — Carried

SUPERVISOR REPORT

A) Supervisor's Monthly and Bank Account Reports for November are received and on file in the Town Clerk's Office.

Supervisor Rood announced that last week she executed an agreement with Erie County for a Regionalism Grant for a Vacuum Sweeper and a Air Cylinder Recharging Station. Hopefully the monies will be received within ninety (90) days.

Supervisor Rood reported that she toured the Hillcroft Road Waterline Rehabilitation work that has been completed and noted that Kandey Company did a good job. The rip rap has been replaced on Trevett Road along the creek bank and will be paid for by monies received from FEMA.

REGULAR BOARD MEETING TOWN HALL
DECEMBER 16, 1998 7:30 P.M.

SUPERVISOR REPORT (CONT.)

Supervisor Rood noted that the Water District No. 2 project is progressing and tap-ins were started at the tank and are now north of Polish Hill Road. After the water lines are tapped in at the road, residents may switch their plumbing over from wells and install pressure regulators.

Supervisor Rood reported that the site inspection for the Creekside Sewer Restoration Project for the CDBG Fund Application was last week and Erie County has confirmed that the prospect for funding looks favorable.

Supervisor Rood wished everyone a wonderful holiday season and Merry Christmas.

HIGHWAY SUPERINTENDENT

Highway Superintendent Ruchalski reported that the new truck scheduled for April delivery has been delivered in yellow rather than in highway orange as ordered. The truck will be painted orange and ready after January 1, 1999.

Highway Superintendent Ruchalski wished everyone a Merry Christmas and a Happy New Year.

TOWN ATTORNEY REPORT

A motion was made by Supervisor Rood and seconded by Councilman Wiktor to excuse Town Attorney Perley from the January 20, 1999 Town Board meeting and to grant him permission to attend a Seminar in California on Governmental Liability and Municipal Issues on January 21-22, 1999, expenses of one half the seminar cost and one night hotel charge (approx. $350-400 total) to be paid.

five (5) Ayes Carried

Town Attorney Perley reported that Gary Eckis, Boston Hill LLC, has withdrawn his application to form a Highway District in the Polish Hill Road area.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to remove from the table, the application of Gary Eckis, Boston Hill LLC, to form a Highway District in the Polish Hill Road area.

five (5) Ayes Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth to accept the application withdrawal of Gary Eckis, Boston Hill LLC, to form a Highway District in the Polish Hill Road area.

five (5) Ayes Carried

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to re-schedule the Public Hearing for Water District No. 3 to January 6, 1999 at 8:00 p.m.

five (5) Ayes Carried

Town Attorney Perley Highway wished everyone a Merry Christmas, a Happy Holiday and a Happy and Prosperous New Year.

COUNCILMAN REPORT

Councilman Mead reported that he attended a Planning Board meeting on December 4, 1998. The Upstate Cellular Application for the vicinity of 8859 Cole Road was on the agenda.

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1998-49

A Resolution modifying the point system for the Boston Emergency Squad Length of Service Award 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 16th day of December, 1998 at 7:30 o'clock in the evening Eastern Prevailing Time there were:

Present:	**Lisa M. Rood**	**Supervisor**
	Dennis Mead	**Councilman**
	Karl Simmeth	**Councilman**
	Steven Tills	**Councilman**
	Damian P. Wiktor	**Councilman**
Absent:		

Councilman Wiktor presented the following Resolution and moved its adoption:

BE IT RESOLVED that the point system for the Boston Emergency be and the same is modified as set forth on the annexed schedule, said point system to become effective January 1, 1999.

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

Supervisor Rood	Voting:	Aye
Councilman Mead	Voting:	Aye
Councilman Simmeth	Voting:	Aye
Councilman Tills	Voting:	Aye
Councilman Wiktor	Voting:	Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk-Town Clerk

VOLUNTEER AMBULANCE WORKERS' SERVICE AWARD PROGRAM
POINT SYSTEM - PAGE - 1

I. Training Courses: 25 Points Maximum

A. Courses under 20 hours duration - 1 point per hour - maximum 5 points.

B. Courses 20 to 45 hours duration - 1 point per hour for each hour over the initial 20 hours - maximum - 10 points.

C. Courses over 45 hours duration - 15 points per course

Recapitulation:	Maximum points item A -	5 points
	Maximum points item B -	10 points
	Maximum points item C -	none

Examples of training activities:

1. *Lectures*
2. *In Service*
3. *OSHA training*
4. *CPR refresher courses*
5. *EMT classes*
6. *Advanced EMT classes.*

II. Drills - 20 point maximum (N.B. all drills must exceed two hours) - 1 point per drill

Examples:		
1.	Practicals -	bandage applications IV administration
2.	Rig check -	ambulance
3.	Mock Rescue	

III. Sleep-in or stand-by - 20 points maximum.

A. Sleep-in - 1 point for each full night

B Stand-by- 1 point each shift (minimum shift time - 4 hours)

IV. Elected or appointed position - 25 points maximum

A. Completion of one year in the following elected or appointed position,

VOLUNTEER AMBULANCE WORKERS' SERVICE AWARD PROGRAM
POINT SYSTEM - PAGE - 2

1. President
2. Vice-President
3. Recording Secretary
4. Corresponding Secretary
5. Treasurer
6. Director of Operations
7. Deputy Director of Operations
8. Training Lieutenant Supply Lieutenant
10. Station Lieutenant
11. Transportation Lieutenant
12. Emergency Preparedness Lieutenant

6 - points for each position held for a one-year term.

B. Election to serve as a delegate to an ambulance workers' convention - 1 point per meeting

V. **Attendance at official meetings of the Boston Emergency Squad - 20 points maximum**

One point per meeting.

VI. **Participation in Department Responses - 25 points for responding to the minimum number of calls set forth below (by regulation).**

Number of Calls	Minimum Responses
0 - 500	10%
500 - 1000	7.5%
1000 - 1500	5%
1500 and over	2.5%

Revised
December 1998

VOLUNTEER AMBULANCE WORKERS' SERVICE AWARD PROGRAM
POINT SYSTEM - PAGE - 3

VII **Tour of Duty - 20 Points Maximum**

No more than 1/6 point for each duty hour assigned for a line of duty activity, during which the volunteer ambulance worker is responsible for providing emergency medical or general ambulance service, including, back up duty and by reason of being stationed at an event

VIII. **Miscellaneous activities - 15 points maximum.**

Activities covered by the Volunteer Ambulance Workers' Benefit Law and not otherwise listed.

Examples of Miscellaneous Activities:

1. *Personally assisting another ambulance department within the State*
2. *Performing duties relating to accident prevention*
3. *Performing duties directly related to emergency health care.*
4. *Instructing on Ambulance duties*
5. *Attending a parade, funeral inspection or review in which the ambulance company is engaged.*
6. *Authorized work in connection with the inspection, repair or maintenance of*
   a. *the ambulance facility, fixtures, furnishings and equipment*
   b. *the ambulance vehicles, apparatus and equipment used by the ambulance company.*
7. *Authorized practice for and participation in, as a contestant or official, in any competitive tournament, contest or public exhibition conducted for ambulance workers which is intended to promote efficiency.*
8. *Authorized inspection of the ambulance before delivery.*
9. *Authorized fund raising activity.*

One point per activity.

COUNCILMAN REPORT (CONT.)

Councilman Mead noted that on December 17, 1998 the Town Board will visit the Boston Fire Hall.

Councilman Mead announced the Boston Nutrition Program has been doing very well. The Thanksgiving Dinner had a great turn-out and hopefully the Christmas Dinner will too.

Councilman Mead extended his wishes for a great holiday season to everyone.

Councilman Wiktor reported that on December 8, 1998, he and Town Attorney Perley met with representatives of the Rescue Squad to discuss changes in the 1999 Benefit Program point system. These changes will allow a more equitable system for the squad members to accrue the needed points for a years service credit.

RESOLUTION 1998 - 49 **A RESOLUTION TO MODIFY THE POINT SYSTEM FOR THE BOSTON EMERGENCY SQUAD LOSAP**

Town Attorney Perley noted that this Emergency Squad is known as a "Tour of Duty Squad." When the Ambulance Service Award Program came into being, there was a statutory schedule of points and we could not deviate from it. The statutory schedule of points was designed for what is called the "General Call Squad" which is a typical volunteer fire company. The legislature recognized that a "Tour of Duty Squad" has a different type of situation. As a result, a system was developed that at the end of the year, the squad can pick whichever section benefits them more. If they responded to a low number of calls or ten percent of the calls they would get 25 points. If they had a high number of calls and responded to a lot but didn't reach ten percent, at least they would receive some points.

Councilman Wiktor reported that a message was received from the "Save OLV Hospital Committee" providing four (4) names and phone numbers to contact to keep OLV Hospital as a viable hospital for service to the southtowns. Councilman Wiktor called the names provided and was informed that requests are being considered and as yet a firm decision has not been made. Councilman Wiktor will follow up with a letter to each organization and thanked Town Clerk Shenk for providing him with the names and numbers.

Councilman Wiktor announced that on December 15, 1998 he attended the Greater Buffalo Niagara Regional Transportation Council Community Workshop held at the Boston Town Hall. This was an opportunity where levels of government and transportation came down to community levels and said "what can we do for you, what are your problems, what do you need, how can we better serve you?" The first consensus of opinion was that an expanded service of the NFTA bus transportation system serving the southtowns was needed. The seniors in attendance noted there is no bus service to take them to Buffalo or the hospitals etc. Speed limits on Boston State Road were also discussed. A follow-up workshop will be held again in the spring.

Councilman Wiktor thanked the Christmas Lighting Committee for the decorations throughout the town. Many citizens have commented favorably and the committee should be congratulated for their work.

Councilman Wiktor wished the best for the holiday season to all.

At 8:05 p.m. a Public Hearing was held for the purpose of considering to enter into a contract with the Boston Emergency Squad,Inc. for the purpose of furnishing Ambulance Service in the amount of $15,200 for the calendar year 1999, $16,000 for the calendar year 2000, and $16,700 for the calendar year 2001.

REGULAR BOARD MEETING
DECEMBER 16, 1998

TOWN HALL
7:30 P.M.

Public Hearing (Cont.):

Supervisor Rood read the legal notice.

A motion was made by Councilman Tills and seconded by Councilman Mead to open the Public Hearing.

five (5) Ayes Carried

Supervisor Rood: Basically the Ambulance Service Contract hasn't changed from the one that we have been under previously. The only things that have changed are the amounts that they have requested and they were reflected in the notice.

PUBLIC NOTICE
TOWN OF BOSTON

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town Board of the Town of Boston, at the Boston Town Hall, 8500 Boston State Road, Boston, New York on December 16, 1998 at 8.00 p.m. Eastern Standard Time for the purpose of considering to enter into a contract with the Boston Emergency Squad, Inc. for the purpose of furnishing Ambulance Service in the amount of $15,200 for the calendar year 1999, $16,000 for the calendar year 2000, and $16,700 for the calendar year 2001.

NOTICE IS FURTHER GIVEN that another Public Hearing will be held at 8:05 p.m. Eastern Standard Time on the same date and place listed above for the purpose of considering to enter into a contract with the Boston Historical Society, Inc. for the preservation of historical places and objects, in the amount of $1,800 for the calendar year 1999, $1,900, for the calendar year 2000, and $5,000 for the calendar year 2001.

NOTICE IS FURTHER GIVEN that another Public Hearing will be held at 8:10 p.m. Eastern Standard Time on the same date and place listed above for the purpose of considering to enter into separate Fire Protection Contracts with the North Boston Volunteer Fire Company, Inc., Hutchin Fire Company and community Association, Inc and Boston Fire Company, Inc. for the furnishing of Fire Protection each in the amount of $91,258, for the calendar year 1999, $95,820 for the calendar year 2000, and $100,130 for the calendar year 2001.

All persons interested in the matter shall be heard for or against at such time and place.

DATED: November 24, 1998
PUBLISHED: December 3, 1998
By Order of the Town Board
David J. Shenk, Town Clerk
12-3

Town Attorney Perley: The law that allows us to contract with the Emergency Squad and the Historical Society does not contain the same provision that the fire company law does with regard to the length of service of the contract. When you come to the fire contracts it states in the law that they can be entered into for a period of time. I expressed to the Town Board and to the Clerk in times past that I have a concern about that. In doing some research, I found an opinion from the State Comptroller which indicates that since this is a governmental function and not a proprietary function, in other words you are exercising your roles in government and not operating or owning property or operating in a quasi business capacity, that you are allowed to enter into a contract that will extend beyond the shortest remaining term of any Board member, so you can bind future Boards. Therefore a three (3) year contract is appropriate for both this contract and for the Historical Society contract. I wanted to place this on record in the event that one of my successors comes across the same section and wonders why we do that and at least somewhere in our minutes this will be reflected. That being said, this contract contains a provision that I thought was very beneficial and we will bring up under the fire contracts, that states that even though this agreement terminates in three (3) years that it automatically can extend on a year to year basis thereafter. All that means is that the Squad can continue to provide service for the ambulance district and the district continues it's obligation to fund and to fiance them. In the event of some unforseen circumstance that prevented the execution of this contract by December 31st, it would automatically continue.

Supervisor Rood: I once again commend the Emergency Squad for being fiscally conservative in their budget requests for this year. They actually asked for a substantial decrease in the amount of money that they have been previously getting. I think that is really something to be congratulated for. At this point I will open the floor for public comments.

There were no comments.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to close the Public Hearing at 8:09 p.m.

five (5) Ayes Carried

Councilman Wiktor thanked the volunteer members of the Emergency Squad for their dedicated service to our residents.

REGULAR BOARD MEETING TOWN HALL
DECEMBER 16, 1998 7:30 P.M.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to authorize the Town of Boston to execute a three (3) year contract with the Boston Emergency Squad.

five (5) Ayes Carried

At 8:10 p.m. a Public Hearing was held for the purpose of considering to enter into a contract with the Boston Historical Society, Inc. for the preservation of historical places and objects, in the amount of $4,800 for the calendar year 1999, $4,900 for the calendar year 2000, and $5,000 for the calendar year 2001.

Supervisor Rood read the legal notice.

A motion was made by Supervisor Rood and seconded by Councilman Mead to open the Public Hearing.

five (5) Ayes Carried

Supervisor Rood: This is basically the same contract that we have had with the Historical Society with an additional $500 per year for an endowment fund that they are trying to set up so they may become self sufficient as far as having a care taker. That has been included in these figures that were previously read. It is also a three (3) year contract as mentioned previously and I would open the floor for public comment at this time for the Historical Society Contract.

There were no comments.

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

five (5) Ayes Carried

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to authorize the Town of Boston to execute a three (3) year contract with the Boston Historical Society.

five (5) Ayes Carried

At 8:12 p.m. a Public Hearing was held for the purpose of considering to enter into separate Fire Protection Contracts with the North Boston Volunteer Fire Company, Inc., Patchin Fire Company and Community Association, Inc. and Boston Fire Company, Inc. for the furnishing of Fire Protection each in the amount of $91,258 for the calendar year of 1999, $95,820 for the calendar year 2000, and $100,130 for the calendar year 2001.

Supervisor Rood read the legal notice.

A motion was made by Councilman Tills and seconded by Councilman Simmeth to open the Public Hearing.

five (5) Ayes Carried

Supervisor Rood: This is basically the same contract with new figures for the percentage increases that they will be receiving over the next three (3) years.

Town Attorney Perley: There are two (2) changes, modest though they may be, and I think it should be brought to the public's attention. The first is, that the fire companies now, to have inside responders must obtain a medical clearance. The town has agreed to pay the cost of the medical examinations to obtain that clearance for up to seventy-five (75) individuals among the three companies. The second item is as I have indicated in the Ambulance Contract, that contained a provision for the contract to continue in force so that fire protection would continue in the event that

Town Attorney Perley (Cont.): we were unable or prevented from executing the contract by the end of the year. This contract, with the Ambulance Contact and it's predecessor contract with the fire companies, does contain a termination provision either in mid stream or at any point during the contract. However, I think it is in the best interest of the public, and I think the fire fighters would agree, that in the event of a circumstance that would prevent us from executing this agreement we would all want our fire companies to have the authority to respond and I think they would want to respond and the town would certainly understand that it maintained it's obligation to contribute to the support of the fire companies through the protection district so that is contained within these contracts. Those are the only two (2) changes with the exception of the compensation which was indicated by the Supervisor.

Councilman Simmeth: Mr. Perley, under number two (2), we have $91,258. On my copy it has 1998, should that read 1999? On the Calendar year 1999, should read 2000?

Town Attorney Perley: Yes.

Supervisor Rood: It was correct on the notice. I will open the floor to public comments on the fire company contacts.

There were no comments.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to close the Public Hearing at 8:15 p.m.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to authorize the Town of Boston to execute a three (3) year Fire Protection District Contract with the North Boston Volunteer Fire Company, Inc., Patchin Fire Company and Community Association, Inc. and the Boston Fire Company, Inc.

five (5) Ayes Carried

<u>COUNCILMAN REPORT (CONT.)</u>

Councilman Simmeth wished everyone a Merry Christmas and Happy New Year.

A motion was made by Councilman Wiktor and seconded by Councilman Mead at 8:16 p.m. to recess the Town Board meeting until 8:30 p.m. for the Public Hearing on the Rezoning from R-C to C-1 for 8692 Boston State Road.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Wiktor to reconvene the Town Board meeting at 8:30 p.m.

five (5) Ayes Carried

At 8:30 p.m. a Public Hearing was held for Proposed Local Law Number 4 of the Year 1998, entitled, A Local Law to Rezone Approximately acres of land from R-C (residential Agricultural) to C-1 (Local Retail Business District).

Supervisor Rood read the legal notice and noted that fifteen (15) neighboring property owners were notified of the Public Hearing.

A motion was made by Councilman Tills and seconded by Councilman Mead to open the Public Hearing.

five (5) Ayes Carried

REGULAR BOARD MEETING
DECEMBER 16, 1998

TOWN HALL
7:30 P.M.

Public Hearing (Cont.):

Town Attorney Perley: This Local Law is to rezone a certain portion of property within the Town of Boston that is the old Keen's produce market. It is .7 acres which is a fairly small lot situated on the west side of Boston State Road. The Town Board I am sure is aware of the history of this property. The use that it had as a retail stand had expired for purposes of prior non-conforming use rights, a determination that I made in conjunction with the Town of Boston Code Enforcement Officer, necessitating a rezoning application by Mr. Tomasello. Mr. Tomasello has prepared a site plan showing the layout of the property and the proposed use. That site plan, with minor modifications, was approved by the Planning Board in conjunction with it's recommendation to approve the rezoning application. This is an application for a C-1 zone that appears to be isolated, however, the mere isolation of a zoning district does not in of itself create an illegal zoning or an improper zoning exercised by the Town of Boston in it's legislative capacity, provided that the Town Board makes a determination that the rezoning of the property is in conformance with a comprehensive and well considered plan. I redirect the Board's attention to the fact that this has been a retail stand. It is essentially a piece of property that has been developed by a stand or a market area and it has not had, in the history that I have lived in the Town of Boston, which unfortunately now is forty-seven (47) years, it has not been used for anything else. That has been a single purpose lot for it's entire history. That being said I don't have anything else to add at this time to the Local Law.

LEGAL NOTICE
TOWN OF BOSTON
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that there has been presented to the Town Board of the Town of Boston, Erie County, New York, a copy of Proposed Local Law Number 4 of the year 1998, entitled a Local Law to rezone approximately acres of land from R-C (Residential Agricultural) to C-1 (Local Retail Business District).

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 16, 1998 at 8:30 p.m., Prevailing Time, at which time all interested persons will be heard.

TOWN OF BOSTON
PROPOSED LOCAL LAW NO. 4
OF THE YEAR 1998
A LOCAL LAW TO REZONE APPROXIMATELY acres of land from R-C (Residential Agricultural) to C-1 (Local Retail Business District)

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

Section I.

Local Law no. 4 of the Year 1998 shall amend Local Law No. 6 of the Year 1990, any amendments thereto and the Town of Boston zoning map, by rezoning acres of real property from R-C to C-1, such property being described as Town of Boston, Erie County, New York, Lot 4, Township 8, Range 7 of the Holland Land Company's survey and located on the western side of Boston State Road south of the intersection of Boston State Road and Holiday Drive.

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Boston, County of Erie and State of New York, being part of Lot No. 4, Township 8, Range 7 of the Holland Land Company's Survey, and more particularly described as follows:

BEGINNING at a point in the center line of Boston Springville County Road (formerly Route US 219) distant 275.86 feet south of the intersection of the said centerline with the north line of Holiday Village Subdivision filed under Map Cover 1933 (said point of beginning being the southeast corner of lands conveyed to Donald N. Kohl and wife by deed recorded in Liber 10142 of Deeds at Page 611); thence westerly at an interior angle of 105°47'35" with said centerline and along a southerly line of said Kohl's land a distance of 175.48 feet to a point; thence southeasterly at an interior angle of 83°42'29" and along an easterly line of said Kohl's land a distance of 149.55 feet to a point in the north line of lands now or formerly of Nicholas A. Ceglia by deed in Liber 9508 of Deeds at Page 6; thence easterly along the north line of Ceglia's land a distance of 206.03 feet to the centerline of Boston Springville County Road (formerly Route US 219); thence northwesterly along the centerline of said road a distance of 170 feet to the point or place of beginning.

Section II.

If any provision of this Local Law shall be invalid, the remaining provisions shall not be effected thereby.

Section III.

This Local Law shall take effect as provided by the Municipal Home Rule Law.

Dated: November 30, 1998
Published: December 3, 1998

By Order of the Town Board
David J. Shenk, Town Clerk

12-3

Supervisor Rood opened the floor for comments.

There were no comments.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to close the Public Hearing at 8:34 p.m.

five (5) Ayes — Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to adopt Local Law No. 4 of the Year 1998.

five (5) Ayes — Carried

At 8:35 p.m. Supervisor Rood declared a recess until 8:45 p.m. when the Town Board will reconvene for a Public Hearing for an Upstate Cellular Network facility in the vicinity of 8859 Cole Road.

REGULAR BOARD MEETING TOWN HALL
DECEMBER 16, 1998 7:30 P.M.

At 8:45 p.m. Supervisor Rood called the meeting to order and the Town Clerk called roll.

Present were Councilman Damian P. Wiktor, Councilman Stephen K. Tills, Councilman Karl J. Simmeth Jr., Councilman Dennis J. Mead, Supervisor Lisa M. Rood and Town Attorney Michael F. Perley.

Absent: Highway Superintendent Eugene E. Ruchalski.

At 8:45 p.m. a Public Hearing was held to consider the application of Upstate Cellular Network for a Special use Permit to construct a tower and operate a cellular telephone communications facility in the vicinity of 8859 Cole Road.

Supervisor Rood read the legal notice and noted that twenty-three (23) neighboring property owners were notified.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to open the Public Hearing.

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 16, 1998 at 8:45 p.m., Eastern Prevailing Time, to consider the application of Upstate Cellular Network for a Special Use Permit to construct a tower and operate a cellular telephone communications facility in the vicinity of 8859 Cole 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: December 4, 1998
Published: December 10, 1998
BY ORDER OF THE TOWN BOARD
DAVID J. SHENK, TOWN CLERK
12-10

Town Attorney Perley: I think at this point we are close enough that rather than recess the Public Hearing perhaps we could invite the Zoning Board of Appeals members to come up and get situated. It is going to take them a couple of minutes.

Supervisor Rood: Zoning Board please come forward.

The Zoning Board of Appeals passed a motion to allow the Town Board to become the Lead Agency on the SEQR portion of the Upstate Cellular application.

Town Attorney Perley: Just so the public knows, there has been a tremendous amount of cooperation between the Town Board and the Zoning Board of Appeals and because there are two (2) Boards here, although this is Supervisor Rood's meeting, she has asked me to try and coordinate this a little bit. We have now convened two (2) Public Hearings at the same time for purposes of economy. I have talked to the Chairman of the Zoning Board of Appeals and he has been kind enough to consent that the Town Board will take the lead in running this meeting in the beginning and ask for the presentation by Mr. Greiner on behalf of Upstate Cellular. At least I assume Mr. Greiner will present the allocation. It seems to have been the pattern in the past and I would ask Mr. Greiner when he does, to address all of the issues that pertain to the application including the variance issues. There have been a series of documents that have been submitted in connection with this application since the Board's last meeting, including a report from Dr. William Johnson who is our RF Consultant. I got this today and I am not sure if I gave it to Mr. Terrizzi but I am going to do so now. Do you have it Joe, this letter from Bill for the Zoning Board of Appeals? This application requires a Special Permit pursuant to Local Law No. 6 of the Year 1997, adopted by the Town Board of the Town of Boston and it must require at least one (1) variance based upon an operating height in excess of 150 feet and there is a potential need for another variance with regard to the setback of 1,500 feet from the nearest residence. Both Hearings having been convened, I invite Mr. Greiner and representatives of Upstate Cellular if you would be kind enough, if you have what we hope to be a somewhat briefer presentation then maybe the first one, to address the Board with respect to the site

REGULAR BOARD MEETING TOWN HALL
DECEMBER 16, 1998 7:30 P.M.

Public Hearing (Cont.):

Town Attorney Perley (Cont.): that has been referred to as the Killeen-Decker site, which is on the east side of Cole Road, about 1,200 feet south of the proposed BARRA site.

Thomas Greiner: For the record I am an attorney with Nixon, Hargrave, Devans and Doyle, located at Clinton Square in Rochester. With me are Gerald Brophy, project manager for this project with the telephone company and John Beisheim, a colleague of mine at Nixon Hargrave. Both Boards have received a substantial amount of information generally about cellular. This is our third Public Hearing in front of the Town Board, the first one being September 16, 1998 on the BARR site. The second one being November 4, 1998 on the Myer site and here we are on December 16, 1998 with the Killeen-Decker site. The Zoning Board, of course we have been to twice. Once for Myers on November 5, 1998 and on December 12, 1998 for the BARRA. We have actually delayed that one. Both Boards I think have had a fair amount of information regarding cellular and with the permission of both Boards, I would like the issues of what cellular is, what the coverage issues are for the phone company and the fact that the ridge on Cole Road is really a solution to the problem with the phone company, if both Boards will consent to that, then I will just move beyond that.

Town Attorney Perley: You have no additional information to provide with respect to the need that you have for a site on Cole Road, the coverage that you currently have within the valley and your proposed solutions so that all of those are presently recorded before the Board and to be incorporated by reference within this application?

Thomas Greiner: Right. None of that is changed. We still have the same problems. We still see Cole Road as a solution. Of course, I think it is fair to say that it has been confirmed by your consultant Dr. Johnson about that. So with that understanding I would like to concentrate on the Killeen-Decker site and also give the Boards first of all our view on what the facility should look like and also specifically with respect to the Zoning Board we have two (2) variances that potentially are needed at that site. Again the idea, I think with both Boards and including the Planning Board, since April, has been to try and solve our problem but at the same time minimize any impact on the surrounding neighbors. As Mr. Perley said, the facility which is located on the east side of Cole Road, approximately 1,200 feet south of the BARRA site, somewhat over 600 feet from the road, east of Cole Road, lies in this area (indicating) on a lease hold parcel which is 400 X 400 feet. The first thing that that does is take away the need for a set back variance for the full height of the tower, plus the way that your ordinance reads, the highest point of any structure or appendage to the tower. So we are under 200 feet and we have 200 foot set backs to all lease hold lines. This even takes away the issue of whether your ordinance actually addresses lease hold or property lines but none the less it is actually 200 feet to the nearest lease hold lines. It takes away that full height set back variance. The site itself is at about 1,600 feet in elevation or about 40 feet lower in elevation than the BARRA site. The access via this road occurs around the standing existing trees which is actually a little bit more massive than the site plan indicates. It indicates just a stand of trees but that is a fairly substantial stand there. This site is also not only lower in elevation than the BARRA site but it is also lower in elevation than the access in this area of the Killeen-Decker property. I point that out only to say that if you can imagine, that if you haven't seen the site already, what it means is that it is actually nestled in somewhat of a hollow because this area in here is actually a higher elevation than down here (indicating). So there is already some natural screening from the roadway. Another thing to point out to the Boards is the fact that along Cole Road there is a substantial

REGULAR BOARD MEETING
DECEMBER 16, 1998

TOWN HALL
7:30 P.M.

Public Hearing (Cont.):

Thomas Greiner (Cont.): row of trees in different areas here (indicating) which will cut down on any visibility from the road to the field. So that is the particulars of the site. We have actually called out some landscaping in this area and this area but frankly the landscaping is more, I think in this case, at the behest of the landowners rather than a town concern because of actually the screening afforded here and at the hollow. We are not going to screen the tower itself by landscaping and in fact, in this case, the building will already be screened from view but in any event we have shown some pines in those two areas. In terms of the Special Permit, again, our need remains the same. Dr. Johnson's letter of today confirms, I believe, what he has pretty much determined all along, that the need is quite well satisfied by a site on Cole Road and as I said I won't get into that any further unless that is something that is being required.

Print-outs are distributed to Board members.

Thomas Greiner: What I have handed out is the propagation of the Lango site at 190 feet and I also have a board in my hand that has the same propagation on it. The one right below that is the very same propagation without the red marks (indicating). The one in this quadrant is Lango at 150 and the one in the lower right is BARRA at 150. I have that for your review but the essence of what I want to say here, and you have all seen the BARR propagation before, and in fact I previously submitted the Lango propagation, so what we did was look at the two (2) Lango propagation at 190 and 150 and what we see is in the areas circled oblong in red are the areas along Boston State Road and points east where the coverage of the Lango site at 190 is better than the coverage of Lango at 150. What you see actually, there is 57 of those little red circles, if I counted them properly, there is also a couple areas to the west of 219 that shows similar changes but I was really concentrating on Boston State Road and east. What you see from that is, that there are areas where the Lango 150, there is a white spot which shows no effective cellular coverage, you will see areas that have a horizontal line which means adequate car phone coverage but inadequate hand held. Then you will see areas where there is similar coverage but maybe the single strength at 190 is somewhat better. That is what I attempted to do here, is to show that in fact there are these areas. Dr. Johnson has had these propagation and in fact his letter that is dated today talks about them. His basic conclusions are in his letter. He understands the phone company's case at 190. He says that 150 should work and he said it before, he said it to the Planning Board and the Town Board the week before. However what the phone company is attempting to do is not simply compare two (2) pieces of paper in the abstract but actually try and design a system that will not fail or provide service that is not very good service. So we think we have proven the case for what is in effect, what we have asked for is a 185 foot guide tower but again what Dr. Johnson's point is, that we may be able to get by with something less than that. We think that for purposes to make sure that we nail the service, that 185 is the proper height and in addition something that would be outside of Dr. Johnson's purview. He is an RF Engineer or is actually a professor at RIT and teaches electrical engineering and has acquired expertise in RF radio frequency. Outside of his concern is the issue of co-location. It stands to reason that a tower that is 185 feet in height is going to be more amiable to a company coming in and co-location on that tower than if it were 150 or lower. So we offer that as an additional reason beyond simply the phone company RF coverage needs, as something that would be in the Town's interest in order to forestall the next company coming in who needs to go in this area of Boston from looking at maybe saying, "well if that tower is at 150, we think that it is not going to work for us because we may need, because of the antenna separation requirements we may need to go down to 130 at that site,

REGULAR BOARD MEETING TOWN HALL
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Public Hearing (Cont.):

Thomas Greiner (Cont.): that is not going to work. We can either propose our tower exactly where we want it with a landowner with whom we have gotten a deal rather than trying to get a 150 foot tower, go through the approval process in the Town to increase the height.

Supervisor Rood: Couldn't you engineer it and build it to be expandable to higher than 150 foot if co-location was a consideration from another tower company?

Thomas Greiner: Certainly we can. The guide tower is actually the easiest tower to engineer for increasing the height. The guide wires are what really hold it in place. Adding another section is relatively easy versus a monopole or a free standing. That is not what I am trying to say. What I am trying to say is that for purposes of co-location you are going to attract a company if you have a tower already built that would allow it to simply place it's antennas rather than go through a process or go through the issues of expansion. That is just an additional consideration when I guess it is going to be the Zoning Board which is really going to look at the issue of height. That is an additional consideration other than the fact that there are true differences in RF coverage between the 150 and the 190. With respect to the characteristics for the site itself, I guess I would simply point out that we do not need a full height set back. It is on 3.67 acre parcel which is about thirty (30) times the size of the BARRA parcel. It is much more remote from neighbors. From that point of view, if you look at the law on public utilities, if we have shown need and we have shown that looking at the universe of possibilities that we have here, we have minimized the determent to the surrounding area, then I think that is the case for the Special Permit in a really brief nutshell. With respect to the Zoning Board, I look at this and I say that we have proven our case for height variance. We don't need a set back variance and if we are addressing the requirement of the ordinance which requires that we are practicable, I think it reads or words to that effect, that it be sited 1,500 feet from the nearest dwelling. Number one, I think the tax maps on Cole Road, the areas where we can site a facility, certainly under 200 feet, it would be unlit, there are no parcels where we would be able to acquire a parcel that has a diameter of 3,000 feet. So we truly cannot meet that requirement whether it is a question of looking at it as something the Town Board can waive or whether in fact it comes to the Zoning Board as a variance, I think we have proven there would be a real practical difficulty to use the conventional language of zoning in trying to meet that requirement. Also, looking at area variances, the conventional law on variances that, forgetting the public utility status for a moment, when the company can demonstrate that it is a balancing test and that there is really no ill effect on anyone in the area, then I think we have also proved the case for a variance. In other words, if you are looking to balance the effect on the surrounding areas versus the need for an application to vary that requirement, I think we have shown that we need to vary that requirement because we don't have any possibility and on the other side of that equation, we are so remote from surrounding neighbors in the area that there is no harmful effect by granting the variance. Again, if there is any issue with respect to that we certainly would be more than happy to address that. The issue of structural stability which I think we have put in proof to both Boards now, in terms of how these towers are built, should give confidence that it would take a catastrophe, underline that, a catastrophe, to have one of these towers fall over and I would submit that, that catastrophe would do more damage to surrounding dwellings or structures than anything we could do. So I think we have put in proof on that. I would also say that the issue is removed and we have the full height set back and if the tower were to collapse, it would collapse within a third of it's height, well inside of our lease

REGULAR BOARD MEETING
DECEMBER 16, 1998

TOWN HALL
7:30 P.M.

Public Hearing (Cont.):

Thomas Greiner (Cont.): hold boundaries. With that, I guess I am really done saying what I need to say here.

Town Attorney Perley: With respect to the 1500 foot separation requirement to the nearest residence, the nearest residence to this tower, is in fact, one of your landowners, is that correct?

Thomas Greiner: That is correct. That is the Decker house.

Town Attorney Perley: Do you know the approximate distance that separates their house from the tower itself? I have estimated about 500 feet.

Thomas Greiner: About 500 feet. Ten inches on the site plan.

Town Attorney Perley: Do you know the distance to the next nearest residence?

Thomas Greiner: It would probably be over 900 feet.

Town Attorney Perley: In times past, just so the record is clear, the Planning Board asked, under Upstate Cellular to investigate various other sites.

Thomas Greiner: Correct.

Town Attorney Perley: Those other sites that included existing towers, my recollection is that most of those didn't comply with the 1,500 foot setback either with the exception of perhaps Sprint, am I correct?

Thomas Greiner: You are correct with respect to the ones that we investigated in this immediate area. The Sprint one, frankly I don't recall receiving a tax map. You probably know more about that than I do. We did show that there is no way the Sprint Tower could work from our RF perspective so we didn't really even investigate that fully but certainly the pair of towers are not 1,500 hundred feet. In fact I think there was testimony at the last Zoning Board meeting that there was a house within 250 or 300 feet or a couple of houses, the FM Tower down the way, which doesn't work for reasons we have already gone into also is not 1,500 feet from the nearest dwelling.

Town Attorney Perley: With regard to the height of the tower, it is my understanding based upon conversations that we have had, and I think that you have had with the Town Board, that this tower is essentially built in twenty (20) foot sections with the potential for a fifteen (15) foot finish section?

Thomas Greiner: Correct.

Town Attorney Perley: Do you have, or can you or Mr. Brophy or someone from Upstate, address the comparison between the BARRA site at 150 and the Lango or the Killeen-Decker site at 150 and address what concerns you have that are shown from the propagation studies?

Thomas Greiner: From the propagation studies, what you see is that there are areas, even though I did not do this type of a pictorial exhibit to show the differences, I would respectfully disagree with Dr. Johnson, when in his letter he calls them virtuously identical. Any kind of a quick review shows that there are at least a dozen areas along Boston State Road, just to name a very principal coverage objective of ours, that would show inferior signal strength from Lango at 150 versus BARRA at 150.

Town Attorney Perley: What do you mean by inferior signal strength?

REGULAR BOARD MEETING TOWN HALL
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Public Hearing (Cont.):

Thomas Greiner: Where if you look at Lango at 150 and BARRA at 150 and if you concentrate on BARR you see virtually every area along Boston State Road covered by a cross hatch which shows a signal strength of negative 75 DBN. That is the signal strength that the system is built to, for hand held cellular coverage and if you look at the Lango at 150 you don't see that type of uniformly neg. 75 coverage.

Town Attorney Perley: Can you or Mr. Brophy address what the practical effect of that may be with respect to the operation system?

Thomas Greiner: The practical effect is that with a hand held telephone, which I think all the companies are experiencing, probably about 90 percent of what they sell are hand held telephones. And just to digress for a minute, the hand held telephones, if you remember is the one that has a power of 6 tenths of one (1) watt in the phone. The power of the car phone is three (3) watts. So the idea is that you need a stronger signal to make sure you have effective communications with the hand held because that hand held has to get back to the tower and so the signal strength has to be greater. So the practical effect is that we can build this tower and at 150 there would be much more uncertainty as to whether or not you would drop a phone call or have it exhibit cross talk or that annoying static or crinkling noises that you hear. At 190 it is very clear that there is going to be really good hand held coverage.

Town Attorney Perley: There is no propagation at 170, is that correct?

Thomas Greiner: That is correct.

Town Attorney Perley: If we assume for the moment that the appropriate Board agrees with your interpretation that 150 is not feasible and there is no propagation at 170, if this tower were to be approved, would Frontier Cellular be willing to conduct a drive test to ascertain whether or not 170 would be an operable height?

Thomas Greiner: Yes. Let me just say that right now the difficulty in a drive test there is access. As you can see it is set back well off the road. There is no road there. What we could do is, assuming that both Boards approve our facility and approve it at up to 185, we could then build a road which could then permit a crane to come along and actually help build the site and as we are constructing, we could stop at 170 for example and conduct a drive test there similar to what we did at BARRA, have Dr. Johnson participate and have him review the results and we would expect that if the results of the drive test, which is a real world test rather than a propagation which is a computer model, that if that showed that the hand held coverage, this is all we are really concerned about, was pretty much nailed on Boston State Road, then there would be no need to go to 185. On the other hand, if it showed that there were areas at 170 that still we were concerned about, and presuming that Dr. Johnson agreed with us, then we would want to construct that additional 15 foot section. Not that 190 is magic, 220 might work a little bit better there but again what we have done all along is to try and get comfortable with being able to have effective cellular coverage and at the same time not give the town another lit tower. Of course 200 feet is that threshold. So if we went up to 185, the whip antennas would go up just under 200, its not lit and that is where it would stop.

Town Attorney Perley: Showing a structure of 170 would mean that the effect of operating at the height of the tallest part of the antenna would be at 184. Is that correct?

Public Hearing (Cont.):

Thomas Greiner: That is correct.

Town Attorney Perley: Which is very close to 190. It is within six feet the last time I looked it up.

Thomas Greiner: Yes it is. They are fairly close. Of course you could go right down to zero if you kept looking at every one and saying it is only another foot, another foot, another foot. Again the issue here and the reason I think that we are dwelling on this, is that the issue is, it is one thing to compare two (2) pieces of paper and to say they look pretty much the same so what is the problem? It is another thing from the company's point of view, this will probably be the 330th site in the system. I have worked on 300 for them but this is about the 330th. They have had engineers for years reviewing these things and you start to get a feel, if I don't, at least they start to get a feel for what is really going to work and what really isn't going to work. It is the engineers that have been very adamant about remaining at that height. If you recall at BARRA it is 150 but we are also 40 feet higher in elevation. They are trying to maintain the height of the antennas at that altitude above sea level and so based on their professional judgement, which isn't, with all due respect to Dr. Johnson, is not simply somebody who has required some expertise in the theory but have really in the day to day practical world, had to deal with adequate and inadequate coverage. It is their considered opinion that they really need to maintain that height above sea level.

Town Attorney Perley: What is the net decrease in elevation from BARRA to Killeen-Lango. Is that 40 feet?

Thomas Greiner: Yes. It is maybe 1602. Let me make sure I have the right one here. It looks like 1600. So it is 40 feet.

Town Attorney Perley: With respect to the site plan that you have provided, the site plan does contain a landscape proposal. We would request that even if the permit is approved, that the Town Board have an opportunity to study this and consult with whomever they wish to consult with, before approving a landscape plan. Do we have your agreement, that even if a Special Permit were to be approved, that you would continue to work with the town to develop a landscape plan?

Thomas Greiner: Absolutely.

Town Attorney Perley: Just so the public is aware, I forwarded a draft resolution to you today for your consideration, that offers the possibility that were the site to be approved and it doesn't mean that because I drafted the resolution that the Board would approve it, but to merely point out some of the conditions that we would have and from the Town Board stand point, a Special Permit would be reduced to a written agreement including your co-location policy.

Thomas Greiner: Which I think the town has.

Town Attorney Perley: Which we have but will be incorporated in the agreement and including a landscape plan and an agreement to remove the tower if the use ceases.

Thomas Greiner: Right.

Councilman Tills: Mr. Greiner as I look at the Boston State Road coverage it doesn't appear that there are any areas here even at the 150 that would lose outright coverage. Is that accurate?

Public Hearing (Cont.):

Thomas Greiner: Outright coverage? That is right. Again what we have said all along Mr. Tills is that this ridge on Cole Road really does do a good job and you are right you will see an area actually as you go north, is where you start to see the areas of diminished coverage. You will see some signal strength that drops down to the 85 DBN range and that is adequate but is more problematic for hand held. Again, we are trying to avoid that. We really are talking questions of degrees here. I will not debate that with you. We have been at this for so long that when we build this site we want to make sure that we are really going to provide really good coverage, not just to Boston State Road of course but also to houses, hamlet areas, built up areas, 240, 219. Any of these sites that we have, BARRA at 150, Lango at 150, Lango at 190, we are talking a question of degree now, not whether they flunked the test of adequate coverage, ok?

ZBA Member, John Pavlovic: What if they are off the road? It probably wouldn't make a difference would it?

Thomas Greiner: It does to the extent that people use their hand held phones when they are not driving along. We are not just trying to cover roads. That is obviously a very prime area here. More and more people are using these in their houses. They are not even using their land lines or their land line is busy.

ZBA Member, John Pavlovic: If they are off the road, there are no houses back there either.

Thomas Greiner: Where are you talking about?

Councilman Tills: That big white area (indicating) that would appear to be Omphalius? That big uncovered area.

Town Attorney Perley: Omphalius seems to be fairly well covered. Actually where the Sprint Tower is, is uncovered. Some of the areas that are involved there are near subdivisions on the east side of Boston State Road, at least where the circles are. The big white area that you have on the map is where the Sprint Tower is because there is Serpentine Drive.

Thomas Greiner: Interestingly we have coverage all around that, 360 degrees around that with the Cole Road site and our existing sites.

ZBA Chairman, Gerald Hice: Will the land be restored after the tower becomes obsolete? Will the land be put back to its original condition?

Thomas Greiner: Our lease goes for a period of years so actually whether it becomes obsolete or not at the end of that time we would have to remove that tower unless the landowner has extended that lease. In terms of being put back, there is a very minimal intrusion. The road is probably the biggest intrusion into that site.

ZBA Chairman, Gerald Hice: Will the foundation be taken out?

Thomas Greiner: If the landowner wanted them to, sure. Sometimes people don't care. We just break it up and cover it over with dirt. But typically when we remove, we remove everything. They maybe will leave the line in place, cut the conduit at both ends and leave the line in place because you are actually digging a trench and creating more of an issue but typically the foundations will go, the building, the fence, the tower itself of course. Anything else that is on the surface of the site would go.

REGULAR BOARD MEETING TOWN HALL
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Public Hearing (Cont.):

ZBA Member Reed Garver: Are the feeder lines from NYSEG removed?

Thomas Greiner: Correct. And that is really household type power. That is all it is. It doesn't have any other power requirements. 220 amps. That is all it requires. Actually from a building point of view it is actually less of a building than a single family house would be except that it doesn't use sewer or water and doesn't send it's kids to school.

ZBA Member Reed Garver: How often do various other phone companies co-locate on each others towers?

Thomas Greiner: More and more the last couple of years. Up until 1996, again I have been working at this since the inception, so I can speak a lot about Frontier and New York State because I have been almost over the whole state except for the New York City Metro area, Albany and Long Island. Up until two and a half years ago there was hardly any co-location. Sporadic sites on water tanks, roof tops etc. It wasn't until Sprint and some of the other PCS providers came about that we really starting seeing co-location at this point. I had the phone company give me the data on this. Close to forty percent of Frontier's system, one way or another is involved in co-location, either going on someone else's facility structure or having them on a Frontier structure. So it is a fairly large number and as I said most of that is probably in the last two and a half years.

ZBA Member Reed Garver: Are good sites disappearing?

Thomas Greiner: Good sites are disappearing. Towns are passing tower ordinances like your own. It really impels the companies to try to co-locate to avoid being nine months in one town like we have. If we could have co-located we would have and we wouldn't have been here.

Supervisor Rood: Mr. Greiner, could I look at the propagation a little closer please?

Supervisor Rood studies the propagation.

Supervisor Rood: These seem to be just so similar to me that I am thinking that 150 is high enough and if it is so easy to add on and co-location is in our code, as the first way to go. If you come into town and you want a tower and if it is so easy to do and it is so easy to expand, I'd rather go with 150 and I understand that you would like the perfect coverage but I don't believe that we have to give you the perfect coverage. We have to give you adequate coverage.

Thomas Greiner: Right and I would say with the perfect coverage we would be looking at a lit tower here. We are not asking for perfect coverage. If you look at the 190 versus 150, with all due respect I disagree that they are identical or that close.

Supervisor Rood: They are not identical but they are pretty darn close.

Thomas Grainier: Well again all you have to do is take a look at the one exhibit with the red markings on it. I think what you see from this is all up and down Boston State Road there is an issue of coverage where mostly where you would have areas of neg. 85, weaker coverage.

Supervisor Rood: But neg. 85 is acceptable right?

Thomas Greiner: Not for hand held it's not. Neg. 75 and Dr. Johnson would confirm that. We have been through this extensively

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1998-50

A Resolution to Adopt a Negative Declaration Pursuant to SEQR Regarding the Application of Upstate Cellular Network for a Special Permit to Construct a Telecommunications Facility on the Decker/Killeen Site

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York , held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 16th day of December, 1998 at 7:30 o'clock in the evening Eastern Prevailing Time there were:

Present:	**Lisa M. Rood**	**Supervisor**
	Dennis J. Mead	**Councilman**
	Karl J. Simmeth, Jr.	**Councilman**
	Steven K. Tills	**Councilman**
	Damian P. Wiktor	**Councilman**

Absent:

Councilman Wiktor presented the following Resolution and moved its adoption:

WHEREAS, Upstate Cellular has presented an application to construct a telecommunications facility at the so-called Decker/Killeen site; and

WHEREAS, Upstate Cellular has presented an environmental assessment form which has been reviewed by the Town Engineer and Town Attorney,

NOW, THEREFORE

BE IT RESOLVED that the Town Board of Boston, having conducted a thorough environment impact of Upstate Cellular Network to construct a telecommunications facility, hereby determines that said facility will not cause a significant adverse environmental impact and hereby adopts a "Negative Declaration" for said project.

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

Supervisor Rood	Voting:	Aye
Councilman Mead	Voting:	Aye
Councilman Simmeth	Voting:	Aye
Councilman Tills	Voting:	Aye
Councilman Wiktor	Voting:	Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk-Town Clerk

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1998-51

A Resolution Granting a Special Permit for Upstate Cellular to Construct a Telecommunications Facility Pursuant to Local Law No. 6-1997

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 16th day of December, 1998 at 7:30 o'clock in the evening Eastern Prevailing Time there were:

Present:	**Lisa M. Rood**	**Supervisor**
	Dennis J. Mead	**Councilman**
	Karl J. Simmeth, Jr.	**Councilman**
	Steven K. Tills	**Councilman**
	Damian P. Wiktor	**Councilman**

Absent:

Councilman Tills presented the following Resolution and moved its adoption:

WHEREAS, Upstate Cellular Network has applied for a special permit to construct a telecommunications Facility at the Decker/Killeen site in the Town of Boston, pursuant to Local Law No. 6-1997, duly adopted by the Town of Boston.

NOW THEREFORE

BE IT RESOLVED, that the Town Board of the Town of Boston hereby grants Upstate Cellular Network a permit to construct a telecommunications facility in accordance with the plans and specifications filed with the Town of Boston; and

BE IT FURTHER RESOLVED, that the site plan of Upstate Cellular Network for the telecommunications facility being the same is hereby approved.

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

Supervisor Rood	Voting:	Aye
Councilman Mead	Voting:	Aye
Councilman Simmeth	Voting:	Aye
Councilman Tills	Voting:	Aye
Councilman Wiktor	Voting:	Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk-Town Clerk

REGULAR BOARD MEETING — TOWN HALL
DECEMBER 16, 1998 — 7:30 P.M.

Public Hearing (Cont.):

Thomas Greiner (Cont.): with him for the last year and he has said in one of his reports that neg. 75 is the standard coverage and that would be depicted on this as green cross patching or blue cross patching for the other sites. All of those red circles are at least areas where there is not neg. 75 at least.

Supervisor Rood: At this portion of the hearing we can open it up for public comment.

Robert Zahm, 8809 Cole Road: My property is immediately adjacent to this site. This site is much closer to my property than the Myers site, however this site does seem to be a more appropriate land use and it certainly does have a lot less impact on the majority of the residents in this neighborhood than the other two (2) proposed sites and for this reason I won't oppose it. I trust the town will do it's utmost to minimize that impact and I will leave it in your hands. Thank you.

A motion was made by Supervisor Rood and seconded by Councilman Wiktor to close the Public Hearing at 9:32 p.m.

five (5) Ayes — Carried

RESOLUTION 1998 - 50 — **A RESOLUTION TO ADOPT A NEGATIVE DECLARATION PURSUANT TO SEQR REGARDING THE APPLICATION OF UPSTATE CELLULAR NETWORK FOR A SPECIAL PERMIT TO CONSTRUCT A TELECOMMUNICATIONS FACILITY - DECKER/KILLEEN SITE**

Town Attorney Perley noted that the Planning Board has reviewed all three (3) applications, (BARRA, Myers, and Killeen-Decker) and has unanimously adopted a motion recommending the Killeen-Decker site as the best of the three sites (3) and recommending that the Town Board grant a Special Permit if required.

RESOLUTION 1998 - 51 — **A RESOLUTION GRANTING A SPECIAL PERMIT FOR UPSTATE CELLULAR TO CONSTRUCT A TELECOMMUNICATIONS FACILITY PURSUANT TO LOCAL LAW NO. 6 -1997**

A motion was made by Councilman Mead and seconded by Councilman Simmeth to adjourn the meeting at 9:39 p.m.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

SPECIAL BOARD MEETING
DECEMBER 30, 1998

TOWN HALL
4:00 P.M.

Present were Councilman Damian P. Wiktor, Councilman Karl J. Simmeth Jr., Councilman Dennis J. Mead, and Supervisor Lisa M. Rood.

Absent: Councilman Stephen K. Tills, Highway Superintendent Eugene E. Ruchalski and Town Attorney Michael F. Perley.

A motion was made by Councilman Rood and seconded by Councilman Wiktor to table the minutes of the December 16, 1998 regular monthly meeting.

Carried

four (4) Ayes

A motion was made by Councilman Wiktor and seconded by Councilman Rood that the General Fund and Special District Bills on Abstract #12b, dated December 30, 1998 in the amount of $11,599.19 be paid.

Carried

four (4) Ayes

A motion was made by Councilman Rood and seconded by Councilman Wiktor that the Highway Bills on Abstract #12b, dated December 30, 1998 in the amount of $11,773.80 be paid.

Carried

four (4) Ayes

RESOLUTION 1998 - 52 TOWN FACILITIES

A motion was made by Councilman Mead and seconded by Councilman Simmeth to approve the Correction to the 12/2/98 General Fund and Special Districts Funds, Abstract #12 as follows:

Summary of Totals Add Cemetery $893.32

Increase Total Abstract From: $34,450.06 to $34,343.38

and to Transfer to Water District #1:

To Transfer	From:	Fund Balance	#SW1 909	$16,844.33
Appropriate	To:		SW1 8340.4	$16,844.43

Carried

four (4) Ayes

A motion was made by Councilman Simmeth and seconded by Councilman Wiktor to approve the General Fund and Highway Fund Transfer of Appropriations as follows:

General Fund:	Approp	A 960	$18,777.50
From:	Contingent	A1990.4	$17,421.00
	Engineer	A1440.4	$ 1,356.50
	Total		$18,777.50
To:	Justice	A1110.4	$ 83.08
	Supervisor	A1220.2	$ 5,698.00
	Supervisor	A1220.1	$ 3,155.40
	Supervisor	A1220.4	$ 1,358.25
	Assessor	A1355.4	$ 131.96
	Attorney	A1420.1	$ 500.00
	Traffic	A3310.4	$ 257.02
	Demo Bldgs	A3650.4	$ 1,450.00
	Garage	A5132.4	$ 3,777.85
	Historian	A7510.2	$ .78
	Celebrations	A7550.4	$ 454.51
	Adult Rec	A7620.4	$ 244.92
	Flood/Erosion	A8745.4	$ 1,468.98
	Record Mgt	A1460.1	$ 196.75
	Total		$18,777.50

TOWN OF BOSTON

TOWN OF BOSTON
RESOLUTION 1998-52

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 30th day of December 1998 at 4:00 P.M. Eastern Standard Time, there were:

Present:	Lisa M. Rood	Supervisor
	Damian P. Wiktor	Councilman
	Karl J. Simmeth Jr.	Councilman
	Dennis J. Mead	Councilman
Absent:	Steven K. Tills	Councilman

Supervisor Rood 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.
9) Permission required from Parks Department to install event sign.

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

Supervisor Rood	**Voting AYE**
Councilman Wiktor	**Voting AYE**
Councilman Tills	**Voting ABSENT**
Councilman Simmeth	**Voting AYE**
Councilman Mead	**Voting AYE**

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

David J. Shenk

DAVID J. SHENK, TOWN CLERK

SPECIAL BOARD MEETING
DECEMBER 30, 1998

TOWN HALL
4:00 P.M.

Transfer of Appropriations (Cont.):

Highway Fund:	Approp	D 960	$20,137.38	
From:	General Repairs	D5110.4	$20,137.38	
To:	General Repairs	D5110.1	$20,137.38	

four (4) Ayes — Carried

A motion was made by Councilman Wiktor and seconded by Supervisor Rood to adjourn the meeting at 4:06 p.m.

David J. Shenk
DAVID J. SHENK, TOWN CLERK